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**Consideration of reports: reports submitted by States parties
in accordance with articles 16 and 17 of the Covenant**

List of issues in relation to the fourth periodic report of Portugal

Addendum

Replies of Portugal to the list of issues*

[Date received: 18 September 2014]

* The present document is being issued without formal editing.

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I. General information

1. Please provide information on the scope of the jurisprudence of ordinary courts on economic, social and cultural rights, and its categorization based on specific economic, social and cultural rights as laid down in the Covenant. Please provide information about the measures undertaken to raise awareness of economic, social and cultural rights and their legal content among the judiciary, lawyers and lawmakers.

1. Portugal has a rich jurisprudence on economic, social and cultural rights. Ordinary courts, in their rulings, apply the constitutional and legislative principles which recognize and confer protection to economic, social and cultural rights.

2. Any national court is competent to judge on Economic, Social and Cultural Rights, directly or at incidental title. Additionally, any superior court also has such jurisdiction in case of an appeal, or in other very limited cases in which the superior court is competent as first instance court.

3. In addition, the Portuguese judicial system is competent for the protection of economic social and cultural rights under the International Covenant on Economic, Social and Cultural Rights, in these specific matters:

- With regard to matters relating to the right to work, the labor courts are competent to settle disputes related to the exercise of this right, particularly regarding alleged violations and abuses of this right;
- With regard to rights related to subsistence, physical and mental health and education, the family and juvenile courts play a central role by issuing the protection measures, provided for by the Portuguese legal framework on the protection and promotion of minors' rights and to ensure the minimum welfare standards of minors;
- With regard to industrial property and copyright, it has recently been established a Court of Intellectual Property, with jurisdiction over the whole national territory, competent to assess protection for these rights, and to appeal against administrative acts practiced by public authorities in this matter;
- In addition, the administrative jurisdiction is also competent for the appeals against the acts or omissions of an administrative law nature nonconforming with the legal provisions on fundamental rights of economic, social and cultural nature;
- Finally, the Constitutional Court plays a role of great importance in this matter, as it is the body in charge of checking the compliance of ordinary laws with the Constitution in terms of economic, social and cultural rights, which covers the same set of rights as laid down in the International Covenant on Economic, Social and Cultural Rights.

4. As mere examples, there are identified hereunder, a series of rulings from ordinary courts (the Supreme Court, High Courts and First instance Courts) on the protection of economic social and cultural rights of the child.¹ In these rulings the superior interest of the

¹ STJ 52/08.5TBCM.N.G1.S1; TRPorto 2182/10.4TBVFR.P1; 10588/10.2TBVNG.P1; 762-A/2001.P2; TRLisboa 6146/10.OTCLRS.L1-7 ; 2325/08.8TBCSC.L1-1; 2333/11.1 TBTVD.L1-6; 260/09.1TBCSC-A.L1-7; 262/10.5TMLSB.L1-7 ; 213/11.0TMFUN.L1-7; TRCoimbra 1750/10.9TBCTB.C1, 55kB; 99/10.1TMCBR.C1, 80kB; TR Guimarães 416/11.7TBGMR-B.G1; 382/08.6TMCBR.G1. TRPorto 824/10.0TMPRT-C.P1; 296/12.5TMMTS.P1; TRLisboa 2454/13.6TBVFX.L1-1; 6146/10.OTCLRS.L1-7; 2325/08.8TBCSC.L1-1; 1035/06.5TBVFX-A.L1-2; 260/09.1TBCSC-A.L1-7; 213/11.0TMFUN.L1-7 ; TRCoimbra 493/10.8TBMGL-A.C1, 115kB

child is highlighted, which comprises the realization of child's rights to health, upbringing, education, well-being and full development. They establish as well the principle of primacy of the biological family, privileging family integration over institutionalization (the latter being considered an exceptional measure). Some rulings mention civil sponsorship, understood as a means to provide a definitive protection to children at risk, other than adoption.

2. Please provide more detailed information on the actions taken by the Provedor de Justiça in relation to economic, social and cultural rights and the protection of victims of their violations.

5. The "Provedor de Justiça" (Ombudsman) is the Portuguese National Human Rights Institution, with A-status accreditation, according to the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), since 1999. This accreditation was reconfirmed by the International Coordinating Committee of National Institutions for the Protection and Promotion of Human Rights in 2007 and in 2013.

6. The Ombudsman is an independent organ. It is constitutionally and legally mandated to defend and promote citizens' rights and freedoms. It works primarily by investigating cases, upon complaints or on its own initiative. It may carry out inspection visits, without notice, and issue recommendations to administrative or legislative bodies when necessary to remedy illegal or unfair practices. The Ombudsman may also request Constitutional Court reviews and public entities have a duty to cooperate with the Ombudsman.

7. The Ombudsman is also Portugal's National Preventive Mechanism in accordance with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and it has a standing invitation to participate in the work of the Portuguese National Human Rights Committee (PNHRC).

8. The Ombudsman's annual budget is determined by the Portuguese Parliament alone and not by the Government (in order to ensure its independence also in practice).

9. Among the actions taken by the Ombudsman within its broad mandate to defend and promote citizens' rights and freedoms, there are actions related to the protection and promotion of economic, social and cultural rights and to the protection of victims of their violations.

10. Indeed, and according to the Ombudsman, in recent years, cases related to social rights and workers' rights have been the most frequent ones dealt with by the Portuguese Ombudsman. In 2012, for example, social security issues accounted for 24% of the 7027 cases opened, ranking as the most addressed issue in the cases opened by the Ombudsman. Public employment relations followed as the second most-addressed issue, amounting to 11% of the total number of cases. The Ombudsman's office also finds cases of economic need among the issues specifically addressed to its Children's Hotline.

;1750/10.9TBCTB.C1, 55kB; 99/10.1TMCBR.C1, 80kB; 732/10.5TBSCD, 57kB; 975/06.6TMCBR-F.C1, 85kB; TRGuimarães 4699/12.7TBGMR.G1; 3611/11.5TBVCT.G1; TRÉvora 237/13.2TMFAR.E1; 123/11.0TMLSb-A.E1 (2.ª SECÇÃO). TRPorto 3354/07.4TBVNG.P1; 1928/10.5TBVFR-A.P1; 316/12.3TBBGC.P1; 296/12.5TMMTS.P1; TRLisboa 2325/08.8TBCSC.L1-1; 1035/06.5TBVFX-A.L1-2; 6581/09.6TBCSC.L1-2; 528/11.7TMLSb.L1-7; 262/10.5TMLSb.L1-7;; 4952/07.1TBCSC-A.L1-7; 2288/08.0TCLRS.L1-2; 305/11.5TMLSb.L1-7; 7820/19.6T2SNT.L1-1; TRCoimbra 493/10.8TBMGL-A.C1, 115kB; 975/06.6TMCBR-F.C1, in 85kB; 99/10.1TMCBR.C1, 80kB; 559/05.6TMCBR-A.C147kB; TRGuimarães 461/13.8TMBRG.G1; 2933/11.0TBGMR-A.G1; 641/04.7TMBRG-A.G1; 1194/09.5TBEPs.G1.

11. The Ombudsman's action has led to the introduction of important measures concerning bereavement benefits, family and parental leave allowances and unemployment benefits.

12. For more detailed information regarding the actions taken by the "Provedor de Justiça" in relation to economic, social and cultural rights and the protection of victims of their violations, we recommend reading the report directly submitted by the Ombudsman (in its capacity of NHRI) to the Committee on Economic, Social and Cultural Rights, dated 2nd October 2013, and available at the Committee's website in http://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/PRT/INT_CESCR_IFN_PRT_15315_E.pdf.

3. Please provide a general assessment of the impact of the recent economic and financial crisis on the enjoyment of economic, social and cultural rights, including a summary assessment of possible retrogressive policies and measures, as well as the principles on which such policies and measures were based, including the application of the relevant criteria identified in the letter of the Chair the Committee on Economic, Social and Cultural Rights addressed to State parties on 16 May 2012.

13. In April 2011, the Portuguese Government requested financial assistance from the International Monetary Fund, the European Commission and the European Central Bank and subsequently an Economic and Financial Adjustment Programme (EFAP) was put in place, which drastically curtailed public spending. The Government recognizes that the austerity measures adopted in the framework of the EFAP have had a strong impact in the lives of most of the people living in Portugal. Throughout the crisis, however, and notwithstanding, the Portuguese Government remained deeply committed to implementing its human rights obligations and minimizing the impact of the crisis, particularly on the most vulnerable persons.

14. To mitigate the social impact of austerity measures, Portugal set up a four-year Programme in October 2011, called the Social Emergency Programme (PES). €630 million were allocated to the Programme that shall cover approximately 3 million people.

15. This Programme aims to combat social deprivation in Portuguese families facing unemployment, employment insecurity, over-indebtedness and/or social and family dysfunctions. It seeks to address the most urgent cases and to mobilise the necessary resources and instruments.

16. The Social Emergency Programme (PES) focuses on capacity-building and promotion of personal and collective skills; combating inefficiency of the services and duplication of social responses; maximising the installed capacity; involving those who best know the reality and are closer to citizens; building solutions that are more efficient in managing resources and more equitable in access to different solutions.

17. The effective involvement and participation of a national solidarity network (State, local authorities, civil society organizations) was considered of paramount importance in the different decision-making and implementation phases.

18. Some measures within PES are worth highlighting:

(i) Unemployment benefits have been increased by 10% for couples where both partners are unemployed and have dependent children, as well as for unemployed single parents;

(ii) Several measures providing support to socio-professional (re)integration, through active employment or vocational training policies for people who have more difficulty in the access to the labor market (examples: Stimulus 2012 and 2013, Measure

Active Life, programs for socially necessary work, National Microcredit Programme). Vocational Traineeships and Employment Traineeships have also been created;

(iii) A solidarity network of social canteens (around 800 in 2013) has been created;

(iv) A social housing rental market has been created for families facing difficulties in paying mortgage loans;

(v) A National System of Early Child Intervention has been put in place;

(vi) The number of local Committees for the Protection of Children and Young People has increased;

(vii) The effectiveness of social services for children and families has been enhanced, for example 13,000 new child care places for children under age 3 were created;

(viii) A number of measures related to social economy have been put in place. For example, a special Credit Line to support social institutions to raise the number of places available in Nurseries and Residential Structures;

(ix) Measures to facilitate access to services and equipment (social tariffs for public transports, user fee exemptions in health services, social energy tariffs).

19. Furthermore, still regarding the Social Emergency Program (PES), a governmental initiative called Social Rental Market (MSA) is being developed since 2012. The Institute of Housing and Urban Renewal (IHRU), the Institute of Financial Management of the Social Security service, I.P., and other banking entities take part in this initiative. The Social Rental Market targets social classes that have a superior income than the one that allows for the assignment of social housing, but do not have financial capacity to rent a property in the free market. This initiative promotes the availability of loans for social rental with a rent value up to 30% less than the price delivered in the free market. Since 2012, there have been around 3500 loans related to this initiative.

20. In the field of leasing aid, it should be noted the existence of the “Porta 65” Programme (Renting by young people), whose management falls into the hands of the Institute of Housing and Urban Renewal (IHRU), I.P. This program aims to aid permanent accommodation renting and is processed through the assignment of a monthly grant, varying according to the rent value and the social-economic conditions of the beneficiaries and their family’s household. Since 2012, near 28 500 young people have benefited from this program, receiving through grants or subsidies around 33 million euros.

21. Tackling youth unemployment, another effect of the crisis, is one of the main priorities of the Portuguese Government. In Portugal, youths have been strongly affected by the economic and financial crisis in terms of access to employment, which consequently has an impact in their enjoyment of economic, social and cultural rights. The unemployment rate among people less than 25 years old was 36,1% in the 4th quarter of 2013 and the number of people aged between 15-34 years old who are not in employment, education or training — the so called “NEET” — was 13% in the 4th quarter of 2013². The estimated unemployment rate among people less than 25 years old is of 35,6% in the 2nd quarter of 2014 (37.5% in 1st quarter of 2014). The number of people aged between 15-34 years old who are not in employment, education nor training — the so called

² Please see attached information on unemployment rates by sex and age (Table 1) and on rates of young people aged between 15-34 years old neither in employment neither in education or training (Table 2).

“NEET” — was of 14,6% in the 2nd quarter of 2014. This value is 3.2 percentage points lower among persons aged less than 25 years old.

22. These challenges require measures to increase the number of job opportunities, to provide direct support to the hiring of young people, as well as to prevent them from entering into long cycles of unemployment/exclusion. Another related challenge is raising the levels of education and improving the skills linked to the needs of the labour market, as well as ensuring effective enforcement of compulsory education.

23. In 2012, Portugal’s main response to the increase of youth unemployment was the creation of the Program “Impulso Jovem”. It is directed exclusively to youth and integrates a wide range of measures, aiming to create qualified jobs in various sectors, to promote hiring incentives for young unemployed jobseekers and to support entrepreneurship and economic development. The program lasted until the end of 2013.

24. Following a recommendation by the European Commission, the Portuguese Youth Guarantee Implementation Plan (YGIP) was submitted and entered into force in January 2014. This Plan aims at ensuring that all young people up to the age of 30 enjoy a good job opportunity, education, apprenticeship or internship within 4 months after becoming unemployed or dropping out of school. This Plan comprises 4 major areas:

- Methodologies for the motivation of discouraged youth;
- Integrated System of Information and Guidance for Qualification and Employment, focused on the articulation between educational and career guidance;
- Education and Training — combining the measures, job offers and paths, at a variety of skill levels, which contribute to improve the skills profile of each young person;
- Traineeships and Employment — focused on creating on-the-job training opportunities that lead to a lasting integration in the labour market, as well as direct placement in the labour market or even through supporting the creation of new jobs and the promotion of entrepreneurship.

25. Regarding social services for children and families, changes have been introduced to improve processes and increase effectiveness. For instance, the Centers for Family Support and Parental Guidance (CAFAP), saw their intervention, organization and functioning regulated, considering their importance in specialized support to children and families in vulnerable conditions; new 13,000 places are available for 0-3 child care provision (Creche); under the HOME Plan, the Government assumed a higher financial effort for centers such as Childhood and Youth Homes (LIJ) and Temporary Centers (CAT).

26. In March 2013, a new phase of Local Contracts for Social Development (CLDS+) was approved, a program which aims at promoting an integrated intervention involving different agents that operate in the field of local social development. Its goal is to promote social inclusion of vulnerable groups through actions implemented in partnership, meant to increase employability, to combat critical situation of poverty, especially child poverty, in territories particularly vulnerable, aged or affected by calamities.

27. One of the main drivers to break the intergenerational cycle of poverty is the social system of education and training. In this context, measures to help prevent and reduce school dropout and to promote educational success are particularly relevant. Three programmes have recently been renewed and improved:

- (i) Program “Educational Territories for Priority Intervention” going already for a third generation (October 2012), aims to establish the conditions for promoting the educational success of all students and, in particular, children and young people in areas more exposed to poverty and social exclusion;

(ii) The “Integrated Program for Education and Training”, also recently undergone improvements (September 2012), being created a Support and Qualification Program for Integrated Education and Training, whose purpose is to promote social inclusion of children and youth by creating integrated responses, namely socio educational, training, and of prevention and combating school underachievement and dropout, favouring compulsory schooling and school certification and training of young people;

(iii) “Program Choices” (August 2012), undergoing a fifth generation (2013-2015) and presenting as a result of the past eleven years the participation and involvement of about 215,000 young people, aims to promote social inclusion of children and young people with vulnerable socio-economic backgrounds, especially descendants of immigrants and ethnic minorities, envisaging equal opportunities and strengthening social cohesion. In this 5th Generation, about 1200 local partners are expected to be involved in 140 projects.

28. Still in the area of education, since 2010/2011 the number of children benefiting from social support increased three times, covering basic and secondary education pupils. Besides the school milk programme, which is free for all pre-school children and all 1st cycle pupils (6-10 years old), and the generalization of meals, subsidized for all pupils and free for the most needy, there is also economic support for pupils from low-income families, for the acquisition of text books and other school materials. Furthermore, the Ministry is also extending financial support to extra-curricular activities like study visits. The amount of this financial support depends on the families’ income. These measures are a fundamental contribution to social inclusion, to higher success rates and to the prevention of early school drop-outs.

29. With regard to the access to health care services, the Ministry of Health, in the context of the revision of the Decree-Law 133/2011, determined that the following users of the National Health Service are exempt from paying user fees: Pregnant women and recent mothers; Children up to 12 years of age; persons with disabilities equal or higher than 60%; users in situations of proven economic failure, as well as dependents of their household.

30. Still in the area of healthcare, in March 2014 the Ministries of Health and Solidarity, Employment and Social Security announced an investment (of three million euros) in pilot projects of supportive care to premature babies and their parents: the Care Support for Newborns at Risk Program (CARE). This project gives parents of premature babies, who need special care and special equipment, training actions in institutional and family environment. This program includes campaigns towards prevention, outreach and awareness to prematurity; training activities that encourage the development of skills; and the development of pilot projects for specialized care.

31. In conclusion, despite the severe economic and financial crisis, Portugal was able to maintain or to preserve a wide range of social benefits, which, in most cases are cumulative for the most vulnerable families and children. These benefits include childcare benefits, prenatal childcare benefits, the Social Insertion Income, school social programmes and scholarships. There are also benefits for persons with disabilities, such as relevant supplements and a subsidy to attend special education institutions. Furthermore, the Government has been funding a growing network of social facilities and services: the financial contribution to cooperation agreements was increased by 2.6%, for the two-year period of 2013-2014.

4. Please indicate whether the State party’s report was prepared in consultation with civil society organizations.

32. Portugal is a strong supporter of a diverse and free civil society, a pre-requisite for a democratic, open and free society. We are deeply committed to regularly sharing

information on Human Rights policies, by bringing together, regularly and actively, both State and non-State stakeholders, actively engaging civil society actors in public and democratic policy decisions.

33. The establishment of the Portuguese National Human Rights Committee (PNHRC) — the interministerial body responsible for the coordination of human rights policies — in April 2010, enhanced coordination and information sharing on Human Rights issues within the Portuguese Public Administration and strengthened dialogue and consultations with civil society.

34. The Portuguese National Human Rights Committee meets on a regular basis with civil society representatives, both at plenary and working group levels.

35. Since June 2011, and in the framework of the PNHRC, Portugal always consults civil society representatives before submitting its national reports to the UN Treaty Bodies. The draft report is circulated among civil society representatives who are invited to a meeting of the PNHRC, at Working Group level, to take place a couple of weeks afterwards in the Ministry of Foreign Affairs. In those meetings civil society representatives sit together with the members of the PNHRC (representatives of the following public departments: Foreign Affairs; Defense; Internal Administration; Justice; Economy; Environment, Territorial Planning and Energy; Agriculture and Sea; Health; Education and Science; Solidarity, Employment and Social Security; Culture; Media; Migration; Citizenship and Gender Equality; Sports and Youth; and Statistics) to discuss the draft report, make suggestions or to include additional information.

