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REVISED EUROPEAN SOCIAL CHARTER

6th National Report on the implementation of
the European Social Charter (revised)

submitted by

THE GOVERNMENT OF PORTUGAL

(Articles 7, 16 and 19
for the period 01/01/2005 – 31/12/2009
Articles 8, 17, 27 and 31
for the period 01/07/2002 – 31/12/2009)

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CYCLE 2011

REVISED EUROPEAN SOCIAL CHARTER

6th National Report on the implementation of
the revised European Social Charter

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PORTUGAL

for the period from 1 January 2005 to 31 December 2009

on articles 7, 8, 16, 17, 19, 27 and 31

6th Report

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for the time period from 1 January 2005 until 31 December 2009 (Articles
7, 8, 16, 17, 19, 27 and 31)

in accordance with the provisions of Article C of the revised European
Social Charter and the Article 21 of the European Social Charter,
which the instrument of ratification was deposited on 30 May 2002.

In accordance with Article C of the revised European Social Charter and
Article 23 of the European Social Charter copies of this report
have been sent to

the General Confederation of Portuguese Workers
(Confederação Geral dos Trabalhadores Portugueses)

the General Union Confederation of the Workers
(União Geral de Trabalhadores)

and

the Confederation of the Portuguese Industry
(Confederação da Indústria Portuguesa)

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Preliminary remarks

Portugal hereby submits its sixth Report that has been prepared in accordance with the reporting system adopted by the Committee of Ministers on 26th March 2008 for the presentation of the national reports concerning their national implementation of the revised European Social Charter.

The Report deals with group 4 (area of children; families and migrants) concerning Articles 7, 8, 16, 17, 19, 27 and 31 and the period under review: 1 January 2005 until 31 December 2009.

The 6th Report is a follow-up to earlier reports submitted by Portugal on the national implementation of the obligations laid down in the revised European Social Charter. It does not refer to the individual provisions of the Charter unless either the remarks of the European Committee for Social Rights of the European Social Charter (by way of simplification hereinafter referred to as "Committee") in particular in the conclusions give reason for this, or if relevant amendments in the material and legal situation have occurred.

ARTICLE 7

THE RIGHT OF CHILDREN AND YOUNG PERSONS TO PROTECTION

The Labour Code was revised during the reference period. The legislation governing matters related to minors is regulated by:

- Labour Code (approved by Law no. 7/2009 of 12 February 2009) regulated by Law no. 105/2009 of 10 September 2009,
- Law no. 101/2009 of 8 September 2009, which covers the legal regime of work at home,
- Law no. 102/2009 of 10 September 2009, which approved the legal system of health and safety at work.

Paragraph 1

The information that was given in the last Report with regard to the minimum age of admission to employment and exceptions concerning light work has undergone some changes, which are more formal than substantive.

The age at which a person can be admitted to employment and perform light work is now set out in Article 68 of the Labour Code. The general rule is that minors can only be admitted to employment when they reach their sixteenth birthday, have completed their compulsory education and possess the appropriate physical and psychological capacity for the job in question.

Under Article 69 of the Labour Code, both the admission of a minor who is below the age of sixteen and has completed his/her compulsory education but does not have any vocational qualification, and the admission of a minor who has attained the age of sixteen but has not completed his/her compulsory education or does not possess a vocational qualification, are obliged to attend (particularly at a New Opportunities Centre) education or training classes that will lead to the completion of compulsory education, or a vocational qualification, or both, accordingly.

In the case of autonomous work by minors (self-employed), Article 3 of Law no. 7/2009 of 12 February 2009 maintained the previous regime.

The regime governing the participation by minors in performances or other activities of a cultural, artistic or advertising-related nature, which is currently regulated by Articles 2 to 11 of Law no. 105/2009 of 14 September 2009, remains as described in the last Report, with one exception related to the authorisation that is required:

- Article 5 says that participation by minors in such activities still requires authorisation, and simple notification is now permitted in cases of minors aged at least thirteen who have not participated in any activity of a cultural, artistic or advertising-related nature in the previous 180 days. Such notifications are only permitted if the participation is completed within a single 24-hour period, and must be sent to the National Commission for the Protection of Children and Young Persons (CPCJ).

Law no. 101/2009 of 8 September 2009 regulated work done by minors at home (private household). Article 3 states that a minor may only assist a worker at home if he or she is a member of the household in question.

According to the labour law, a minor below the age of sixteen can assist a worker at home, on condition that he/she (the minor) has completed his/her compulsory education and the work is light.

This means that the minor's work is subject to the limitations laid down in the above regime, particularly those concerning the protection of his/her health, safety and development, as provided for in Article 72 of the Labour Code and Articles 61 to 72 of Law no. 102/2009 of 10 September, and those on the duration and organisation of his/her working time, as provided for in Articles 73 to 80 of the Labour Code.

By means of Executive Law no. 211/2006 of 27 October 2006, the Portuguese Government created the Working Conditions Authority (ACT) within the organisational structure of the Ministry of Labour and Social Solidarity. It did so within the overall framework of the guidelines set out in the Programme for the Restructuring of the State's Central Administration (PRACE), under which Portugal is pursuing objectives with regard to administrative modernisation, the improvement of the quality of public services and gains in efficiency.

This new Authority is seeking to promote improvements in working conditions and in the fields of prevention, control, auditing and inspection. Its organisational structure was implemented on 1 October 2007¹. It replaced the Inspectorate-General of Labour (IGT) and the former Institute for Safety, Hygiene and Health at Work (ISHST).

The new Authority (ACT) has taken over part of the responsibilities that had formerly been entrusted to the Programme for the Prevention and Elimination of the Exploitation of Child Labour (PETI) and the National Council for the Prevention and Elimination of the Exploitation of Child Labour (CNPETI). In this domain ACT's competences include acting in articulation with a variety of government departments² to prevent and combat child labour. On the other hand, the competences with regard to ensuring the inclusion of children and young persons who are at risk and are signaled to be in social exclusion situations, particularly those involving child labour, have been taken over by the **Programme for Inclusion and Citizenship** (PIEC), which is promoting scholar reinsertion and the prevention of premature access to the labour market by children and young persons. (Also see Article 17)

The concept of the minimum age for admission to employment, as derived from the ILO guidelines found particularly in Convention no. 138 and Recommendation no. 146, has been adapted to Portuguese law. In Portugal, child labour is defined as "all activities undertaken by children between the ages of six and fifteen that are deemed to have negative effects on the child's health, education and normal development"³.

¹ Executive Law no. 326-B/2007 of 28 September 2007.

² See Article 3(2)(q) of Executive Law no. 326-B/2007 of 28 September 2007.

³ MSST/SIETI (2003).

The recent introduction of a number of legal instruments, such as ILO Convention no. 182⁴, means that Member States must prioritise and take adequate measures to eliminate child labour situations. In this respect ACT is responsible for developing and implementing measures to effectively control compliance with the legal and regulatory norms governing working conditions for minors.

Within the framework of the necessary balance between its functions of providing advice and verifying and controlling compliance with the law, and with a view to improve working conditions, one of the objectives that ACT pursues is the eradication of child labour by undertaking control actions at workplaces. The development of a culture of prevention in the world of work is a fundamental axis of the inspection policy in this domain.

From this point of view, ACT's operational methodologies include conducting in-depth inspection actions at enterprises where illegal labour by minors has been observed, with particular emphasis on the control of general working conditions and health and safety conditions. They also include cooperation with the Tax Inspection services in cases in which the activities in question are linked to the informal economy. The inspectors also articulate their work with the Social Security services, particularly in cases of early school leaving.

Notifying the Commissions for the Protection of Children and Young Persons (CPCJs) of the child labour situations identified in their council areas, and reporting situations that may comprise any of the crimes defined as such in either the Penal Code or the Labour Code to the Public Prosecutors' Office, are two more of the methodologies which the inspectors use to amplify the effect of their work at the level of the identification of irregular situations and in terms of cooperation with other entities in their interventions. The inspectors also encourage the involvement of the local police authorities, and keep trade unions and the National Confederation for Action on Child Labour (CNASTI), informed about the actions they undertake and their results.

The various Inspection Action Plans (PAIs) have all prescribed proactivity with regard to the minimum requisites in the health and safety at work domain. In this respect, special attention is paid to more vulnerable groups of workers – particularly young persons. Inspection actions are programmed in accordance with criteria that emphasise intervening in relation to activities in which minors are known to be exposed to risk factors, particularly of a biological, physical, chemical or ergonomic nature, as well as those associated with general working conditions, such as excessively long working hours or night work.

ACT's Inspection Action Plan for 2008 and 2009 established an intervention programme (no. 7) targeted at the prevention and control of discrimination and working conditions involving vulnerable groups of workers. This programme included a specific action (no. 7.2) concerning working conditions and work involving minors.

⁴ According to Article 3 of ILO Convention no. 182, the expression "the worst forms of child labour" includes forms of slavery or practices similar to slavery, the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances, or for illicit activities, and work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

Within this overall framework of IGT/ACT's mission, primary objectives and action methodologies, we can now present a description of a number of activity indicators with regard to the control of the implementation of the applicable legal and regulatory provisions in the workplace, along with the results that have been obtained with respect to preventing and combating child labour. The purpose is to characterise the trend followed by this phenomenon during the period of reference (2005-2009).

If we look at the number of minors detected as a result of labour inspectors' interventions in workplaces, we see that in 2005, a percentage of 0.07 minors were found in illicit situations per 1,000 specific visits conducted. In 2006, the figure increased slightly in relation to the previous year, to 0.34 minors found in irregular situations per 1,000 visits by the inspection services. In 2007, 2008 and 2009, this figure was 0.13, 0.49 and 0.55 respectively. In absolute terms, 5 minors were found in such situations in 2007, 6 in 2008, and 6 in 2009.

Breakdown by year of the number of minors detected in illicit situations, per 1,000 specific visits conducted

Year	Minors detected per 1,000 visits
2005	0.07
2006	0.34
2007	0.13
2008	0.49
2009	0.55

Source: IGT/ACT

As part of the Inspection Action Plan for 2008 and 2009, the visits which ACT conducted in 2008 with a view to inspect the conditions under which minors were employed and worked resulted in the issue of 28 official notifications and fines with a total minimum value of € 65,568; in 2009, these figures were 31 official notifications and fines with a total minimum value of € 40,339.

The changes that have taken place in the world of work and the evolution towards a substantial reduction in child labour are modifying the demands that are placed on ACT in this domain. In the future, the priority intervention will concentrate in working conditions of minors who fulfil the legal requisites for admission. The main objective will be to ensure that employers provide minors with conditions that are appropriate to their age, prevent risks and protect their safety, health, development, education and training

Response to the European Committee of Social Rights

In its 2006 Conclusions, the European Committee of Social Rights said with regard to this paragraph that it had observed from other sources that, although the employment of children in enterprises had fallen in 1998, it was still significant in the construction, textile, footwear and agricultural sectors, as well as in terms of work at home.

At the same time it said that the Report did not address the question of work at home, and therefore asked the Portuguese Government to do so.

It is important to note that by regulating work done by minors at home as described above, Law no. 101/2009 of 8 September 2009 solved a gap in the previous legislation, under which minors who helped family members with work done at home were not covered by either the legislation governing subordinate work, or that on autonomous work. The rules that now apply to light work done by minors at home are the same as those for both subordinate and autonomous work, while the general rules applicable to health and safety and the duration of working hours are always applicable to this kind of work.

Paragraph 2

Article 72(2) of the Labour Code states that work whose nature means, or the conditions under which it is done mean, that it is prejudicial to the physical, psychological and moral development of minors is either prohibited, or subject to conditions imposed by specific legislation.

In this respect Law no. 102/2009 of 10 September 2009, which regulates the legal regime governing the promotion of health and safety and the prevention of risks at work, lays down the activities in which minors are prohibited from engaging, or in which their participation is subject to conditions. This regime has not changed, and so the activities, agents, processes and working conditions which cannot be engaged in by, or which are prohibited to, minors are those set out in Articles 61 to 67.

The labour regime under which minors aged sixteen or over can engage in activities subject to certain conditions is now set out in Articles 68 to 72.

Article 3(4) of Law no. 7/2009 of 12 February 2009 establishes that the restrictions imposed in the above Articles also apply to autonomous work performed by minors.

Response to the European Committee of Social Rights

In its 2006 Conclusions, with regard to this paragraph the European Committee of Social Rights asked for information about the circumstances in which the prohibition on working can be removed under the interpretation provided for in the annexe to Article 7§2, and the extent to which such work is necessary for the training in question.

With respect to this observation, and as we said in the last Report, the current legislation does not provide for the possibility of any derogation when the prohibited activities are undertaken within the context of vocational training.

Paragraph 3

The regime governing the admission of minors to employment set out in Article 68 of the Labour Code has not been changed.

We should note that the compulsory education regime was changed by Law no. 85/2009 of 27 August 2009, which says that compulsory education now ends:

- When the student obtains the diploma for a course that provides secondary level education (12th grade in Portugal); or
- Regardless of whether or not the student has obtained a diploma for any cycle or level of education, at the moment in the academic year when he/she turns eighteen years of age.

Having said this, Article 8 of the same Law provides for a transitional regime, under which students:

- Who are currently subject to compulsory education and are registered for the 2009-2010 academic year in any of the grades in the 1st and 2nd basic education cycles or the 7th grade are already subject to the new compulsory education limit established in the new Law.
- Who are registered for the 2009-2010 academic year in the 8th or higher grades continue to be subject to the requirement to attend compulsory education up to the age of fifteen, and to be subject to the regime laid down in Executive Law no. 301/93 of 31 August 1993, as amended by Law no. 30/2002 of 20 December 2002.

This means that the change in compulsory education will only affect the labour market in about five years from now – i.e. when the young persons who were registered for the 2009-2010 academic year in the 7th grade have completed the secondary level.

Paragraph 4

With regard to the amount of time minors are currently allowed to work under the terms of Articles 73 to 80 of the Labour Code and Articles 2 to 11 of Law no. 105/2009 of 14 September 2009, we should note the following changes:

- Minors are entitled to benefit from the status of worker/student if:
 - (i) they are aged less than sixteen and have completed their compulsory education but do not possess a vocational qualification,
 - (ii) They are aged sixteen or over but have not completed their compulsory education or do not possess a vocational qualification, and are working.
- Under Article 69(3) of the Labour Code they are dispensed from work in order to attend classes for double the amount of time applicable to workers in general.

- Minors are dispensed from the hour-bank and concentrated working hours regimes⁵ when the latter might prejudice their health or safety at work. To this end Article 74 of the Labour Code requires that minors undergo a health exam before beginning such a regime.
- Under Article 75(1) and (2) minors cannot work overtime, except if they are sixteen or over and the overtime is indispensable in order to prevent or repair serious harm to the enterprise due to an abnormal and unpredictable fact or an exceptional circumstance, whose consequences could not be avoided, and on condition that no other worker is available, and never for more a period of more than five working days. Article 75(3) requires that any minor who does work overtime is entitled to an additional rest period, which must be taken in the following three weeks.
- The participation of minors in activities of a cultural, artistic or advertising-related nature are now subject to the following limits:
 - Below the age of one year – one hour per week.
 - Between the ages of one and three – two hours per week.
 - Between the ages of three and seven – two hours per day and four hours per week.
 - Between the ages of seven and twelve – three hours per day and nine hours per week, with an additional three hours added to each limit in cases in which the additional activity takes place on a day on which the child has no school activities.
 - Between the ages of twelve and sixteen – four hours per day and twelve hours per week, with an additional three hours added to each limit in cases in which the additional activity takes place on a day on which the young person has no school activities.

Paragraph 5

The regime governing the right of young workers and apprentices to fair compensation or an appropriate subsidy that was described in the last Report has undergone the following changes:

- The regime set out in Article 209(1)(a), (2) and (3) of Law no. 35/2004 of 29 June 2004 now appears in Article 275 of the Labour Code, without any significant changes.
- The legislative acts regarding the apprenticeships regime referred to in the last Report⁶ were revoked by Executive Law no. 396/2007 of 31 December 2007 and Ministerial Order no. 1497/2008 of 19 December 2007. The most important elements of the current regime are:

⁵ Regimes introduced in the Labour Code approved by Law no. 7/2009 of 12 February 2009.

⁶ Executive Law no. 205/96 of 25 October 1996, and Order no. 5780/2004 of 24 May 2004.

- o Apprenticeship courses which are initial vocational training courses taken on an alternating basis⁷, intended for young persons, emphasise the latter's insertion into the labour market, and permit them to carry on with their studies, as provided for in Article 2(1).
- o Young persons below the age of twenty-five who have successfully completed the 3rd basic education cycle or equivalent and do not hold a legal secondary-level or equivalent qualification have the right to access to apprenticeship courses, as provided for in Article 3(1).
- o Trainees are entitled to regularly use the forms of support provided for in their apprenticeship contract, as provided for in Article 11(1)(e).
- o The Institute of Employment and Vocational Training (IEFP IP), is responsible for drawing up the specific regulations⁸ governing apprenticeship courses (Article 21). These regulations must contain the norms and procedures regarding:
 - a) Training entity application and funding processes.
 - b) Trainee admission processes.
 - c) The characterisation of the entities that provide support for alternation and take part in the apprenticeship courses.
 - d) The apprenticeship contract.
 - e) Trainee assiduity.
 - f) The criteria to be complied with in defining the training paths that are appropriate to the situations provided for in the Ministerial Order (Article 3[3] and [4]).
 - g) The evaluation of the results of the trainees'.
 - h) The modus operandi, technical/pedagogical organisation and accounting of each training action.
- The legislation on vocational internships described in the previous Reports has been revoked. Internships are now regulated by Ministerial Order no. 129/2009 of 30 January 2009.

Article 4 says that vocational internships are intended for young persons up to the age of thirty-five who are looking for their first job, or a new job, and have completed secondary education or possess a level-3 or higher qualification under the terms of Council Decision no. 85/368/EEC of 16 July 1985⁹. It should be noted that the above age limit does not apply in the case of persons with disability or who are incapacitated.

Article 13 says that interns are entitled to a monthly internship grant, namely:

- a) Double the Social Support Index Value (IAS), in the case of interns with a level-5 qualification.
- b) 1.75 times the IAS, in the case of interns with a level-4 qualification.

⁷ "Alternation" here refers to the interaction between theoretical training and practical training and the contexts in which they take place, with the practical training spread progressively throughout the course (Article 2[2]).

⁸http://www.iefp.pt/formacao/ModalidadesFormacao/CursosAprendizagem/Documents/Cursos_Aprendizagem_Regulamento_Especifico/Regulamento_Especifico_Aprendizagem_Versao_Definitiva.pdf

⁹ Published in the *Official Journal of the European Communities* no. L 199 of 31 July 1985.

- c) 1.50 times the IAS, in the case of interns who have completed secondary education or possess a level-3 qualification.

In addition to this internship grant, interns are entitled to a meal subsidy and insurance (Article 14).

(Include data from IEFP)

Response to the European Committee of Social Rights

In its 2006 Conclusions the European Committee of Social Rights asked whether, in addition to the support provided for in Order no. 5780/2004 of 24 March 2004, apprentices receive any other payment.

We should note that these are two different situations.

The fact is that the apprentices referred to in Article 275(1)(a) of the Labour Code were entitled to 80% of the guaranteed minimum monthly remuneration applicable to a labour contract. On the other hand, the support provided for in the abovementioned Order falls within the framework of the apprenticeship contract, which is distinct from a labour contract and is intended for vocational training.

