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Committee on the Rights of the Child**Eighty-second session**

9-27 September 2019

Item 4 of the provisional agenda

Consideration of reports of States parties**List of issues in relation to the combined fifth and sixth reports of Portugal**

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

Part I

1. In light of paragraph 23 of the State party's report (CRC/PRT/5-6), please provide information on measures adopted to develop budgets that include a childhood perspective and identify budgetary allocations destined to the guarantee of each one of the rights of the children, as well as on increases of financial resources carried out or planned in this regard. Please also provide information on studies on the impact of fiscal measures on children's rights.
2. Please report on the priorities and specific objectives of the National Strategy for the Rights of the Child and whether an intermediate evaluation of the Strategy has been carried out. Please also provide information on the human, technical and financial resources available to the National Commission for the Promotion of the Rights and Protection of Children and Youth for the implementation and coordination of a national strategy. Please provide information on action plans for children adopted at local levels under Law No. 142/2015.
3. With reference to its previous recommendations (CRC/C/PRT/CO/3-4, para. 18), please update the Committee on the State party's efforts to establish a comprehensive and integrated data collection and monitoring system on issues related to children. Please also provide more information on the impact of improved sectoral data collection and monitoring systems on the implementation of the Convention, in particular the digital platform of access to services and statistics of the Ministry of Justice.
4. Please provide further information on the effects on children of Law 2/2016 on the elimination of discrimination of same sex and non-married couples with regard to adoption, civil sponsorship and other family relationships.
5. Please provide information on the practical implementation of amendments to the Law of Nationality by Organic Law No. 2/2018 aimed at the prevention of statelessness and the steps taken to streamline the procedures for acquiring Portuguese citizenship for children born in Portugal to non-citizen parents who cannot prove their nationality because of difficulties in providing proper documentation.
6. Please provide detailed information on recent jurisprudence stipulating that parents and teachers are not allowed to use corporal punishment as a



means of education. Please also provide information on the impact of Law 24/2017 permitting the revocation of joint parental authority in cases of domestic violence against the child, and whether the Fifth National Plan for the Prevention and Fight against Domestic and Gender Violence, 2014-2017, has been renewed.

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

8. Please provide clarification on any impact of austerity measures on access to hospitals and other National Health Service health care units for children, in particular in rural or isolated areas, including children receiving pediatric care in Oporto's Hospital de São João. Please also provide further information on the National Mental Health Plan insofar as it relates to children.

9. Please provide further information on the impact of the National Roma Communities Integration Strategy 2013-2020 accompanied by the Fund to Support the Activities of the National Roma Communities Integration Strategy, and the results of the National Study on Roma Communities launched in 2015. Please explain the reported recent decrease in the number of Roma children, in particular girls, reaching the secondary level of education despite compulsory schooling until the age of 18.

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

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

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

11. Please provide further information on measures taken to implement the Committee's previous recommendations (CRC/C/OPSC/PRT/CO/1), in particular on the results of the studies conducted by the Ministry of Justice on:

(a) The sale of children;

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

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

12. Please provide information on the measures taken to implement the Committee's previous recommendations (CRC/C/OPAC/PRT/CO/1), in particular on:

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

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

(c) How supervision of military schools is coordinated among the Ministry of Education, the Ministry of Science, Technology and Higher Education, and the Ministry of National Defence.

Part II

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

(a) New bills or laws, and their respective regulations;

(b) New institutions (and their mandates) or institutional reforms;

- (c) Recently introduced policies, programmes and action plans and their scope and financing;
- (d) Recent ratifications of human rights instruments.

Part III

Data, statistics and other information, if available

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

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

- (a) The number of children residing in the State party;
- (b) The number of married children;
- (c) Racist and xenophobic acts against children;
- (d) Children living in families with lesbian, gay, bisexual, or transgender parents;
- (e) The number of children who have obtained Portuguese citizenship pursuant to Organic Law 2/2018;
- (f) The number of children (above the age of 16) who have changed their name and gender;
- (g) The number of criminal accusations, prosecutions and convictions against sexual abusers of children among the clergy and in public institutions;
- (h) Girls who are victims of female genital mutilation/cutting or who are at such risk;
- (i) The number of children participating in bullfighting events, in particular below the age of 16, and training in bullfighting schools;
- (j) Children who are born intersex;
- (k) The number of non-urgent, irreversible surgical and other procedures that have been undertaken on intersex children before an age at which they are able to provide informed consent;
- (l) Children of incarcerated parents and children living in prisons with their mothers;
- (m) Children affected by or living with HIV/AIDS;
- (n) Children who use illicit drugs or substances;
- (o) The number of children seeking asylum in the State party, placed in reception centres with the duration of their stay, in particular unaccompanied or separated children, including those who have been refused to enter the State party as well as child victims of trafficking, and the number granted refugee status;
- (p) On pupils and students of Roma origin, collected since in 2017, for the first time, pursuant to an authorization from the National Commission for Data Protection;
- (q) Children in street situations;
- (r) Children who are victims of trafficking, exploitation and abuse;

(s) The number of children, who have had contact with the State party's child protection system, in particular the number of child victims of trafficking who have received protection in the only shelter in the State party opened in 2018.

16. Please provide data disaggregated by age, sex, socioeconomic background, ethnic origin and geographic location regarding the situation of children deprived of a family environment, for the past three years, on the number of children:

- (a) Living in institutions;
- (b) Placed in foster care;
- (c) Living in adoptive families;
- (d) Previously placed in foster care, but re-entering the alternative care system after adoption or during pre-adoption procedures;
- (e) Internationally adopted;
- (f) Abandoned by their families.

17. Please provide data, disaggregated by age, sex, type of disability, ethnic origin and geographic location, for the past three years, on the number of children with disabilities:

- (a) Living with their families;
- (b) Living in institutions;
- (c) Attending regular primary schools;
- (d) Attending regular secondary schools;
- (e) Attending special schools;
- (f) Out of school;
- (g) Abandoned by their families.

18. Please provide, if available, updated statistical data disaggregated by age, sex, type of offence, ethnic and national origin, geographic location and socioeconomic status, for the past three years, on children in conflict with the law who have been:

- (a) Arrested;
- (b) Referred to diversion programmes;
- (c) In pre-trial detention;
- (d) In immigration detention;
- (e) Serving a sentence in detention and the length of the sentence.

19. Please provide information on how the planning, implementation and monitoring of measures for achieving the Sustainable Development Goals integrate a child rights-based approach, including on child participation and data collection, and how they promote the realization of children's rights under the Convention and its Optional Protocols.

20. Please provide the Committee with an update of any data in the report that may have been outdated by more recent data collected or other new developments.

21. In addition, the State party may list areas affecting children that it considers to be of priority with regard to the implementation of the Convention.