36. The Portuguese report on the International Covenant on Economic, Social and Cultural Rights was submitted to the Committee on the 28th January 2011. It was thus submitted before the abovementioned practice had started.

37. However, since June 2011, the PNHRC held meetings with civil society representatives, in the above mentioned format, to discuss seven draft reports on human rights issues: the 3rd and 4th report on the Convention on the Rights of the Child; the initial report on the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography; the initial report on the Convention on the Rights of Persons with Disabilities; the 5th and 6th report on the Convention against Torture; the 8th and 9th report on the Convention on the Elimination of All Forms of Discrimination against Women; the midterm report on the implementation of the recommendations made during the first cycle of the UPR and the report to the second cycle of the UPR.

38. Portugal also actively encourages civil society representatives to submit their own reports on the human rights situation to the UN Treaty Bodies and to the Human Rights Council prior to its UPR session.

II. Issues relating to the general provisions of the Covenant (arts. 1–5)

Article 2, paragraph 2 — Non-discrimination

5. **Please provide information on steps taken to prevent and combat discrimination against immigrants, Brazilians in particular, and other minorities including Chinese and sub-Saharan African minorities with regard to access to housing, employment and public health care services. Please report on the results of the implementation of the Action Plan for Immigrant Integration 2007–2009.**

39. Combating all forms of discrimination is at the top of our national priorities. It constitutes an enduring and transversal objective of Portuguese public policies and a priority laid down in our most important legal provisions and integration policies.

40. This is accompanied by a strong commitment to the realization of all immigrants' human rights. Repeated international evaluations of migrant integration policies have ranked Portuguese migrant integration policies among the best in Europe. The Migrant Integration Policy Index, sponsored by the European Commission, has ranked Portugal, in 2011, for the second consecutive time, the second among 31 developed countries for its policies in the area of integration of migrants. Furthermore, in the United Nations Human Development Report 2009, Portugal was recognized as being the country with the best legal framework in the protection of migrant rights. The World Migration Report 2010 — The Future of Migration: Building Capacities for Change of the IOM (International Organization for Migration)³ highlighted several measures and policies undertaken in Portugal as good examples and best practices and so did the Handbook on Integration for policy-makers and practitioners of the European Commission.

41. More recently, the Regional Representative for Europe of the Office of the High Commissioner for Human Rights, Mr. Jan Jarab, after his visit to Portugal (26th. and 27th. May 2014), expressed "his deep admiration for the achievements of the Portuguese High Commission for Migrations" (formerly High Commission for Immigration and Intercultural Dialogue) "in the area of providing migrants with real-life access to the enjoyment of all their human rights, regardless of their legal status". The one-stop-shop approach adopted in the National Immigrant Support Centres (CNAI) - support centres located in Lisbon, Porto and Faro, that bring together different services and provide information and support to all immigrants, free of charge, in an integrated way - "impressed" Mr. Jarab "in terms of the non-discriminatory and non-coercive character of the services provided, which could serve as a good model for other States". Mr. Jarab continued saying that "the sheer of aspects covered by the services of the CNAI is truly remarkable, including areas which are often overlooked such as assistance in cases of debt or exploitation in the workplace".

42. Portugal adopts an integrated, holistic and universal approach to combating discrimination and to promoting and protecting immigrants' human rights, which does not individualize any specific group of immigrants. Our policies in this domain aim at integrating, promoting and protecting the full enjoyment of all human rights by all (regardless of their ancestry, sex, race, language, nationality, religion, political or ideological beliefs, education, or sexual orientation). These measures are implemented in a non-discriminatory way.

³ http://publications.iom.int/bookstore/index.php?main_page=product_info&cPath=37&products_id=653&language=en.

43. The High Commission for Migrations (ACM), a public institute that, under the direct supervision of the Presidency of the Council of Ministers, is responsible for collaborating in the definition, implementation and evaluation of public policies which impact on the attraction of migrants, public policies for the integration of immigrants and ethnic groups, in particular Roma, and the management and enhancement of the diversity of cultures, ethnicities and religions, is a good example of Portugal's unwavering commitment to the protection of the human rights of all migrants.

44. The implementation of the National Plans for Immigrant Integration has been a priority for Portugal in this area. Since the consideration of the last report before this Committee, we have drafted, approved and implemented the second National Plan for Immigrant Integration (2009-2013). The third Plan is being drafted.

45. The National Action Plans for Immigrant Integration are essential instruments in the development of public policies on immigrant integration. They were adopted after a broad debate with social partners and also obtained a wide consensus. They take into account a variety of sectors where integration should occur and be improved (employment, health, education, justice, housing, culture and language, civic participation, human trafficking, as well as crosscutting themes such as gender issues, racism and discrimination and the promotion of diversity and intercultural dialogue). These action plans adopt a holistic approach to integration, involving 10 different Ministries and serve as a reference for both government and civil society in developing more specific initiatives.

46. Among the results of the implementation of these Plans we highlight:

(i) The National Immigrant Support Centres, known as the Portuguese One-Stop-Shop approach, located in Lisbon, Oporto and Faro. These support centres bring together different services and provide information and support to all immigrants, free of charge, in an integrated way.

(ii) A Network of 87 Immigrant Support Centres for the Local Integration of Immigrants, covering almost the entire territory which provide decentralized information, support and response to immigrants' questions and problems, in partnerships with local authorities and civil society. These 87 Local Centres and the 3 National ones support immigrants and victims of racial discrimination including the provision of free-of-charge legal advice and mediation services in such areas as nationality, employment, social security, exercise of rights and access to justice through the Immigrant Legal Support Offices.

(iii) The Immigration Observatory — created in 2003 to stimulate the dialogue between academia and political decision-makers on the definition, discussion and evaluation of public policies in the area of immigrant's integration in Portugal, including ethnic and racial discrimination issues, in order to deconstruct myths, representations and stereotypes about immigrants or immigration in general.

(iv) The Choices Programme, reached 44,000 children and young people in 2013, between the ages of 6 and 24 from disadvantaged social backgrounds, many of whom are immigrant descendants or Roma Children living in vulnerable places, in order to promote their social integration. From January until 31 December 2013, through this programme, over 3,300 children and young people were reintegrated into school, employment and vocational training. In 2012/2013 the rate of academic success for all participants was 72,6%. This programme involves 963 different partners, both with local authorities and civil society organizations, with the participation of 911 technicians, in 110 intervention places.

(v) Regarding the mediators, the Project "Intercultural Mediation in the Public Services" should be mentioned — a pilot project developed under the European Fund for

the Integration of Third Country Nationals coordinated by the High Commission for Migration. This project placed 28 intercultural mediators, whose goal was to promote interculturalism, in 25 public services (mostly health and municipal ones). Mediators were also placed in the following areas: public security police, social security, housing, employment, and education. An estimated 14,000 people benefited from this programme and a new phase started in March 2012 with 20 new (?) mediators.

(vi) The Commission for Equality and against Discrimination launched in 2010 a “Photo and video contest against Racial Discrimination” aimed at choosing the best photo and video promoting the values of diversity and non-discrimination on the basis of nationality, ethnic origin, race, colour or religion.

(vii) As part of the celebrations of the International Day for the Elimination of Racial Discrimination on March 21st, a series of initiatives were launched aimed at raising public awareness to the Fight against Racial Discrimination. For instance, from the 18th to the 21st March 2011, all football players from the Portuguese Premier League entered the field showing a banner saying “Football against Racism! Join us.” In 2012 a flash mob composed by 300 youngsters performed in the Final of the Football Portuguese Cup with the message “Football against discrimination”. In 2013, ACM launched a poetry contest, around the theme of Racial Discrimination, where over 500 applications were received. This led to the publication of a book where the work of the 39 finalists, including the winners, was displayed.

47. We could mention other activities/results still related to the implementation of these National Action Plans. The ACM launched the initiative “Promotion of intercultural life at local level”, comprising multiple activities in the areas of education, work, health, integration of migrants, participation in local life, awareness-raising and participated budget, implemented on the basis of public/private partnerships involving migrants and locals. TV and radio programmes, and two annual prizes for media works promoting human rights and tolerance, have been created. Seminars and other events were held, including cultural festivities and commemoration of international days. Several publications on migration and asylum-related issues were edited and distributed, including the Portuguese versions of IOM Glossary on Migration and the “Diversity toolkit for Factual programmes in public service television” of the European Union Agency for Fundamental Rights.

48. The Commission for Citizenship and Gender Equality (CIG) and ACM published two leaflets for immigrant communities. The first, “Say no to Domestic Violence” was published in Portuguese, Russian, Romanian, Chinese, English, Ukrainian, and French; the second, on Citizens’ Rights, Gender Equality and Parenthood, was published in Portuguese, Russian, Romanian, Chinese, English and French.

49. Portugal ranks first among participating countries in the EU’s “Next Door Family” project, where local and migrant families visit each other, with the highest number of families involved. The Portuguese Institute for Sports and Youth is coordinating, in collaboration with ACM, CIG, the Directorate General for Education and several civil society organisations, the implementation of the Council of Europe’s “No Hate Speech Movement” campaign. Several activities have been undertaken to stimulate integration through sports, namely the promotion of korfbal (only team sport that requires gender balance), the signature of a protocol with the Professional Soccer Players’ Union for the development of awareness-raising initiatives, the organisation of a flash mob with children from Programme Escolhas/Choices and the exhibition of posters in sports events.

50. Workshops and seminars for media professionals were held throughout the country, including on how to address migration issues, diversity, asylum/refugees, disability and violence. A list of migrants with prominent work has been prepared and disseminated among media professionals. In 2011, the Commission for Equality and Against Racial

Discrimination (CICDR) reiterated a recommendation that the media and law enforcement agencies refrain from revealing the nationality, ethnicity, religion or migrant status of persons in their communications.

51. Training on combating racial discrimination has been provided to entities such as NGOs, migrant associations, schools and universities.

52. The Immigration and Borders Service (SEF) is currently implementing the Program “SEF on the move”. The program aims at facilitating contacts between immigrant communities and SEF in order to stimulate the regularization of undocumented immigrants, facilitate the access of SEF to the most vulnerable communities and to students (“SEF goes to school”). SEF also has socio-cultural mediators, with specific training and speaking several languages.

53. In May 2012, ACM and the Ombudsman signed a Protocol in order to improve assistance to migrants, comprising the dissemination of relevant information, support to prospective complainants (and, in a limited number of cases, action on their behalf), supply of documentation and referral to Legal Support Offices. ACM is also supporting a Victim Support Unit run by the NGO Portuguese Association for Victim Protection (APAV), which provides free-of-charge legal and psychological assistance to immigrants and victims of racial discrimination (UAVIDRE). A Census Support Office opened in March 2013.

54. Immigration authorities run programmes to support, inter alia, sick persons, the elderly and children, including migrant children in irregular situations. The subject “Portuguese Non-Mother Tongue” was introduced as a new curricular area in basic and secondary education, and a large number of training activities have taken place in this context.

55. Regarding access to housing, Portuguese legislation is based on the principle of equality and non-discrimination, thereby guaranteeing the universal right of access to housing programs, on equal terms by all persons regardless of their origin, race or ethnicity. The criterion to benefit from housing funded by State is based solely on the inadequate income of households and the inability of these households to access the housing market, given their meagre financial resources.

56. The Institute for Housing and Urban Renewal (which is involved in the National Plans for Immigrant Integration) is the owner of around 12,500 dwellings and a large percentage of immigrants reside in these dwellings.

57. The abovementioned National Immigrant Support Centres — “One-Stop-Shops” —, bring together under the same roof a number of services related to immigration. There are “Housing Support Offices” in the three National Centres for Supporting Immigrants in Lisbon, Porto and Faro that can prevent and combat discrimination against immigrants with regard to access to housing.

58. At the time being, and in accordance with the different programmes and initiatives of housing aid, there have been made available around 120 000 houses in view of addressing existing housing inadequacies, namely households of immigrant or ethnic minority origin. The rules to access these houses refer to the socio-economic conditions of the families, being those conditions that determine the order of housing priority.

59. Concerning employment, both direct and indirect discrimination based on such grounds as race or ethnic origin, descent, genetic heritage, nationality and territory of origin, are prohibited. The burden of proof of non-discrimination lies with the employer — this reverses the ordinary principle of Portuguese procedural law. Breach of these provisions constitute a serious misdemeanor and entitles the victim to compensation for patrimonial and non-patrimonial damages. Convictions can be published in the media. Victims of discrimination, including harassment, are entitled to compensation. The

Authority for the Work Conditions is responsible for analysing all complaints received concerning alleged cases of racial discrimination in employment or in access to employment.

60. The Employment and Vocational Training Institute promotes the employability and professional insertion of the immigrant population legally residing in Portugal through facilitating the access to the Job and Vocational Training Centre services and to general and specific active employment and training measures. Two particular measures can be mentioned in this regard:

(a) Training in Basic Skills — this programme is aimed at the acquisition of basic reading, writing and mathematical skills, and use of information and communication technologies. It was created with a view to their integration in education and training courses or in processes of recognition, validation and certification of basic skills. The programme targets people over the age of 18 from excluded and/or disadvantaged groups who did not attend the 1st cycle of basic education or equivalent, or who do not have the basic reading, writing and mathematical skills. 8,861 persons attended this programme in 2013 (men: 4,871/women: 3,990).

(b) Programa Português para Todos (PPT) (Portuguese for All Programme) — Portuguese courses for speakers of other languages — particularly adult immigrant citizens over the age of 18, actively employed or unemployed, and with a regularised situation in Portugal. The Programme aims to provide the immigrant population with basic knowledge of the language, facilitating their integration in the Portuguese society. It also promotes knowledge of basic citizenship rights, through a set of training actions.

61. Additionally, there are also 19 Employment Support Offices both in the three National Centres for Supporting Immigrants (in Lisbon, Oporto and Faro) and in the other Centres for Supporting Immigrants throughout the country. These Offices seek to support the insertion into the labour market through the teaching of job search techniques, dissemination of job offers and professional training opportunities for immigrants including Brazilians, as well as other minorities including Chinese and Sub-Saharan African persons.

62. Finally, regarding the access to public health care services, all foreigners legally residing in Portugal have access to the National Health Service under the same conditions as those applied to Portuguese citizens.

63. According to the National System of Promotion and Protection of the Rights of the Child (legally framed by the Law of Protection of Children and Youngsters in Danger, approved by the Law 147/99 of 1 of September), any child or youngster in Portuguese territory, with no registered residence or no documents at all, has exactly the same rights as any child born in Portugal, including in terms of education, health and social welfare supports, as well as in the access to protection and prevention measures.

64. All Portuguese citizens and regular immigrants pay a small fee to benefit from National Health Services. Children up to 12 years of age, pregnant women, patients with 60% or more disability and patients in a situation of proven economic difficulty, as well as dependents of their household, are exempt from paying this fee.

65. Public health services cannot refuse to provide assistance for reasons related to the persons' nationality, lack of economic means or legal status.

66. Immigrants who do not hold a residence permit or are in an undocumented situation under the immigration legislation in force also have full access to the National Health Service, as long as they present a document from a local administration authority certifying that they have been living in Portugal for more than 90 days. They pay the total cost of the medical consultations (not the standard NHS fees).

67. Immigrants who cannot prove residence in Portugal for more than 90 days have access to health care, free of charge, in following situations:

- Urgent and vital health care;
- Transmittable diseases that pose a danger or threat to public health (tuberculosis or AIDS, for example);
- Maternal and child health and reproductive health care;
- Children up to 12 years old;
- Immunization, according to the National Immunization Plan in force;
- In a situation of social exclusion or proven economic failure.

68. Portugal's commitment to ensuring immigrant's access to health care is also embodied in its National Plan for the Integration of Immigrants. This plan foresees several measures to improve immigrant's access to the National Health Service. For example:

- Raising immigrants' awareness on their rights and duties in terms of access to the National Health Service;
- Training of National Health Service professionals on interculturalism;
- Implementation of a program to ensure immigrant-friendly health services;
- Development of partnerships for the promotion of immigrants' access to health in Portugal;
- Institutionalization of procedures to better manage health agreements and streamline immigrants access to health services;
- Contribution to the promotion of mental health of immigrants.

69. Furthermore, at the abovementioned National Immigrant Support Centres — "One-Stop-Shops" in Lisbon, Oporto and Faro, there are also "Health Support Offices" that can prevent and combat discrimination against immigrants with regard to access to health.

70. In addition, an innovative medical screening system was introduced in 2012 — TETRICOSY. It aims at a quick review of the clinical conditions of the patient to establish priorities in activating the emergency medical means. It is available in 4 languages (Portuguese, Spanish, English and French).

71. To conclude, it is worth mentioning that the Portuguese legislation already contemplates the existence of a firewall between immigration enforcement and public services such as health care and education institutions. This system is quoted as a good practice, namely by the Special Rapporteur on the human rights of migrants as it can represent a significant step in ensuring the protection and the enjoyment of all civil, cultural, economic, political and social human rights of migrants.

6. Please provide information, including statistical data, on the progress achieved since the examination of the State party's report in 2000, in combating discrimination faced by the Roma population in the enjoyment of their economic, social and cultural rights.

72. The major development has been the adoption last year of the National Strategy for the Integration of Persons belonging to Roma Communities (2013-2020). This is an important instrument which will help Portugal to better integrate Roma persons and to further eliminate prejudices and misconceptions.

73. It was adopted following an intensely participated process with the involvement of government departments, civil society organisations, academia, experts and representatives

of persons belonging to Roma communities, all of which participate in a Consultative Council established in June 2013. The Strategy comprises 105 measures in the areas of education, health, housing, employment and a cross-cutting dimension covering discrimination, mediation, and education for citizenship, social security, valuation of Roma history and culture, and gender equality. This strategy involves central administration, municipalities and social partners such as social solidarity institutions.

74. A Pilot Project for Municipal Mediators was launched in October 2009 (and expanded in 2011) whereby mediators, preferably local residents of Roma origin, are trained and deployed to local services or facilities. Police officers are also being trained to act as mediators in Roma communities, and the police signed local security contracts with other actors to enhance community integration and security.

75. The National Republican Guard (*Guarda Nacional Republicana* — GNR) developed a Project on Investigation and Support to Specific Victims (IAVE) aimed at catering for the special needs of vulnerable victims, including ethnic minorities, women, children, the elderly and persons with disabilities. Partnerships have been established, including with central government agencies and NGOs. IAVE was considered a good practice at the European level for the prevention of domestic violence, in the framework of the European Prize of Criminality Prevention. The Model on Community Policing, developed by the Public Security Police (*Polícia de Segurança Pública* — PSP), covers issues such as intercultural dialogue, allowing for the development of activities particularly tailored to the needs of, inter alia, migrants and ethnic minorities, and a specific training module on Portuguese Roma has been created.