Paragraph 6

The Labour Code approved by Law no. 7/2009 of 12 February 2009 lays down the following rules related to the vocational training of minors:

- The State must provide minors who have completed their compulsory education with the vocational training that is appropriate to their preparation for the active life, as provided for in Article 67(1) of the Code.
- Employers must provide for the vocational training of minors in their service, as laid down in Article 67(2) of the Code.
- Minors who are below the age of sixteen and have completed compulsory education but do not possess a vocational qualification, or who are sixteen or over but have not completed compulsory education or do not possess a vocational qualification, and are admitted to employment enjoy the status of worker/student. As it was referred in the previous paragraph, according to Article 69(3) of the Labour Code they are dispensed from work in order to attend classes for double the amount of time applicable to workers in general.
- Minors who are employed, have completed their compulsory education and want to attend any level of academic education at a scholar institution, or a vocational training course, or a temporary occupation programme for young persons with a duration of at least six months, benefit from the regime applicable to worker/students under Articles 89 to 96 of the Labour Code.

- Worker/students are entitled to be dispensed from work in order to attend classes without any loss of rights, and those classes count as effective work, as provided for in Article 90(2) of the Labour Code.
- Minors have the right to continuous training, as do all other workers. Under the terms of Article 131(2) of the Labour Code, all workers are entitled to a minimum of 35 hours of continuous training each year. Persons who are employed for a fixed period of three months or more have the right to a minimum number of hours in proportion to the duration of the contract in the year in question. Persons who benefit from the worker/student regime are dispensed from work in order to attend classes and take exams and tests. All workers are entitled to the absences required as part of the competency recognition, validation and certification process (Article 131[4] of the Labour Code).
- Article 132 of the Labour Code says that training hours which employers do not provide within the two years following the date on which they should have been taken automatically become a credit worth the same number of hours, during which the worker is entitled to take training on his/her own initiative. The hours covered by this credit must be remunerated and count as effective service. In order to use the hour credit to attend training actions, the worker must notify his/her employer of his/her intention at least 10 days in advance. Both collective labour regulation instruments and individual agreements can also provide for the payment of a subsidy to cover the cost of the training, up to the amount of the remuneration applicable to the number of hours of the credit that are used.

Paragraph 7

There are no differences (other than some formal changes) between the current regime governing holidays and that set out in the previous legislation.

It should be noted that the information given in the last Report is now the object of Articles 237, 238, 239, 257, 264 and 328 of the Labour Code.

Paragraph 8

The regime governing night work by minors described in the last Report has not been changed. The only difference is that the regime laid down in Article 65 Law no. 99/2003 of 27 August 2003 is now set out in Article 76 of the Labour Code.

Minors below the age of sixteen are not permitted to work between 8 p.m. on one day and 7 a.m. on the next day. Minors aged sixteen or more are prohibited from working between 10 p.m. on one day and 7 a.m. on the next day.

Collective labour regulation instruments can allow night work by minors in specific sectors of activity, but not between midnight and 5 a.m. Minors who

work at night must be supervised by an adult, if that is necessary in order to protect the minors' health or safety.

Response to the European Committee of Social Rights

With regard to this paragraph, in its 2006 Conclusions the European Committee of Social Rights asked whether there is any other legislation that provides for less favourable conditions in relation to night work, and which entities have the competence to grant exceptional authorisations for minors aged sixteen to work at night.

In response to the first part of the question, there have been no changes to the regime described in the last Report, and there is thus no other legislation with provisions for less favourable conditions.

On the second part of the question, there is no provision in Portuguese legislation allowing a worker who is a minor to work at night.

DGERT: confirmar Quanto à segunda questão, a legislação nacional não prevê a necessidade de autorização para a prestação de trabalho nocturno por parte de trabalhador menor.

Paragraph 9

The regime governing the requirement that persons below the age of eighteen who do certain jobs be subject to medical observation has undergone some merely formal changes. On the question of the protection of the health of minors, it is worth noting that their physical and psychological aptitude for the work is assessed by medical exams. These are conducted before the work begins, and then annually, and are intended to prevent any harm to the worker's health and physical and mental development.

The previous regime, as described in the last Report, is now set out in the following legislation:

- Article 72 of the Labour Code generically addresses the protection of the health and safety of minors.
- Article 108(3)(c) of Law no. 102/2009 of 10 September 2009 governs the carrying out of periodic examinations.
- Articles 76(2), 224 and 225 of the Labour Code cover health exams for night workers.
- Article 6 of Law no. 105/2009 of 14 September 2009 states that requests for authorisation for minors to take part in performances must be accompanied by an aptitude certificate issued by a doctor.

Paragraph 10

On the issue of special protection against the physical and moral dangers to which children and teenagers are exposed, it is possible to say that in general

terms the current legislation maintains the previous provisions, as described in the last Report.

As such, the present legislation continues to say that in order to be allowed to do a job, minors must possess the physical and psychological capacities that are appropriate to the job in question (Article 68 of the Labour Code).

Article 66 of the Labour Code provides for the working and risk assessment conditions with which employers must comply in the case of minors. These are the same as they were in the previous legislation, which was described in the last Report.

The activities, agents, processes and working conditions that are prohibited in the case of minors are set out in Articles 61 to 67 of Law no. 102/2009 of 10 September 2009, while Articles 68 to 72 of the same Law cover work that can be done by minors, but only if they are sixteen or over and subject to the special conditions described in the above paragraphs.

See paragraphs 1 and 4 for the limitations on participation by minors in performances and other activities of a cultural, artistic or advertising-related nature.

On the subject of the prohibition of the sexual exploitation of children, it is necessary to update the information given in the previous Reports. There have been some changes in the law that have had an impact on the implementation of the present paragraph and represent an increase in the degree of protection against all forms of abuse and sexual exploitation and trafficking in minors that is afforded to children.

The most significant changes include the Reform of the Penal Code by Law no. 59/2007 of 4 September 2007, which introduced some important innovations in the catalogue of sex crimes against children set out in Section II (Crimes against sexual self-determination) of Chapter V of Title I of Book II of the Penal Code (CP). Many of these changes came about as a result of Portugal's obligations under international, namely the Revised European Social Charter of Council of Europe, and Community instruments:

- The Optional Protocol to the Convention on the Rights of Children, on the sale of children, child prostitution and child pornography, which was adopted in New York on 25 May 2000, as approved by Resolution of the Assembly of the Republic no. 16/2003 of 5 March 2003 and ratified by Decree of the President of the Republic no. 14/2003 of 5 March 2003.
- The United Nations Convention against Organised Transnational Crime and Additional Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, as approved by Resolution of the Assembly of the Republic no. 32/2004 of 2 April 2004 and ratified by Decree of the President of the Republic no. 19/2004 of 2 April 2004.
- Council Framework Decision 2002/629/JAI of 19 July 2002 on combating trafficking in human beings.

- Council Framework Decision 2004/68/JAI of 22 December 2003 on combating the sexual exploitation of children and child pornography.
- Council of Europe Convention on Action against Trafficking in Human Beings, which Portugal signed on 16 May 2005.

Both the protection which the penal law offers minors with regard to crimes against sexual self-determination and the protection against the crime of trafficking in human persons have been strengthened by a set of provisions:

- In the case of crimes involving the trafficking of human persons and crimes against the freedom and sexual self-determination of minors, the geographic area to which Portuguese penal law applies has been expanded (Article 5[1][c] and [d] of the CP) according to the universality principle.
- Legal persons and similar entities (except the State), other public legal persons and public-law international organisations are now criminally liable for crimes involving the trafficking in human persons and crimes against the freedom and sexual self-determination of minors (Article 11 of the CP).
- In the case of crimes against the freedom and sexual self-determination of minors, criminal proceedings can only expire after the victim reaches the age of twenty-three (Article 118[5] of the CP).
- The crime of trafficking in minors (Article 160 of the CP) is now systematically included in the catalogue of crimes against personal freedom, and the forms of conduct involved in trafficking for purposes of sexual exploitation, labour exploitation or the removal of organs have been criminalised; offering, delivering, asking for or accepting a minor for adoption, and obtaining or giving consent to the adoption of a minor, in return for payment or any other compensation now constitute forms of conduct that are considered the crime of trafficking in minors (Article 160 of the CP);
- The category of crime constituted by homosexual acts with teenagers has been abolished. There is a new crime of the abuse of the inexperience of minors between the ages of fourteen and sixteen in order to practise significant sexual acts, in which the homosexual or heterosexual nature of the relations is no longer relevant (Article 173 of the CP).
- There is a new category of crime constituted by “resort to the prostitution of minors” (Article 174 of the CP), which is a form of conduct in which the sexual self-determination of minors is harmed by the practise of significant sexual acts in return for payment or any other compensation.

- The scope of the protection against the categories of crime concerning the corruption of minors (Article 175 of the CP) and pornography involving minors (Article 176 of the CP) has been extended to encompass all persons below the age of eighteen.
- Pornography involving minors and the sexual abuse of minors are now autonomous categories of crime. New forms of conduct now constitute crimes: the use of minors in pornographic performances, and enticing minors for that purpose; the use of minors in pornographic photographs, films or recordings, regardless of the format that is employed, and enticing minors for that purpose; the production, distribution, import, export or dissemination of such pornographic materials for any reason and by any means; the acquisition or possession of pornographic materials; the production, distribution, import, export, divulging or display or transmission to another of pornographic photographs, films or recordings containing realistic portrayals of minors for any reason and by any means; the acquisition or possession of pornographic materials containing realistic portrayals of minors, with the intention of distributing, importing, exporting, divulging or displaying them or transmitting them to another (Article 176 of the CP).

On the international level we should note the signature in October 2007 of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. The ratification procedure is currently in the Assembly of the Republic.

One of the initiatives that have already been implemented concerns fulfilment of the obligations arising out of Article 5 of the Lanzarote Convention: the passage of Law no. 113/2009 of 17 September 2009 means that Portugal has now adopted measures designed to oblige entities that recruit persons to exercise functions which involve regular contacts with minors to ask for a certificate of the person's criminal record (or absence thereof), and to weigh up the information it contains when assessing the applicant's suitability to exercise the functions in question.

In addition to the information that is already contained in certificates of a person's criminal record (or absence thereof) that are issued for the purpose of employment or the exercise of activities referred to in Article 11 of the Law governing Criminal Identification¹⁰, certificates issued with regard to admission to functions which involve regular contact with minors must list any criminal convictions for domestic violence, mistreatment or crimes against freedom or sexual self-determination.

Article 4 of Law no. 113/2009 also specifies that in cases of convictions for crimes against freedom or sexual self-determination, the definitive removal of the record only occurs 23 years after completion of the sentence and on condition that no new conviction has occurred in the meantime.

Another change compared to the information that was given in the last Report concerns the passage on 15 September 2009 of a new Law on Cybercrime,

¹⁰ With the text introduced by Law no. 114/2009 of 22 September 2009.

which transposed Council Framework Decision no. 2005/222/JAI of 24 February 2005 on attacks against information systems into Portuguese internal law, and adapted the Council of Europe Convention on Cybercrime to Portuguese internal law (Law no. 109/2009 of 15 September 2009).

Conclusions and questions asked by the European Committee of Social Rights

With regard to the last Report submitted by Portugal, the Committee concluded that the absence of a crime of the possession of child pornography appeared to constitute a situation in which Portugal was not fulfilling the obligations derived from Article 7§10 of the Revised European Social Charter.

As we have already described, the 2007 Penal Reform (Law no. 59/2007 of 4 September 2007) resolved this issue by creating the autonomous crimes of pornography involving minors and the sexual abuse of minors, and by typifying new forms of conduct that are subsumed in the crime of child pornography, including the criminalisation of the acquisition or possession of pornographic material (Article 176[3] of the Penal Code).

While still on the subject of the protection of children against sexual exploitation, the Committee asked whether the use of minors between the ages of fourteen and eighteen in pornographic films, photographs or recordings constitutes a specific criminal infraction.

According to Article 176(1)(b) of the Penal Code criminalises this form of conduct and extends the scope of the protection afforded under its typification as a crime to all minors under the age of eighteen.

ARTICLE 8

RIGHT OF EMPLOYED WOMEN TO PROTECTION OF MATERNITY

Law no. 7/2009, which was published on 12 February 2009, approved the revised Labour Code.

Paragraph 1

The regime governing the protection of maternity and paternity that was provided for in the Labour Code approved by Law no. 99/2003 of 27 August 2003 has been object of significant amendments. These include the creation of important mechanisms designed to improve the way in which family life is reconciled with work, and to promote gender equality from the perspective of achieving equal opportunities for men and women, not only with regard to employment and working conditions, but also within the framework of the exercise of the rights related to parenthood.

The present Labour Code establishes that parental leave (which partially corresponds to the maternity and paternity leaves defined in the previous legislation) covers (Article 39):

- (i) Initial parental leave.
- (ii) Initial parental leave exclusively for mothers.
- (iii) Parental leave taken by the father because the mother is unable to do so.
- (iv) Initial parental leave exclusively for fathers.

(i) Initial parental leave

Article 40(1) of the Labour Code states that working mothers and fathers are entitled to an initial parental leave of 120 or 150 consecutive days, which they can share after the birth, without prejudice to the rights that also accrue exclusively to mothers.

This period is increased by 30 days in cases in which each of the progenitors is exclusively entitled to 30 consecutive days, or to two periods of 15 consecutive days, after the initial period of leave which the mother is obliged to take by law (six weeks of leave following the birth – Article 40[2] of the Labour Code).

Under Article 40(3) of the Labour Code multiple births increase the initial parental leave period by 30 days for each child over and above the first one.

If the child, or the progenitor who is taking the abovementioned leave, is hospitalised during the post-birth period, the leave period is suspended for the duration of the inpatient treatment (Article 40[7] of the Labour Code).

(ii) Initial parental leave exclusively for mothers

Expectant mothers are entitled to take 30 days of leave before the birth; and mothers are obliged to take six weeks of leave after it (Article 41[1] and [2] of the Labour Code).

(iii) Parental leave taken by the father because the mother is unable to do so

In the event of the death or physical or psychological incapacitation of the mother, the father's initial parental leave must last for a minimum of 30 days (Article 42[3] of the Labour Code).

Article 42(4) of the Labour Code says that in the event of the death or physical or psychological incapacitation of a non-working mother within 120 days of a child's birth, the father is entitled to the rest of her leave, which must last for at least 30 days.

(iv) Initial parental leave exclusively for fathers

The rights of working fathers to specific paternal leave have been reinforced by increasing the period of leave which fathers are obliged by law to take after the birth of a child from 5 to 10 working days, 5 of which must immediately follow the birth; and also by giving them the option to take a further 10 working days of leave, which can be consecutive or spaced out, at the same time as the mother takes her leave (Article 43[1] and [2] of the Labour Code).

In the case of multiple births, the duration of this type of leave is increased by 2 days for each child over and above the first one (Article 43[3] of the Labour Code).

In addition to these parental leave formats, it is also important to mention the leave to which women are entitled in situations in which there is a clinical risk during pregnancy; and the leave to which women are entitled when a pregnancy ends prematurely without a live birth (abortion or miscarriage).

Leave in situations in which there is a clinical risk during the pregnancy

When a female worker is exposed to a clinical risk to herself or her unborn child, she is entitled to leave for such time as a doctor considers necessary to prevent the risk. This leave has no effect on the subsequent period of initial parental leave (Article 37[1] of the Labour Code).

Leave due to the premature end of a pregnancy without a live birth

If pregnancy ends prematurely without a live birth, a female worker is entitled to between 14 and 30 days of leave (Article 38 of the Labour Code).

All these types of leave grant the right to the allowance provided for in Executive Law no. 91/2009 of 9 April 2009, which established the legal regime

governing the social protection of parenthood within the scope of the welfare system and the solidarity subsystem.

Executive Law no. 105/2008 of 25 June 2008 created a number of social measures designed to increase the social protection of maternity, paternity and adoption in case of lack of economic resources. These measures are social benefits integrated into the solidarity granted as social benefits in the form of cash payments. These benefits are intended to guarantee replacement income in cases involving the absence or loss of income from work in situations of economic vulnerability.

This protection, which was introduced for the first time by Executive Law no. 105/2008, was subsequently integrated into the parenthood protection regime approved by Executive Law n° 91/2009 of 9 April 2009.

The new Labour Code approved by Law no. 7/2009 and later regulated and amended by Law no. 105/2009 of 14 September 2009 has also impact in the social security field. These changes include the revision of the legal regime governing the protection of parenthood, which was regulated by the following two legislative acts:

i) Executive Law no. 89/2009 of 9 April 2009, which regulated the protection of parenthood in cases of maternity, paternity or adoption on the part of workers who exercise public functions covered by the convergent social protection regime. The applicable benefits are those awarded under the general social security regime, except in terms of their organisation and funding.

ii) Executive Law no. 91/2009 of 9 April 2009, which defined and regulated the protection of parenthood (maternity, paternity, and adoption) that is provided within the scope of the welfare system¹ and the solidarity subsystem.

The new social protection regime created incentives for both having children and gender equality, by increasing fathers' rights and stimulating sharing parental leave. At the same time, it promotes conciliation of work and family life and improved childcare for very young children by awarding cash payments in situations in which parents are prevented from exercising their occupational activities.

The following measures are particularly significant in this respect:

- The social protection scheme available to independent workers who become parents has been expanded. Such workers now benefit from the parental allowance exclusively for fathers, and the allowance for providing assistance to a child with a disability or chronic illness (this was not the case under the previous regime).
- The period of parental leave has been lengthened in cases in which the progenitors share it, allowing parents to increase the share of parental

¹ The protection provided by the **welfare system** covers both workers employed by third parties and independent workers, as well as beneficiaries of the voluntary social insurance regime, on condition that the respective social protection scheme includes that possibility.

responsibilities and reconcile their family life with the management of their professional careers.

- It is now possible to extend the initial parental leave for a further six months, during which the Social Security Service pays an allowance. This extended parental allowance, which lasts for three months, is awarded to one spouse, or to both of them alternately, on condition that the respective leave is taken immediately after the initial parental leave or after the complementary leave (extended format), by the other spouse.
- It is now possible to work part-time in order to be able to accompany children during the first twelve years of their life, and for that work to count double for the purpose of the award of social security benefits, up to the limit of the amount of the beneficiary's full-time remuneration. This represents both an increased incentive for having children and an improvement in the care given to younger children.
- Where the assistance provided to children who are ill or have an accident is concerned, the range of situations in which protection is available has been broadened by awarding an allowance during the corresponding time off work. The protection available in cases involving children with disabilities or chronic illnesses has also been increased.
- Grandparents' rights have been strengthened and it is now possible to manage and organise family life more flexibly, thanks to the creation of an allowance for grandparents who, acting in the parents' stead, provide assistance to underage grandchildren who are ill, or to any grandchildren with disabilities or chronic illnesses whatever their age.
- The maximum limit on the allowance for the provision of assistance to a child with a disability or chronic illness has been doubled, thereby positively discriminating in favour of situations in which there are special needs for family assistance.

As such, the protection of parenthood provided via the **welfare system** takes the form of the award of the following allowances:

a) The allowance for clinical risks during pregnancy – Awarded to female workers who experience a medically certified clinical risk to themselves or the unborn child during pregnancy. The allowance lasts for the time needed to prevent the said risk.

b) The allowance for the premature end of a pregnancy – Awarded to female workers in medically certified situations in which their pregnancy ends prematurely without a live birth. The allowance lasts for between 14 and 30 days.

c) The parental allowance, which comprises the following formats:

i) The initial parental allowance – Awarded for up to 120 or 150 consecutive days, at the progenitors' choice, after the birth. The couple

can share the allowance, which has no effect on the other rights of the mother.

In situations in which the progenitors share the respective leave, the above periods are increased by 30 consecutive days in cases in which each of the progenitors is exclusively entitled to 30 consecutive days, or to two periods of 15 consecutive days, after the mother takes her initial exclusive parental leave (which lasts for six weeks following the birth).

In the case of multiple births, the allowance period is increased by 30 days for each child over and above the first one.

If the mother and father do not share the initial parental leave and one of them is working and has not applied for the corresponding allowance, the initial parental allowance is awarded to the other progenitor (if he/she applies for it).

If the couple do not submit a joint declaration under which they agree to share the initial parental allowance, the right to it is accorded to the mother.

ii) The initial parental allowance exclusively for mothers – Awarded for a facultative period of up to 30 days before the birth, and for a mandatory six weeks following it.

iii) The initial parental allowance awarded to one progenitor in cases in which the other is unable to receive it – Awarded for up to the remainder of the duration of the initial parental leave that has not been taken in cases of:

- The medically certified physical or psychological incapacitation of the other progenitor, while that condition persists.
- The death of the other progenitor.

In the event that the mother dies or is physically or psychologically incapacitated, the minimum duration of the father's initial parental allowance is 30 days.

In the event of the death or physical or psychological incapacitation of a non-working mother within 120 days of a child's birth, the father is entitled to the rest of the initial parental allowance (the part that has not already been paid).

iv) The initial parental allowance exclusively for fathers – Awarded for the following periods:

- 10 working days (mandatory), 5 of which must be consecutive and must immediately follow the birth of the child, and 5 of which can be consecutive or spaced out and must be taken within 30 of the birth.

- 10 working days (optional), which can be taken consecutively or spaced out, but must be taken after the 10 mandatory days and during the period in which the mother is receiving her initial parental allowance.

In the case of multiple births, the 10-day periods are increased by 2 days for each child over and above the first one. The additional days must be taken immediately after the respective 10-day periods.

d) The extended parental allowance – Awarded for a period of up to 3 months to either progenitor, or to both of them alternately, in situations in which he/she/they are taking extended parental leave in order to provide assistance to a child of the household and those situations prevent him/her/them from working.

e) The adoption allowance – Awarded in situations involving the adoption of a minor below the age of fifteen; corresponds *mutatis mutandis* to the initial parental allowance and the extended parental allowance.

f) The specific risks allowance – Awarded in situations in which there is a specific risk to a beneficiary who is pregnant, has just given birth or is breastfeeding, and who works at night or who is exposed to specific risks that are prejudicial to her health and safety. The allowance lasts for the time needed to prevent the risk and is awarded on condition that the woman's employer is unable to give her other tasks instead.

g) The allowance for the provision of assistance to a child – Awarded in medically certified cases of illness or accident, as follows:

- In the case of a child below the age of twelve or, regardless of age, a child with a disability or chronic illness: awarded for up to 30 consecutive or spaced out days in each calendar year, or for the whole of any period in which the child is hospitalised.

- In the case of a child aged twelve or over: awarded for up to 15 consecutive or spaced out days in each calendar year.

h) Allowance for the provision of assistance to a child with a disability or chronic illness – Awarded for a period of up to six months, with the possibility of extension up to a maximum of four years.

i) Allowance for the provision of assistance to a grandchild:

- In the event of the birth of a grandchild: up to 30 consecutive days following the birth of the grandchild, who must be living with the beneficiary in a household in which the living expenses are shared, and must be the child of an adolescent below the age of sixteen.

- For the provision of assistance to a grandchild who is a minor or who, regardless of age, has a disability or chronic illness: for up to the number of days of absences that have not been taken by the grandchild's progenitors.

The award of these allowances is dependent on the existence of 6 calendar months (consecutive or spaced out) with registered remuneration.

The amount of each allowance is equal to a percentage of the beneficiary's Reference Remuneration, as per the following table:

Allowance	Daily amount (1) (% of Reference Remuneration – RR)
<ul style="list-style-type: none"> ▪ Clinical risks during pregnancy Premature end of pregnancy 	100%
<ul style="list-style-type: none"> ▪ Initial parental ▪ Adoption 	100% (2) - In the case of: <ul style="list-style-type: none"> ▪ 120 days ▪ 150 (120+30) due to sharing of allowance ▪ Additional (multiple births or adoptions)
	83% - In the case of 180 days (150+30) due to sharing of allowance
	80% - In the case of 150 days
<ul style="list-style-type: none"> ▪ Extended parental ▪ Extended adoption leave 	25%
<ul style="list-style-type: none"> ▪ Specific risks ▪ Assistance to a child 	65%
<ul style="list-style-type: none"> ▪ Assistance to a child with a disability or chronic illness 	65% - With a maximum monthly limit of twice the IAS (Social Support Index Value)
<ul style="list-style-type: none"> ▪ Assistance to a grandchild 	100% - Birth of a grandchild 65% - Assistance to a grandchild

(1) Minimum amount: The daily amount of allowances cannot be less than 80 % of one thirtieth of the IAS, except in the case of the extended parental allowance and the adoption allowance for extended leave, when the daily amount cannot be less than 40 % of one thirtieth of the IAS.

(2) This amount also applies to the initial parental allowance exclusively for fathers.

Source: CITE/ 2010

The protection provided by the solidarity subsystem² takes the form of the award of the following allowances, the conditions for which are generally the same as those awarded under the general regime:

a) The social allowance for clinical risks during pregnancy.

b) The social allowance for the premature end of a pregnancy without a live birth.

c) The social parental allowance, in the following formats:

- The initial social parental allowance.
- The initial social parental allowance exclusively for mothers.
- The initial social parental allowance awarded to one progenitor in cases in which the other is unable to receive it.

² Which covers Portuguese citizens, foreign citizens, refugees and stateless persons who are not covered by any compulsory social protection regime, in cases of the absence or loss of working income, in situations of economic hardship caused by the inexistence or insufficiency of a history of contributions under a compulsory social protection regime or by the exclusion of the award of the corresponding allowances under the welfare system.

- The initial social parental allowance exclusively for fathers.

d) The social adoption allowance.

e) The social specific risks allowance.

The amount of each **social allowance** is equal to a percentage of the Social Support Index Value (IAS)³.

Social Allowance	Daily amount (% of 1/30 of the IAS)
<ul style="list-style-type: none"> ▪ Clinical risks during pregnancy ▪ Premature end of pregnancy ▪ Specific risks 	80%
<ul style="list-style-type: none"> ▪ Initial parental ▪ Adoption 	80% (*) - In the case of: <ul style="list-style-type: none"> ▪ 120 days ▪ 150 (120+30) due sharing of allowance ▪ Additional (multiple births/adoptions) 66% - In the case of 180 days (150+30) due to sharing of allowance 64% - In the case of 150 days

Source: CITE/2010

(*) This amount also applies to the initial social parental allowance exclusively for fathers

Executive Law no. 308-A/2007 of 5 September 2007⁴, created the Prenatal Family Allowance, which consists of a monthly payment to pregnant women from the 13th week of pregnancy, and is intended to provide women with an incentive for having children by compensating them for the additional costs they incur during pregnancy. This allowance also constitutes a form of protection during maternity.

In order to access to this benefit the pregnant woman must submit an application, provide clinical proof of pregnancy, including the number of unborn children, and provide information of her household's income for the purpose of calculating the respective reference income. This benefit can not be more than five times the [Social Support Index Value \(IAS\)](#).

The [reference income brackets](#) are the same as those used to award the Family Allowance for Children and Young Persons.

The Prenatal Family Allowance is payable as of the month following that in which the woman reaches the 13th week of gestation, and is awarded for 6 months or until the month in which the birth occurs if the gestation period is more than 40 weeks.

If the pregnancy lasts for less than 40 weeks, the Prenatal Family Allowance is paid for 6 months anyway, and can be accumulated with the Family Allowance for Children and Young Persons payable after the birth.

³ The IAS was € 407.41 in 2008 and € 419.22 in 2009 (amounts approved by **Ministerial Orders nos. 9/2008 of 3 January 2008 and 1514/2008 of 24 December 2008** respectively).

⁴ Subsequently revoked by Executive Law no. 245/2008 of 18 December 2008, which ordered the republication of Executive Law no. 176/2003 of 2 August 2003.

If the pregnancy ends prematurely without a live birth, the Prenatal Family Allowance is paid until the month in which this occurs.

The amount of the Prenatal Family Allowance is increased by 20% in the case of single-parent households, defined as a pregnant woman as of the 13th week of gestation who is entitled to the Prenatal Family Allowance and lives alone or in a situation in which her family expenses are only shared by children and young persons with the right to the Family Allowance.

The following tables contain statistical data on the costs of, and the number of beneficiaries receiving maternity-related benefits (2005-2008).

**Costs of maternity-related benefits
2005-2008**

In thousands of Euros

Benefit	Year			
	2005*	2006	2007	2008
Maternity benefits				
- Maternity	213,359.7	220,028.7	246,924.0	236,416.9
- Paternity*	8,047.7	8,729.4	10,100.3	10,451.9
Total	221,407.4	228,758.1	257,024.2	246,868.8
Social maternity benefits ⁽¹⁾				
- Maternity	-	-	-	7,562.9
- Paternity**	-	-	-	57.0
Total	-	-	-	7,619.9

Source: Ministry of Labour and Social Solidarity – IGFSS, "Social Security Accounts" (*in Portuguese*), Budget execution

* Includes costs of Parental Leave Allowances, and 5-Day Leave.

** Includes costs of 5-Day Social Paternity Allowance.

(1) Exec. Law no. 105/2008 of 25/06/08, which entered into force in August 2008.

No. of beneficiaries awarded maternity-related benefits, 2005-2008

In thousands

Benefit	Year			
	2005	2006	2007	2008
Maternity Allowance	76.1	73.1	75.3	75.1
Parental Leave Allowance	32.9	34.3	37.6	38.4
Paternity Allowance	0.4	0.4	0.6	0.6
5-Day Leave Allowance	43.0	42.9	45.7	46.0
Social Maternity Allowance	-	-	-	7.3
5-Day Social Paternity Allowance	-	-	-	0.9

Source: Ministry of Labour and Social Solidarity – IT Institute (II),

"Social Security Statistics" (*in Portuguese*)- Physical Data, provisional

Database at 9-04-2011

Paragraph 2

With regard to the regime applicable to protection in cases involving the dismissal of a female worker who is pregnant, has just given birth or is breastfeeding, or any worker taking parental leave, Article 63 of the Labour Code although with some formal changes, maintains the legal regime set out in the previous legislation: such dismissals are obligatorily subject to the issue of a prior formal opinion by the competent entity (CITE) in the area of equal opportunities for men and women.

Under Article 381 of the revised Labour Code, failure by the employer to ask for a prior formal opinion from the above entity before dismissing the worker now expressly constitutes grounds for the dismissal's unlawfulness.

We should also note that under the amendments which Law no. 295/2009 of 13 October 2009 made to the Procedural Code for Labour-related Cases (CPT) approved by Executive Law no. 480/99 of 9 November 1999, judicial proceedings involving the dismissal of a female worker who is pregnant, has just given birth or is breastfeeding, or any worker taking parental leave has priority and urgent status (Article 26). This procedure strengthens the protection of such workers in the event of dismissal.

Paragraph 3

The norms governing time off work for breastfeeding or otherwise feeding a baby are contained in Articles 47 and 48 of the Labour Code with some formal changes, they maintain the legal regime set out in the previous legislation, as described in the 2nd Report on the Revised European Social Charter.

Paragraph 4

The norms governing dispensation from night work for female workers who are pregnant, have just given birth or are breastfeeding are contained in Article 60 of the Labour Code. They maintain the legal regime set out in the previous legislation, as described in the 2nd Report on the Revised European Social Charter.

Paragraph 5

The protection in the workplace of the health and safety of female workers who are pregnant, have just given birth or are breastfeeding is provided for in Article 62 of the Labour Code and in Law no. 102/2009 of 10 September 2009, which approved the legal regime governing the promotion of health and safety at work. This article maintains the legal regime set out in the previous legislation, as described in the 2nd Report on the Revised European Social Charter.

ARTICLE 16

The Right of the Family to Social, Legal and Economic Protection

The Constitution of the Portuguese Republic (CRP) sees the family as “a fundamental element of society”, which “has the right to protection by society and the state and to the effective implementation of all the conditions needed to enable family members to achieve personal fulfilment” (Article 67 of the CRP).

We should note a number of changes that occurred in this field during the period covered by the present Report:

1. In the area of the equality of rights and duties pertaining to spouses with regard to the ownership and administration of property and their authority in relation to their children and the management of the latter’s property.

Portuguese civil law embodies a regime under which there is full equality between men and women. The treatment afforded to persons within the family is the same for husband and wife and for father and mother. The spouses governs the family together. Each of the spouses must contribute to the costs of family life in accordance with his/her possibilities.

Children are subject to the exercise of their parents’ responsibilities until they become eighteen years old or are emancipated. Both parents have equal rights and duties with regard to the maintenance and education of their children. Children cannot be separated from their parents unless the latter fail to fulfil their duties towards them. Parents may not unjustifiably deprive their children of the ability to spend time with their siblings and ascendants.

Married parents divide the exercise of their parental authority and responsibilities between themselves by common accord. In the event of divorce or judicial separation, parental responsibilities are exercised jointly by both parents, who must decide questions concerning their children’s lives under exactly the same conditions as they would if they were married and living together (*shared custody*). In the absence of agreement with regard to questions that are particularly important, either parent may turn to the court, which will first attempt to achieve an agreement.

If parents are not married, the one who has custody of the child exercises all parental responsibilities. In such cases the legal presumption is that custody belongs to the mother. If unmarried parents live together, they may exercise parental responsibilities jointly if they declare their will to do so before the civil authorities.

Children’s rights are not dependent on their parents being married to one another. The law does not discriminate in any way against children born outside wedding.

Under the terms of Law no. 7/2009 persons who adopt a minor below the age of fifteen are now entitled to the same length of leave as biological parents, except if the adoptee is the child of the adopter's spouse or person with whom he/she lives in a marital relationship.

Among the measures that were adopted during the period covered by the present Report, we should particularly note the following:

- Executive Law no. 164/2007 of 3 May 2007 created the Commission for Citizenship and Gender Equality (CIG), which replaced the former Commission for Equality and Women's Rights (CIDM).
- Council of Ministers Resolution no. 82/2007 of 22 June 2007 approved the 3rd National Plan for Equality – Citizenship and Gender (PNI – 2007-2010), which was designed to combat gender inequality in every field of social, political, economic and cultural life. Acting from the perspective of complementarity, this Plan worked on the one hand towards the integration of the gender dimension into all the different political areas (gender mainstreaming), and on the other towards specific actions, including positive ones, intended to promote gender equality.

2. In the area of the reconciliation of family, professional and personal life

The Constitution of the Portuguese Republic (Article 59 – Workers' rights) states that every worker has the right: "That work be organised under conditions of social dignity and in such a way as to provide personal fulfilment and to make it possible to reconcile work and family life". In order to protect the family the Constitution (Article 67 – Family) also charges the State with promoting the reconciliation of work and family life by concerting the various sectoral policies.

The following changes were made during the period covered by the present Report:

- **Law no. 52/2005** of 31 August 2005 approved the Major Options of the Plan for 2005-2009, which contained a variety of commitments regarding the implementation and promotion of gender equality policies, such as the promotion of an education for all, combating gender effects, increasing the political participation of women in every sphere of decision-making, and promoting the conciliation of work and family life.
- **Council of Ministers Resolution no. 70/2008** of 22 April 2008 approved the strategic guidelines for the State Business Sector (public enterprises) with regard to the design and implementation of human resources policies targeted at enhancing and attaching greater value to the human being, with a view to strengthening motivation and incentivising increases in productivity and developing and implementing Plans for equality, the promotion of equal opportunities for men and women and the conciliation of personal and family life and work, and the elimination of discrimination.

- **Law no. 7/2009** of 12 February 2009 revised the Labour Code; the changes included introducing new benefits for workers who become mothers or fathers (vd. Information given un article 8).

Of the measures that were adopted during the period under analysis, the following deserve a special mention:

- With a view to promote family and professional conciliation by parents Order no. 12591/2006 of 16 June 2006 required preschool and 1st basic education cycle establishments to remain open until at least 5.30 p.m. and for at least eight hours each day.
- As part of the activities of the Working Group on Economic Independence, Entrepreneurship and Conciliation, the CIG continued to monitor the implementation of the 3rd PNI measures regarding the domain entitled 'The conciliation of professional, family and personal life'. Particular importance in this respect was attached to: monitoring different working groups on family policies; awareness-raising / information / training actions with regard to families; the coordination of a website; and carrying out a study on the implementation of the Law governing Maternity and Paternity in Portugal.

In more recent years, the CIG has worked in partnership to develop intervention projects in the area of the conciliation of professional and private life:

-The *Conciliating is Necessary Project (CONCILIAR É PRECISO)*, whose general objectives are: to apply an innovative obstacle-resolution methodology to the conciliation of family life and work; to promote awareness and the implementation of measures that facilitate the reconciliation of family/personal life and work in organisations; and to ensure that social responses are appropriate to reconciliation needs, by implementing differentiated working hours and the family support service format in the various council areas around the country.

-The *Invite Project (CONVIDAS)*, whose general objectives are to organise strategic events in order to disseminate the products and practices that have been developed, with a view to disseminate good practices in the field of the conciliation of family and personal life and work.

-The *Equal Partners – Rethink the role of men in professional and private life Project*, whose objective is to identify and analyse the gender roles and stereotypes that lead to an unequal sharing of responsibilities between women and men at work and in private life, and to promote a change of attitudes and behaviours in this area by both women and men.

3. In the area of the legal protection against domestic violence

Since 2007, the Portuguese Penal Code approved by **Law no. 59/2007** of 4 September 2007 has considered domestic violence to be a specific type of

crime, which is punishable by a prison term of between 1 and 5 years (Article 152).

The new Penal Code approved by Law no. 59/2007 amended the typification of the crime of domestic violence, which Article 152 had previously included within the crime of mistreatment. The new Code reinforces the punishment of domestic violence. This crime is defined as the physical or psychological mistreatment, including corporal punishment, deprivation of freedom and the infliction of sexual harm, whether repeatedly or not: a) of a spouse or ex-spouse; b) of a person with whom the perpetrator maintains a relationship analogous to that of spouses, regardless of whether they cohabit; c) of the other progenitor of a common descendant in the first degree; or d) of any person with whom the perpetrator cohabits and who is particularly defenceless due to age, disability, illness, pregnancy or economic dependence.

The new provision is also innovative and it does not require the repeated infliction of physical or psychological mistreatment. It clarifies the fact that the latter includes, but is not limited to, corporal punishment, deprivation of freedom, and sexual harm.

The broadening of the universe of forms of conduct whose victims are subject to protection to include the mistreatment of persons of the same sex with whom the perpetrator maintains a relationship analogous to that of spouses is another substantial change, as is the dispensation from the requirement for cohabitation.

The social impact of the phenomenon of domestic violence and the especially vulnerable situation in which its victims find themselves are underlying reasons for the creation of new legal regime for the prevention of domestic violence and the protection of and provision of assistance to its victims, which is to be found in **Law no. 112/2009** of 16 September 2009.

This Law defines the concept of the victim of domestic violence, and sets out general principles for the protection of victims and specific rights of persons in the situation of special vulnerability caused by the crime of domestic violence.

These provisions have been complemented by **Law no. 104/2009** of 14 September 2009, which approved a new regime governing compensation for the victims of violent crime, including domestic violence. Victims of the latter are entitled to an advance payment of compensation by the State if two requisites are both fulfilled: they must be the victim of a crime of domestic violence as provided for in Article 152(1) of the Penal Code, which must have been perpetrated in Portuguese territory; and they must be in a situation of serious economic hardship as a consequence of that crime.

From the institutional point of view, we should note that the Mission Structure against Domestic Violence (EMVD) and its competences have been incorporated into the sphere of the **Commission for Citizenship and Gender Equality** (CIG). This move has resulted in the creation of a specialised central service that belongs to the State's direct administration, possesses specific

competences with regard to domestic violence, and it is responsible to directly articulate its work with relevant non-governmental organisations.