76. Furthermore, Roma communities benefit, without discrimination, from all of the measures in place for the general population, including Social Insertion Income, housing programmes, social protection and access to the National Health Service (NHS). In some cases, persons belonging to Roma communities represent a significant percentage of beneficiaries of these measures (e.g. social housing). Roma persons have had Portuguese citizenship for centuries (it is estimated that Roma communities in Portugal comprise between 40,000 to 50,000 individuals).

77. A task force was created within the Commission for the Protection of Children and Youngsters at Risk (CNPJCR) whose goal is promoting a better knowledge of Roma communities, with the view to implement the most adequate preventive and restoring interventions at all danger and risk situations of children and youngsters of Roma communities.

78. Regarding the enjoyment of economic, social and cultural rights by Roma persons, we will now mention concrete measures and policies aimed at promoting the enjoyment of the rights to housing, education, health and of access to employment by Roma persons.

79. Concerning the right to housing, members of the Roma Community in Portugal have the right to benefit from housing programs on equal terms with all other persons. Portugal aims to ensure equal treatment of Roma persons in access to housing.

80. The National Strategy for the Inclusion of Persons belonging to Roma Communities (2013-2020) has 4 priority areas regarding the housing conditions of Roma communities:

- (i) To improve the knowledge of the housing situation of Roma communities. The general objective is to conduct at least one study on the conditions of access and housing situation of Roma;
- (ii) To strengthen practices that promotes the integration of Roma communities in the framework of housing policies;
- (iii) To tailor housing solutions and to qualify rehousing spaces;

(iv) To promote access to the rental market/private property. This priority's goal is the promotion of pilot projects for the creation of lease contracts through the establishment of partnerships between municipalities and civil society organizations.

81. Concerning the access to social housing, it should be restated that members of the Roma community have equal access conditions as the rest of the Portuguese citizens or immigrants. Nevertheless, the effort developed by the municipalities in adjusting housing solutions to the particularities of this community — e.g. their household composition, cultural practices, and lifestyle — should be highlighted. With the enforcement of the Portuguese Strategy for the Inclusion of Persons belonging to Roma Communities, a survey directed at the Portuguese municipalities was made possible, aimed towards acknowledging the housing conditions of the Roma community. Therefore, 7% of the Portuguese social housing is occupied by families of Roma origins, that is, 60% of this community. It should be noted that the Roma represent 0.5% of the Portuguese population.

82. Employment is one of the fundamental areas foreseen in the Portuguese Strategy for Inclusion of the Persons belonging to Roma Communities (2013-2020). The National Strategy has the following priorities in this area:

- To promote the integrations of Roma persons in the labour market through awareness raising actions, dialogue with business associations, NGOs, Roma associations and Roma mediators and demystification of negative portrayals of Roma communities;
- To train staff on the specific characteristics of Roma communities;
- To facilitate access to employment and creation of self-employment;
- To improve vocational qualifications with a view to integration in the labour market;
- To establish local partnerships for employment and vocational training;
- To revitalise the traditional activities of Roma communities with a view to their socio-vocational integration.

83. On the right to health, members of the Roma community have full access to health services as all other Portuguese citizens and foreigners legally residing in Portugal. This right is enshrined both in the Portuguese Constitution and in the Basic Law on Health.

84. In this context, it is worth highlighting that 96% of Roma children are included in the National Immunisation Programme.

85. The National Strategy for the Inclusion of Persons belonging to Roma Communities (2013-202) foresees the following priorities regarding the right to health:

- To organize training actions on health education and available health services — for example, the use of mobile health units and encouraging Roma persons to enroll in local Health Centres;
- To improve the health of Roma communities by focusing on prevention, including yearly awareness raising sessions on early motherhood, children's health and healthy eating habits;
- To raise awareness of healthcare professionals to cultural diversity and provide training on these issues;
- To build and/or strengthen relationships between health services and Roma communities, by building bridges and establishing partnerships.

86. Finally, on the right to education, Portugal is deeply committed to guaranteeing the right to education to all, including Roma children.

87. The Portuguese education system does not foresee the establishment of separate school classes on grounds of origin, race, ethnicity or culture. There are thus no segregated classes or schools for Roma pupils.

88. Ensuring equal access to education — while respecting the values and traditions of Roma persons — is the main goal to be achieved in the area of education.

89. The Portuguese Strategy for the Inclusion of Persons belonging to Roma Communities (2013-2020) foresees the following measures in the field of education:

- To gain a better insight of the situation of Roma students and trainees;
- To ensure access to Pre-School Education;
- To increase education levels and ensure that all Roma children complete compulsory education;
- To promote continued education in secondary schools and encourage higher education;
- To prevent early school dropout;
- To ensure access to lifelong learning;
- To promote teacher training on Roma culture and diversity by recruiting trainers from Roma communities;
- To fight illiteracy.

90. In the field of education, there is a special project called Good School Grades which aims to sensitize Roma children and their parents to the importance of School as an institution that is fundamental for their social and personal development.

Article 3 — Equal rights of men and women

7. **According to the information provided by the State party, breaches of provisions regarding equality are generally punished as very serious administrative offences and the convictions may be published (E/C.12/PRT/4, para. 52). Please provide statistical information on complaints, prosecutions and convictions in the last five years. Please also provide information on the steps taken by the State party to ensure that victims of such violations have access to effective complaints mechanisms and judicial remedies.**

91. Portugal is committed to eliminating all forms of gender-based discrimination, namely in the enjoyment of the right to work and of all other economic, social and cultural rights. Besides the existence of the Commission for Equality and Gender Equality (with a broad and crosscutting mandate to promote gender equality), there is another national mechanism — the Commission for Equality in Labour and Employment (CITE) — with a specific mandate to cope with this issue in the area of labour and employment.

92. It is true that the breach of provisions concerning equal opportunities at work are punished as serious administrative offences. In the last five years (2008-2013), there were 647 cases of complaints presented to the Commission for Equality in Labour and Employment (CITE).

93. Alleged victims have the right to seek counsel as well as report discriminatory practices to the Working Conditions Authority — ACT, to the Equality Mechanism in the area of labour, and to the Commission for Equality in Labour and Employment (CITE).

94. Alleged victims can present complaints to CITE in matters related to the violation of the legal provisions on equality and non-discrimination between women and men in work and employment. The principle of contradiction is always respected. All documents and information gathered are included in the complaint dossier and legally appraised. After examining a complaint, CITE issues a legal opinion, which is always voted at the tripartite commission (which meets monthly or fortnightly, according to the needs), recommending, if appropriate, the applicable procedure. These legal opinions are binding administrative decisions and their non-compliance is deemed unlawful, unless the court decides otherwise.

95. CITE also provides to the alleged victims a service of alternative dispute resolution of individual conflict in matters related to equality and non-discrimination between women and men at the workplace. CITE mediates small conflicts, in case of individual conflict, when requested by both parties. A mechanism for mediation of small individual conflicts was established in agreement with the service for alternative resolution of disputes from the Ministry of Justice.

96. If the conflict is not solved with CITE's mediation, the case is brought into the service for alternative resolution of disputes from the Ministry of Justice. This mechanism for mediation provides to the parties in dispute a solution to the litigation. If the proposed solution is not accepted by the parties and a solution is not reached the case can be brought to court.

97. CITE provides legal services and information on equality and non-discrimination between women and men at work, employment and vocational training, protection of parenthood and reconciling professional, family and personal life.

98. Between 2009 and 2013 CITE received 9,947 information requests on its costs-free phone line and 682 people received face-to-face legal counsel. Between 2010 and 2013 CITE received also 1,251 written information requests.

99. The law establishes civil and administrative sanctions to respond to discriminatory practices — civil compensation, administrative fines. The access to the courts for alleged victims of discrimination is safeguarded.

100. Additionally, the traditional administrative and judicial complaint mechanisms are at the disposal of workers. Trade unions and employers have also the right to “initiate and intervene in judicial and administrative procedures concerning the interests of their members in accordance with the law” (Article 443(d)).

101. Victims of domestic violence have access to a specific system for professional training and to the labour market. Victims' children are given priority access to child support services and specific intervention strategies have been developed for particularly vulnerable victims such as elderly persons, migrants, persons with disabilities and LGBTI persons.

102. Portugal has been adopting proactive measures to prevent the occurrence of gender-based discrimination in the work environment:

- Along with the Labour Code, that forbids gender-based discrimination, a Resolution of the Council of Ministers (8th of March 2013) was adopted, determining a set of measures aimed at ensuring and promoting gender equality in the labour market, in particular towards the elimination of gender pay gap, promoting conciliation of work, personal and family life, encouraging the corporate social responsibility and the elimination of labour market segregation;
- The Portuguese Commission for Equality in Labour and Employment (CITE) organized an Equal Pay Day in 2013 and in 2014, and produced a self-reflection tool on wage equality between women and men, to be promoted among firms. This

Commission is also developing an online tool, to enable companies to analyse pay and staffing structures and verify if equal pay exists between male and female employees;

- CITE has been evaluating the provisions of the new (or modified) collective bargaining agreements. By law, agreements with discriminatory provisions can be sent to the judicial authorities, which can rule in favour of their nullity. In 2012, CITE developed a guide to support the drawing up of collective bargaining agreements with a gender equality and non-discriminatory perspective. The Commission has also been supporting the Authority for Working Conditions on the monitoring of equality and non-discriminatory practices at work and in employment, including the gender pay gap. In 2012, a specific guide was produced for that purpose, followed by complementary training provisions;
- More recently (7th of March 2014), another Resolution of the Council of Ministers was published, adopting several measures for the promotion of equal pay between genders and the elimination of wage gender-based discrimination:
 - Public companies should produce, every three years, a report on the wages they pay to both men and women and, depending on its results, take concrete measures to combat inequalities namely in their respective gender equality plans;
 - Companies will be equipped with an electronic tool that will allow the assessment of gender pay gaps and the identification of concrete situations of wage differences between women and men which cannot be explained by objective factors;
 - The discussion about the wage differences will be promoted among the social partners;
 - The Resolution determines that one of the criteria in the selection of applications to benefit from the European Union Structural Funds is the ratio of wage equality between women and men.

8. Please provide information on whether the State party has implemented effective measures, including media campaigns and education at all levels, to eliminate negative gender-biased stereotypes and practices that discriminate against girls and women. Please provide detailed information on such measures and their impact.

103. Yes, Portugal has been implementing effective measures to eliminate gender-based stereotypes and practices that discriminate against girls and women, including media campaigns and education at all levels.

104. In legal terms, subparagraph (d) of paragraph 2 of article 7 of the Advertising Code stipulates the prohibition of all advertising containing any discrimination with regard to race, language, territory of origin, religion or sex. The responsibility for ensuring this prohibition lies within the Directorate General for the Consumer and the regulatory authority for the media.

105. Concerning the media, the award “Parity — Women and Men in the Media” is granted yearly since 2005 by CIG and has so far distinguished several works, as well as journalists in Portugal. The award applies to journalistic, creative or other media products, whether on paper, video, digital and audio support. It aims to raise awareness among media professionals to the importance of journalistic work on the issue of gender equality and non-discrimination. Last year, this award was also extended, for the first time, to marketing and advertising companies that have been responsible for advertising and marketing

campaigns promoting non-discriminatory contents. Thus, the award now includes two categories competing separately: Journalism and advertising or marketing campaigns.

106. In addition, CIG has been promoting in partnership with the Professional Training Center for Journalists (CENJOR) a 12 hours training module entitled “Gender and Information” addressed to journalists with a professional title. This training is provided by journalists and/or researchers in the areas of gender and the media. They aim at raising the awareness of media professionals to the gendered nature of information and to stimulate the practice of a gender sensitive and gender inclusive professional practice. Training fosters a critical-reflective attitude in participants leading to more rigorous and deeper journalistic works in the field of gender equality and non-discrimination. Training focuses on the following contents: the social construction of gender, equality and the status of women in Portugal; gender equality legislation, and national and international commitments; the gender perspective applied to information; discourse, gender and deontology; the women’s dimension in events; assigned roles and approaches, the growing feminization of Portuguese journalism; feminization and labor issues, new topics, new sources and new perspectives; gender-based violence as an expression of power asymmetries between men and women; violence against women (the case of female genital mutilation); domestic violence as an example of gender-based violence; the media coverage of homicide in the context of intimate relationships.

107. CIG has also been promoting an initiative entitled “Are news gendered?” in close cooperation with some higher education institutions that offer degree diploma courses in media/journalism. These awareness-raising 3 hour sessions take place in the student’s everyday environment and occupy no more than one class period of time. Their teachers are also invited to participate as well as the department responsible for the area (media/journalism) with whom an effective relation of partnership is established for the organization of the initiative.

108. Portugal also believes that education plays a fundamental role in the promotion of gender equality and in the fight against all gender-based stereotypes and practices that discriminate against girls and women. Thus, particular emphasis has been put in preventive measures at schools:

- Human rights education is part of Education for Citizenship curriculum, that is crosscutting to all subject areas at all school levels (from kindergarten to secondary school) through a cross-curricular approach;
- Training activities for teachers in the field of gender equality have been held, raising awareness to the fight against stereotypes and the integration of the gender dimension in schools, including in sexual education and to disseminate the role of institutions in promoting gender equality;
- In 2013, the Directorate-General of Education held, jointly with the Commission for Citizenship and Gender Equality (CIG), ten training workshops at schools, with the aim of contributing to a better knowledge and proper use of four *Guides on “Gender and Citizenship Education”* for early childhood education, primary education and lower secondary education. Ten schools were involved in these workshops — 3 from the North, 2 from the Centre, 3 from the Lisboa Region, 1 from Alentejo and 1 from Algarve; 196 teachers from all levels of education and training (168 women and 28 men) participated, and from them 162 (138 women and 24 men) are in condition to have a certified accreditation of the training.

109. These Guides are an innovative proposal for mainstreaming gender in educational practices and organizational dynamics of schools which arise, in part, from the implementation of the Objectives of the Beijing Action Platform regarding education as well as of CEDAW provisions (articles 5 and 10). The Guides cover school and vocational

guidance, school curriculum, school organisation, fighting and preventing discrimination and violence, as well as professional training. They have been considered a good practice by the EU. The main purpose of the Guides is to mainstream consideration of gender in formal educational practices, by offering teachers a range of concrete and common themes from a gender perspective to work on with their pupils and students, such as concerning the body, health or security, stereotypes, ICT, decision-making and responsibility skills.

110. The implementation process of the Guides is still ongoing. In the school year of 2012/13 implementation was set up both by the Commission for Equality and the Ministry of Education. This provided a basis for reaching more schools and teachers, and therefore more children and young people at the national level.

- Schools, from kindergarten to secondary education, develop projects for promoting health education which address, among other areas, the field of sexual education (411 schools in 2012/2013) and prevention of violence, including domestic violence (385 schools in 2012/2013).
- The current national strategy foresees the inclusion of subject areas on domestic and gender-based violence into the academic curricula of different graduate courses in social and human sciences, as well as the development of curricula of “pre” and postgraduate training courses for university students in the areas of domestic and gender-based violence and maltreatment.
- It is foreseen to conceive a framework/referential in the field of gender equality to the levels of early childhood education, primary education and secondary education, in cooperation with the Commission for Citizenship and Gender Equality and other stakeholders and civil society.

111. Regarding violence against women and girls, the National Action Plans against Domestic and Gender-based Violence foresees some measures in this regard:

1. Annual information campaigns for specific target groups, along with information and awareness raising programs on domestic and gender-based violence. Through video clips, radio spots, press, posters and internet, campaigns, these tools raise awareness and promote social change. A survey on Violence against Women carried out by Fundamental Rights Agency of the EU (published in March 2014) concluded that, in Portugal, 70% of the interviewed women have recently seen or heard awareness-raising campaigns (EU average is 50%) on violence against women;
2. Development and dissemination of informative and educational materials addressed to the education community;
3. Training of professionals involved in the area of domestic violence, in particular judges, security forces, health professionals and professionals from the children’s protection commissions.

112. The Fifth National Action Plan to Prevent and Combat Domestic and Gender-based Violence (2014-2017), recently approved in December 2013, also establishes other preventive measures, such as:

1. Intensifying the role of municipalities in preventing domestic and gender-based violence;
2. Promotion of equality to eliminate gender stereotypes and empower women and girls, particularly directed to the education community, especially addressing the issues of bullying, violence through the new information and communication technologies and teen dating violence.

113. Prevention efforts that have been made, include measures to reduce social acceptance of domestic and gender-based violence, to promote equality, eliminate gender stereotypes and empower women and girls, and include annual campaigns which raise awareness of women's and girls' rights, and their ability to report. Specific training sessions have been provided to, *inter alia*, social workers, public prosecutors, security forces, teachers and medical staff.

114. Within law enforcement authorities — for example within the Public Security Police (*Polícia de Segurança Pública* — PSP), the National Republican Guard (*Guarda Nacional Republicana* — GNR) and the Immigration and Borders Service (*Serviço de Estrangeiros e Fronteiras* — SEF) — awareness-raising and training activities on gender equality were undertaken. Furthermore, specific training on domestic and/or gender-based violence is provided to magistrates, law enforcement officials, education and health professionals, social workers, local authorities' staff, mediators and journalists. The training of magistrates and law enforcement officers covers issues such as victim protection and assistance, remote surveillance, risk assessment, violent crimes, sex crimes and hate crimes against LGBT people.

115. Training activities have been also organised for media professionals and journalism students on the role of media in reporting domestic violence (in particular spousal homicide), rights of the child and elimination of stereotypes in information and advertising. In 2011, the Commission for the Protection of Children and Youngsters at Risk (CNPJCR) launched an online Guide for media professionals (http://www.cnpjcr.pt/Manual_Competencias_Comunicacionais/default.html). It is a training resource for the promotion of the Rights of the Child and for the prevention of any type of violence against children or youngsters.

116. In 2012, specific training was provided to migrant support staff on “gender equality, gender-based violence and multiculturalism”.

117. Training on gender mainstreaming has been provided to senior public officials and legislators working in ministerial cabinets, and a Protocol thereon was signed in 2009 with the institute responsible for training civil servants. Human rights issues are covered in the initial and ongoing training of, *inter alia*, judges and public prosecutors, diplomats, police and border officers, prison staff and social workers.

118. Regarding the combat against a particular harmful practice that discriminates against girls and women — female genital mutilation (FGM) — under the 2nd National Programme of Action for the Elimination of Female Genital Mutilation (FGM) adopted in February 2011, a number of activities were undertaken. An information leaflet on FGM for girls, women and families at risk of FGM and for those who have been victims of this practice has been released. It is also directed to health professionals, education, social services, justice, cooperation and development education, to the central government authorities and local religious and community leaders, among others. This leaflet provides information on the medical and legal consequences of FGM and identifies the services and institutions prepared to assist and direct requests for medical and psychosocial support. It was broadly distributed in health centres, hospitals, police stations, social security departments, schools, NGOs, etc. This leaflet was translated to Creole of Guinea-Bissau. Furthermore, training activities for relevant professional groups were organized as well as, the dissemination of information materials through the Internet and the holding of a high-level meeting with representatives of migrant associations. Screening of violence and abuse, including FGM, has been included as one of the assessment parameters of child health examinations, pursuant to the new National Health Programme for Children and Youth, which entered into force in June 2013. A study on the prevalence of FGM in Portugal will be carried out in 2014. CIG, the Ministry of Health and the National Commission for the Protection of Children and Youth at Risk signed a protocol which will

enable the identification and registration of child protection interventions at national level. Throughout 2013, a post-graduation course on FGM for health workers working in risk areas was lectured and Guidelines on FGM for health professionals and a Procedural Guide for Criminal Police Staff were published.