The adoption and implementation of the **3rd National Plan against Domestic Violence (2007-2010) (PNVD), which was approved by Council of Ministers Resolution no. 83/2007 of 22 June 2007**, has made it possible to increase the consolidation of the policy for preventing and combating domestic violence. It has done this by serving as a vehicle for a cross-cutting view of the responses that are provided in relation to this issue, in the shape of the promotion of a culture for citizenship and equality, and an increase in campaigns designed to provide victims with information, training, support and somewhere to go, from the perspective of ensuring their reinsertion and autonomy.

In the social area, we should also mention that the victims of domestic violence have been exempted from the payment of healthcare user fees as the result of changes made by **Executive Law no. 201/2007 of 24 May 2007, and by Executive Law no. 173/2003 of 1 August 2003, as amended and republished by Executive Law no. 79/2008 of 8 May 2008**.

Among the measures that were taken during the period under analysis, we should especially point to the following:

- Council of Ministers Resolution no. 83/2007 of 22 June 2007 approved the 3rd National Plan against Domestic Violence (PNVD). The Plan defines 5 Strategic Guidelines for Intervention: 1) Inform, raise awareness and educate; 2) Protect victims and prevent re-victimisation; 3) Empower and reinsert the victims of domestic violence; 4) Qualify the professionals; and 5) Deepen knowledge about the phenomenon of domestic violence.

Statistical Data

Number of reported cases of domestic violence, per annum, since 2000

Year	No. of cases	Source
2009	30,543	Reports from the Interior Ministry (MAI)
2008	23,462	
2007	22,063	
2006	20,595	
2005	18,193	
2004	15,541	
2003	17,427	
2002	14,071	
2001	12,697	
2000	11,162	

Source: Official Reports on Domestic Violence Complaints received by the security forces, 2000-2007, 2008, and 2009 (*in Portuguese*), MAI.

3rd National Plan against Domestic Violence (2007-2010)

Execution

Areas	No. of measures planned	No. of measures executed	No. of measures under execution	No. of measures not begun	Rate of execution (*) (executed + under execution)
1 – Inform, raise awareness, educate	10	6	3	1	90%
2 – Protect victims and prevent re-victimisation	18	13	3	2	88.88%
3 – Empower and reinsert the victims of domestic violence	3	1	2	-	100%
4 – Qualify the professionals	9	6	3	-	100%
5 – Deepen knowledge about the phenomenon of domestic violence	8	4	3	1	87.5%
Total	48	30	14	4	91.66%

(*) Note: Given the execution schedule for virtually all the measures, the majority of which were to be implemented throughout the Plan, the execution rate must be calculated by adding the number of measures which have been executed to that of those which are currently in the process of execution.

4. In the area of the legal protection of the family

During the period covered by the present Report there was some evolution in some aspects of the information that has been given in the past with regard to the protection which the law affords to the family, namely:

- Order no. 18778/2007 of 22 August 2007, which was issued by the Secretary of State for Justice, regulated the activities undertaken under the family mediation system. Essentially, it made the following changes: (i) general definition of a set of operational principles for the activities was adopted, and a more flexible organisational structure for mediators was introduced; (ii) family mediation was extended to new areas of Portugal (it had previously been limited to the Lisbon Judicial District and nine bordering districts); and (iii) the range of family conflicts eligible for resolution with resort to family mediation was extended (previously, it had only addressed the regulation of parental responsibilities; it now covers matters such as divorce and separation, maintenance obligations, authorisation to use the family home, and authorisation to use the ex-spouse's surname).
- Executive Law no. 11/2008 of 17 January 2008 regulated a temporary measure designed to promote and protect the rights of children and young persons at risk – 'family hosting' – which is subject to the precondition that it is possible to foresee the minor's reintegration into his/her natural family. Under this measure, custody of the child or young person is granted to an individual or family with the necessary qualifications, with a view to his/her integration into a family environment and the provision of care appropriate to the needs, well-being and education required for the full development of children and young persons, while simultaneously working to empower the natural family in such a way that it is able to exercise the parental

function and to strengthen its relationships with the minor. (Also see Article 17)

- Executive Law no. 12/2008 of 17 January regulated a number of other promotion and protection measures, such as the provision of support to parents and other family members, placing minors in the care of a trustworthy person, and support for life autonomy. These measures are based on the right of every child or young person to be raised in a family – preferably his/her own.
- Law no. 61/2008 of 31 October 2008 made some changes to the regime governing divorce (preconditions and effects) that have consequences for the regime governing, filiation, parental responsibilities and maintenance obligations.
- Council Regulation (EC) no. 4/2009 of 18 December de 2008, which entered into force in Portuguese law on 30 January 2009, concerns the recognition and enforcement of decisions and cooperation with regard to maintenance obligations, and offers a solution to the problem of cross-border conflicts in this respect.

5. In the social protection area

Law no. 4/2007 of 16 June 2007 instituted the general Bases of the Social Security System, thereby guaranteeing the right to social security as a universal right, pursuant to Article 63 of the Constitution of the Portuguese Republic (see the 4th Report, Article 12).

The Social Security System encompasses:

- a) The system for providing the social protection related to citizenship (SPSC).
- b) The welfare system.
- c) The complementary system.

The objectives of the *system for providing the social protection related to citizenship* are to guarantee citizens' basic rights and equal opportunities, and to promote social well-being and cohesion. It contains the social action subsystem; the solidarity subsystem; and the family protection subsystem.

The social action subsystem: this subsystem's fundamental objectives are to prevent and repair situations of hardship and socioeconomic inequality or social dysfunction, exclusion or vulnerability, as well as to promote communities, the integration of people into them and the development of people's capacities. This subsystem ensures that more vulnerable groups receive special protection. This is achieved by means of: social services and facilities; programmes for fighting poverty and social dysfunction, marginalisation and exclusion; and the provision of benefits in cash or in kind.

The solidarity subsystem: working on the basis of solidarity between the whole community, this subsystem is designed to ensure essential rights in such a way as to prevent and eradicate situations of poverty and exclusion, as well as to guarantee the provision of benefits in situations of proven special or family

need that are not included under the welfare system. The subsystem covers the following situations: the lack or insufficiency of financial resources on the part of individuals or households; invalidity, old age, death, and the insufficiency of benefits designed to replace income from work; and cases in which beneficiaries of the welfare system find themselves in situations of absolute and definitive incapacity.

The family protection subsystem: this subsystem seeks to compensate for increased costs supported by families as a result of a range of occurrences listed in the law. These costs include: general family costs; costs related to disability; and costs related to dependency.

The following specific measures are intended to promote the social protection of family life, particularly by means of the provision of social and family benefits:

- a) The Social Insertion Income (RSI).
- b) The Solidary Complement for the Elderly (CSI).
- c) Benefits applicable to Family Costs, Disability, and Dependency.
- d) The Social Unemployment Benefit (SSD).

c) Benefits applicable to Family Costs, Disability, and Dependency

A – Benefits applicable to family costs

The protection afforded to family costs is provided in the form of the following cash benefit payments:

1 – Family Allowance for Children and Young Persons

This monthly benefit is awarded in order to compensate for the costs that families incur in relation to the upkeep and education of children and young persons.

Amount:

The amount of the Family Allowance for Children and Young Persons varies according to the latter's age and the reference level of income of their household.

Reference income: The sum of all the income of all the members of the household, divided by the number of children and young persons in the household who are entitled to the Family Allowance plus one. The result of this calculation is applied to an income scale that is established on the basis of the Social Support Index Value (IAS*).

**Amount of the IAS in:*

2009 - € 419.22 – Ministerial Order no. 1514/2008 of 24 December 2008

2010 - € 419.22 – Executive Law no. 323/2009 of 24 December 2009

Income bracket	Household reference income brackets
1	Equal to or less than 0.5 x IAS x 14
2	Greater than 0.5 x IAS x 14 and equal to or less than 1 x IAS x 14
3	Greater than 1 x IAS x 14 and equal to or less than 1.5 x IAS x 14
4	Greater than 1.5 x IAS x 14 and equal to or less than 2.5 x IAS x 14
5	Greater than 2.5 x IAS x 14 and equal to or less than 5 x IAS x 14

Source: ISS, I.P./2010

Increased Allowances for the Family Allowance for Children and Young Persons		
Income bracket	Households with 2 persons entitled to the Allowance	Households with more than 2 persons entitled to the Allowance
1	€ 43.68	€ 87.36
2	€ 36.23	€ 72.46
3	€ 26.54	€ 53.08
4	€ 22.59	€ 45.18
5	€ 11.29	€ 22.58

Source: ISS, I.P./2010

i) Additional amount

In September each year, an additional amount equal to that of the Family Allowance is awarded in order to compensate for school expenses, on condition that the children and young persons who are entitled to the benefit:

- Receive the amount that corresponds to the 1st income bracket;
- Are aged between six and sixteen; and
- Are registered at an education establishment.

ii) Increase in the amount of the Family Allowance for Children and Young Persons in more numerous families – Executive Law no. 308-A/2007 of 5 September 2007

This increase represents a rise in the amount of the Family Allowance for Children between the ages of twelve and thirty-six months, as of the birth or incorporation into the same household of a second child.

- Amount doubled – as of the second child.
- Amount tripled – as of the third and subsequent children.

iii) Extraordinary update of the Family Allowance for Children and Young Persons – Ministerial Order no. 425/2008 of 16 June 2008

An extraordinary update (25% increase) of the amounts payable under the Family Allowance for Children and Young Persons and the Prenatal Family Allowance, for families who are in a financially weaker position (i.e. who fall within brackets 1 and 2 of the respective allowance).

**iv) Increase in the amount of the Family Allowance for single-parent households
– Executive Law no. 87/2008 of 28 May 2008**

This increase is a measure that is designed to reinforce the social protection afforded to single-parent situations. It takes the form of a rise in the value of the grants, additional amounts and bonus payable under the Family Allowance for Children and Young Persons. It also applies to the Prenatal Family Allowance. The amount of the Family Allowance for Children and Young Persons who belong to single-parent households is increased by 20%.

Legislation:

Executive Law no. 176/2003 of 2 August 2003, as amended by Executive Law no. 41/2006 of 21 February 2006 (complemented by Ministerial Order no. 458/2006 of 18 May 2006), and again amended by Executive Law 245/2008 of 18 December 2008 and Executive Law 70/2010 of 16 June 2010.

2 – Prenatal Family Allowance – Executive Law no. 308-A/2007 of 5 September 2007

This benefit is awarded to pregnant women who reach the 13th week of gestation.

The right to this benefit is enjoyed by pregnant women who fulfil the same general condition of residence as that applicable to the Family Allowance for Children and Young Persons, and on condition that her household's reference income is below the limit for the highest income bracket.

Amount: the amount of the Prenatal Family Allowance is the same as that of the Family Allowance for Children and Young Persons, plus an increase equal to that applicable during the first 12 months of life, multiplied by the number of unborn children (i.e. double for twins, and so on).

The reference incomes are calculated using the same rules as the Family Allowance for Children and Young Persons:

Income bracket	Amount of Prenatal Family Allowance
1	€ 174.72
2	€ 144.91
3	€ 92.29
4	€ 56.45
5	€ 33.88

Legislation:

Executive Law no. 308-A/2007 of 5 September 2007

3 – Study Grant

This monthly benefit is awarded at the initiative of the Social Security Service (i.e. does not need to be applied for) and is intended to combat early school leaving, improve the qualifications of young persons of school age, and compensate for the added costs caused by the extension of compulsory education to the secondary level or equivalent. The right to the benefit is granted to students when they enter secondary education or an equivalent level of schooling or training.

The grant is going to be awarded in phases over the course of a number of academic years, as students become subject to the new level of compulsory education.

For example, in the 2009/2010 academic year it will be awarded to students who enter the 10th grade or an equivalent level.

In the following academic years, it will be awarded to students who enter the 10th grade or equivalent, or who alternatively:

- Benefited from the Study Grant in the previous academic year and continue to fulfil the conditions required for it to be awarded; or
- Did not benefit from the Study Grant in the previous academic year because they belonged to a household whose income exceeded the 2nd bracket, but fulfil all the conditions required for the grant to be awarded during the new period.

Amount: Double the amount of the Family Allowance for Children and Young Persons that the student is entitled to receive.

Legislation:

Executive Law no. 201/2009 of 28 August 2009

4 – Funeral Allowance

This is a once-only benefit intended to compensate the applicant for expenses incurred in relation to the funeral of any member of his/her household or any other person, on condition that the deceased was resident in Portuguese territory.

The amount is fixed: € 208.85

In the absence of provisions to the contrary in an international instrument that is binding on Portugal or in special legislation, benefits for family costs are not transferable outside Portuguese territory.

Legislation:

Executive Law no. 176/2003 of 2 August 2003, as amended by Executive Law no. 41/2006 of 21 February 2006, complemented by Ministerial Order no. 458/2006 of 18 May 2006.

B – Disability and Dependency Benefits

The benefits that are available in the disability and dependency fields can be awarded under the contributory social security regime. This presupposes the prior existence of a relationship with the Social Security Service that includes the payment of contributions, and fulfilment of other requisites with regard to both the beneficiary and his/her family members. However, these benefits can also be awarded under the non-contributory regime.

Contributory regime: as previous Reports have already said, the following pecuniary benefits are available under this regime:

- **Increased Allowance for Disability**
- **Allowance for Attendance at a Special Education Establishment**
- **Allowance for Provision of Assistance to a Third Person**

Conditions for Award:

In addition to the special conditions which the law sets for each of these benefits, children and young persons must fulfil one of the following **resource-based conditions** either in their own right, or in terms of their household:

- Monthly gross income must be equal to or less than 40% of the amount of the Social Support Index Value (IAS*), and the household income must not exceed 1.5 times that Value;
- Per capita household income cannot exceed 30% of the amount of the Social Support Index Value, and the household must be in a situation of social risk or dysfunction.

*Not applicable to the Allowance for Attendance at a Special Education Establishment

1 – Increased Allowance for Disability

This increase constitutes a rise in the amount of the Family Allowance for Children and Young Persons with disabilities, and varies depending on the age of the child / young person in question.

The amounts are as follows:

Age group	Amount of Increased Allowance for Disability
Up to but not including fourteen	€ 59.48
Fourteen to seventeen	€ 86.62
Eighteen to twenty-four	€ 115.96

2 – Allowance for Attendance at a Special Education Establishment

The amount of this benefit varies depending on the fee for attendance at the establishment and the household's income.

3 – Allowance for Provision of Assistance to a Third Person

This allowance is not awarded in cases in which permanent assistance is provided at an official or private not-for-profit health or social support establishment that is funded by the State or other public or private-law legal person and possesses public utility status.

The amount is fixed: € 88.37

C – The Social Unemployment Benefit is a cash benefit that is paid monthly to persons who have involuntarily lost their job and are registered as a job seeker at a job centre. The Social Unemployment Benefit is intended to compensate for the loss of pay from work.

This benefit is paid when the conditions for receipt of the Unemployment Benefit itself are not met (Initial Social Unemployment Benefit), or the beneficiary has already received all the Unemployment Benefit he/she was entitled to (Subsequent Social Unemployment Benefit), and the household's per capita monthly income does not exceed € 335.38 (80% of the IAS).

Conditions required for access to the **Social Unemployment Benefit**:

- The beneficiary must be resident in Portugal;
- If he/she is a foreign citizen, he/she must hold a valid residence permit or other authorisation that permits entry into a labour contract;
- In the case of refugees or stateless persons, the beneficiary must hold a valid temporary protection document;
- The beneficiary must have had a job with a labour contract;
- He/she must have become unemployed for reasons beyond his/her own decision (involuntary unemployment);
- He/she cannot be working. Nevertheless if he/she is working part-time as a worker employed by a third-party [TCO], or is working as an independent worker [TI], he/she may be entitled to a partial Unemployment Benefit, on condition that the remuneration for the work done is less than the amount of the full Unemployment Benefit);
- He/she must be registered with the Job Centre for the area in which he/she lives.

In addition:

To gain access to the **Initial Social Unemployment Benefit** the person must:

- Fulfil the qualification period;
- Have worked under contract and paid Social Security contributions for at least 180 days in the last year (counting from the date on which the person became unemployed);
- Fulfil the resource-based condition: Monthly income per person in the household must be equal to or less than 80% of the amount of the IAS.

To gain access to the **Subsequent Social Unemployment Benefit** it is necessary:

- To have already received all the allowances of the Unemployment Benefit to which the person was entitled;
- To still be unemployed and registered at the Job Centre; and
- To fulfil the resource-based condition: Monthly income per person in the household must be equal to or less than 80% of the amount of the IAS.

If the household's per capita monthly income is above 80% of the amount of the IAS when the Unemployment Benefit ends. If the situation changes (due to the birth of a child, for example) and the per capita income becomes equal to or less than that amount, then the person is entitled to the Subsequent Social Unemployment Benefit as of the date on which the resource-based condition is met (in the above example, from the date on which the child is born). However, if proof of the composition of the household and its members' incomes is not submitted within the 90 days following the end of the Unemployment Benefit, the period during which the evidence is not submitted is discounted from the total duration of the Subsequent Social Unemployment Benefit.

Amounts:

If the person:	He/she receives the following per month:
Lives alone	€ 335.38 (80% of the IAS), or his/her net reference income, whichever is lower.
Lives with family members who belong to his/her household	€ 419.22, (100% of the IAS), or his/her net reference income, whichever is lower.

Source: ISS, I.P./2010

Note: The net reference income is calculated by deducting the applicable amount of the worker's Social Security contribution (as a percentage rate) and the Personal Income Tax (IRS) withholding rate from the gross reference income.

The gross reference income is equal to the average salaries that the employer declared to the Social Security Service and paid to the worker in the first six of the last eight months (counting from the month before that in which the person became unemployed).

If the person's situation changes to one in which he/she lives alone / with family members, the amount of the benefit is adjusted and the new amount begins to be paid on the day after that on which the situation changed.

If the person was receiving an invalidity pension and becomes apt for work, he/she the benefit cannot exceed the invalidity pension he/she used to receive.

The amount of the Subsequent Social Unemployment Benefit can never exceed that of the Unemployment Benefit the person used to receive.

Length of Benefit Period:

Initial Social Unemployment Benefit:

Depends on the person's age and the number of months for which he/she paid Social Security contributions since the last time he/she was unemployed (the time during which he/she was receiving the Unemployment Benefit).

In addition to the length of time the person worked under a contract or under a service provider contract (green receipt) system, the calculation of the number of months during which he/she paid contributions also takes account: the period of the time he/she was receiving illness benefit or allowances related to the protection of parenthood, and were granted after the end of the period during which the person was receiving benefits as a result of his/her last unemployment situation.

Age of beneficiary	No. of months of SS contributions	Length of benefit period	
		No. of days	Additional days
Under thirty	24 or less	270	- - -
	More than 24	360	+30 days for each 5 years with recorded pay
Thirty or more and less than forty	48 or less	360	- - -
	More than 48	540	+30 days for each 5 years with recorded pay in the last 20 years
Forty or more and less than forty-five	60 or less	540	- - -
	More than 60	720	+30 days for each 5 years with recorded pay in the last 20 years

Note: In the case of a beneficiary who is receiving the Initial Social Unemployment Benefit and then works during the first six months in which it is being awarded, the period of recorded pay that counted towards the award of the Initial Social Unemployment Benefit that he/she was receiving also counts towards the calculation of the period to which he/she is entitled and any additional days in a subsequent unemployment situation, but does not count towards a qualification period.

Subsequent Social Unemployment Benefit:

Payable for half the times listed in the above table.
The age that counts is that on the date on which the person stops receiving the Unemployment Benefit.

The relevant 'contributory career' (the number of months for which the person has worked and paid contributions) is that which was used to calculate the length of the Unemployment Benefit period during which the person previously received the latter.

While on the subject of measures that are linked to benefits provided by the Social Security System, and/or other social insertion programmes, it is also important to mention a number of social policy programmes/measures designed to provide social support to citizens and families in situations of lack of resources and increased socioeconomic vulnerability:

- Legal and judicial support,
- Social assistance services provided by local Social Network,
- Social and health services provided by National Integrated Continuous Care Network (RNCCI),
- Advice and information provided by the Social Help Line (LES)

- Adaptations in the residence supported by the Housing Comfort for the Elderly Programme (PCHPI)
- The provision of social, cultural and training activities within the Recreate the Future Programme (PRF)
- Specific Social Responses supported by local authorities.

In summary:

During the period covered by the present Report, various measures were approved with a view to provide both incentives to have children and support for larger families. They include the creation of a new benefit (the Prenatal Family Allowance), an increase in the Family Allowance between the ages of twelve and thirty-six months, from the second child onwards, and measures designed to enhance the protection afforded to single-parent families by means of an increase in both the Family Allowance and the Prenatal Family Allowance.

At the same time, in recognition of the need to support families who are bearing extra costs as a result of compulsory education in general and its lengthening in particular, compensatory measures have been introduced in the shape of the attribution of the additional allowance to all the income brackets instead of just the lowest ones, and the creation of a complementary study grant.

To this end Executive Law no. 176/2003 of 2 August 2003, which defines and regulates the social protection afforded to family costs that can be compensated for under the family protection subsystem, was amended in various respects by the Executive Laws mentioned above.

The amount of both the payments for family costs regulated by Executive Law no. 176/2003 and the disability and dependency benefits were set by Ministerial Order no. 511/2009 of 14 May 2009, with effect from 1 January 2009.

Under the terms of Law no. 60/2005 of 29 December 2009, receipt of a subsistence allowance (another benefit designed to support families) and the conditions governing its award under the Convergent Social Protection Regime (RPSC – a special social security regime for workers in public posts) are now subject to the rules of the General Social Security Regime (RGSS), and the right to the allowance now extends to descendants up to the age of twenty-seven years (instead of the previous maximum of twenty-four), on condition that they are studying.

Finally, Central Public Administration workers are covered by a complementary social action system. Among others, this system grants benefits such as support for families (particularly while the parents are at work and during school holidays) and contributions towards their education costs, support for elderly retirees, and promoting and arranging sociocultural entertainment activities.

During the period covered by the present Report, Executive Law no. 122/2007 of 27 April 2007 changed the legal regime governing complementary social action while retaining the same objectives and types of benefit. The system was

also restructured by Regulatory Decree no. 49/2007 of 27 April 2007, which created a single department – the Public Administration Social Services (SSAP) – and abolished the sectorial management of the previous system.

Pursuant to Executive Law no. 122/2007 and with a view to defining the criteria and conditions governing the award of benefits, the following Ministerial Orders were published during the period under analysis:

— Ministerial Order no. 1486/2008 of 19 December 2008, which approved the regulations governing the Study Allowance. This is an annual benefit that is awarded depending on both family income and the level and cycle of official or equivalent education or training, vocational course or other recognised course.

— Ministerial Order no. 1487/2008 of 19 December 2008, which approved the regulations governing support for the cost of going to a kinder garden (crèche) or preschool education establishment, for children between the ages of three months and three years (crèche) and for those between three years and the age at which they begin basic education (preschool), depending on family income.

Statistical Data

The information available related with the information given in this article is the following:

Social Insertion Income (RSI) and Solidary Complement for the Elderly (CSI)

RSI: Number of Beneficiaries by Year

No. of Beneficiaries					
2005	2006	2007	2008	2009	2010
188.524	317.962	368.984	418.285	486.269	476.972

Source: II, I.P./2010

CSI: Number of Beneficiaries by Year

No. of Beneficiaries					
2005	2006	2007	2008	2009	2010
	18.480	56.641	179.520	232.818	240.124

Source: II, I.P./2010

RSI: Applications Made vs. Applications Approved, by Year

TOTALS	No. of Applications				
	2005	2006	2007	2008	2009
Applications	36.662	63.066	43.078	65.335	94.049
Approved	22.290	45.428	24.374	38.011	55.687

Source: II, I.P./2010

CSI: Applications Made vs. Applications Approved, by Year

TOTALS	No. of Applications			
	2006	2007	2008	2009
Applications	23.009	73.169	256.430	350.469
Approved	18.545	57.912	167.513	243.090

Source: II, I.P./2010

No. of Recipients of Family Allowances, by Year

Prestações	Nº Titulares				
	2005	2006	2008	2009	2010
FAMILY ALLOWANCE FOR CHILDREN AND YOUNG PERSONS	1.828.563	1.740.676	1.814.225	1.849.924	1.771.327
INCREASED ALLOWANCE FOR DISABILITY	58.978	60.352	68.893	77.344	77.556
ALLOWANCE FOR ATTENDANCE AT A SPECIAL EDUCATION ESTAB.	6.948	8.420	9.860	11.139	9.395
LIFETIME MONTHLY ALLOWANCE	11.166	10.915	11.897	12.336	12.384
PRENATAL FAMILY ALLOWANCE			118.264	109.933	73.090
FUNERAL ALLOWANCE	18.093	18.807	19.300	18.141	9.385
ALLOWANCE FOR PROVISION OF ASSISTANCE TO A THIRD PARTY	11.666	11.620	12.362	12.933	12.627

Source: II, I.P./2010

Study Grant (processing does not require prior application)

Period: September 2009 to April 2010

Total no. of grants processed (recipients)	Amount paid
251.311	19.920.738,56 €

Source: II, I.P./2010

Benefits for Family Costs, for Disability, and for Dependency

Benefits for Family Costs, Disability, and Dependency: Applications Made vs. Applications Approved, by Year

Year	Benefit / Allowance	Total Applications Made (all benefits in year)	Total Applications Made (by benefit in year)
2005	FAMILY ALLOWANCE FOR CHILDREN AND YOUNG PERSONS	230.749	202.830
	INCREASED ALLOWANCE FOR DISABILITY		8.960
	ALLOWANCE FOR ATTENDANCE AT A SPECIAL EDUCATION ESTAB.		2.978
	LIFETIME MONTHLY ALLOWANCE		412
	FUNERAL ALLOWANCE		14.413
	ALLOWANCE FOR PROVISION OF ASSISTANCE TO A THIRD PERSON		673
2006	FAMILY ALLOWANCE FOR CHILDREN AND YOUNG PERSONS	183.808	134.130
	INCREASED ALLOWANCE FOR DISABILITY		10.923
	ALLOWANCE FOR ATTENDANCE AT A SPECIAL EDUCATION ESTAB.		8.985
	LIFETIME MONTHLY ALLOWANCE		633
	FUNERAL ALLOWANCE		18.795
	ALLOWANCE FOR PROVISION OF ASSISTANCE TO A THIRD PERSON		1.368
2007	FAMILY ALLOWANCE FOR CHILDREN AND YOUNG PERSONS	248.830	143.319
	INCREASED ALLOWANCE FOR DISABILITY		14.992
	ALLOWANCE FOR ATTENDANCE AT A SPECIAL EDUCATION ESTAB.		9.623
	LIFETIME MONTHLY ALLOWANCE		949
	PRENATAL FAMILY ALLOWANCE		39.570
	FUNERAL ALLOWANCE		19.032
2008	FAMILY ALLOWANCE FOR CHILDREN AND YOUNG PERSONS	310.240	146.474
	INCREASED ALLOWANCE FOR DISABILITY		14.571
	ALLOWANCE FOR ATTENDANCE AT A SPECIAL EDUCATION ESTAB.		11.016
	LIFETIME MONTHLY ALLOWANCE		784
	PRENATAL FAMILY ALLOWANCE		93.878
	FUNERAL ALLOWANCE		18.441
2009	FAMILY ALLOWANCE FOR CHILDREN AND YOUNG PERSONS	318.485	149.016
	INCREASED ALLOWANCE FOR DISABILITY		18.984
	ALLOWANCE FOR ATTENDANCE AT A SPECIAL EDUCATION ESTAB.		11.866
	LIFETIME MONTHLY ALLOWANCE		802
	PRENATAL FAMILY ALLOWANCE		89.467
	FUNERAL ALLOWANCE		18.200
	ALLOWANCE FOR PROVISION OF ASSISTANCE TO A THIRD PERSON		1.941

Source: II, I.P./2010

Social Unemployment Benefit

Variations in the no. of Beneficiaries by Date of Record, Aggregate Benefit, and District Centre

Total	2005	2006	2007	2008	2009	2010
	72,677	67,780	83,581	99,047	117,070	94,210
AVEIRO	2,653	2,455	3,700	4,842	6,165	4,572
BEJA	4,438	4,044	4,080	3,923	3,981	3,403
BRAGA	3,870	3,402	5,009	6,169	7,607	5,825
BRAGANÇA	867	781	1,100	1,303	1,409	1,094
CASTELO BRANCO	1,511	1,415	1,621	1,761	1,831	1,389
COIMBRA	1,919	1,777	2,566	3,157	3,632	2,849
ÉVORA	3,320	3,087	3,281	3,467	3,566	2,787
FARO	6,694	6,938	7,677	8,720	10,063	8,861
GUARDA	1,223	1,248	1,466	1,741	1,661	1,290
LEIRIA	2,753	2,650	3,624	4,361	4,870	3,677
LISBOA	10,497	9,687	11,528	14,080	18,127	14,780
PORTALEGRE	3,156	2,856	2,608	2,457	2,523	2,027
PORTO	11,215	9,678	13,554	16,873	20,310	16,364
SANTARÉM	4,011	3,957	4,827	5,714	6,651	5,358
SETÚBAL	4,883	4,352	5,596	7,071	9,017	7,364
VIANA CASTELO	1,206	990	1,116	1,641	1,994	1,467
VILA REAL	1,567	1,645	2,053	2,410	2,602	1,993
VISEU	4,394	4,351	4,586	5,079	5,598	4,329
ANGRA HEROÍSMO	322	308	395	430	564	486
HORTA	214	231	272	266	288	268
PONTA DELGADA	739	686	943	1,069	1,247	1,159
MADEIRA	1,225	1,242	1,979	2,513	3,364	2,868

Source: II, I.P./2010

Subsequent Unemployment Benefit

Variations in the no. of Beneficiaries by Date of Record, Aggregate Benefit, and District Centre

District Centre	No. Beneficiaries					
	2005	2006	2007	2008	2009	2010
Total	86.978	91.065	88.958	73.743	75.630	78.764
AVEIRO	5,646	5,486	6,306	4,856	5,205	5,560
BEJA	955	1,085	1,073	906	855	870
BRAGA	10,150	11,366	11,158	9,375	9,418	9,107
BRAGANÇA	676	809	864	743	643	617
CASTELO BRANCO	1,654	1,710	1,574	1,357	1,373	1,354
COIMBRA	2,338	2,383	2,444	2,339	2,366	2,313
ÉVORA	1,018	1,121	1,088	899	810	857
FARO	1,645	1,940	1,928	1,634	2,049	2,786
GUARDA	1,014	1,062	1,183	1,288	1,253	1,134
LEIRIA	2,443	2,733	2,900	2,529	2,638	2,880
LISBOA	17,344	16,599	15,434	12,210	12,210	12,847
PORTALEGRE	843	949	1,022	793	803	804
PORTO	27,634	28,445	26,018	20,399	20,121	20,780
SANTARÉM	1,855	2,158	2,542	2,447	2,681	2,738
SETÚBAL	4,922	5,210	5,124	4,641	5,233	5,519
VIANA CASTELO	1,479	1,662	1,565	1,200	1,257	1,324
VILA REAL	1,272	1,461	1,516	1,404	1,385	1,304
VISEU	2,046	2,465	2,460	2,171	2,369	2,454
ANGRA HEROÍSMO	238	245	300	242	255	275
HORTA	82	95	128	120	127	151
PONTA DELGADA	544	637	661	597	660	771
MADEIRA	1,180	1,444	1,670	1,593	1,919	2,319

Source: II, I.P./2010

With regard to support for access to housing, we should note that in Portugal social housing is promoted with resort to cooperation between the State, the autonomous regions and the municipalities.

The State is responsible for providing various forms of financial support to accommodation projects proposed by the autonomous regions and by the municipalities.

The public programmes that provide financial support for housing are managed by the Institute for Housing and Urban Rehabilitation (IHRU). They are as follows:

- **PER – Special Rehousing Programme**

The Special Programme for Rehousing in the Lisbon and Oporto Metropolitan Areas (PER) was created by **Executive Law no. 163/93 of 7 May 1993** and was amended by **Executive Law no. 271/2003 of 28 October 2003**.

The condition that must be met for families to gain access to housing under the PER is that they must have been recorded in the census as being resident in slum-type dwellings in the Lisbon or Oporto Metropolitan Areas.

Since the PER came into force in 1993, the Central Administration and the municipal authorities in the Lisbon or Oporto Metropolitan Areas have entered into 29 'Adherence Agreements' for the rehousing of 48,416 households. The execution rate for this Programme currently stands at 71%.

- **PROHABITA – Programme for Financing Access to Housing**

PROHABITA provides financial support to municipalities and other entities for the purpose of responding to the housing needs of households that have low incomes and reside in Portuguese territory.

Families must cumulatively fulfil the following conditions in order to gain access to housing under PROHABITA:

- Their annual income cannot exceed three National Minimum Wages (RMNs);
- None of their members may own another residential property in the metropolitan area to which the council area in which the financed housing is located belongs, or in a bordering council area; and
- None of their members can already be receiving public financial support for housing purposes.

The Institute for Housing and Urban Rehabilitation also owns around 12,000 accommodations, which are rented out in response to housing needs.

The rules governing access to the latter also involve the socioeconomic conditions of the households in question, and lay down the order of priority for the attribution of accommodation.

6. In the Education area (also see Article 17):

During the period covered by the present Report, the following were of particularly significance in the education area:

- **Education Support and Complements** – The various forms of Education Support and Complements (ACEs) are pedagogical and social measures that are designed to support teaching and learning with a view to ensuring equal opportunities in terms of students' access to, and academic success in, basic and secondary education. In particular, they include: **i)** the Distribution of School Milk to students in the 1st basic cycle; **ii)** Meals and the sale of less expensive foodstuffs; **iii)** School Transport; **iv)** Residences for students who are studying a long way from their habitual home; **v)** School Prevention and Insurance; **vi)** School Health support measures; and **vii)** Pedagogical support and academic and vocational guidance counselling.

Students with less financial resources can benefit from total or partial: **i)** Allowances for pedagogical material, transport and meals; **ii)** The loan of schoolbooks; **iii)** Merit-based grants for academically successful secondary students; and **iv)** The payment of school fees (secondary education). (Also see Article 17)

- **The 'United by Access' Initiative** – This measure is intended to place the potential of the information and communication technologies at the service of citizens with special needs – above all persons whose sight or hearing is impaired or who suffer from physical disabilities. Beneficiaries can register with the Initiative by e-mail, telephone (via the 'Youth Line'), or in person at the district offices of the Foundation for the Dissemination of Information Technologies (FDTI).
- **The Technological Plan for Education (PTE)** – a national program to implement ICT technologies in all Portuguese schools.

7. Tax System

Main measures with impacts on families included in the Tax Codes¹

Tax		Benefit
Personal Income Tax (IRS) Code		
Income from Dependent Work	Article 2(8)(a)	Employer payments/contributions under obligatory social security regimes (even private ones) are not subject to inclusion in the basis for the calculation of IRS if the regime is exclusively intended to provide benefits in cases of retirement, invalidity or subsistence.
	Article 2(8)(d)	The amounts that employers pay for transport costs (passes sociais) for their workers are not subject to inclusion in the basis for the calculation of IRS, on condition that the benefit is attributed to all workers in the enterprise.
Entrepreneurial and Professional Income	Article 3(4)	The income from agricultural, forestry and animal husbandry activities is not subject to inclusion in the basis for the calculation of IRS when the amount of that income, both on its own and when added to the amount of other gross income that is so subject (even if it is exempt from IRS) and is derived from this or other categories that must be, or have been, included in the overall amount, does not exceed five times the annual amount of the highest national minimum wage (SMN), for the household as a whole.
Category G Income	Article 10(5)	The maximum time limit for the reinvestment of the amount derived from the disposal of a real estate property that was intended for the housing of the passive subject and his/her household, in such a way as to receive the benefit of the non-taxation of capital gains earned upon that disposal, is 36 months afterwards (24 months until December 2008) when the reinvestment took place following the disposal operation, and 24 months before (12 months until December 2008) when the reinvestment took place prior to the disposal operation.
	Article 12(4)	IRS is not applicable to amounts received with regard to maintenance allowances, or to the amounts needed to cover extraordinary health and education expenses when paid or awarded: i) by Regional Social Security Centres (CRSSs); ii) by the Santa Casa da Misericórdia de Lisboa or private charities (IPSSs) acting in articulation with the CRSSs, within the scope of the provision of social action with regard to family housing and support for the elderly, persons with disabilities, children and/or young persons.
	Article 68(1)	1 – The following table shows the IRS rates: (The IRS takes the household's capacity to pay tax into consideration)
	Article 70(1) and (2)	- Safeguarding the minimum needed to live: in the case of the recipients of income that is predominantly derived from work for third parties, application of the tax rates provided for in Article 68 of the IRS Code cannot cause disposable income net of tax to fall below the annual amount of the Minimum Monthly Remuneration (RMM) plus 20 %, nor can it result in the levy of any tax on that same type of income when the taxable amount after application of the conjugal quotient is equal to or less than € 1,850. Households are not subject to the payment of any IRS when: <ul style="list-style-type: none"> • They include 3 or 4 dependants and their taxable income is equal to or less than the annual amount of the National Minimum Wage (SMN) plus 60%; or • They include 5 or more dependants and their taxable income is equal to or less

¹ The information refers to the norms that were in force in 2009.