9. Please clarify if the law which establishes minimum quotas of 33 per cent for women and men in the lists of candidates for European, national and local elections is applicable in Azores and Madeira (E/C.12/PRT/4, para. 58).

119. The Parity Law (Organic law 3/2006, of 21 August) states that all candidacy lists with three or more candidates, for the National Parliament, the European Parliament and for Local Authorities, must have a minimum participation of 33% of each sex. Additionally, the candidates' lists should not have more than two persons of the same sex successively. In the cases of lists of candidates for election to the councils of civil parishes with 750 or fewer voters and municipalities with 7500 or fewer voters, the rule does not apply.

120. The parity law applies as well to the list of candidates to the national parliament originated from the electoral districts of Madeira and of the Azores. The same applies for the Local elections in Madeira and the Azores. For the European Parliament there is only a national list of candidates.

121. The sole exception to this rule is the election to the Regional Legislative Assemblies of Madeira and the Azores. In this case, and due to the political-administrative regime of the autonomous regions, as stated in the Constitution of the Portuguese Republic, the parity law does not apply. According to article 226º of the Portuguese Constitution, issues related to the election laws of the autonomous regions are subject to a reserve of initiative on the part of the legislative assemblies of each region. That is, only the Regional Legislative Assemblies of each autonomous region have jurisdiction to take the initiative to submit to the National Parliament a project containing amendments to the respective electoral laws. None of the Regional Legislative Assemblies took yet the initiative (of its exclusive competence) to submit to the National Parliament the proposal to amend their respective regional electoral laws in order to adapt them to the Parity Law. Currently, there are 26.3% and 19.2% of women respectively in the Regional Legislative Assemblies of the Azores and Madeira.

10. Please provide information on steps taken to address the persistent wage gap between men and women, in particular in high-level positions. Please also provide information on measures taken, including temporary special measures, to increase the number of women in decision-making positions in the public sector, in particular in Azores and Madeira.

122. Portugal is deeply committed to combating all forms of gender-based discrimination namely at the work place and to increasing the number of women in decision making positions.

123. Regarding the wage gap problem, we described under question 7 of this document the specific legislation, policies and measures adopted in order to reduce and eliminate any form of gender-based discrimination in the work environment, namely the wage gap. In Portugal, the wage gap between women and men was, in 2012, of 15.7% according to calculations from Eurostat (based on the hourly payment). This wage gap is however lower than the European Union average gap (16.4%).

124. Besides the already mentioned adoption, in 2006, of the Parity Law, the commitment to mainstream gender equality in all government activities, namely, in all policies implemented at the Central and Local levels of Public Administration, is translated into the adoption of Plans for Gender Equality, in the institutionalization of Ministerial

Equality Advisers and teams in each Ministry and in the progressive celebration of Protocols with municipalities.

125. At the economic decision level, in order to promote women's access to Boards of Directors, the Portuguese Government adopted in 2012 a Resolution of Council of Ministers to increase, in the public and private sectors, the participation of women in the management bodies of the companies. Public companies must adopt plans for equality (to achieve effective equality of treatment and opportunities between women and men, to eliminate discrimination and to facilitate the conciliation of work, family and personal life) and the resolution recommends the adoption of an identical procedure to the private sector.

126. After the adoption of the resolution a letter was addressed to companies requesting a diagnosis on their situation, in particular with regard to the composition of their decision-making bodies. The results of this diagnosis made in 2013, and available in Government's Website, show that in State-owned companies women constituted 21,8% of the Board of Directors, 10,8% were Presidents; in supervisory structures they represent 27,7%. The Government appointed, in 2013, to boards of directors of public companies, 37.5% of women.

127. A Decree-Law approved in 2013 (Decree-Law No. 133/2013, of 3 October) lays down the principles and rules applicable to the public sector companies. This Decree-Law foresees the following measures:

(a) The administration and supervision bodies of State-owned enterprises must have as objective the plural presence of men and women in their composition;

(b) Public companies must implement goals of social and environmental responsibility, namely the promotion of equality and non-discrimination;

(c) Public companies must adopt equality plans in order to achieve an effective equal treatment and opportunities between men and women, to eliminate discrimination and to promote the reconciliation of professional, family and personal life.

128. The Fifth National Plan for Gender Equality (2014-2017) Strategic Area 3 on Economic Independence, Labour Market and Organisation of Professional, Family and Personal Life, foresees 3 measures that aim to:

(a) Strengthen the implementation of plans for equality in private companies;

(b) Monitor the enforcement of the legal regime of the State enterprise sector regarding the implementation of plans for equality and the representation of women on boards;

(c) Secure the representativeness of women on boards of companies as decision criterion in the selection of projects applying for funding under the Cohesion policy.

129. The percentage of women as members of the management board in the largest quoted companies was 9% in 2013, half of the EU28 average (18%).

130. At the political decision level, in April 2014, the percentage of women was of 30,4% in the national parliament and 14% in national government. The President of the Parliament is a woman, and one out of the 12 parliamentary committees is chaired by a woman. In the municipal elections of 2013, 7.5% of the elected Mayors ("Presidentes da Câmara") were women (23 out of 308). In the election for the European Parliament, in 7 June 2009, 36.4% of the members elected were women (8 out of 22).

131. Female participation rate in some official bodies (2012) is the following: Constitutional Court 46,2%; Council of State 10,5%; Supreme Court of Justice 8,2%; Higher Council of the Public Prosecution Service 21,1%; Economic and Social Council

17,4%; National Educational Council 29,2%; National Council of Ethics for the Life Sciences 33,3% and National Sports Council (2011) 8,8%.

132. For the first time, a woman has been appointed **Attorney-General** (2013), becoming the head of Public Prosecutor Office.

III. Issues relating to the specific provisions of the Covenant (arts. 6–15)

Article 6 — The right to work

11. **According to the information supplied by the State party (E/C.12/PRT/4, para. 45), the Labour Code, laws or collective agreements may introduce more favourable provisions for the protection and inclusion of workers with disabilities. Please provide information on such favourable provisions and how they are implemented in practice. In particular, please provide information on the extent to which the State party has been successful in enforcing articles 84 and 86 of the Labour Code.**

133. The Labour Code establishes the principle of non-discrimination against persons with disabilities at the work place and states that the Government should adopt measures to stimulate employers to hire persons with disabilities. Indeed the Labour Code states as well that the employer should adopt positive action measures in order to facilitate the employment of persons with disabilities and that the Government has a duty to support the efforts (even in financial terms) of the employer in this regard. These provisions of the Labour Code (articles 85 to 88) comply with the constitutional principles on matters concerning the special protection of disadvantaged persons to whom it is ensured the full enjoyment of their rights. The State is obliged to implement a national policy to the prevention, treatment, rehabilitation and integration of citizens with disabilities (Article 59/2 c) and Article 71 of the Constitution of the Portuguese Republic). These articles should also be read together with the general provisions on equality and non-discrimination in the access to employment and in the workplace provided for in Articles 23 to 28 of the Labour Code.

134. Concerning measures to support workers with reduced capacity, disability or chronic illness, the Labour Code foresees:

- The possibility of collective labour regulation instruments to provide for more favourable provisions for workers with reduced work capacity, disability or chronic illness, provided that they are not against the employment contract rules (Article 3(3)(d) of the Labour Code);
- The right to equal access to employment and working conditions (Article 24(1) of the Labour Code);
- The prohibition of discrimination (Article 25(1) of the Labour Code);
- *Ope legis* replacement of collective labour regulation instruments' provisions contrary to the principle of equality in terms of working conditions, namely in what concerns earnings, by more favourable provisions applicable to the other workers (Article 26(3) of the Labour Code);
- The possibility of legally creating positive action measures (Article 27 of the Labour Code);
- Encouragement to the creation of positive action measures aimed to support the worker with disability or chronic illness (Article 86 of the Labour Code);

- Exemption of some forms of working time organization – for example, adaptability, bank of hours or condensed working hours (Article 87 of the Labour Code);
- Exemption from overtime work (Article 88 of the Labour Code);
- Promotion of vocational training in terms of vocational rehabilitation of disabled workers, particularly those whose disability was due to a work-related accident (Article 130(d) of the Labour Code);
- Within the scope of a collective labour regulation instrument, preference in the admission to work on a part time basis (Article 152 of the Labour Code);
- An increase of 15 days in the right to take time off work to care for a household member (Article 252(2) of the Labour Code);
- The worker with reduced work capacity may have a reduction in the guaranteed minimum monthly wage corresponding to the difference between the full work capacity and the coefficient of effective capacity for the contracted activity, if that difference is higher than 10% and with a limit of 50% (Article 275(1)(b) of the Labour Code);
- Protection in cases of dismissal due to inadequacy (Article 374(3) of the Labour Code).

135. Furthermore, Law no. 46/2006 of 28 August, regulated by Decree-Law no. 34/2007 of 15 February, forbids and punishes discrimination on grounds of disability and the existence of aggravated health risk; Article 5(1) specifies the deemed discriminatory practices against persons with disabilities (for example, the adoption by the employer of procedures, measures or criteria that subordinate job offers or the cessation or refusal of employment contracts to physical, sensory or mental factors).

136. This Law allows for positive discrimination, namely in Article 2(2) as well as Article 3(d), in which positive discrimination is identified as a measure aimed to ensuring that persons with disabilities may enjoy or perform their rights, on an equal basis. In this regard, we highlight the following measures:

- The quota system of employment for people with disabilities, with a functional disability degree equal to or higher than 60%, in all services and bodies of the central, regional and local administration (Decree-Law no. 29/2001 of 3 February);
- The legal system of granting technical and financial support for the development of employment policies and support to the qualification of handicapped or disabled persons and the scheme of granting technical and financial support to professional rehabilitation centres of participatory management and rehabilitation entities, as well as the accreditation of resource centres of the Institute of Employment and Vocational Training, P.I., and the creation of the Forum for Professional Integration (Decree-Law no. 290/2009 of 12 October, amended and republished by Decree-Law no. 131/2013 of 11 September).

137. Furthermore, Law no. 38/2004 of 18 August defines the general basis of the legal scheme of prevention, qualification, rehabilitation and participation of persons with disabilities, with the goal of achieving a comprehensive, integrated and transversal policy of prevention, qualification, rehabilitation and participation of people with disabilities (see Article 3).

138. In what regards positive action measures provided for in collective agreements that concern these workers, it was made a sample survey based on the most representative collective agreements in terms of workers covered by different activity sectors (sectors of agriculture, manufacturing, construction, trade and transport industries, accommodation and

catering, communication and information, financial and insurance activities, education and training, human health and social support), during the period covered by the report, and many of the stated provisions are based on the Labour Code. However, we underline the following measures:

- Preference in admission: 9 agreements;
- Preference in recruitment on a part-time basis: 11 agreements;
- Preference in teleworking: 1 agreement;
- Preference in admission, provided that the persons concerned have completed compulsory education: 1 agreement;
- Exemption of minimum qualifications required for the admission in a professional category: 1 agreement;
- Preference in the admission of workers in companies with more than 50 workers, provided that there are vacant jobs: 2 agreements;
- Admission of at least 2 workers with reduced work capacity for every 100 workers of the company: 4 agreements;
- Admission of at least 1 worker with reduced work capacity in companies with 50-100 workers: 2 agreements;
- Preference in the admission of sons/daughters of disabled workers: 2 agreements.

139. The Employment and Vocational Training Institute (IEFP) — which is responsible for promoting the vocational integration of groups at risk of labour market exclusion, including persons with disabilities, has a set of active employment measures aimed at the general unemployed population (for instance hiring incentives, traineeships or vocational training courses) which have special procedures and increased support for persons with disabilities. The Institute also has specific measures of professional rehabilitation of persons with disabilities, in particular the “Programme for Employment and Support to the Qualification of Persons with Disabilities”. This Programme targets exclusively persons with disabilities who face difficulties in accessing, maintaining and achieving progress in employment and includes measures such as:

- Support to the integration, maintenance and reintegration into the labour market, through information, evaluation and guidance sessions;
- Support and follow up to job placement;
- Adaptation of workplaces and elimination of architectural barriers;
- Supported employment, including traineeships;
- Awards given to companies that hire persons with disabilities.

140. In 2013, the number of persons with disabilities covered by active employment measures (including vocational training) was close to 21.000, of which 15.000 through specific rehabilitation measures and around 6.000 through general employment and training measures.

141. Portugal also adopted, in December 2010, the National Strategy for Persons with Disabilities (2011-2013) based upon the Convention on the Rights of Persons with Disabilities. This Strategy (ENDEF) includes several measures to promote the rights of persons with disabilities, including the rights of children with disabilities, in order to combat stereotypes and discrimination. The Strategy foresaw the implementation of 133 measures in 5 key areas: multiple discrimination; justice and exercise of rights; autonomy and quality of life; accessibility and universal design; modernisation of

administrative and information systems. In the area of employment, measure 54 in key area no. 3, Autonomy and Quality of Life, led to the implementation of the following actions:

- Assessment of workers in the regime of supported employment or candidates to a Protected Employment Centre (CEP) or to a Protected Employment Contract (CEAEE);
- 24 cooperation agreements have been renewed, of which 16 were Enclaves and 8 were CEP;
- Promotion of the following methods of supported employment: Employment-Integration Contract for persons with disabilities (CEI), Internship-Integration and CEAEE;
- Inclusion of the Internship-Integration measure in the electronic system of the applications management;
- Promotion of work capacity assessment of persons in CEP and CEAEE programs;
- Ensure the normal functioning of the entities that develop the various forms of supported employment;
- Assessment of the work capacity of the 383 workers in supported employment programs.

12. Please provide information on the results of the measures taken by the State party (E/C.12/PRT/4, paras. 64 and 65) to address the high rates of unemployment among immigrants, women, persons with disabilities and young people.

142. As it has been mentioned above, higher unemployment rates have been one of the most visible and worrisome consequences of the economic and financial crisis and tackling this problem, in particular youth unemployment, has been one of the main priorities of the Portuguese Government.

143. The unemployment rate is increasing since 2000 and it reached 7.6% in 2008 and 16.2% in 2013 (annual rate). In terms of annual average, the unemployment rate in 2013 recorded an increase of 0.6 percentage points when compared to 2012.

144. Unemployment rates were high among youngsters aged 15-24 years (38.1% in 2013). Female unemployment is higher than male unemployment: 13.0% for women and 12.3 for men, in 2011, and of 16.4% for women and 16.0% for men in 2013, reducing the gap registered in 2011.

145. However, the unemployment rate estimated for the 2nd quarter of 2014 was 13.9%. This value is 2.5 percentage points lower when compared to the same quarter of 2013 and 1.2 p.p. than the previous quarter. The data shows a decrease in unemployment rates in all age groups.⁴

146. In previous replies to this List of Issues, we have described some policies, measures and programmes aimed at reducing unemployment among young people (*vide* the reply to question 3 on the “Impulso Jovem” and the Portuguese Youth Guarantee Implementation Plan); immigrants (*vide* the reply to question 5 on Programme Choices or on the measures operated by the Employment and Vocational Training Institute) or persons with disabilities (*vide* the reply to question 11 on the set of active employment measures implemented by the Employment and Vocational Training Institute (IEFP) as well as the National Strategy for Persons with Disabilities’ (ENDEF 2011-2013) measures in this regard).

⁴ More information on unemployment rates by sex and age (Table 1).

147. Regarding the results of the particular measures to reduce unemployment rates, mentioned under paragraphs 64 and 65 of the national report, Program “Impulso Jovem” resulted in:

- 30.282 young unemployed jobseekers in traineeships;
- 11.350 supports granted for companies that hired young unemployed jobseekers;
- 1.534 supports granted in entrepreneurship measures;
- 62.503 young people participation in Vocational training courses (of which 31.932 in the Apprenticeship dual system).

148. Another highlight is the employability results of the two main measures integrated in “impulso Jovem”:

- Until six months after completion of training 35% of young graduates were integrated in the labor market;
- As regards traineeships, 70% of youngsters were integrated in the labor market until six months after completion of the measure and 49.2% were integrated in the same company that promoted the traineeship after the conclusion.

149. In the case of the Youth Guarantee Implementation Plan it is very early to present results, because during the first months of implementation in 2014, the focus has been on the establishment and organisation of the network of partners, the creation of technical instruments to support the interventions, the development of the on-line platform to follow-up and register data and, also, on the staff training.

13. Please provide information on the impact of the global financial and economic crisis on employment opportunities, especially for the youth, and on the enjoyment of the labour rights contained in the Covenant. Please inform the Committee of the measures taken to mitigate the impact of the global financial and economic crisis on employment opportunities and on the enjoyment of labour rights, in particular with regard to youth, women and disadvantaged and marginalized groups.

150. As already mentioned above, there is no quantified information related to the overall impact of the economic and financial crisis on the enjoyment of economic, social and cultural rights, namely on the right to work.

151. However, the Portuguese Government recognizes that within a difficult economic and social context in which the austerity measures have been transversely reflected in the various society sectors, social impacts are inevitable. Thus, the Portuguese Government has redoubled efforts in order to mitigate the social impact of the economic and financial crisis, namely on the enjoyment of economic, social and cultural rights, including of the right to work, in particular of the most vulnerable groups of persons.

152. Under question 3 of this List of Issues we provided the Committee with detailed information on the special measures that have been taken to mitigate the social impact of austerity measures, namely on the right to work. For example on: (i) the PES (Social Emergency Programme) — which includes, for example, several measures providing support to socio-professional (re)integration, through active policies of employment or vocational training of people who have more difficulty in the access to the labor market (examples: Stimulus 2012 and 2013, Measure Active Life, programs for active social work, National Microcredit Programme), vocational traineeships and employment traineeships; (ii) measures particularly addressed to combat youth unemployment, such as the Program “Impulso Jovem” and the Portuguese Youth Guarantee Implementation Plan (also mentioned under question 12); (iii) measures aimed at reducing or preventing unemployment through the social system of education and training such as the Program

“Educational Territories for Priority Intervention”, the “Integrated Program for Education and Training”, or the “Choices” Program, undergoing already a fifth generation (2013-2015) and also (iv) the Intervention Programme for Unemployed Immigrants, operated by the Employment and Vocational Training Institute and the (v) measures implemented by the Employment and Vocational Training Institute to combat unemployment among persons with disabilities (these last two were described under questions 5 and 11 of this List of Issues, respectively).