Tax	Benefit
	than the annual amount of the National Minimum Wage (SMN) plus 120%.
<p>Tax-deductible items (Article 78[1])</p> <p>Deductions re passive subjects, descendants and ascendants: Article 79(1)</p> <p>Health costs Article 82(1)</p>	<ul style="list-style-type: none"> - Single-parent families (Article 79[1][c]): deduction from the amount of tax payable of 80% of the Minimum Monthly Remuneration (RMM) per passive subject. - Families with children/babies (Article 79[1][d] and [3]): deduction from the amount of tax payable of 40% of the RMM for each dependant who is not a passive subject for IRS purposes. This deduction is increased to 80% of the RMM for dependants who were not more than three years of age by 31 December <u>of the year to which the tax refers</u>. - Families with elderly persons living at home (Article 79[1][e] and [4]): deduction from the amount of tax payable of an amount equal to 55% of the RMM for each ascendant who lives with the passive subject and does not receive income above the minimum pension under the general regime. This deduction is increased to 85% of the RMM in cases in which there is only one ascendant. - Family Health Costs (Article 82[1][a] and [d]): deduction from the amount of tax payable: of 30% of expenditure on the acquisition of goods and services directly related to health costs incurred with regard to the passive subject and his/her household that are exempt from VAT (IVA) (even if the exemption has been renounced) or are subject to the reduced rate of 5%; and of costs (maximum limit in 2009 of € 64 or 2.5% of the total ¹⁾ involved in the acquisition of goods and services (not exempt from IVA or subject to the 5% rate) that are directly related to health costs incurred with regard to the passive subject and his/her household, on condition that the costs are justified by a doctor's prescription. ¹⁾ Note: Maximum limit for the costs referred to in subparagraphs (a), (b) and (c) of Article 82(1). - Families with elderly persons living at home (Article 82[1][b] and [d]): deduction from the amount of tax payable: of 30% of expenditure on the acquisition of goods and services directly related to health costs incurred with regard to ascendants and collateral relatives up to the third degree, on condition that they do not receive income greater than the National Minimum Wage and live in a shared economy with the passive subject; and of costs (maximum limit in 2009 of € 64 or 2.5% of the total ¹⁾ involved in the acquisition of goods and services (not exempt from IVA or subject to the 5% rate) that are directly related to health costs incurred with regard to ascendants and collateral relatives up to the third degree, on condition that the costs are justified by a doctor's prescription. ¹⁾ Note: Maximum limit for the costs referred to in subparagraphs (a), (b) and (c) of Article 82(1).
<p>Insurance premiums exclusively regarding health risks Article 86(3)</p>	<ul style="list-style-type: none"> - Deduction of 30% of the amount of insurance premiums that exclusively cover the health risks pertaining to the passive subject and his/her dependants, up to a maximum limit of € 84 for unmarried passive subjects and € 168 for married passive subjects, plus € 42 for each dependant.
<p>Education costs Article 83(1) and (2)</p>	<ul style="list-style-type: none"> - Education costs: Deduction of 30% of education and vocational training costs incurred with regard to the passive subject and dependants, up to a limit of 160% of the RMM. - Large families: In households with 3 or more dependants, the above limit is increased by 30% of the RMM for each dependant.
<p>Alimony and maintenance costs Article 83-A</p>	<p>Deduction from the amount of tax payable of 20% of the cost of alimony and maintenance which the passive subject is required to pay by judicial sentence or under an agreement that has been homologated under the terms of the civil law.</p>
<p>Costs with regard to homes Article 84</p>	<ul style="list-style-type: none"> - Families with elderly persons and persons with disabilities living in homes and autonomous residences: Deduction of 25% of expenses incurred by the household with regard to ascendants and collateral relatives up to the third degree, on condition that they do not receive income greater than the RMM, and with regard to persons with disabilities who are considered to be dependants up to a limit of 85% of the RMM.
<p>Costs with regard to real estate property used for permanent housing Article 85</p>	<ul style="list-style-type: none"> - Deductions of costs with regard to real estate property used for permanent housing (Article 85[1] and [7]): (a) interest and amortisation of debt incurred for the acquisition, construction and/or improvement of such property, or payments made under contracts entered into with housing cooperatives or within the scope of the group purchase regime, up to a limit of € 586 plus: (i) 50% for passive subjects with a taxable income of up to bracket 2; (ii) 20% for passive subjects with a taxable income in bracket 3; (iii) 10% for passive subjects with a taxable income in bracket 4. (b) rent paid by the tenant of an urban property or autonomous unit therein, up to a limit of € 586. <p>The above limits are increased by 10% in the case of real estate property that is classified</p>

Tax	Benefit
	as category A or A+ on the energy certificate issued under the applicable legislation (Article 85[6]).
<p style="text-align: center;">Persons with disabilities Article 87</p>	<ul style="list-style-type: none"> - Families with persons with disabilities: For each ascendant with a disability who lives with the passive subject and does not receive income in excess of the minimum pension payable under the general, deduction of an amount equal to 1.5 times the RMM from the amount of tax payable. - Families with persons with disabilities: <ul style="list-style-type: none"> - if the passive subject is disabled: deduction equal to 4 times the RMM. - in the case of dependants: deduction equal to 1.5 times the RMM. - deduction of 30% of the total costs incurred in relation to the education and rehabilitation of the passive subject and dependants. - deduction of 30% of the total cost of life insurance premiums, up to a limit of 15% of the amount of tax payable. - deduction of an amount equal to 4 times the RMM for each passive subject or dependant with a proven degree of permanent disability of 90% or more, under the heading of supervision and assistance costs. - Transitional regime: In 2009, only 90% of the gross income in categories A, B and H received by passive subjects with disabilities was taxable, but the 10% that was not subject to taxation could not exceed € 2,500 in any one category.
VAT (IVA) Code	
<p style="text-align: center;">Homes for the elderly Article 9(7)</p>	<p>Services provided and transmissions of closely related goods are exempt from VAT (IVA) when supplied during the pursuit of their habitual activity by crèches, kindergartens, free-time activity centres, establishments for children, establishments for young persons who are deprived of a normal family environment, residential homes, working homes, establishments for children and young persons with disabilities, invalid rehabilitation centres, homes for the elderly, day centres and social centres for the elderly, holiday camps, youth hostels and other social facilities which belong to public-law legal persons or charities or, whatever the case, whose social utility is recognised by the competent authorities.</p> <p>This exemption does not apply to private homes whose social utility has not been recognised by the competent authorities.</p>
<p>List I appended to the VAT Code (Goods and services specifically used by the elderly and children)</p>	<p>Item 2.28 – The provision of home assistance services for children, the elderly, drug addicts, persons who are ill, and persons with disabilities.</p> <p>Item 2.29 – Chairs and seats for the specific purpose of transporting children in automobiles, and other retaining equipment for the same purpose.</p> <p>Item 2.30 – The provision of maintenance or repair services regarding prostheses, equipment, apparatus, artefacts and other goods mentioned in Items 2.6, 2.8 and 2.9.</p>
The Municipal Tax on Real Estate Property (IMI) Code	
<p style="text-align: center;">Article 112</p>	<p>The IMI rates were altered by Law no. 64/2008 of 5 December 2008. They now range between (i) 0.4% and 0.7% for urban property; and (ii) between 0.2% and 0.4% for urban property that has been revalued under the terms of the IMI Code.</p>
Fiscal Benefits Associated with IMI	
<p style="text-align: center;">Article 46 EBF</p>	<p>(a) A household's permanent personal home is exempt from IMI for a period of 4 to 8 years following acquisition (as of 2009).</p>
<p style="text-align: center;">Article 48 EBF</p>	<p>(b) Rural and urban properties belonging to passive subjects whose total household income that is taxable for IRS purposes is equal to or less than twice the annual amount of the National Minimum Wage (SMN) and whose overall asset value does not exceed 10 times the annual amount of the SMN are exempt from IMI.</p>
The Municipal Tax on Transmissions of Real Estate Property for Valuable Consideration (IMT) Code	
<p style="text-align: center;">Article 9</p>	<p>The acquisition of urban real estate property or of an autonomous unit in an urban building, which is intended exclusively for use as the passive subject's permanent personal home and whose value for the purposes of IMT does not exceed € 87,500 (2008), is exempt from IMT.</p>
<p>Executive Law no. 287/2003 of 12 November 2003 (Article 15)</p>	<p>Law no. 64-A/2008 of 31 December 2008 ended the valuation under the terms of the Propriety Transmission Tax(IMT) Code of urban real estate property that is already registered on the tax register, when it is the object of a transmission that is without valuable consideration and is exempt from Stamp Duty (IS) under the terms of Article 6 of the Stamp Duty Code (CIS) – i.e. when the beneficiary(ies) is(are) the transmitter's spouse, descendants or ascendants.</p>

Taxable Income (in euros)	Rate (percentage)	
	Normal (A)	Average (B)
Up to 4,755	10.5	10.5000
More than 4,755 to 7,192	13.0	11.3471
More than 7,192 to 17,836	23.5	18.5996
More than 17,836 to 41,021	34.0	27.3039
More than 41,021 to 59,450	36.5	30.1546
More than 59,450 to 64,110	40.0	30.8702
Above 64,110	42.0	

ARTICLE 17

THE RIGHT OF CHILDREN AND YOUNG PERSONS TO SOCIAL, LEGAL AND ECONOMIC PROTECTION

Paragraph 1

In the social security field the main priorities with regard to children and young people are currently:

1. More and better education
2. The fight against poverty and social exclusion
3. Support for families

The Reform of the Law governing Minors that was implemented at the end of the 1990's was targeted at a new policy for childhood, whose central objective is the promotion and guarantee of the effective exercise of children's rights, based on prevention and protection. This reform is embodied in the legislation on the Protection of Children and Young Persons at Risk (PCJP, Law no. 147/99 of 1 September 1999), and on Protective Educational Measures (TE, Law no. 166/99 of 14 September 1999), which consolidated the community intervention perspective with the attribution to children and young persons of the right to be heard and to an adversarial procedure.

The PCJP is based on the principle that children and young persons are fully entitled to recognition as social actors in their own right, and that their protection must be synonymous with the promotion of their individual, economic, social and cultural rights. The State and the community are committed to organising themselves in such a way as to ensure the existence of action models with the ability to fulfil each child and young person's individual development needs, with respect for the universality of their rights.

Law no. 147/99 thus provides the legal framework for the protection of all children and young persons up to their eighteenth birthday who are in a situation of risk. It adopts as principles the overall guidelines contained in the United Nations Convention on the Rights of the Child.

The system is actually implemented by competent public and private entities, the Commissions for the Protection of Children and Young Persons (CPCJs), and the courts. Acting via its Multidisciplinary Court Assistance Teams (EMATs), the Social Security Service is responsible for the technical monitoring of procedures involving the courts.

It is a principle of the Law governing Protective Educational Measures that the Justice System only intervenes in cases in which a minor commits an intolerable offence against essential legal assets or values. In such situations, and acting non-punitively, it holds the minor to account and attempts to make him/her feel responsible for his/her role in society, in an intervention that is based on education in the values embodied in the law.

2006 saw the beginning of the process of regulating the legal promotion and protection measures provided for in the Law governing the Protection of Children and Young Persons at Risk. This process was phased by groups of measures:

- The measures which require that children should be placed in a family or an institution in cases of temporary or extended absence of support from their own family. The regulations lay down the specific conditions under which a child must be put into care and separated from his/her own family, the technical monitoring which the execution of the measure must receive, and the resources which must be made available.
- The measures in which children remain in a natural life environment (including support for parents or other family members, placing the child in the care of a trustworthy person, and support for an autonomous life). The regulations determine the types of support – social, psychological and monetary – that can be given to the child / young person and his/her family.

The most important social responses related to childhood under the Social Security System are:

- **Executive Law no. 64/2007** of 14 March 2007, which defines the legal framework for the implementation, operation and supervision of the Early Childhood Support Services (SAI) and other social support entities.
- **Executive Law no. 75/92**, which sets the rules for the signature of cooperation agreements between the Social Security Service and private charities (IPSSs), and defines the rules for selection, monitoring and supervision of these services.

The Reform of the Law governing Minors, which redesigned the whole of the system for interventions in relation to children and young persons between the ages of 0 and their 18th birthday in situations of risk or conflict with justice, was followed by the introduction of the Legal Regime governing Adoption (RJA) by **Law no. 31/2003** of 22 August 2003. The most important innovations brought in by this new regime were that:

- It incorporates the superior interest of the child as a fundamental principle, and clarifies the endangered minor concept.
- In the requirements for a child to be defined as adoptable, the regime takes account of both manifest parental incapacity due to reasons involving mental illness, and the quality and continuity of bonds,
- The regime establishes sixty as the maximum age limit for adoptive parents.
- It is no longer possible for parents to revoke their prior consent to adoption, once given.
- There is a new procedure for the process of observed bonding prior to the beginning of the pre-adoption period.

- The regime specifies the pluridisciplinary composition of the adoption teams (psychology, social service, law, and education), and requires that the teams which intervene in the study of each child / young person's social and legal situation, and in the implementation of his/her life project, with a view to his/her adoption, must be autonomous and distinct from the teams involved in the selection of candidates for adoptive parents.

A new legal format – that of the ‘Civil Godparent’ (**Law no. 103/2009** of 11 September 2009) – was created in 2008. According to this mechanism the child or young person is integrated into a family environment by entrusting him/her to the care of an individual or family which exercise(s) parental powers and will be responsible for the well-being and development of the child or young person.

This Law has brought into being a new social and legal response for children for whom adoption cannot be a life project, in an attempt to avoid their permanent institutionalisation.

‘Godparents’ must fulfil their duties under the terms of an agreement with other parties – particularly the ‘godchild’s’ natural family. The goal is not to break the minor’s ties to his/her natural family, but rather to enable him/her to maintain them while at the same time being entrusted to the care of someone who is responsible for his/her well-being.

In 2008 it was implemented the Challenges, Opportunities and Changes (DOM) Plan, which followed the issue of **Order no. 8393/2007** of 10 May 2007. The primary objective of this Plan is to implement measures which are designed to qualify the network of children’s and young persons’ homes, and which provide incentives for a continuous improvement in the promotion of the rights and protection of children and young persons in care, in such a way as to ensure that they are educated in citizenship and are deinstitutionalised within a useful timeframe.

For many years Portugal has had a network of facilities and services for children and young persons, which falls under the oversight of the Social Security Service and includes the majority of private charities (IPSS’s) with cooperation agreements with the Social Security Institute (ISS). This network provides a broad range of services and facilities, which have already been described in earlier Reports.

Child-minders / Family Crèches

Year	No. of Children Covered (age 0-3)	No. of Child-minders
2006 (1)	5,697	1,454
2007 (2)	6,395	1,444
2008 (2)	5,758	1,280
2009 (1)	5,296	1,346

(1) – Source: ISS, I.P. District Centres

(2) – Source: Social Action Management Indicators

Kinder garden /Crèches

Year	No. of Children Covered (age 0-3)	Nº de Crèches
2006	52,956	1,581
2007	55,004	1,618
2008	58,331	1,655
2009	61,160	1,587

Source: Social Action Indicators

Family Care

Year	Children and Young Persons Covered	Host Families
2006	5,345	4,069
2007	4,577	3,471
2008	4,454	3,406
2009	948	639

Source: Social Action Indicators

Institutional Care

Year	Children and Young Persons Covered	No. of LIJs and CATs
2006	12,245	n.a.
2007	11,362	n.a.
2008	9,956	n.a.
2009	9,563	433

Source: PII Reports, ISS,I.P. / PII, ISS,I.P. Reports

Family Support and Parental Counselling Centres (CAFAPs)

Year	No. of Users	No. of Agreements / CAFAPs
2006	1,039	29
2007	1,143	29
2008	1,223	38
2009	2,208	39

Source: Social Action Indicators

Note: According to data from the social charter, which also cover the for-profit establishments, in 2006 there were 37 establishments with 3,643 users, and in 2007 there were 43 establishments with 9,198 users.

In 2007, the Portuguese government initiated the process of constructing the **Initiative for Childhood and Adolescence (INIA)** – a strategic approach with a national scope that focused in the implementation of the United Nations Convention on the Rights of the Child.

The purpose of INIA 2008-2010 is to define an action plan for the defence of all the rights of children, founded on a global planning system, with the definition of major strategic lines of action that are common to all relevant actors (public and private) with responsibilities in the process of each child's development and socialisation, from birth until majority.

The design and implementation of INIA are founded on the participative method, with the involvement of every public area and sector, civil society, citizens in general, children, teenagers, parents and other carers.

In addition to the information given under paragraph 10 of Article 7, we should note here that the 2007 Penal Reform introduced a distinction between the crime of domestic violence and the crime of mistreatment, which is now the object of Article 152-A of the Penal Code. Making these crimes autonomous of one another has led to increased protection against violence for minors, as recommended in Article 17(b) of the Revised European Social Charter.

As with the crime of domestic violence, the legal asset that is protected by the criminalisation of mistreatment is a person's physical and psychological integrity – in this case, specifically those of minors and other particularly defenceless persons. The active subject of this type of crime is the carer, the guardian, the person who is responsible for the governance or education, or the employer of the minor or other person who is particularly defenceless due to his/her age, disability, illness or pregnancy.

As with domestic violence, mistreatment can be physical or psychological, and includes corporal punishment, deprivations of freedom and sexual offences; however, the law expressly adds cruel treatment to this list.

One element that differentiates the two types of crime is the fact that the crime of mistreatment can be typified by two other forms of conduct that cannot be subsumed into the crime of domestic violence: the employment of a minor or other particularly defenceless person in dangerous, inhuman or prohibited activities; and overburdening such a person with excessive work. (Also see Article 7)

The penal protection of minors and persons who are particularly defenceless has thus been strengthened by the provision of protection against offences against physical and psychological integrity, not only in the domestic sphere, but also in the labour-related one. The penalty for commission of this crime is imprisonment for from one to five years, increased to two to eight years in the case of serious damage to physical integrity, and three to ten years when the offence results in death.

Where the legal protection of children is concerned, besides the developments we have already mentioned there are also some specific aspects to add to the information that has been provided with respect to the period covered by the present Report:

- Portuguese legislation and the decisions of the Portuguese courts are guided by the principles of non-discrimination and equal treatment for all children, regardless of their origins and the conditions under which they were born. **Law no. 32/2006** of 26 July 2006 has recently regulated medically assisted procreation. With regard to the legal protection of children, it is important to note that Article 3 of this legislative act established the prohibition of discrimination based on the fact that a person was born as the result of the use of medically assisted procreation techniques.
- The implementation of the national 'To be Born a Citizen' programme led to some important changes in the Portuguese legal system:
 - ✓ First of all, any birth in Portuguese territory must be declared so that it can be registered (Articles 96 *et seq.* of the Civil Registry Code [CRC]). This is a compulsory declaration, not only for the parents or other family members, but also for the staff of the healthcare unit where the birth took place. The child's birth certificate is issued after this declaration.
 - ✓ In the absence of a declaration within the legal time limit – 20 days when made at the Conservatory of the Civil Register (CRC), or by the time when the mother is discharged from the healthcare unit – the Public Prosecutors' Office is required to remedy the omission when it is notified of the occurrence by the administrative or police authorities or by any other person.

Measures and programmes in the social security field

The protection of children and young persons – particularly those who are affected by any type of social vulnerability for any reason – is one of the Social Security Service's priority areas of intervention. This prioritisation is reflected in the Social Security Institute's Budget, which increased significantly the public financial budget for this area of intervention.

The work that is being done within the scope of Social Security System is also designed to prevent social exclusion situations that affect children, by adopting measures to fight child poverty, which were already described under Article 16 and are reflected in the following tables.

**Expenditure on some benefits with regard to Family Costs, 2005-2008
(Family Protection Subsystem)**

In thousands of euros

Benefit	Year			
	2005	2006	2007	2008
Family Costs				
- Family Allowance for Children and Young Persons (1)	599,249.9	626,310.2	663,964.5	823,266.5
Disability	87,750.5	97,002.8	104,276.2	115,689.7
- Additional Amount for Disability of Children and Young Persons	38,567.7	44,930.2	49,405.6	55,489.9
- Allowance for Provision of Assistance to a 3 rd Person	10,504.5	11,126.7	11,791.3	12,504.1
- Special Education Allowance	18,978.7	18,289.3	17,862.0	20,349.5
- Lifetime Allowance	19,699.6	22,656.6	25,217.3	27,346.2
Total	687,000.4	723,313.0	768,240.7	938,956.2

Source: Ministry of Labour and Social Solidarity - IGFSS
'Social Security Accounts (in Portuguese)

(1) Since 2007. Includes expenditure on the Prenatal Family Allowance (Sept. to Dec.) and the Additional Amount (Oct. to Dec.).

**Monthly Amounts of Benefits re Family Costs and re Disability
2005-2009**

In euros

Benefits for Family Costs	2005	2006	2007	2008 *		2009
<u>Family Allowance for Children / Young Persons</u>						
Children up to the age of 12						
Income Category						
Category 1	123.00	126.69	130.62	135.84	169.80	174.72
Category 2	102.50	105.58	108.85	112.66	140.83	144.91
Category 3	82.00	84.46	87.08	89.69	-	92.29
Category 4	51.25	52.43	53.79	55.13	-	56.45
Category 5	30.75	31.46	32.28	33.09	-	33.88
Children over the age of 12						
Income category						
Category 1	30.75	31.67	32.65	33.96	42.45	43.68
Category 2	25.63	26.40	27.22	28.17	35.21	36.23
Category 3	23.58	24.29	25.04	25.79	-	26.54
Category 4	20.50	20.97	21.52	22.06	-	22.59
Category 5	10.25	10.49	10.76	11.03	-	11.29
<u>Prenatal Family Allowance</u>						
Income category						
Category 1	-	-	-	135.84	169.80	174.72
Category 2	-	-	-	112.66	140.83	144.91
Category 3	-	-	-	89.69	-	92.29
Category 4	-	-	-	55.13	-	56.45
Category 5	-	-	-	33.09	-	33.88

Source: Ministry of Labour and Social Solidarity - IGFSS
'Social Security Accounts (in Portuguese)

**Monthly Amounts of Benefits re Family Costs and re Disability
2005-2009**

In euros

Benefits re Family Costs	2005	2006	2007	2008 *		2009
<u>Increased Family Allowance for Children and Young Persons in more numerous families</u>						
Child belonging to household with two qualifying recipients – subpara. (a) (1)						
Category 1	-	-	-	33.96	42.45	43.68
Category 2	-	-	-	28.17	35.21	36.23
Category 3	-	-	-	25.79	-	26.54
Category 4	-	-	-	22.06	-	22.59
Category 5	-	-	-	11.03	-	11.29
Child belonging to household with more than two qualifying recipients – subpara. (b) (1)						
Category 1	-	-	-	67.92	84.90	87.36
Category 2	-	-	-	56.34	70.43	72.46
Category 3	-	-	-	51.58	-	53.08
Category 4	-	-	-	44.12	-	45.18
Category 5	-	-	-	22.06	-	22.58
<u>Increased Amount for Disability</u>						
Up to age 14 (non-inclusive)	52.34	53.91	55.88	57.80	-	59.48
From 14 to 18 (non-inclusive)	76.22	78.51	80.94	84.18	-	86.62
From 18 to 24	102.04	105.10	108.36	112.69	-	115.96
<u>Lifetime Monthly Allowance</u>	155.53	160.20	165.17	171.78	-	176.76
<u>Allowance for Assistance to a 3rd Person</u>	77.77	80.10	82.58	85.88	-	88.37

Source: *Diário da República*

*Extraordinary update, Ministerial Order no. 425/2008 of 16/06/2008.

Note: Under Art. 4 of Min. Order no. 511/09 of 14/05/2009, "The monthly value of the increased amount of the Family Allowance for Children and Young Persons and of the Prenatal Family Allowance in single-parent situations is calculated by adding 20% to the amounts of the benefits laid down in Article 2(b) of the aforesaid Ministerial Order".

**Number of Beneficiaries / Recipients with Benefits re Family Costs, 2005-2008
(Family Protection Subsystem)**

In thousands

Family Allowance (*)	Year			
	2005	2006	2007	2008
No. of children and young persons with regard to whom the Family Allowance was processed	1,731.3	1,740.7	1,787.9	1,814.3
Prenatal Family Allowance	-	-	30.4	118.3

In thousands

Disability and Dependency (*)	Year			
	2005	2006	2007	2008
Increased Amount for Children and Young Persons with Disabilities	56.4	61.4	66.0	69.7
Allowance for Attendance at a Special Education Establishment	6.8	8.6	8.4	10.1
Lifetime Monthly Allowance	10.5	10.9	11.5	11.9
Allowance for Assistance to a Third Person	11.2	11.8	12.3	12.6
(*) Recipients whose benefits were processed in the year				

Source: Ministry of Labour and Social Solidarity – IT Institute ‘Social Security Statistics’ – Physical Data, provisional (*in Portuguese*).

As per database on 9-04-2010

We should note the important role undertaken by the **Challenges, Opportunities and Changes (DOM) Plan** referred to above. This Plan is designed to implement a system that provides incentives for improvements in quality services related to the promotion of the rights and the protection of children and young persons in institutional homes. The idea is to ensure that they are educated in citizenship and deinstitutionalised within a useful timeframe, and that children who need to be placed in care are integrated into the institution that is best suited to their profile.

The State and private charities (IPSSs) have developed an essential form of action with regard to placing children and young persons in both short-term and extended care. As a rule, the latter format prevails whenever other, short-term solutions that would allow the development of the child or young person to occur in a natural life environment do not prove viable.

Given that short-term solutions continue to be seen as the priority form of intervention, and so that children and young persons are not kept in care for longer than necessary, there is a need to ensure that the technical, organisational and operational aspects of institutional homes for children and young persons are reinforced, by investing in their human resources' technical competencies via an integrated intervention plan. These plans establish the timely definition and implementation of a deinstitutionalisation project.

This project is implemented following a period in care which is expected to ensure, as far as possible, a sense of identity, autonomy and security that will promote the child or young person's integral development.

The Plan sees two dimensions as core elements in the design of quality institutional care: the view that being in care is transitional, and the view that institutional homes for children and young persons should function like families and provide a family environment.

It also provides for the implementation of two measures: Human Resources; and the Qualification of the Intervention of the Intervening Entities. The former concerns the allocation of human resources to institutional homes where there is no Technical Team, and the strengthening of insufficient Technical Teams in homes where they do already exist. The latter addresses the development and implementation of training actions for institutions' senior managers and their Technical Teams and Educational Teams, the establishment of Supervision Plans for those teams, and the construction/reformulation of technical instruments designed to support interventions.

A pilot phase of the Plan began to be implemented in 2007. It covered 6 homes and involved 184 children and young persons in 3 Districts of Portugal, and the hiring of 9 Technical Specialists. The supervision of the same homes' Technical Teams and Educational Teams began in 2008.

In the Plan was extended to another 21 homes and covered 768 more children and young persons in 7 Districts around the country. 55 more Technical Specialists were also hired.

In the second half of 2008, a further 84 homes were involved, with 2,881 more children and young persons right across the country. Another 227 Technical Specialists were also recruited.

In 2009, the idea was to extend the qualification aspect to all the homes under the responsibility of the competent state body and to the private charities. 37 more homes were thus the object of intervention under the Plan, with the involvement of 1,047 more children and the recruitment of 65 more Technical Specialists. The Plan also ensured the provision of training and external supervision.

Since 2004, the **Immediate Intervention Plan (PII)** has provided for the characterisation of all the children and young persons in the care of institutions or host families. Article 10 of Chapter V of Law no. 31/2003 of 22 August 2003 requires the Government to present an annual report on the evolution of these children and young persons' life projects.

The **Programme for the Expansion of the Network of Social Facilities (PARES)** is also working to expand and qualify the network of social proximity services in terms of the number of available places, the quality solutions available, and the balance of their geographic distribution.

Launched in 2006, PARES financed the creation of 411 social responses in the form of crèches with a total of 16,536 new places for very young children, improving conciliation of work and family life.

At this level we should also point to the **Programme to Support Investment in Social Facilities (PAIES)**, which is seeking to create 5,750 crèche places by supporting private for-profit initiatives.

The **Cooperation Programme for the Development of the Quality and Security of Social Responses (PCDOSRS)**, which was signed in March 2003 by the Ministry of Labour and Social Solidarity, the National Confederation of Solidarity Institutions (CNIS) and the Unions of Misericórdia Charities and Mutual Associations (UMM), offers two types of product:

- **Technical Recommendations for Social Facilities:** establishes mandatory and/or recommendable specifications with regard to the safety of buildings used in social responses.
- **Quality Management Manuals for Crèches and Free-Time Activity Centres,** which include various tools: a Quality Assessment Model, a Manual for the key processes in this field, and an Evaluation Questionnaire with regard to client/staff and partner satisfaction. The Programme is currently finalising the Manuals for Temporary Care Centres and Institutional Homes for Children and Young Persons.

The **Inclusion and Citizenship Programme (PIEC)** is aimed at the organisation, implementation and monitoring of integrated responses, particularly socio-educational and training responses for children and young persons who are signaled as being in a social exclusion situation. The goal is to help ensure

reinsertion at school and attendance at and completion of compulsory education.

The Programme's intervention begins by signaling existing or imminent risk situations involving children or young persons. The PIEC's multidisciplinary mobile teams (EMMs) promote and coordinate the diagnosis of each of the situations in question, in a process in which they involve other entities. Among other aspects, this diagnosis entails an assessment of the school situation, the individual situation and the socio-family situation of the young persons with a view to finding the most appropriate response for each situation.

After the diagnosis, the young person is included in an individual project design to promote his/her fulfilment of the requirement to attend compulsory education, and the academic or vocational certification of minors aged fifteen or more. The young persons can be forwarded to responses that range from returning to standard education to integration into the Integrated Education and Training Programme (PIEF), taking one of the Education and Training Courses (CEFs) provided by the Vocational Training Centres (CFPs), or another alternative curricular path.

We must also note the creation in 2006 of the **National Adoption Lists** (LNA), which is a computerised database managed by the Adoption Services (SA). The Lists make it possible to identify candidates who have been selected for adoption / to become adoptive parents / for adoption or to become adoptive parents, along with the conditions that would be best suited to the child / young person's profile, and to identify children and young persons who are in an adoptable situation. The Lists are designed to ensure a higher degree of fairness and transparency in both the process of entrusting the adoptee to the candidate adoptive parent(s), and the access to constantly updated information about the number of children who are in an adoptable situation and the number of selected candidates, with a view to shortening the time it takes for an adoption order to be issued. This increases the possibilities of adoption by making this procedure faster.

More recently, as part of the **SCORE II Programme**, ISS IP is in the process of reengineering the procedures under which the Social Security Service provides technical assistance to the courts in **Promotion and Protection Proceedings and Civil Protective Measures Proceedings**. Working together with outside consultants, the Institute is moving towards a new and more qualified intervention model, which will be developed on an informatics model in 2010.

Measures and Programmes in the Health Field

National Mental Health Plan (PNSM)

The National Mental Health Plan was created in 2008. Its purpose is to promote access to mental health services, provide quality care, and facilitate the reintegration and recovery of persons with this type of problem. The Plan follows the recommendations of the World Health Organisation, which advises developed countries to close psychiatric hospitals, develop alternative residences, develop community care, and ensure individual care in the community for persons with serious mental disorders.

Services and programmes are being developed to provide quality responses to prevention and treatment needs. In this respect one of the essential actions that are being implemented under the PNSM is the targeted provision of services for children and teenagers with very specific needs, such as autistic children, the children of parents with mental illnesses, and children who are victims of mistreatment.

Given that these are particularly vulnerable groups, they need highly specialised organisational structures. This is why Portugal has created continuous mental healthcare responses as a specialised segment of the National Integrated Continuous Care Network (RNCCI), which was itself established by Executive Law no. 101/2006 of 6 June 2006.

The general objective of these responses, for which the Ministry of Labour and Social Solidarity and the Ministry of Health are jointly responsible, is to provide integrated continuous care to persons with serious mental illnesses who are unable to live independently. This has included the development of a pilot project involving a Residential Unit for teenagers with serious mental disorders.

Support Units for Children and Young Persons in Danger (NACJPs)

Governments, agencies and non-governmental organisations have made substantial progresses in raising awareness of the magnitude and serious consequences of the mistreatment of children.

One intervention project with regard to children and young persons in danger was implemented by the health services in April 2007. This project is coordinated by the Directorate-General of Health (DGS) and undertaken in cooperation with primary healthcare centres and hospitals. It provides for the creation of a network of Support Units for Children and Young Persons in Danger (NACJPs). In 2008, these Units were extended to the whole country. Each one is composed of a team of professionals (doctor, nurse, psychologist, social worker) in the field of children and teenagers' health whose training includes mental healthcare.

The Units' main functions are to:

- Promote the training of healthcare professionals in these areas.
- Make people in general aware of the problems of children and young persons in danger.
- Resolve urgent cases that exceed the capabilities of other intervention structures.
- Cooperate with other community projects and resources that contribute to the empowerment of families, the prevention of mental health situations, and the monitoring of risk situations.
- Ensure articulation within the network of the Local Commissions for Children and Young Persons in Danger (CLCJPs), as provided for under the applicable legal procedures.

Measures and Programmes in the Education Field

School Sports

The objective of the School Sports Programme is to promote activities in the school community, and whenever possible to involve the local partners. It provides for sports with or without a national competitive framework, and sports for students with disabilities.

School Meals

The majority of schools in Portugal provide lunch for a price of €1.42¹. The exact amount depends on the family's income and can be subsidised in whole or in part.

School Materials

Like meals, schoolbooks and materials can be wholly or partially subsidised, depending on the family's income.

Education for Health

In 2006, in a legislative initiative entitled 'Education for Health', the Ministry of Education set the objective of preserving individual and collective health by ensuring that children and young persons possess knowledge, attitudes and essential values that are essential if they are to make the choices and decisions which are appropriate to their health and physical, social and mental well-being.

The overall framework of priority topics includes diet and physical activity. The Ministry of Education has published a document entitled 'Dietary Education in a School Environment', the draft of which was reviewed by a number of specialist entities in the diet and nutrition field. The document has helped raise the awareness of the education community, particularly with regard to school buffets / refectories.

These initiatives have been publicised by a variety of means, including the display of posters in school refectories and the distribution of information leaflets to parents and other persons with responsibility for students' education, as well as to the students themselves and the education community as a whole.

School Fruit Regime – National Strategy

This initiative is designed to promote eating habits that are beneficial to the health of younger people, while simultaneously reducing the economic costs associated with dietary regimes that are less, or not at all, healthy. The programme provides for two weekly distributions to the school population, free of charge.

¹ This amount is updated annually, by government Order.

This measure is the result of the combined efforts of four entities: the Ministry of Agriculture, Rural Development and Fisheries, the Ministry of Health, the Ministry of Education, and municipalities around the country.

Prevention of the Consumption of Psychoactive Substances

In terms of objectives, this initiative seeks to improve the overall state of the health of young persons, contribute to the definition of clear policies with regard to the consumption of psychoactive substances, and prevent that consumption in the school environment by means of debates, awareness-raising sessions and other strategies that entail continuously working with students and involving the whole education community.

The Tobacco Law, which entered into force in January 2008, includes norms for the protection of citizens, measures designed to reduce demand, and the prohibition of smoking in certain places – particularly teaching establishments.

Sexuality and Education for Health

The objectives of sex education are to improve emotional/sexual relationships between young persons, and to help reduce the possible negative consequences of sexual behaviour, such as unplanned pregnancies and sexually transmitted diseases.

Law no. 60/2009 of 6 August 2009 established the regime governing the implementation of sex education in a school environment, which is provided in accordance with the students' level of schooling: **i) basic education** – sex education is addressed within the scope of education for health in general, in non-disciplinary curricular areas; **ii) secondary education** – sex education is part of the curricular areas of education for health in both the disciplinary and non-disciplinary areas; **iii) vocational education** – sex education forms part of education for health.

Safe Internet for Children

Despite the Internet's importance in our societies, this digital tool entails a variety of dangers for children and young persons – particularly child pornography, sex predators, identity and data theft, cyber-bullying, Internet dependency, chats and so on.

Within this context, an officer of the National Republican Guard (GNR) and a university professor have published a book entitled '*Internet Segura para Crianças – Guia para pais e educadores*' (Safe Internet for Children – Guide for parents and educators). This guide has been widely disseminated contains essential information about the technologies associated with the Internet and advice about how parents and educators should approach children and young persons on this subject.

Measures and Programmes with regard to protection from violence

In the field of the protection of children and young persons from violence, we should particularly note a number of programmes undertaken by the two national police forces – the National Republican Guard and the Public Security Police (PSP). These are a set of special programmes intended to preserve the democratic rule of law and guarantee internal security and citizens' rights.

They include the **Safe School Programme** (PES), which is especially targeted at educational communities and whose main objectives are: to promote safety and security at schools, foster civic responsibility and citizenship, diagnose, prevent and eradicate the occurrence of risky or unlawful forms of behaviour in schools and the surrounding areas, and promote awareness-raising and training actions in relation to the issue of prevention and security in a school environment.

Where Domestic Violence is concerned, the PSP (Security Police) currently has 142 **Crime Victim Reception and Support Rooms**, which were created in order to receive victims in a way that is more specialised and appropriate to each type of incident. This is particularly applicable to more violent types of crime, or when the victims are more vulnerable and fragile – namely when they are children, elderly persons, women, or persons with disabilities. These units guarantee improved support, protection, and forwarding for follow-up by other services in such cases.

Implementation of the **Integrated Proximity Policing Programme** (PIPP) by the PSP led to the creation of Proximity and Victim Support Teams (EPAVs) in 22 Subunits, as a civil society pilot project that will subsequently be expanded to other Subunits in the PSP's national organisational structure.

The EPAVs (which involved a total of 621 police) thus constitute a frontline in the prevention of the problem of domestic violence, in terms of intervention, protection and security, the reception, monitoring, support and forwarding of victims, and the seizure of objects (weapons, clothes and so on).

As part of the reorganisation of its crime prevention and investigation mechanisms that began in 2002, the National Republican Guard has created the Investigation and Support for Specific Victims Unit (NIAVE) – a type of unit which is designed to be a reference point in the handling of social and criminal issues that had previously not been the object of specific, differentiated treatment. In this way the GNR has established a specialised area dedicated to the prevention, monitoring and investigation of situations involving violence against women, children, and other specific groups of victims.

All of this project is designed to raise the awareness and create competences and skills both for the whole of the National Republican Guard's organisational structure and for the society in general, with regard to the issue of violence against women and children.

There are one or two representatives from the police forces on each of the various Commissions for the Protection of Children and Young Persons (CPCJs), depending on whether the latter's geographic area of responsibility is policed by the National Republican Guard, the Public Security Police, or both.

Paragraph 2

The primary objective of the education policy is to enhance public schools and increase the value that people attach to them, by placing them at the service of students and their families and contributing to the quality of learning, of students' school outcomes and of the promotion of educational success. In this respect Portugal has focused on four major priority areas of intervention:

- Equal access to education opportunities, both at the level of preschool education and in terms of guaranteeing the universality of basic education.
- The quality of learning and the improvement of school outcomes and academic success.
- The organisation and operation of schools
- Infrastructures.

The majority of the measures that have been implemented have been consolidated. These include:

- The full occupation of class times (via the substitution of teaching staff when they are absent).
- 'Full-time School' in the 1st basic education cycle, with curricular enrichment activities to complement regular classes (options include English, Study Support, French, Physical Education and Sport, Musical Education, and others).
- The closure of small schools and the consequent reorganisation of the school network.
- The broadening of the offer of training in secondary education.
- Making available low-cost computers and Internet connections available to students and teachers.
- The introduction of the new teacher appraisal system, the placement of teachers for several years in the same school instead of just one year as it happened previously.

The following measures also deserve a special mention:

- The *Technological Plan for Education*², which was created in 2007. The Plan's main objectives for 2007-2010 were to: (i) Achieve a ratio of two students per Internet-linked computer in 2010; (ii) Ensure high-speed (at least 64 Mbps) broadband Internet access in all schools in 2010 (goal attained in 2009); (iii) Ensure that in 2010 both teaching staff and students use ICTs in teaching and learning processes; (iv) Massify the use of electronic means of communication, by providing e-mail addresses to 100% of students and teaching staff by 2010; and (v) Ensure that by 2010 90 % of teaching staff achieve the certification of their ITC competencies.

² Council of Ministers Resolution no. 137/2007 of 18 September 2007 (see <http://www.escola.gov.pt/>).

- The *Programme for the Modernisation of the Park of Secondary School Facilities*, (PMPEES) which was launched in 2007³. This Programme is pursuing the effective rehabilitation of school facilities, by promoting their modernisation and ensuring that: school spaces are appropriate in the light of the requirements imposed by the way in which secondary education is organised and its curricula; schools are open to the community; the existence of spaces that are safe, accessible and inclusive for persons with disabilities; and solutions are lasting in terms of their construction, in such a way as to reduce management and maintenance costs.
- The *requalification of the preschool and basic education network*. This measure resulted from the understanding that qualifying spaces, correcting construction problems, improving conditions in terms of accessibility and security and promoting the improvement of school facilities. This requalification project is based on a set of agreements with local authorities, whose purpose is to requalify the park of 2nd and 3rd basic education cycle schools, including the requalification of the 50 basic schools whose facilities have been identified as being the most degraded in the country. The total investment under this measure is around 175 million euros.