Article 7 — The right to just and favourable conditions of work

14. Please provide information on measures taken to ensure the application of legislation and regulations on health and safety to conditions of work in the public administration sector and their enforcement in practice.

153. The National Health System monitors a computerized registration system of accidents and professional illnesses, based on data delivered from work places throughout the country.

154. Since 1995 the organization of occupational health services for workers is mandatory in all work places.

155. The National Plan on Occupational Health 2013-2017 pays particular attention to the implementation of health occupational services.

156. Portugal has recently created a set of indicators on the right to the enjoyment of the highest standard of physical and mental health which contemplates 5 indicators related to occupational health:

- Structural indicator: National Program for Occupational Health 2013-2017;
- Process indicator: Hospital morbidity rate for unintentional accidents;
- Result indicators: Incidence of accidents of all causes occurred in specific environments and Mortality rate for unintentional accidents.

157. In 2011 the Authority for the Work Conditions (ACT) conducted 294 inspective procedures that resulted in the application of fines for the breaking of regulations on health and safety conditions of work, varying from a minimum of € 29,172 to a maximum of € 133,518.

158. In 2012, the number of inspective procedures rose to 438 that resulted in the application of fines varying from € 6,018 to € 15,198.

Article 8 — Trade union rights

15. Please provide information on the administrative regulation which enlarges the applicability of collective labour conventions, referred to as *portarias de extensão*, and its compliance with article 8 of the Covenant.

159. A collective agreement or arbitral decision in force can be applied, either as a whole or partially, by a ministerial order of extension (*portaria de extensão*) to employers and workers integrated in the activity and professional sector defined in that instrument (Article 514(1) of the Labour Code) and who, therefore, are not members of the employers' association or trade union that signed the agreement or decision.

160. The extension is possible by weighting the social and economic circumstances that justify it, namely the identity or similarity of the economic and social situations within the

scope of the extension and the regulation instrument to which it is concerned (Article 514(2) of the Labour Code).

161. In the case of an administrative procedure leading to the eventual issuing of a ministerial order of extension, any natural or legal person that may be affected by the extension, even indirectly, may file a substantiated opposition, in writing (Article 516(3) of the Labour Code).

162. However, the ministerial order of extension may only be issued when there is no negotiable collective labour regulation instrument (Article 515 of the Labour Code).

163. Moreover, the entry into force of a negotiable collective labour regulation instrument excludes, within its scope, the application of a previous non-negotiable collective labour regulation instrument (Article 484 of the Labour Code).

164. Also, within the scope of weighting the social and economic circumstances that justify the extension, the Council of Ministers Resolution no. 90/2012, published in the Official Gazette, First Series, of 31 October 2012, as amended by the Council of Ministers Resolution no. 43/2014, published in the Official Gazette, First Series, of 27 June 2014, considers *inter alia* that “within the context of the collective agreements promotion, the ministerial orders of extension have a particular importance in the harmonization of employment conditions applicable to employers and workers” and that “their effects on employment and on the Portuguese economy competitiveness must be taken into account, namely in companies not represented by employer associations that signed collective agreements”. In this sense, considering the provisions of Article 514(2) of the Labour Code and in order to ensure more predictability of the situations that allow the issuing of a ministerial order of extension, the Resolution establishes the necessary and cumulative criteria to be met in the issuing procedure of a ministerial order of extension, from which we highlight the following:

- The extension must be requested by at least one trade union and one employer association that signed a collective agreement;
- The request for extension must specifically identify the activity sector and the intended geographical, personal and professional scope of the extension and the employer that signed the collective agreement must have at the service of the represented structure, directly or indirectly, at least 50% of workers in that activity sector, within the intended geographical, personal and professional scope, or the number of the respective members, directly or through the represented structure, must correspond to at least 30% of members from micro, small and medium-sized companies.

165. Although Article 8 of the ICESCR concerns primarily trade union freedom in its various forms (for example, the freedom to form trade unions, the right of the worker to join a trade union, the right to engage in trade union activity), considering that the right to collective agreement is a corollary of this, the issuing of ministerial orders of extension does not prejudice in any way the bargaining autonomy of employers, their associations and trade unions.

166. In fact, and as it was already mentioned, the issuing of ministerial orders of extension is subsidiary; it is excluded within its scope with the entry into force of negotiable collective labour regulation instruments; it requires prior weighting of the social and economic circumstances that justify it; it does not cover workers or employers on the request of the respective associations; it must be requested by at least one trade union and one employer association that signed a collective agreement; it requires the compliance with representativeness criteria by the employers’ associations or the represented employers.

Article 9 — The right to social security

16. **Please indicate whether the minimum amount of social assistance benefits is legally established, periodically reviewed and whether it is sufficient to ensure an adequate standard of living for recipients and their families.**

167. As described in paragraphs 114 to 135 of the national report (E/C.12/PRT/4) in Portugal, there is a universal social security system, structured to cover all population age groups in the event of sickness, maternity, paternity and adoption, unemployment, work accidents and occupational diseases, disability, old age, death and family benefits.

168. In addition to the contributory work-based social insurance system, there is a non-contributive social protection system comprising three subsystems: the social action subsystem; the solidarity subsystem and the family protection subsystem. These three subsystems are described in greater depth in paragraphs 115 to 118 of the national report.

169. Within the non-contributory social protection system, there is a minimum amount of social assistance benefits legally established for old age and disability pensions which is 44.65% of the Social Support Index (the SSI amounts to €419.22 in 2014). Every recipient is also awarded the Extraordinary Supplement of Solidarity which tops this amount (€ 17.54/month for under-70s and € 35.06 for 70 and older).

170. In addition to the old age and disability pensions, there is also the Social Integration Income (SII), a non-contributory differential benefit, included in the solidarity subsystem, for those persons (individuals or families) who are in a situation of economic or social need.

171. Furthermore, there is the Solidarity Supplement for the Elderly (SSE), an extraordinary allowance aimed at fighting poverty among older persons, paid to old age pensioners aged 65 and over and to recipients of the lifelong allowance.

172. As a rule, the fixed minimum amounts of social assistance benefits as well as the percentage of the reference earnings of the beneficiary for the calculation of benefits are updated regularly. Regarding disability and old age pensions of the general scheme, minimums are fixed according to the number of years of the contributory career, eventually to be achieved by resorting to a social supplement added on to the value resulting from the rules in calculating pensions.

173. The pensions allocated under the non-contributory Solidarity Subsystem are updated regularly by the same governmental proposals which update the pensions attributed by the social insurance system.

174. In what concerns the adequacy of benefits, the minimum amounts of old age and invalidity pensions of the general scheme are inferior to the poverty threshold (€409 in 2012) as are the non-contributory pensions or equivalent. It should also be noted that the low levels of the general scheme minimum pensions are also a result of low wages or short contributory careers and few or no contributions in the case of non-contributory pensions.

175. However, since 2005, pensioners are entitled, in addition to the pension, to the Solidarity Supplement for the Elderly, provided their annual earnings are below a threshold near the poverty line (€ 4,909 for a single person or € 8,590.75 for a couple in 2014). This non-contributory supplement is subject to a means test and is the difference between the income of the pensioner and the threshold, which allows a more effective allocation of public resources for the population in poverty.

176. The Portuguese social security system also offers social protection to members of the workforce who are experiencing financial difficulties and whose income is below a certain subsistence level through the allocation of Social Insertion Income (RSI). This

benefit follows the same logic as the Solidarity Supplement for the Elderly, as it is also a differential benefit aimed at guaranteeing minimum resources. It is equal to the difference between the monthly family resources and a monetary reference threshold, determined by the composition of the household.

177. In spite of the economic and financial crisis and the consequent intervention of the Programme of Economic and Financial Assistance an effort was made to increase minimum amounts of pensions seeking to protect the most vulnerable.

178. Besides, Portugal was also able to maintain or to preserve a wide range of social benefits, such as family benefit for children and young persons, prenatal child benefit, school social programme, scholarships, which, in most cases are cumulative for the most vulnerable families and children. There are also benefits for the disabled, such as relevant supplements and a subsidy to attend special education institutions. Furthermore, the Government created in 2011, for a period of 4 years, the Social Emergency Programme, for families or people in a situation of social vulnerability and has been funding a growing network of social facilities and services: the financial contribution to cooperation agreements was increased by 2.6%, for the two-year period of 2013-2014.

17. Please indicate which measures, if any, are being taken to address the persistent income gap between men and women under the current pension system.

179. Data from 2004 to 2010 show that women represent about 61 per cent of all beneficiaries under the non-contributory system, highlighting their particular vulnerability to poverty. They also represent about 53.2 per cent of all beneficiaries of the Social Integration Income.

180. In Portugal there is no gender discrimination in the granting or in the amounts of pensions. These are calculated taking into account the contributory career and earnings registration of beneficiaries, regardless of gender.

181. The income gap between men and women in the current pension system, as it is referred to, has not to do with the social security system, which applies the same rules to men and women, but with the labour market. In fact, it continues to be noted that, in many areas, women have lower wages and shorter employment records than men, which, of course, has an effect on the pension amount they receive.

182. Besides, women may have shorter contributory careers because they enter the labour market later and often interrupt or cease their professional activity due to family responsibilities.

183. There are, however, interruptions in work activity that do not have negative effects when calculating the pension. Social security uses, in situations prescribed by law, a mechanism that allows to ensure the acquisition of rights under the contributory social security schemes, which consists of recording in the beneficiaries' insurance career certain periods in which they are not subject to contributory liability as if it had indeed been fulfilled.

184. The credited earnings registration is thus used to prevent that the suspension of work, derived from a situation of incapacity for work due to sickness, unemployment or parental reasons, events that the system itself considers relevant for the purposes of protection, may result in loss to those persons, avoiding thus the occurrence of gaps and continuing to consider the respective insurance career.

185. That mechanism allows them to continue considering the periods of contributory career of beneficiaries, which is crucial for determining the qualifying period, legally required for nearly all benefits, or the rate of formation of some benefits, as with old-age and invalidity pensions.

186. Finally, there is a contributory and voluntary scheme that aims to guarantee the right to Social Security of persons (men and women) able to work who are not covered on a compulsory basis by social security schemes, and allows, for example, that women who discontinue insurance career or who do not exercise activity (about 60% of the total number of beneficiaries covered by SSV in 2014 are women) may benefit from protection in case of invalidity, old age and death, maternity, paternity, adoption, sickness and occupational diseases.

Article 10 — Protection of the family, mothers and children

18. **Please provide information on the number of children as of 2010 who are placed in care outside their home, particularly in institutional care, as well as the measures adopted to ensure that children have adequate care. Please provide information on the steps taken to ensure that family-type care rather than institutional care is offered for children deprived of parental care.**

187. There has been a decrease in the number of children and youngsters who are placed in alternative care: there are less 1.511 children in these conditions in 2013 than in 2008. Recent data from the CASA annual report stresses the decrease of the number of children institutionalized from 8.557 in 2012 to 8.445 in 2013.

188. This table demonstrates the evolution of the deinstitutionalization rate from 2007 to 2013.

Table 1
Deinstitutionalization Rate (%)

2007	2008	2009	2010	2011	2012	2013
21%	27%	21,4%	22%	20,9%	21,4%	20,9%

189. In 2013, Resolution 37/2013 of the Council of Ministers opened the debate on the revision of the whole children and youngsters protection system and of the adoption regime. Two interministerial commissions were established to review the existing legal framework. One of the commissions will review the protection system and the other the legal regime of adoption. Ensuring that all children under institutional care have an improved care is one of the goals of this exercise. It aims as well to find methodologies that allow for a reduced time of institutional care and to the establishment of a National System of Child's Emergency.

190. In addition to this, over the last years, the improvement of the quality of residential care facilities for children and youngster has been an important priority for the Portuguese Government. The Social Security Institute implemented a wide range of measures aiming at strengthening the protection of children and youngsters in residential care:

191. The DOM Plan — Challenges, Opportunities and Change — was created in 2008 with the objective of qualifying residential care facilities for children and youngsters.

192. One of the measures adopted within this Plan was to improve the quality of professionals working directly with institutionalized children and youngsters by introducing new technical approaches in their daily lives and changing the organisational behaviour in these institutions. The idea was that professionals should focus on the “life projects” of each child and youngster. Multidisciplinary technical teams were set up in order to study and support the life project of each child and youngster, which could be adoption, return to the biological family, *placement* in a foster family or support to an independent life.

193. This Plan produced good results in the improvement of working methods in children and youngsters residential care facilities. The Plan was also important in guaranteeing the realization of the rights of the child, as well as the deinstitutionalization process.

194. The DOM Plan ended in May 2012 and it was replaced by SERE+ Plan which entered into force in June 2012. The new SERE+ Plan aims not only to guarantee the continuation of the previous plan but also to deepen it by developing a greater specialization.

195. It introduces specialized measures that boost permanent progress in the promotion and protection of children and youngsters rights in residential care facilities, to promote their global development and safe (re)integration in a family environment or, if not possible, their autonomy to an independent life.

196. The SERE+ Plan foresees the enlargement of specialized homes for children and youngsters, taking into consideration their different characteristics and needs:

- Homes for youngsters with disturbed and/or disturbing behaviors;
- Homes for youngsters mentally disturbed, associated or not to a mental disease;
- Homes for youngsters with addiction behaviors, focused in the consumption of drugs/toxic substances.

197. Currently, there are 184 Homes for children and youngsters in residential care, from which 169 have celebrated cooperation protocols of cooperation with the Institute for Social Security aiming to accomplish the SERE+ Plan goals:

- Provide better quality foster care;
- Provide personalized and individual foster care, respecting the characteristics and necessities of each child and youngster;
- Strengthen parental skills and responsibilities aiming at the preservation and/or consolidation of the filial affective bounds with families;
- Mobilize the community available resources;
- Establish partnerships to support the functioning of the residential care facilities;
- Actively promote individual life projects for each child or youngster;
- Invest and strengthen the skills/qualification of the technical and educational teams through permanent training and technical supervision.

198. In Portugal, institutional care for children and youngsters has always been used as a last resource solution by the Children and Youngsters Protection system. Institutional care is increasingly seen as a transitional situation in the child's life. The priority is to ensure that the child returns quickly and safely to his family of origin or to an alternative family.

199. Over the last years, different steps have been taken to reinforce this approach, ensuring that family-type care rather than institutional care is offered for children deprived of parental care, such as:

- The increase of the network of Centers for Family Support and Parental Guidance. There are 44 Centers at national level funded by social security cooperation agreements. These centers provide specialized assistance to families with children. Their aim is to prevent and remedy situations of psychosocial risk through the development of parental skills. These Family support Centers provide parental training and psycho-pedagogical and social support.

- Strong investment in foster family care and civil sponsorship:
 - Foster Families — in order to reduce the institutionalization of children (mostly from 0 to 3 years old) a new approach favouring foster parenting is being put in place. The main guidelines of the Foster Families' Intervention Model are:
 - Progressive inversion of the statistical relation between children in foster families and children in institutions;
 - Prioritization of foster care for children under 6 years old;
 - Regulation of different kind of foster care: emergency foster care, temporary foster care, longstanding foster care;
 - Changing foster care from a taxed salary to a social and supportive payment in natural family environment;
 - Elimination of several identified constraints: extension of measures to conciliate family and work to foster families, in what concerns foster children; attribution of tax parity to foster families in what concerns foster children; attribution of the higher amount of the family allowance to children in foster families;
 - Progressive changing of the framework of foster families from state services to particular institutions, with the regulation of social security services;
 - Civil sponsorship — the legal figure of civil sponsorship was established in 2009 as a mean to contribute to the deinstitutionalization of children. Civil sponsorship is a family-like relationship between a child under the age of 18, who for some reason cannot be adopted and an adult or family that will take on the child's parental responsibilities. If in line with the best interest of the child, the relationship with the biological family can be maintained. Although the number of civil sponsorship situations is still low (only 17, during 2013), this possibility represents an adequate alternative to institutional placement and may, in time, have a bigger impact.

200. Different measures have been adopted to enhance the quality of the care provided to children and youngsters in residential homes:

- Reinforcement of technical teams with professionals — 1.352 professionals such as psychologists, social workers and educators were hired, to strengthen the existing technical teams, in accordance with the diagnostic evaluation performed in each institution;
- Supervision of professionals by external evaluators;
- Training to all professionals (from directors to assistants);
- The standardization of technical tools/instruments and practices for the intervention with young people in institutions and their families.

19. Please indicate which steps have been taken to address the situation of street children and to ensure that they have access to education, shelter and health care.

201. A comprehensive policy to address the causes of street children was implemented, including by assisting families and addressing concerns related to adequate housing and access to education and healthcare.

202. Project Rua, a project run by the NGO Instituto de Apoio à Criança,⁵ seeks to reach, support and reintegrate children, their families and communities, with a particular focus on situations of drug abuse and child prostitution. Measures are also in place to address situations of missing children, especially since the establishment of the European hotline number for this purpose in 2008 (the 116000).

203. The phenomenon of street children has been gradually decreasing and is presently limited to a few cases, mainly in Lisbon, Porto and Setúbal. It is a very residual phenomenon and whenever a child is found in such a situation, the occurrence is communicated to the child and youngsters protection system which immediately applies a protection measure. In most cases children found on the streets, either alone or in small groups, are runaways from home or from the institutional care centre and they return voluntarily and quickly to the place from where they ran away.

20. Please indicate recent steps taken to raise public awareness of the problem of domestic violence, including sexual abuse. Please provide information on results achieved by the Third and Fourth National Plan against Domestic Violence (2007–2010). Please also provide information on steps taken to strengthen the capacity of shelters and crisis centres and ensure that all such centres are provided with adequate financial resources.

204. Portugal has been taking significant steps to raise public awareness of the problem of domestic violence, including sexual abuse, namely through media campaigns and education at all levels. Many of those steps are foreseen in the National Action Plans against Domestic and Gender-based Violence (the Fifth one — for the period 2014-2017 — has been recently approved, in December 2013).

205. Many of those measures to raise awareness to this problem have been mentioned under question 8 of this List of Issues which, for the sake of avoiding repetition we will not reproduce here again. However, we would highlight the (i) annual information campaigns for specific target groups, information and awareness raising programs on domestic and gender-based violence (through video clips, radio spots, press, posters and the internet); (ii) the development and dissemination of informative and educational materials addressed to the educating community (particular emphasis has been put into this dimension because we believe that education from a very early childhood rejecting all forms of domestic violence plays a fundamental role); (iii) the training and awareness-raising activities directed at professionals involved in the area of domestic violence, in particular judges, security forces, social workers, public prosecutors, teachers, health professionals, senior public officials and legislators working in ministerial cabinets and migrant support staff (examples of all these measures are described under question 8); (iv) and the intensification of the role of municipalities in preventing domestic and gender-based violence.

206. Under question 5 of this List of Issues we mentioned as well the publication by CIG and ACM of the leaflet “Say no to Domestic Violence” directed at immigrant communities and published in Portuguese, Russian, Romanian, Chinese, English, Ukrainian, and French.

207. An evidence of the efforts made by the Portuguese authorities in raising awareness to this problem is the fact that the survey on Violence against Women carried out by the Fundamental Rights Agency of the EU (published in March 2014) found that, in Portugal, 70% of the women interviewed said that they have recently seen or heard awareness-raising campaigns on domestic violence (EU average is 50%).

⁵ Institute for Child Support.

208. It is also worth mentioning, due to its preventive side effect of the crime of domestic violence and of its awareness-raising effect, that Domestic violence is now a public crime. In other words, it is prosecutable *ex officio* and has a priority nature. In February 2013, further legal amendments were introduced in order to extend the concept of domestic violence to dating and other intimate relationships without cohabitation. Data on the relationship between defendant and victim in murder crimes are now collected, and efforts have been made to standardise reporting and data collection procedures (in courts, prosecution services and police stations) concerning victims of domestic violence, results of investigations and final court decisions, including the creation of a website and a database.

209. Special teams to investigate crimes of domestic violence, to undertake preventive action and to deal with victims in police stations have been established. Public prosecution is developing integrated responses to accelerate the investigation of crimes of domestic violence and adequately protect victims, including women, children and the elderly. Guidelines and technical assistance are being provided to help courts assess the risk of re-occurrence of domestic violence. Violence against elderly women has recently been an issue of particular focus, with the active participation of law enforcement agencies and public prosecutors in the EU Project “Mind the Gap” (comprising research, awareness-raising and training activities, and exchange of best practices).

210. We can provide the following data regarding the number of cases, defendants and convicted persons in criminal cases completed in the first instance courts, for crimes of domestic violence, in the years 2011 and 2012.

Table 2

Data regarding the number of cases, defendants and convicted persons in criminal cases completed in the first instance courts, for crimes of domestic violence, in the years 2011 and 2012

Crime	2012			2011		
	Cases	Defendants	Convicted persons	Cases	Defendants	Convicted persons
Domestic violence spouse or akin	2.470	2.582	1.339	2.552	2.689	1.322
Domestic violence/minors	60	63	37	79	90	45
Other cases of domestic violence	642	698	325	598	662	320
Ill treatment of minors/defenseless person	203	237	97	314	350	179
Ill treatment spouses/akin	56	73	35	105	125	56

Notes:

- (a) In the counting of the cases the offence with the most severe penalty is taken into account;
- (b) In the counting of the defendants, the most serious crime of which they are accused is taken into account and in the counting of the convicted persons, the most serious crime for which they have been sentenced is taken into account;
- (c) The cases that are transferred, attached, incorporated or joined to other procedures and those that are sent to another entity are not counted;
- (d) From 2007 onwards, the statistical data related to the cases in the first instance courts are directly gathered from the courts' computer system. Thus the present procedural situation corresponds to the cases that are actually recorded in this system.

211. On National Plans against Domestic and Gender-based Violence, as mentioned above, the Fifth one — for the period 2014-2017 — has been recently approved, in

December 2013. The third and fourth national plans were concluded and the majority of their measures were implemented. As the main results achieved with the implementation of these Plans, we would highlight that the approach to the phenomenon of domestic violence has followed, at the national level, the development of European and international guidelines in this area, building on a combined and structured policy aimed at protecting victims, condemning perpetrators, understanding and preventing the phenomenon, training professionals and providing the country with support structures — the national network on domestic violence.

212. In order to facilitate the process of reintegration of victims of domestic violence, especially those who are taken into Shelters, a fund to support the independence of these victims was created in late 2012. Since 2012, 3.75% of the revenue from social games (e.g. lotteries) allocated to the Presidency of the Council of Ministers has been used in the fight against domestic violence and in the promotion of gender equality. This mechanism improved funding of transportation of victims, emergency accommodation and shelters, health care, victim-support centres, use of electronic devices in surveillance and assistance activities, empowerment of victims, training, information and NGO support. In 2012 and 2013, 2.8 million euros from this funding were allocated to the fight against domestic violence and victim support. In parallel, and aiming to facilitate the access of victims of domestic violence to housing, a protocol was concluded with the National Association of Portuguese Municipalities, to which municipalities wishing to support victims in their process of independence can adhere. In 2013, a total of 45 municipalities adhered to this programme in which a total of 383 511,08€ has been spent.

213. In 2013, the occupational rate of the existing 28 shelters was of 99.98%, which corresponded to a total of 1397 victims (688 women + 709 children). The Institute for Social Security (ISS), through cooperative agreements, funds the operation and maintenance of the 28 shelters, which corresponded to a financial burden of € 4,129,560.88.

214. In addition, to these structures of host, the ISS also signed cooperation agreements, for funding the operation of Service Centers to Support Victims of Domestic Violence. In Portugal there are 16 service structures, which provide social, psychological and legal support, and involved a financial budget of € 676 682.28.

215. With a view of enhancing the consolidation of the prevention policy and of the combat towards domestic violence, a Collaboration Protocol between the Institute of Housing and Urban Renewal (IHRU) and the Commission for Citizenship and Gender Equality (CIG) was concluded, which sought the establishment of an institutional cooperation towards aiding the empowerment process of victims of domestic violence from the moment they leave their safe house. Portugal, whilst recognizing the importance of this matter, has been promoting a better articulation of all public entities in respect to domestic violence, in order to guarantee the protection and support of victims. The access to habitation by victims of domestic violence, while part of the empowerment process, fits into a larger political area that concerns both victim protection and the promotion of their social integration.

21. Please provide information about the impact of measures taken to combat and prevent trafficking in persons.

216. The 3rd National Plan (2014-2017) is currently being implemented. It includes 53 measures under five strategic areas: preventing, raising awareness, information and investigation; education, training; protection, intervention and empowerment; criminal investigation; cooperation. One of its innovations is the integration of new entities in its Working Group, such as the Portuguese Attorney General's Office, the Superior Council of Magistrates and 3 representatives of non-governmental organisations members of the "Network to Support and Protect Victims of Trafficking (RAPVT)". This Network was

created in 2013 through protocols between public departments and NGO's working on victim assistance or criminal investigation. It improves the quality and coordination of intervention in trafficking cases, as well as data collection, including for investigation purposes. A new shelter for male victims was created in 2013. The Portuguese government currently funds about 20 NGO projects in the area of trafficking in persons.

217. The 2nd National Action Plan against Trafficking in Human Beings (2011-2013) contributed to the consolidation of the public policies in this field. Among the measures implemented, the increase in training activities for different actors (such as labour inspectors, law enforcement, prosecutors/judges and civil society) should be highlighted.

218. Training activities on trafficking in persons, smuggling of migrants and assistance to victims are held regularly, included as part of the initial and ongoing training of judges, public prosecutors, police, immigration officers, labour inspectors, staff of migrant support centres and social workers. National and international experts (from IOM, ILO and Portuguese trainers qualified by the United Nations Office on Drugs and Crime (UNODC)/Vienna) often participate in such activities.

219. A number of educational tools in Portuguese on trafficking-related matters are available, including the Portuguese version of UNODC project Anti-Human Trafficking Manual for Criminal Justice Practitioners, a handbook for magistrates, OSCE Mission to Serbia/Astra Anti-Trafficking Manual for Journalists and the documentary film "Affected for Life". Information materials in different languages were published, including in the context of UNODC's "Blue Heart Campaign against Human Trafficking", launched in April 2012 (which also comprised TV and radio spots, and outdoors) as well as on such specific issues as the ILO Domestic Workers Convention and forced begging (a leaflet on forced begging as the outcome of an international conference held in 2012, organised by the Observatory on Trafficking in Human Beings). An itinerant exhibition on trafficking in persons was on display in several schools and town halls between 2010 and 2013, and specific awareness-raising projects have been undertaken for potential victims of forced labour in high risk sectors.

220. In October of 2013, a national campaign on human trafficking was launched, highlighting sexual and labour exploitation as well as begging. A documentary on trafficking in human beings was broadcast nationwide on public television in December 2013.

221. Legislative amendments have been introduced on the concept of trafficking in persons for the purpose of forced begging, slavery and the exploitation of other criminal activities, in addition to activities for sexual and labour exploitation and removal of organs, which were already covered. It is expressly stated that the victim's consent is irrelevant in trafficking cases and some new heavier penalties were included. Furthermore, the use of seized and confiscated instrumentalities and proceeds of crime can now be channelled to victim support programmes. Legislation was also adapted to promote more efficient investigation tools. The right of all trafficking victims to legal aid was recognised in 2012, with the elimination of the previously applicable reciprocity requirement.

222. Measures are being implemented to facilitate the identification of and assistance to victims of trafficking. A few examples are: the distribution of a "Victim-Detection Card" to help law enforcement officers, labour inspectors and NGOs; the development of standardised forms that must be used in suspected cases of trafficking; the mandatory reporting of suspected cases to a multidisciplinary team or focal point, including through the SOS Immigrant support hotline; the creation of a platform with information on national victim support structures; the improvement of the national monitoring system, by means of collecting data in a manner that will enable tracking alleged trafficking cases throughout the entire legal and judicial process. The Observatory on Trafficking in Human Beings is also

coordinating the European Project “Towards a Pan-European Monitoring System on Trafficking in Human Beings”.

223. Regarding the impact of these measures, for example in the number of cases of victims of trafficking in human beings, we have been registering an increase in the number of signalization and confirmations of Victims of Trafficking (VoT). This increase is closely related to the effort that the country has made in terms of capacity building of key stakeholders, including the Labour Inspectors; Forces and Security Services, Magistrates and Civil Society organizations through training. The creation of 4 multidisciplinary teams, covering the entire national territory, since 2013, also allows the signaling process to be properly done, leading therefore to an increasing number of reported cases.

224. Trafficking of Human Beings is known for its mutability regarding the modus operandi used by criminals and by its opacity. Consequently, the identification of trends (increase or decrease of numbers, types of exploitation, amongst others) must be contextualized in a broader scope of analysis, as it may not refer directly to the extent of the phenomena but to an increase of institutional capacities’ (governmental as well as non-governmental) able to identify it. This situation is visible in the 2013 data when Portugal registered an increase of 146% of victim’s registers in comparison to 2012 (2012: 125; 2013: 308).

225. In 2013, 308 presumed Victims of Trafficking (VoT) were reported to the Observatory on Trafficking in Human Beings. In addition to the presumed Victims of Trafficking occurred in Portugal, the Observatory continued to gather information on Portuguese victims abroad (n=9), mainly in Spain, Brazil, Switzerland, England and France. The 9 Presumed Portuguese Victims of Trafficking flagged abroad are all male, 1 was Non-Confirmed and the 6 Presumed Victims of Trafficking, are still under investigation, and 2 have already been confirmed.

226. The most frequent type of Trafficking in Human Beings (THB) was Labour Exploitation (198 presumed victims in Portugal and 6 abroad). From the 198 flagged in Portugal:

- 45 were confirmed — 33 males and 12 female, all of them from Romania;
- 74 are still under investigation — 68 males and 6 female.

227. Regarding the presumed victims of Sexual Exploitation (57 registers in Portugal), 28 are still under criminal investigation (all female victims), 4 were Non-Confirmed and 25 were flagged by a NGO Victims of Trafficking (without criminal investigation).

228. In 2013, the number of children victims of trafficking flagged in Portugal was 49. From the 49 children identified as presumed Victims of Trafficking, 4 were Non-Confirmed, 18 were flagged by a NGO (without criminal investigation) and the remainder Presumed 27 Victims of Trafficking are still under criminal investigation for Sexual Exploitation (n=17), begging (n=7) and illegal adoption/sale of children (n=3).

229. *Assistance* — all the 45 Confirmed victims flagged in Portugal for Labour Exploitation received assistance/sheltering by governmental entities and NGOs, namely to help the criminal procedures, and to arrange the assisted return to their origin countries, whenever they want to do so.

230. *Residence Permits* — The Immigration and Borders Service (SEF) issued 2 residence permits for Victims of Trafficking. The legal framework of entry, permanence, exit and removal of foreigners from national territory grants residence permits to foreign citizens who were victims of criminal offenses related to trafficking in persons or to illegal immigration, even if these persons illegally entered the country or failed to satisfy the conditions for granting residence permits.

231. Regarding the number of investigations, prosecutions and convictions, in 2012, there were 35 new investigations of cases of Trafficking, 9 prosecutions and 6 convictions (out of which 4 convicted with suspended imprisonment with probation regime). Out of those 35 cases, 17 were related to forced labour, 12 for sexual purposes, 3 for adoption purposes, 2 for beggary and small thefts and one for trafficking of organs. 5 victims were under 18 years of age.

Article 11 — The right to an adequate standard of living

- 22. Please provide data showing the impact of the recent economic and financial crisis on the levels of poverty in the country. Please also provide information on measures taken by the State party to counter the adverse impact of the crisis on the standard of living in the country.**

232. According to the 2013 EU-SILC (EU Statistics on Income and Living Conditions) survey on 2012 income data, 18.7% of the Portuguese population was at risk of poverty, 0,8 p.p. more than in 2011 (17.9%).

233. The risk of poverty for households with dependent children was 22.2% in 2012, with a new increase in the relative disadvantage to the resident population as a whole. The highest poverty rates were estimated for households composed by an adult with at least one dependent child (33.6%), by two adults with three or more dependent children (40.4%) and by three or more adults with dependent children (23.7%), these facing for the first time in the series a risk higher than that for single persons (21.7%).

234. The Portuguese Government is aware that this increase of the levels of poverty is an effect of the difficult economic and social context in which austerity measures have been transversely implemented as a consequence of the external Economic and Financial Adjustment Programme by the International Monetary Fund, the European Commission and the European Central Bank. Thus, the Portuguese Government has redoubled efforts in order to mitigate the social impact of the economic and financial crisis, namely on the enjoyment of economic, social and cultural rights, in particular of the most vulnerable groups of persons.

235. Under question 3 of this List of Issues we provided the Committee with comprehensive and detailed information on the special measures that have been taken to mitigate the social impact of austerity measures, in particular the measures implemented under the PES (Social Emergency Programme). The same measures have been briefly described as well under question 13 of this List of Issues. In order to avoid repetitions they will not be reproduced here again.

- 23. Please provide information on the measures taken by the State party to combat poverty among women, in particular women from marginalized groups, such as older women living in rural areas. Please indicate if the State party has monitored the incidence of poverty among women.**

236. Portugal is strongly committed to combating poverty among women.

237. Over the last decade, women's risk of poverty rate was consistently higher than that of men. However, in 2012 the risk of poverty rate of men was 18.8%, surpassing for the first time that of women, which stood at 18.6%. Nevertheless, older women still have a significantly higher risk poverty rate than men from the same age group.

238. Portugal has a wide range of social benefits which aim to ensure an adequate standard of living and to fight poverty. Women are the largest beneficiaries of the main anti-poverty schemes in Portugal, such as the Social Insertion Income and the Solidarity

Supplement for the Elderly, because women are more exposed to job precariousness, are structurally more affected by unemployment, and have less social protection because of their more irregular participation in the labour market.

239. Regarding the access to labour market, some measures and Programmes dedicate special attention to women. Here are some examples:

- Support for hiring by refund of the single social tax, to encourage the employment of young people up to the age of 30 and adults over the age of 45. There is no age limit if the person is a single-parent household, most of the times women.
- “Estímulo 2013” (hiring incentive), provides funding to employers who hire unemployed persons registered in job centres. Under this measure, single-parent household, most of the times, women, are a priority. The financial support is increased by 10% if the employer hires women with very low qualifications levels.
- Traineeships, aimed at young people up to the age of 30 with low qualification levels. Under this measure single-parent household, most of the times, women, are a priority.
- Contract Employment-Inclusion+- occupational activities. Under this measure single-parent household, most of the times, women, are a priority.

240. Some measures are also in place to combat poverty among women in rural areas. In Portugal, although individual farmers are predominantly male, between 1999 and 2009 the women ratio went up from 23% to 31%, representing about one-third. The increase in the proportion of women was registered in all age groups. The Rural Development Programme for Mainland Portugal 2007-2013 (PRODER) envisaged measures to ensure non-discrimination and to strengthen gender equality in all phases of its implementation. This Programme also included measures to stimulate the creation of female employment, establishing a goal of 60% of female employment of the total number of jobs created. Applications for Design and Development of Microenterprise projects and Development of Tourism and Leisure Activities projects benefit from special consideration when the application is submitted by a woman.

241. Under the framework of PRODER, a “Resource Center for Women Entrepreneurship” was created to support job creation and self-employment, to stimulate innovation and the use of new information, technology and the development of business ideas, projects and microcredit applications by women entrepreneurs.

242. It also supports the establishment of cooperation networks among women of different regions.

243. This specific support contributes to the improvement of women living conditions in rural areas, reducing scenarios of poverty.

24. Please provide information about the measures adopted to facilitate access to adequate housing for the most marginalized groups within the population, including Roma, and migrants. Please provide information as to whether the First National Strategy for the Integration of Homeless People (2009–2015) has resulted in an actual decrease of homelessness in the State party.

244. In Portugal, access to social housing is based on the principle of non-discrimination, thereby guaranteeing the universal right of access to housing programs, on equal terms by all communities and ethnicities.

245. The situation of the enjoyment of the right to adequate housing by members of the Roma Community has been addressed in detail under question 6 of this List of Issues. Members of the Roma Community in Portugal have the right to benefit from housing

programs on equal terms with all other persons. The National Strategy for the Inclusion of Persons belonging to Roma Communities (2013 -2020) has 4 priorities areas regarding the housing conditions of Roma communities, also mentioned under question 6.

246. The situation of the enjoyment of the right to adequate housing by migrants has been addressed in detail under question 5 of this List of Issues.

247. The 2011 Census included for the first time data on the number of homeless persons in Portugal. In 2011 there were 696 homeless persons in Portugal, 573 males and 123 females (homeless persons are persons living on the streets without shelter or spending the night in institutions - night shelters). Since the entry into force of the first National Strategy for the Integration of Homeless People (2009-2015) and within its framework, 14 Centres for Planning and Intervention on Homeless Persons (NPISA) have been created. In March 2014 the temporary shelters for homeless persons had a capacity for 929 persons. In 2013, 4 million euros have been spent with the improvement of temporary shelters' capacity.

25. Please provide information on whether the financial and economic crisis has had an impact on the number of forced evictions, especially on the disadvantaged and marginalized groups in the State party.

248. As a result of the present economic and financial crisis, families have had some difficulty in honoring their commitments. In this context, and in order to minimize the negative impacts that follow, a Property Investment Fund for Rental Housing (FIIAH) was created.

249. This measure is characterized by the possibility that these families have to sell their housing to a Property Investment Fund for Rental Housing and sign a contract of rental housing with the management entity of the fund, with an option to purchase (which may be exercised until 31/12/2020).

250. Likewise, in 2009, the norms related to the conditions of loans destined to permanent private housing were made more flexible, aimed at supporting families according to the liabilities associated with their permanent housing, and to preserve their own housing patrimony. In that sense, an extraordinary and transitional measure destined at borrowers was created. If found unemployed, for at least 3 months, borrowers were granted a moratorium on repayment of loans of permanent private housing, whatever the type and legal regime of the loan underway, with an amount equivalent to 50% of its monthly installment.

251. The information available at the Banking Conduct Supervision Department of *Banco de Portugal* refers to the number of out-of-court transfers of property in lieu of payment agreed between financial institutions and debtors under the legal framework for prevention and settlement of arrears on credit agreements with household customers, which came into force on January 2013. This legal framework encompasses the general regime (established by Decree-Law no. 227/2012, of 25 October) and the extraordinary regime (established by Law no. 58/2012, of 9 November, recently revised by Law no. 58/2014, of 25 August).

252. The general regime applies to all credit customers that present signs of risk of default or are already in arrears. It establishes that each credit institution must develop a Pre-Arrears Action Plan (PRAP) and also defines an Out-of-court Arrears Settlement Procedure (OASP), which requires credit institutions and bank customers to try to negotiate a solution for the settlement of the arrears before proceeding to court. The extraordinary regime only applies to housing loan borrowers in a very difficult economic situation and can lead to the negotiation of a restructuring plan for the credit or to the application of measures such as the transfer in lieu of payment, sale of property to a real estate investment fund for residential rentals or exchange for a lower value home.

253. Data relating to these regimes is periodically published in the annual and semiannual Banking Conduct Supervision Reports.

254. In 2013 there were 157 (143 under the OASP and 14 under the extraordinary regime) transfers of property in lieu of payment of mortgage credits, while in the first semester of 2014 there were 60 of these cases (56 under the OASP and 4 under the extraordinary regime). The sale of property to a real estate investment fund for residential rentals, under the extraordinary regime, only occurred once in the first semester of 2014. Once again, these data does not include neither transfers of property in lieu of payment that took place out of the regimes of prevention and settlement of arrears on credit agreements with household customers, nor evictions (for mortgage arrears or renting) that took place in court.

Article 12 — The right to physical and mental health

26. Please provide information on steps taken to ensure that undocumented migrants have access to basic public health care.

255. Public health services cannot refuse to provide assistance for reasons related to the persons' nationality, lack of economic means or documented or undocumented status.

256. Immigrants which do not hold a residence permit or are in an undocumented situation under the immigration legislation in force, have full access to the National Health Service, as long as they present a document from a local administration authority certifying that they have been living in Portugal for more than 90 days. They may have to pay the total cost of the medical consultations (not the standard NHS fees).

257. However, immigrants who cannot prove residence in Portugal for more than 90 days have access to health care, free of charge, in following situations:

- Urgent and vital health care;
- Communicable diseases that pose a danger or threat to public health (tuberculosis or AIDS, for example);
- Maternal and child health and reproductive health care;
- Children up to 12 years old;
- Immunization, according to the National Immunization Plan in force;
- Persons in a situation of social exclusion or proven economic failure.

258. More detailed information in this regard, including on the measures taken in the framework of the National Plan for the Integration of Immigrants, can be found under question 5 of this List of Issues.

27. Please provide information on measures taken which are aimed at the prevention of unwanted pregnancies, in particular for adolescent girls and young women. Please describe which steps have been taken to promote sexual and reproductive health education as part of the curriculum targeted at adolescent girls and boys. Please also provide information on legislation and updated statistics on abortions, disaggregated by age group.

259. The right to family planning is constitutionally granted in Portugal and regulated by law since 1984. The regular contraceptive methods (which include hormonal contraceptives, intrauterine device, contraceptive implant, vaginal ring and condom) and the emergency contraception are distributed free of charge on the National Health Service. Some methods can also be purchased at the counters of pharmacies and Para-pharmacies.

Family planning consultations for users over 15 years old and related additional acts are free of charge in the National Health Service.

260. In addition to the contraceptive methods and to sexual and reproductive health education (which will be mentioned below), since 2007, after approval in a national referendum, the voluntary interruption of pregnancy is legal during the first 10 weeks of pregnancy. It can be done safely and free of charge at any public hospital.

261. Immigrants are granted the same access to sexual and reproductive health rights as nationals.

262. Portugal has recently adopted a set of national indicators on the right to the enjoyment of the highest attainable standard of physical and mental health, based on the Office of the United Nations High Commissioner for Human Rights (OHCHR) framework of human rights indicators. In the set of indicators, 11 are related to sexual and reproductive health:

- *Structural indicators*: National Program for Reproductive Health (since 2007), Exclusion of illicit in pregnancy voluntary interruption (Law 16/2007, of 17 April, regulated by Ordinance 741-A/2007, of 21 June) and National Program for School Health (updated in 2014);
- *Process indicators*: Proportion of births occurred in hospitals, Proportion of women of reproductive age followed at NHS family planning consultations, Number of pregnant women followed at maternal health consultations within the NHS, Proportion of pregnancy medical interruptions relating to live newborns and Proportion of students comprised by the National Program on School Health relating to students enrolled in public schools;
- *Result indicators*: Proportion of live newborns with low birth weight, Perinatal mortality rate and Maternal mortality rate.

263. The promotion of sexual and reproductive health education is (not only but) also seen as a way of preventing unwanted pregnancies. Sexual and reproductive health education is compulsory at all levels of education, according to the Law n. 60/2009 of 6 of August, regulated by Decree n. 196-A/2010 of 9 of April.

264. It is part of the curriculum and it is implemented in projects developed by schools, from pre-school education to the end of secondary education, thus also targeted at adolescent girls and boys. To coordinate this curricular area, the school appoints a Coordinator Teacher of health education and sexual education.

265. Beyond this, schools have a Student Information and Support Office, where a multidisciplinary team (in the areas of education and health) responds to their needs identified in the curricular area of health and sexual education.

266. There are specific guidelines from the Ministry of Education and Science towards schools aiming at ensuring that each school curricula on this issue suits the different levels of education, as for instance in what concerns affections; self-respect and respect towards others; the respect for the difference among people and for different sexual orientations; gender equality; the ability to protect against all forms of sexual exploitation and sexual abuse.

267. The Ministry of Education and Science monitors and evaluates the School's projects and rewards good practices in this regard.

268. Special funding is given to schools for the development of projects in the area of sexual and reproductive health education. The budget allocation in recent years was as follows: € 204 970 in 2010/11; € 149 970 in 2011/12 and € 138 130 in 2012/13.

269. Sexual education and prevention of Sexually Transmitted Infections has been, in the past five academic years, along with Nutritional Education and physical activity, the thematic area of the curricula with a higher attendance rate by students.

270. As mentioned above, since 2007 abortion is legal in Portugal until the 10th week of pregnancy. There were 84 voluntary interruptions of pregnancy in 2011 among girls with less than 15 years of age and 71 in 2012. Among girls or young women between 15 and 19 years old there were 2274 voluntary interruptions of pregnancy in 2011 and 2021 in 2012.

28. Please clarify how the State party plans to overcome the shortcomings in mental health services in terms of accessibility and quality of care (E/C.12/PRT/4, para. 233).

271. As mentioned in paragraph 233 of the national report, despite the positive evolution registered in this domain, particularly since the approval of the Law on Mental Health and the implementation of the National Mental Health Plan for 2007-2016, shortcomings still remain.

272. Efforts to mitigate or overcome these obstacles have resulted in the existence of a current capacity of 980 beds in public Community Psychiatric Hospitals and 1030 in General hospitals within the National Health Service. The Psychiatric Hospitals of Julio de Matos (Lisbon) and Sobral Cid (Coimbra), which have units for non-criminally liable patients, will soon expand their capacity to an extra 30 beds and 60 beds, respectively.

273. In addition, the private social sector, mainly composed of religious orders, has a capacity of around 3.000 beds in seven hospitals located near Lisbon, Coimbra and Porto. These religious orders also ensure the majority of psychiatric care in the Autonomous Regions of Madeira and the Azores.

274. Portugal's main priorities and strategy to promote Mental Health and to overcome the remaining shortcomings are embodied in the already mentioned National Mental Health Plan for 2007-2016. It includes several measures aiming to develop new structures of psychosocial rehabilitation, such as residential, occupational and home support, differentiated for adults, adolescents and children (Continued Mental Health Care).

275. Other important initiatives foreseen in the National Programme for Mental Health are:

- A programme to evaluate the quality and respect for human rights established by the World Health Organization in all psychiatric clinics and residential structures, public and private, with subsequent monitoring (pending budgetary authorization to start);
- Activities to promote the development of artistic, social and other practical skills of people with severe mental illness, also with a view to their professional integration;
- The launch of pilot experiences in strategic areas, such as stepped-care programs for depression treatment, community integrated programs for severe mental patients and suicide prevention programs, capable to contribute for the improvement and modernization of mental health care.

276. Under this Programme, a Consultative Committee for the Participation of Users and Carers was created with the aim to build the capacity of civil society regarding the stigma and the rights of people with mental illness. This Committee includes representatives of patient groups, families, organizations and psychosocial rehabilitation professionals.

277. As mentioned above, Portugal has recently adopted a set of national indicators on the right to the enjoyment of the highest attainable standard of physical and mental health, based on the OHCHR framework of human rights indicators. In the set of indicators, six are related to mental health:

- *Structural indicators*: National Program for Mental Health 2012-2016 and National Plan for the Prevention of Suicide 2013-2017;
- *Process indicators*: Proportion of follow-up consultations regarding 1st consultations on mental health in the NHS and Number of consultations created in the NHS for people at risk for suicide;
- *Result indicators*: Proportion of mental resident chronic patients and Suicide rate.

Articles 13 and 14 — The right to education

29. Please provide information on the proportion of public expenditure dedicated to education since the last periodic report of the State party. Please describe the measures that have been taken to improve the quality of education, including through the introduction of an effective qualification and career development plan for teachers.

278. Portugal has been consistently dedicating a significant amount of public expenditure to education with the ultimate goal of improving the quality of education and achieving the full realization of the right to education for all. However, as a consequence of the Portuguese financial and economic crisis and of the Economic Adjustment Programme, public expenditure on education as in all other sectors decreased since 2011 — the expenditure on education has decreased from 15.3% of the total public expenditure and from 6.4% of GDP in 2000 to 11.9% and 5.7%, respectively, in 2012⁶. (Table 3).

279. However, despite these figures, budget cuts were made in order not to affect the quality of education nor the right to education which is guaranteed to all. This decrease of public expenditure is thus mainly associated with the general cut in the salaries of Portuguese civil servants, including teachers and school staff.

280. Granting the quality of education is also at the center of the education system's priorities. The recent revision of the school curriculum, in 2012, bore that goal in mind. It included the concession of greater autonomy to schools in choosing learning offers, adapted to the context of the school and students; the reduction of the dispersion of the curriculum and the strengthening of core disciplines related to essential knowledge (Portuguese, Mathematics, History, Geography, Physical Chemistry and Natural Sciences and consolidation of English - required for a period of five years) or the effective monitoring of students through the early detection of problems and consequent implementation of appropriate response measures. At the same time, it sought to ensure effective equality of opportunities, establishing necessary and appropriate ways to support students in need, with the aim of improving their performance, combining the quality of education with equity, through diversified education offers in basic education, namely: (i) Specialized Artistic Courses; (ii) Vocational Courses, which are conceived for girls and boys aged 13 or above, who express dissatisfaction with studies of the general basic education and seek an alternative to that type of education and whose referral is made after a process of vocational assessment, done by the staff of the psychology service; (iii) Alternative Curriculum Pathways (PCA), a temporary and exceptional measure only used after exhausted all possibilities of finding other answers when pupils or students do not show progress; (iv) Integrated Education and Training Programme (PIEF) aimed to increasing the promotion and support the establishment of responses in the area of social inclusion; or (v) Education and Training Courses (CEF) that offer an opportunity to complete

⁶ Table 3.

compulsory education via a flexible path and adjusted to individual interests, or to continue studies or training that allows learners to enter the employment market with qualifications.

281. Regarding measures to improve teachers' qualification and promote career development, the Portuguese Government is implementing the so called "self-assessment report" and is further developing the in-service training — either as "public offering" or as voluntary training. These measures aim to improve teachers' qualifications throughout the professional career.

282. Finally, it is worth mentioning that Portugal has been doing a pioneer work on the development of national human rights indicators based on the matrix proposed by the Office of the High Commissioner for Human Rights. Four sets of indicators on four human rights have already been developed. One of them was on the right to education (English version of the matrix as the annex to this document). These indicators will constitute an important tool to evaluate the degree of realization of the right to education in the country and will allow the adoption of appropriate responses to tackle eventual shortcomings.

30. Please provide information on steps taken to ensure an inclusive education for children with disabilities at the primary and secondary education levels, particularly outside Lisbon.

283. Portugal pursues a national inclusive education policy. According to the European Agency for Special Needs and Inclusive Education Portugal is among the few countries where less than 1% of the school population with special education needs pursue their education path in segregated special schools. Children and youngsters with disabilities are placed in special schools only in cases of total dependency or when public schools cannot offer sustained responses. In those cases, these institutions are completely subsidized by the authorities with regard to tuition, meals and transport allowance and different kinds of therapy.

284. The Ministry of Education and Science has implemented, on an annual basis, a set of specialized responses, particularly for persons with autism, multiple disabilities, deafness, blindness and in need of early childhood intervention. These educational provisions represent a sustained response so that students with the targeted pathologies can have access to an inclusive environment, and are not subject to institutionalisation, as was previously the norm.

285. All school clusters in Portugal are staffed with special education teachers (5.652 teachers in 2012/2013 from recruiting groups 910, 920 and 930) that provide support to students with permanent special educational needs. Over 600 of 811 school clusters have established action plans integrating Centres of Resources for Inclusion providing specialised therapeutic support within the schools themselves (speech and occupational therapy, physiotherapy and psychology). School clusters which are set as a reference for the bilingual education of deaf pupils are provided with specialised technicians to support the students (speech therapists, trainers and interpreters of Portuguese Sign Language).

286. Several measures were introduced by the Ministry of Education and Science recently in this regard:

- Creation, of more 29 units of specialized support (multiple disabilities and Deaf Congenital blindness) and 35 more units structured teaching (Autism) when compared to 2011;
- Tests adapted to blind students, or with low vision and/or colour blindness;
- Maintenance of funding to schools for purchase of material for pupils with special educational needs;

- Transports expenditures reimbursed in full to specialized units and reference schools of compulsory education;
- Accreditation of over 22 Centres for social inclusion, besides those already established.

287. On the other hand, it is also worth mentioning that there were no significant cuts in the state budget in the area of special education. The budgetary appropriation for Special Needs Education (SNS) has remained the same as in previous years. Concerning the investment in special education, the numbers show that in some areas there was an increase on the allocated budget. In 2011/2012, for the Centres of Resources for Inclusion the expenditure for its funding was € 7 million and in 2013/2014 it rounded 9 million.

31. Please clarify if children of migrant workers in an irregular situation have access to free primary education and to secondary education.

288. Yes. According to the Law on Protection of Children and Youngsters in Danger, any child in Portuguese territory is entitled to be protected regardless of the legal status of their parents in Portugal. Within this legal framework any child (irrespective of the documented or undocumented status of their parents) has the right to enrol in public schools (both at primary and at secondary education levels) under the exact same circumstances as Portuguese nationals.

289. In addition, Portuguese legislation offers a strengthened protection for undocumented children or children whose parents are undocumented, which goes beyond the protection conferred by the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. It contemplates the existence of a firewall between immigration enforcement and public services such as health care and education institutions. This means that the database (managed by the High Commission for Migrations) with the identification of undocumented children who attend education or healthcare institutions is confidential and cannot be transmitted to immigration enforcement authorities. This avoids cases of non-enrolment of undocumented children at school due to fear of being denounced to the immigration authorities. This system is quoted as a good practice, namely by the Special Rapporteur on the human rights of migrants as it can represent a significant step in ensuring the protection and the enjoyment of all civil, cultural, economic, political and social human rights of migrants.

32. Please provide updated information on the impact of steps taken to improve the literacy rates and the low level of formal education among women coming from rural areas.

290. In general terms, the Portuguese literacy programs, coordinated by the Ministry of Education, target all adults with low education levels, irrespectively of age, gender or geographic distribution. They are developed at national level and aim at raising the education levels of the entire Portuguese population. The programme “Training in Basic Skills” (referred above, under question 5) is however aimed to combat illiteracy among disadvantaged groups.

291. Additionally, one of the goals of the V National Plan for Gender Equality is promoting basic competencies needed for the building and development of inclusive life projects for specific groups of women facing a situation of greater vulnerability, particularly rural women, immigrant women and elderly women. It includes literacy programmes. In fact, the Ministries of Education and Science and Solidarity, Employment and Social Security will launch a specific programme to increase literacy rates of elderly women, during the year school 2014/2015, in some parts of the country, particularly in rural areas.

33. Please provide statistical data on school dropout rates at various levels of education, disaggregated by age, sex, nationality and urban and rural areas.

292. The Portuguese Government is committed to ensuring that all children and young people complete successfully the compulsory education (secondary education or 18 years). One of Portugal's top priorities has been to tackle the problem of early school leaving.

293. Portugal has made big improvements in diminishing the rate of early leavers from education and training, from 43.6% in 2000 to 18.9.2% in 2013. This progress relies on a number of measures implemented: the diversification of education and training provisions at secondary level, namely through vocational education and training, the implementation of projects aiming at the improvement of students' basic skills in Mathematics and Portuguese and to prevent and correct low achievement and school drop-out, the reorganization of the schools network, and Lifelong Learning initiatives aiming at the return to the education and training system of early school leavers.

294. Furthermore, secondary prevention programmes have been implemented: the educational territories for priority intervention programme, for schools located in socially and economically disadvantaged areas, the more school success Programme, the alternative curricula pathways programme, the integrated education and training programme, education and training courses, and vocational courses in basic and secondary education.

295. Recently, the Ministry of Education and Science launched vocational courses in basic education (lower secondary education) which are made up for young people over the age of 13, namely to pupils who prefer to undertake a more practical education, or are in risk of drop-out, or even have left school.

296. In 2012/2013, 13 lower secondary schools participated, with 285 pupils, in the first year of this pilot project. In 2013/2014, 500 schools offer vocational courses, involving about 9.000 pupils.

297. Vocational courses were introduced in upper secondary education in the 2013-2014 school year, involving 22 schools (400 students).

298. The training offered by the vocational courses in lower and upper secondary education is aimed to ensure the permeability between courses, while ensuring the direct possibility for students to pursue post-secondary technical, practical and professional studies.⁷

Article 15 — Cultural rights

34. Please provide information on measures taken to guarantee access to and exercise of cultural rights of persons belonging to marginalized groups or communities, such as minorities and migrants. Please also provide information on steps taken to promote their participation in cultural life, in an environment of tolerance and respect for cultural diversity.

299. In the area of culture considerable efforts are being made to foster the participation of children belonging to most vulnerable and marginalized groups in cultural life. Hence, in the year 2013, for the first time ever, National São Carlos Theatre (TNSC) celebrated International Children's Day with a set of free activities at the square in front of its main entrance. A stage was set for young people's performances. Among them, a dance group of 20 girls from a neighbourhood with social problems (Cova da Moura), had the chance to

⁷ For more statistical information on dropout rates from school please consult Table 4.

present two choreographies to a big audience and also perform in a TV program as part of the event's promotion.

300. TNSC also established a partnership with NGO *Fundação do Gil* that supports post-hospitalized children in need, and offered 5 of those children the chance to take part at its behind the scenes program, held during Christmas 2012.

301. Furthermore, the project Lugares Mágicos (Magic Places) is ongoing since 2010, and is aimed at children placed in institutions, in the Algarve region. It fosters a relationship of identity with the cultural landscape and enhances arts education for young people, where property and children are the main targets. Simultaneously, it is an important action to combat social exclusion. Around 200 children and young people placed in residential institutions/social solidarity (between 6 and 18 years old) and about 15 young adults (18 to 35) with disabilities have benefitted from this project.

302. The General Directorate of Cultural Heritage (DGPC) adopted a set of measures and made a series of physical interventions in order to ensure the access of persons with disabilities to heritage places. The Secretary of State for Cultural Affairs, provides free entrance to museums, monuments and other heritage places under his supervision, inter alia to visitor with reduced mobility. The National Library of Portugal (BNP) provides consultations in Braille on paper, in electronic format, e-books and digital sound recordings to the public with visual disabilities.

35. Please provide information on the measures taken to protect the moral and material interests resulting from any scientific, literary or artistic production and to ensure freedom of scientific research. Please provide information on the recent amendment to the Civil Procedure Code on intellectual property.

303. Portugal is finalizing an amendment to Law 83/2001 of August 3, which defines the rules governing the establishment, organization, operations and responsibilities of organizations for collective management of copyright and related rights. This law establishes the procedures and principles to be observed in the exercise of the activity of collective management of these rights, with the aim of the upgrade, particularly with regard to the principles of administrative simplification and streamlining, transparency, fairness, free competition and free delivery cross-border services.

304. It was considered necessary to adapt this regime with the provisions of Directive n. 2006/123/EC of the European Parliament and of the Council of 12 December, on services in the internal market, which establishes the principles and conditions to be observed for the access to service activities in the European Union schemes, transposed into national law by Decree-Law n. 92/2010 of July 26.

305. On the other hand, the Secretary of State for Cultural Affairs drafted a proposal for the transposition of Directive No. 2012/28/UE the European Parliament and of the Council of 25 October 2012 on the use of existing orphan works in libraries, educational establishments, museums, files, institutes for film and sound heritage and broadcasting entities, which will certainly contribute to a better dissemination of culture, within the limits of respect and integrity of intellectual works.

306. Finally, the adoption of the law transposing into national law Directive No. 2011/77/EU of the European Parliament and of the Council of 27 September 2011 amending Council Directive No. 2006/116/EC of the European Parliament and Council of 12 December 2006 on the term of protection of copyright and some related rights. In respect to the related rights, in particular the term of protection for performers and phonograms producers, which was extended to 70 years after the respective operative event that triggers the running of time, demonstrates the total commitment of Portugal in updating the regulatory legislation in such a sensitive matter.

307. Aiming at the awareness raising about copyrights and industrial property rights among young people, the General Inspection of Cultural Activities (IGAC) released the educational program “IGAC Goes to School” in May 2012. In this context, a mascot was created and a technical team consisting of workers in the area of licensing and intellectual property of IGAC was appointed. It has been developing its work in schools with children from 6 to 10 years old, having involved already around a thousand students. This program includes the definition of the concepts of *author* and *work* through the use of examples easily recognized by all (ex: students, in their capacity as “authors” of a drawing, poem or text; and through the performance of a theatre play).

308. Concerning changes to the civil procedural law, Law n. 46/2011 of June 24 and Decree-Law n. 67/2012 of 20 March, led to the establishment of courts with specialized jurisdiction for industrial property. Until now one court was opened in Lisbon. The goal of this reform is the specialization of judges, the standardization, the monitoring of the quality and uniformity of court’s decisions and combating the problems caused by the excess of disputes. There was also permanent training of all the entities involved in the enforcement system, in particular, of judges. Furthermore, in 2012, Portugal introduced intellectual property issues on the training programme given at the Judicial Studies Centre and in 2013, Portugal hosted two events, in collaboration with the European Patent Organization and with the Institute for Standardization of the internal market, designed to train judges in matters related to trademarks and patents (these events have received experts from several countries).

309. In Portugal there are the necessary arbitration means for potential conflicts that might arise between pharmaceutical companies of reference, and companies of generic drugs once they’ve had the respective authorization to enter the market. Under the Law n. 62/2001, of 12 December, the pharmaceutical companies are obliged to invoke their patent rights in an arbitral court in order to solve their dispute against a generic drug, to which greater speed has been given in the resolution of conflicts.

310. A greater administrative efficiency in the attribution of industrial property rights and promotion of the industrial property system has been achieved. In fact, Portugal is one of the fastest countries as far as granting trademark registrations (between 3 to 6 months) and patents (22 months) is concerned. Due to these time limits Portugal has been sought by some patent institutes in order to, for instance, share the work between patent examiners (Patent Agreements Prosecution Highway). In January 2014, Portugal has adhered to the Pilot Programme of the Global Patent Prosecution Highway, of which another 12 institutes are members. Portugal has a PPH agreement with China.

311. Portugal has been directing its efforts to the promotion of the industrial property system, bringing it closer to the companies and the Universities, an effort that has been producing remarkable results: within a decade the patent applications more than tripled: from 267 patent applications in 2001 to 867 in 2013. As concerns trademarks, Portugal has had in 2011, a ratio of around 1800 national trademarks per million inhabitants; Portugal has been chosen to host the future Arbitration Centre for dispute resolution related to European patents (with or without unifying nature), article 35 of the Agreement that has set up the Unified Patent Court (February 2013); We should also draw attention to the active participation of INPI in the Anti-Counterfeiting Group set up by Order 888/2010, of 10 September and in the European Observatory on Infringements of Intellectual Property Rights.

36. Please indicate the measures taken by the State party to ensure access to the Internet, in particular for disadvantaged and marginalized individuals and groups.

312. Portugal currently has a network of Internet Spaces which extends through all our territory, with approximately 1100 work places, available in municipal facilities, public

libraries, parish councils, social solidarity institutions, digital inclusion centers, culture and recreation communities, among others. The Internet Spaces are public stations of free access to internet made available by the municipalities. The first Internet Spaces in Portugal were created in the end of the 1990's.

313. The network *TIC & Sociedade*, coordinated by the Foundation for Science and Technology (FCT), aims to promote the inclusion and digital literacy of the Portuguese population, giving particular attention to groups that are more vulnerable to info-exclusion, and contributing towards individual qualification and a more comprehensive and inclusive society. The ultimate goal of this movement is to allow that through the acquisition and/or development of digital competences (e-skills), any citizen, independently of their age and social-economic background, may exercise its right of citizenship consciously, therefore reducing the general digital divide and the intergenerational digital gap divide.

314. In view of their mission, the team intervenes in society through a set of guidelines:

- Development of projects of Inclusion and Digital Literacy, through national and international partnerships;
- Support for the implementation of innovative ideas from any kind of entity (public or private, collective or singular), but mainly from the civil society (bottom-up logic);
- Constitution of work groups and think tanks of a relevant thematic area;
- Stimulation of the digital inclusion of citizens through the acknowledgment and certification of digital skills with the Diploma of Basic Skill in Information Technology — DCBTI, whose coordination is made by the FCT.

315. In the extent of the Inclusion and Digital Accessibility, the Access Unit promotes the participation in society of people with disabilities through IT, in line with the Convention on Rights of Persons with Disabilities (ratified in Portugal in 2009). In Portugal, references to the potential of the Information Society for the participation of people with disabilities in society goes back to the “Livro Verde para a SI em Portugal” (Green Book for IS in Portugal) (1997). It is important to note that approximately 10% of the Portuguese population has some kind of functional limitation.

316. In the area of Information and Communication, the technology allows both to adapt to the users' capabilities, independently of their functional limitation, giving them access, participation, interaction, and more inclusion in society.

317. These are therefore defined as spheres of action in the field of inclusion and digital accessibility: the support products, the support services, and the digital content.

318. In the area of the Support Products, the FCT intervention goes through:

- Encourages the innovation of support products for the area of augmentative and alternative communication (TTS, voice recognition, symbol communication systems, Easy Language, Portuguese Sign Language, Braille, font increase, high contrast, indicating programmes, scanning systems);
- Encourages the access to software used in job related context;
- Promotes the existence of a National Support Product Catalogue (following the already existent online one: [www.ajudastecnicas.gov.pt]).

319. In the area of Support Services:

- Improves the efficiency of the Resource Centers for Students in higher education;
- Provides Internet Spaces with support products;
- Equips Public Libraries with support products with access to the collection.

Table 3
Unemployment rates (%), by age groups and sex, Portugal

Age groups	Sex	2008	2009	2010	2011T	2012	2013	2014	
		Annual						1st quarter	2nd quarter
Total	MF	7,6	9,4	10,8	12,7	15,5	16,2	15,1	13,9
15 to 24	M	6,5	8,8	9,8	12,3	15,6	16,0	15,1	13,5
	F	8,8	10,1	11,9	13,0	15,5	16,4	15,2	14,3
	MF	16,7	20,3	22,8	30,3	37,9	38,1	37,5	35,6
	M	13,6	19,1	21,6	29,0	36,7	36,7	37,1	36,5
25 to 54	F	20,3	21,7	24,0	31,7	39,3	39,6	37,9	34,6
	MF	7,2	9,2	10,7	11,9	14,7	15,5	14,0	12,8
	M	6,0	8,5	9,3	11,6	14,7	15,4	13,7	12,0
	F	8,6	10,1	12,1	12,3	14,7	15,6	14,3	13,7
55 to 64	MF	6,6	7,6	8,9	10,8	12,7	13,7	13,7	13,3
	M	7,3	8,2	9,9	11,9	14,5	14,7	16,0	15,2
	F	5,8	6,9	7,7	9,5	10,7	12,6	10,8	11,0
65 and over	MF	§	§	§	§	§	§	§	§
	M	§	§	§	§	§	§	§	§
	F	§	§	§	§	§	§	§	§
15 to 64	MF	8,0	10,0	11,4	13,3	16,3	17,0	15,7	14,5
	M	6,9	9,4	10,4	13,1	16,5	17,0	15,8	14,3
	F	9,3	10,7	12,5	13,5	16,1	17,0	15,6	14,8

Source: Statistics Portugal, Labour Force Survey.

Note: Values calibrated by using the population estimates calculated from the final results of Census 2011.

Conventional signs:

T Series break.

§ Estimate with a coefficient of variation above 20%. For that reason the value cannot be disclosed.

Table 3 cont'd
Unemployment rates (%), by age groups and sex, Portugal

Age groups	Sex	2013		2014	
		1st quarter	2nd quarter	1st quarter	2nd quarter
Quarterly					
Total	MF	15,5	15,3	15,1	13,9
	M	15,2	14,8	15,1	13,5
	F	15,8	15,9	15,2	14,3
15-24	MF	36,4	36,1	37,5	35,6
	M	37,3	34,2	37,1	36,5
	F	35,4	38,1	37,9	34,6

Age groups	Sex	2013		2014	
		1st quarter	2nd quarter	1st quarter	2nd quarter
25-34	MF	17,9	18,2	17,4	15,8
	M	17,0	17,0	16,5	14,7
	F	18,8	19,4	18,2	16,9
35-44	MF	13,7	13,9	12,9	11,5
	M	12,5	12,6	12,4	9,9
	F	14,9	15,1	13,5	13,1
45 and over	MF	11,7	11,3	11,6	11,1
	M	12,2	11,9	12,5	11,6
	F	11,2	10,5	10,7	10,4
15-64	MF	16,3	16,1	15,7	14,5
	M	16,2	15,7	15,8	14,3
	F	16,4	16,4	15,6	14,8

Source: Statistics Portugal, Labour Force Survey, 2nd Quarterly 2014.

Table 4

Rate of young people aged between 15 and 34 years old neither in employment nor in education and training (Series 2011 - %) by Age group, Sex, Portugal

NEET									
Data reference period	Age group period								
	Total			15-24 years			25-34 years		
	Sex								
	MF	M	F	MF	M	F	MF	M	F
2011 (Annual)	14,2	12,9	15,5	12,6	12,2	12,9	15,5	13,4	17,5
2012 (Annual)	16,6	15,8	17,4	13,9	14,6	13,2	18,8	16,9	20,7
2013 (Annual)	17,1	16,4	17,9	14,1	14,2	13,9	19,8	18,3	21,2
1st Quarter									
2014	16,5	16,4	16,7	13,3	14,0	12,7	19,3	18,5	20,1
2nd Quarter									
2014	14,6	13,9	15,3	11,7	11,6	11,8	17,2	16,0	18,3

Source: Statistics Portugal, Labour force survey.

Note(s): (1) The values were calibrated using the population estimates calculated from the final results of Census 2011.

Annual data last updated: May 09, 2014.

Quarterly data last updated: August 05, 2014.

[illegible]

Table 6
Dropout and retention rate, according to the school year, by education level (%)
– Portugal (2005/06 to 2011/2012)

<i>Level</i>	<i>2005/06</i>	<i>2006/07</i>	<i>2007/08</i>	<i>2008/09*</i>	<i>2009/10*</i>	<i>2010/11*</i>	<i>2011/12*</i>
Primary education – 1st cycle of Basic Education	4,4%	4,0%	3,7%	3,6%	3,7%	3,3%	3,4%
Primary education – 2nd cycle of Basic Education	10,7%	10,6%	8,0%	7,6%	7,7%	7,4%	11,2%
Lower secondary – 3rd cycle of Basic Education	19,2%	18,4%	14,0%	14,0%	13,8%	13,3%	15,6%
Upper secondary – Secondary Education	31,1%	24,8%	21,0%	19,1%	19,3%	20,8%	20,1%

Source: MEC/DGEEC, April 2014.

Table 7
Early School leaving, by year and gender (%) — Portugal (2005 to 2013)

<i>Year</i>	<i>Total</i>	<i>Male</i>	<i>Female*</i>
2002	45,0%	52,6%	37,2%
2003	41,2%	48,7%	33,6%
2004	39,4%	47,7%	31,0%
2005	38,8%	46,7%	30,7%
2006	39,1%	46,6%	31,3%
2007	36,9%	43,1%	30,4%
2008	35,4%	41,9%	28,6%
2009	31,2%	36,1%	26,1%
2010	28,7%	32,7%	24,6%
2011	23,2%	28,2%	18,1%
2012	20,8%	27,1%	14,3%
2013	18,9%	23,4%	14,3%

Source: Eurostat (UOE, LFS).

Annex

List of indicators on the right to education — Portugal

	<i>Universal Primary Education</i>	<i>Accessibility to Secondary and Higher Education</i>	<i>Curricula and Educational Resources</i>	<i>Educational Opportunity and Freedom</i>
Structural	<ul style="list-style-type: none"> • Action Plan for the implementation of a compulsory and free education for all • Duration period of compulsory education • Duration and coverage of an education national policy for all • Duration and coverage of a national policy for vocational education and training • International legal instruments in the area of human rights for freedom and security ratified by Portuguese government • Type of accreditation of the human rights institution by the laws of procedure of the International Coordinating Committee of National Human Rights Institutions 			
Process	<ul style="list-style-type: none"> • Number of students enrolled*+/- • Number of young students enrolled in upper secondary*+/- • Percentage distribution of students aged between 6 and 18 years old, by type of institution+/- • Net enrolment ratio of young students aged between 6 and 18 years old+ • Net enrolment ratio, by level of education+ • Upper secondary educational attainment for young adults (age 20-24)+/- • Percentage of students covered by School social services*-/ • Percentage of students covered by School enrichment activities+ • Percentage distribution of pupils in ISCED 0, by type of institution+/- 	<ul style="list-style-type: none"> • Number of students enrolled*+/- • Number of students enrolled in higher education*+/- • Number of young students enrolled in Upper Secondary*+/- • Percentage distribution of young students enrolled in VET (ISCED 3)*+/- • Net enrolment ratio, by level of education + • Upper secondary educational attainment for young adults (aged 20-24 years old) + • Number of young students completing upper secondary education +/- • Participation in higher education, by parents' educational attainment+ • Percentage distribution of young students, by type of institution+/- 	<ul style="list-style-type: none"> • Expenditure in education • Teachers' salaries • Average class size* • Number of educational institutions* • Number of teachers and other staff* • Ratio of students to teaching staff* 	<ul style="list-style-type: none"> • Percentage of students covered by School social services* • Percentage of students covered by School enrichment activities • Number of students with special needs*-/ • Percentage of adults in educational and vocational training, by level of education*-/ • Percentage distribution of Portuguese students enrolled in tertiary programmes in foreign countries, by country of destination • Ratio of students to computer and ratio of students to computer with Internet connection* • Percentage of households with access to computer and internet • Percentage of Portuguese population who use computer

List of indicators on the right to education – Portugal cont'd

	<i>Universal Primary Education</i>	<i>Accessibility to Secondary and Higher Education</i>	<i>Curricula and Educational Resources</i>	<i>Educational Opportunity and Freedom</i>
		<ul style="list-style-type: none"> • Percentage distribution of adult students, by type of institution+/- • Number of adult students*+/- • Adult participation in lifelong learning (age 25-64)+ • Tertiary educational attainment (age 30-34)* • Upper secondary educational attainment, by age group (25-34;55-64)+ • Tertiary educational attainment, by age group (25-34;55-64)+ 		<ul style="list-style-type: none"> • Percentage of students who uses computer • Percentage of Portuguese population who uses computer at school/university • Percentage of Portuguese population who uses the Internet • Percentage of students who uses the Internet • Percentage of Portuguese population who uses the Internet at school/university
Outcome	<ul style="list-style-type: none"> • Ratio of girls to boys*/ • Early leavers from education and training • Dropout and retention percentage*+/- 	<ul style="list-style-type: none"> • Ratio of girls to boys*/ • Number of graduates in tertiary education*+ • Dropout and retention ratio* • Completion rates in tertiary education+ • Percentage of conclusion of “licenciatura” programmes*+ • Number of maths, science and technology graduates per 1000 young people (age 20-29) 	<ul style="list-style-type: none"> • Number of new public schools • Number of public schools with building intervention • Number of schools and tertiary institutions* 	<ul style="list-style-type: none"> • Employment rates of graduates (age 20–34) • Basic skills – percentage of low achievers in Reading, Mathematics and Science (age 15)

Note: Data disaggregated by (due to the necessary criteria of data quality, to be confirmed/analyzed for each case and in each year):

* Type of institution;

+ Sex;

/ Nationality;

Other possible disaggregation's: by revenue and urban/rural.