Actions (legal framework and implementation measures)

One of the key objectives of the Portuguese education system is to ensure an increase in the number of individuals with secondary level qualification, therefore fostering a more effective articulation between education, training and society, with a view to increase insertion into the active life, and implementing the development of significant forms of learning via practical and experimental teaching.

The **Curricular Reorganisation of Basic Education**, which began in 2001⁴, has involved the definition of a new curricular paradigm that presupposes a different way of organising the education process. This new curricular concept seeks to provide a response not only to the problem of early school leaving and academic failure, but also to that of the insufficient social competencies that students are displaying when they leave school. The central objective of this curriculum is to promote more and better learning for all students. This resulted in the definition of the National Basic Education Curriculum in such a way as to cover the competencies that must be developed and the types of educational experience that must be provided to everyone, as well as the various curricular areas and components.

The **Reform of Secondary Education** has been underway since 2004⁵. It is seeking to ensure that young persons acquire a solid training and education that will enable them to pursue academic, professional or personal paths. In 2007-2008, the following initiatives were especially significant: (i) recurrent education technological courses taken in the form of capitalisable modules are now

³ Council of Ministers Resolution no. 1/2008 of 3 January 2008.

⁴ Executive Law no. 6/2001 of 18 January 2001.

⁵ Executive Law no. 74/2004 of 26 March 2004, as amended by Executive Law no. 272/2007 of 26 July 2007.

equivalent to other technological certificates (ii) the regulation of the process of reorienting students' training paths; (iii) the approval of the regime governing the organisation, operation and evaluation of secondary-level scientific/humanistic courses; (iv) the establishment of new matrices for the various secondary-level scientific/humanistic courses; and (v) the signature of a cooperation protocol for a study on the assessment and monitoring of the implementation of the reform of secondary education⁶.

The **Extension of Compulsory Education** approved by Law no. 85/2009 of 27 August 2009 makes it obligatory to remain in the education and training system until the age of eighteen or the completion of twelve years of schooling⁷.

In the human resources domain, the formation of partnerships between the Ministry of Education and higher education institutions for the training of 1st and 2nd Basic Education Cycle teaching staff in Mathematics and the Experimental Sciences is enabling them to come into contact with new curricular methodologies. This is in turn resulting in a new approach to contents and the development and consolidation of the essential competencies linked to these disciplinary areas. At the same time, the new perspective on the recruitment of teaching staff, who are now guaranteed to remain at the same school for 3 years at a time, is enabling teaching establishments to define and implement specific competency development programmes/projects. Where the Mother Tongue is concerned, the **National Plan for Teaching Portuguese** (PNEP) has made it possible to achieve objectives that are similar to those set for the Mathematics and Experimental Sciences areas.

The process of **decentralising education-related competences to municipalities** is now underway. The main objective is to achieve clear and sustained advances in the organisation and management of educational resources, the quality of learning, and the offer of opportunities for citizens to improve their levels of training⁸.

At the technological level initiatives like *e-escolinha*, *e-escola*, *e-professor* and *e-oportunidades* (e-little school, e-school, e-teacher, e-opportunities) have enabled students, adults in training and teachers to gain access to the latest technologies, made it possible to explore and use new teaching materials, and allowed individual users to take advantage of them as technological tools. It is expected that under these programmes more than a million laptop computers will be distributed by the end of 2010, in most cases with mobile broadband Internet access, at prices significantly below market levels.

⁶ Order no. 17 388/2005 of 12 August 2005.

⁷ Article 8 (Transitional provision) of the Law said that: 1) Students who were currently subject to compulsory education and registered for the 2009-2010 academic year in any of the grades in the 1st or 2nd cycles or the 7th grade became subject to the new length of compulsory education established in the Law; 2) Students who were registered for the 2009-2010 academic year in the 8th or higher grades continued to be subject to compulsory education up to the age of fifteen and to the previous regime (which Article 7 of the Law revoked, subject to this exception).

⁸ Executive Law no. 144/2008 of 28 July 2008, which established the framework for the transfer of competences in the education field to municipalities, as laid down in Article 19 of Law no. 159/99 of 14 September 1999.

The country's pedagogical/curricular organisation has received a major boost from the development of specific initiatives and projects, such as:

- The **Mathematics Action Plan** (PAM), which enables schools to define and implement strategies that enhance quality success in this area.
- The **National Reading Plan** (PNL)⁹, which is designed to create the conditions that Portuguese people need to attain levels of reading at which they feel themselves to be fully apt to deal with the written word in any life circumstance. Concretely, this Plan takes the form of a set of strategies designed to promote the development of competencies in the reading and writing domains, together with the broadening and deepening of reading habits, particularly among the school population.

As part of the redefinition of pedagogical organisation guidelines with a view to offering key competencies, we would particularly note: (i) The definition of mechanisms for recovering, developing and monitoring students who are experiencing difficulties or are in danger of failing; (ii) The creation of Alternative Curricular Paths for young persons whose normal path has compromised the acquisition of essential competencies; and (iii) the geographic definition of clusters of, or individual, schools where the nature of their school population or the territory in which they are located mean that they require priority intervention, with provision of the necessary resources.

Turning to Foreign Language competencies, Portugal has been developing and implementing the plan for the **generalisation of English in the 1st Cycle**. English is not taught as part of the curriculum at this level, but is instead one of the Curricular Enrichment Activities (AECs). Attendance is not compulsory, but School Clusters are obliged to make it available to their students.

In an initial phase the students in question were only from the 3rd and 4th grades, but since 2008/2009 all 1st cycle students have been covered.

In the last few years Portugal has become a country of immigration. Inasmuch as our country is the recipient of citizens from other countries who are looking to begin/restart their life, schools have been encouraged to develop projects and initiatives designed to integrate those citizens and their children, in a relationship that simultaneously seeks to gain respect on the part of Portuguese students for their colleagues' cultures of origin. These days the mother tongue of a significant proportion of both the school population and adults is not Portuguese, which means that it is necessary to undertake specific activities for both schoolchildren and grownups. The **Portuguese For All Programme** (PPPT) was created to provide a response to this problem and covers immigrants and their families. At present, it includes 66 ongoing actions covering about 800 people (young persons and adults). There are also Adult Education and Training Courses (CEFAs) dedicated to teaching Portuguese to non-nationals aged fifteen or more.

The promotion of entrepreneurship in the education system is an activity that represents an interface between education/training and insertion into the labour market. Of particular note is the implementation of the **'Education for**

⁹ See <http://www.planonacionaldeleitura.gov.pt/>.

Entrepreneurship Project (PEE)¹⁰, which is targeted at students, management bodies, teachers, specialist education staff and other assets. Its mission is to ensure that every young student has access to an education that incentivates entrepreneurship by developing competencies integrated into a critical and creative way of thinking that is oriented towards change and problem-solving. The Project has been developed at the local level by involving partners, such as the specialist staff at the Regional Directorates of Education (DREs), parents' associations, the Central Business units and the Business Innovation Centres. This project began with a pilot version in September 2006, which involved 23 pilot schools, 143 projects, 1,681 students and 119 teachers. From August 2007 onwards, it has been made available to all the schools in mainland Portugal, 99 of which are currently taking part.

The aim of the **Critical Neighbourhoods Initiative** (IBC), which combines the work of various ministries, local authorities and other local entities, is to requalify two degraded neighbourhoods whose residents are largely from other countries, including by means of the optimisation of all the programmes described above in such a way as to strengthen the basic competencies of both the 2nd and 3rd generations. This initiative is complemented by the creation of the so-called *Priority Intervention Education Territories* (TEIPs), whose purpose is to strengthen the resources of schools in disadvantaged locations, in such a way as to improve their students' academic success, especially with regard to key competencies.

In order to ensure that all students up to the age of fifteen (inclusive) who have experienced repeated academic failure fulfil the requirement to attend compulsory education, since 2006 Portugal has developed a number of *Alternative Curricular Paths* (PCAs)¹¹, with the objective of making the management of resources and the curriculum more flexible at schools with high rates of failure.

The introduction of the essential competencies has been achieved by reorganising and generalising the offer of education/training, particularly by means of the:

- *Vocational Courses* – targeted at the initial qualification of young persons, with emphasis on their insertion into the world of work while enabling them to simultaneously pursue their studies. The curricular revision that was completed in 2006 made it possible to rationalise the offer of vocational education and update it to match the professional profiles that apply today or are currently emerging and are of strategic importance to the country's development. The exponential increase in the offer of this type of training (from 44,666 students in 2006/2007 to 66,494 in 2007/2008¹²) is due to the fact that it has expanded in the secondary schools in the public network, while maintaining its presence in public and private vocational schools.
- *Apprenticeship / Learning Courses* – designed to ensure the initial qualification of young persons, with the objective of increasing their

¹⁰ Ministry of Education (DGIDC).

¹¹ Normative Order no. 1/2006 of 6 January 2006.

¹² Data with regard to secondary level Vocational Courses – mainland Portugal – Source: Ministry of Education (GEPE).

employability in the light of the needs of the labour market, while also enabling them to achieve both scholastic and professional advancement. This apprenticeship / learning format, which was revised in 2008¹³, increases the extent to which enterprises are involved in the alternation of working contexts and training contexts. Given how important it is that enterprises participate in vocational training, cooperation protocols were recently signed with 51 enterprises in a number of different sectors of activity. Their goal is to provide courses that are organised jointly with the enterprises and result in an increase in the levels of qualification of the young participants before they are actually integrated into the labour market.

- *Education and Training Courses* (CEFs, qualifying initial training) – intended preferentially for young persons aged fifteen or over who are either in danger of dropping out or have already left the education system, as well as those who have completed 12 years of schooling but do not possess a vocational qualification and want to acquire one in order to help them enter the labour market. These courses are given by the network of public, private and cooperative schools, vocational schools and centres in whose management the Institute of Employment and Vocational Training (IEFP) plays a direct part, and other accredited training entities, acting in articulation with a variety of community entities – particularly local authorities, enterprises or business organisations, other social partners and associations with a local or regional scope. They are the object of protocols signed by the entities involved and are designed to make the best use of their physical structures and human and material resources. The Education and Training Courses are flexible training paths with a modular structure and a variable duration. They are organised in the shape of a sequence of training stages and are adjusted to both the interests of the trainees and the needs of the local labour market. Successful completion of the course grants certification of 6, 9 or 12 years of schooling and a level 1, 2 or 3 vocational qualification. Whatever their typology, all the courses include sociocultural, scientific, technological and practical training components, with the practical component being an internship in a working context. The objectives of the components are the same as those of the respective components of the vocational courses.
- *Specialised Artistic Education Courses* (CEAEs) – designed from the dual perspective of achieving insertion into the world of work and being able to pursue studies. The courses are given at public, private and cooperative education establishments.
- *Specialised artistic courses in the Visual and Audio-visual Arts domains* – intended to provide a visual and aesthetic culture that will enable students to develop the abilities to express and communicate and equip them with technical/artistic competencies that are inherent in the area covered by each course.
- *Specialised artistic courses in the Dance domain* – designed to enable students to acquire dance techniques, to provide an opportunity for

¹³ Ministerial Order no. 1497/2008 of 19 December 2008.

creative and choreographic training and experimentation, and to develop an aesthetic sensibility and historical knowledge in the dance field.

- *Specialised artistic courses in the Music domain* – designed to deepen musical education and knowledge of the musical sciences, while leading to advanced mastery of the use of instruments and vocal techniques.

Students with Special Educational Needs (NEEs)

With regard to students with **special educational needs** (NEEs), the Action Plan for the Integration of Persons with Disabilities (PAIPDI), which was launched in 2006 and revised in 2008, seeks to provide an integrated, inter-sectoral response to persons with disability, by promoting a policy of including students with permanent NEEs into standard schools. Executive Law no. 3/2008 of 7 January 2008 provided for a number of measures, including the development and implementation of Individual Transition Plans (PITs), which students with NEEs construct from the age of twelve onwards. The purpose of these Plans is to promote the transition to post-school life and, whenever possible, to the exercise of an occupation. The following initiatives were implemented:

- A training action with a national scope in the special education field was held for both teaching and non-teaching staff.
- The Specialised Units for Autism and Multiple Disability (UEAMs) in 2nd and 3rd cycle schools have been expanded, thereby contradicting the practice of the last few years.
- A *Portuguese Sign Language* (LGP) Programme was launched. This consisted of the production of programmes for basic education and for secondary education, which are designed to ensure that children and young persons with hearing impairments are able to learn Portuguese sign language at public education establishments.
- The cooperation protocols – particularly those concerning Early Intervention, Multiple Disability Units, and ICT Resource Centres for Special Education – with higher education institutions have been expanded.
- A number of interventions have taken place at the level of: (a) methodologies and instruments for organising the training of persons who are not in a position to gain access to a profession; (b) a methodology for persons with disabilities to gain access to training actions intended for the general population, with support from professional rehabilitation centres and units; (c) a distance training project in entrepreneurship, for unemployed persons with disabilities; (d) the signature of 5 protocols for the creation of New Opportunities Centres, with a view to the development of a reference instrument for the competency registration, validation and certification (RVCC) process up to Basic Education that is adapted to persons with disabilities. From June 2007 to June 2008, 582 persons with disabilities were covered by this measure.

Children with an immigrant background

The basis for the promotion of the full integration of *immigrants* in Portugal has been the *Plan for the Integration of Immigrants (PII) 2007-2009*¹⁴. In the education and training field, the following interventions are especially important:

- (a) the *Portugal Welcomes – Portuguese for All* Programme, which seeks to promote the social and professional integration of immigrants by means of training actions that enable them to achieve certification in Portuguese Language and Citizenship (LP) and Technical Portuguese (PT);
- (b) *Portuguese as a non-mother tongue*, which involved (in 2008) drawing up frameworks of reference for non-native adults with regard to linguistic/communicational exit profiles corresponding to levels A2 and B1;
- (c) the third generation of the *Choices Programme*¹⁵, which targets the social inclusion of children and young persons (between the ages of six and twenty-four) from vulnerable socioeconomic contexts, particularly descendants of immigrants and ethnic minorities, via four axes – ‘Scholastic inclusion and non-formal education’, ‘Vocational training and employability’, ‘Civic and community participation’, and ‘Digital inclusion’; and
- (d) Modular training actions linked to the subject of citizenship and interculturality.

The Mobile School Project¹⁶ and the Entrepreneurship for the Social Reinsertion of Inmates Project¹⁷ are both experimental practices involving intervention in relation to specific target groups.

Collaboration between representatives of other policy domains, social partners, or other interested parties

The **National Agency for Qualification (ANQ)**, which was created in 2007, comes under the joint oversight of the Ministry of Labour and Social Solidarity and the Ministry of Education. Its creation represented a strengthening of the coordination of the implementation of the education and training policies in Portugal. It works in articulation with other entities – particularly the Institute of Employment and Vocational Training (IEFP) – and in concert with the social partners and other civil society organisations (members of the ANQ Management Board).

The **IEFP** has a tripartite management in which the social partners are represented. They are permanent members of the Economic and Social Council’s Permanent Social Concertation Committee, the Board of Directors,

¹⁴ Executive Law no. 63-A/2007 of 3 May 2007.

¹⁵ See <http://www.programaescolhas.pt/>.

¹⁶ The Mobile School is a distance teaching project that uses a technological platform to provide learning support. It began in 2005/2006 with students in the 3rd basic education cycle who were the children of itinerant professionals. Its objective was to provide a response to this community’s specific needs for basic education. In the 2007/2008 academic year, the Mobile School was broadened to include other groups as well – young persons from the Ajuda de Mãe (Mother’s Help) charity, and students above the age of 15 (inclusive) who have not completed their compulsory education for a variety of reasons.

¹⁷ The project’s objective is to create conditions for the socioprofessional (re)insertion of inmates and avoid the commission of new crimes, by investing in the development of entrepreneurial competencies. The 12-month pilot project was implemented at five prisons beginning in May 2006, and involved 50 professionals and 50 inmates. In 2008 the project was extended to the whole Prison System, which includes 52 prisons.

the Supervisory Board, the Regional Consultative Councils, and the Consultative Councils of the Vocational Training Centres.

The **New Opportunities Centres** (CNOs) were created to qualified or certified public and private entities – particularly education establishments, vocational training centres, local authorities, enterprises and associations – with a significant geographic or sectoral presence and existing technical capacity, depending above all on the sectors and target groups they are aimed at. In this respect the cooperation agreements/protocols that exist so far take the form of public partnerships or public/private partnerships involving ministries and ministerial departments, local authorities, enterprises and business associations, trade unions, religious associations and disabled persons' associations.

The **Adult Education and Training Courses** and **Modular Training** are promoted by entities that can be public, private or cooperative, but are generally education establishments, vocational training centres, local authorities, enterprises, business associations, trade unions or other associations with a local, regional or national scope. The condition is that they must belong to the national network of training entities accredited under the national qualifications system.

The **National Catalogue of Qualifications** (CNO) is developed and updated in articulation with the *Sectoral Councils for Qualification* (CSOs), which are technical/consultative platforms for reflection and discussion composed of specialists nominated by employers' associations, trade unions, reference enterprises, training entities and experts, among others. Their purpose is to identify and define the qualifications that are essential to both the development of the individual and the competitiveness and modernisation of the productive fabric. In 2008 the National Agency for Qualification (ANQ) created 16 CSOs. At least every two years the qualifications that are included in the Catalogue are evaluated by the *National Vocational Training Council* (CNFP), whose tripartite composition includes representatives from the Government and the employers' confederations and trade unions with seats on the Permanent Social Concertation Committee (CPCS).

The Operational Information and Management System (SIGO) is a platform for integrating the offer of professionally qualifying education and training and it was defined and managed jointly by the Ministry of Education and the Ministry of Labour and Social Solidarity. The System was operationalised at the end of 2006. Its Management Council was created in mid-2007, includes representatives from the two Ministries and the Regional Directorates of Education, and is charged with the mission of managing the conditions needed for the development of the platform (Order no. 14019/2007 of 3 July 2007).

Approaches to the promotion of essential cross-cutting competencies

Turning to **general education**, it is possible to note the continuing reorganisation of the Basic and Secondary Education curricula, using the working methodology that revolves around the acquisition of competencies (*see point 2 of the present chapter*).

With regard to the offers of **vocational education and training targeted at young persons**, the following innovative approaches are especially significant: (i) project work as a strategy for integrating learning; (ii) exhibitions or displays of students' work, which involve various disciplines and have an impact on the education community; (iii) working cooperatively to perform research tasks, either in groups or on a peer-to-peer basis; (iv) debating ideas in class assemblies after first watching films or documentaries, with the option of inviting professionals who expose ideas and encourage active participation by the students; (v) participation in international competitions and showcases; (vi) projects involving entrepreneurship and the creation of virtual enterprises, in which the students develop a product or a commercial activity; and (vii) study visits to training entities and employers (*see point 2 of the present chapter*).

Where the offers of **education and vocational training targeted at adults** are concerned, we should point to the role which the New Opportunities Centres are playing in the qualification of adults by providing them with: (i) forwarding to training formats that are suited to their profile and personal needs, motivations and expectations; (ii) the recognition and validation of competencies for the purpose of positioning them on education/training paths; and (iii) the recognition, validation and certification of competencies acquired during the course of their lifetimes and in various life contexts, for the purpose of obtaining a level of scholastic and vocational qualification. At the same time, the offers of qualification for adults are based on the same frameworks of reference for key competencies (basic and secondary education levels) and vocational training (levels 2 and 3) as the ones included in the CNQ (*see point 2 of the present chapter*).

The Reflexive Portfolio of Forms of Learning (PRA) is both used in articulation with, and derived from, the (auto)biographical and competency balance sheet approach methodologies. The portfolio is constructed over the course of the competency recognition process, serves as a basis for the validation and certification of competencies, and grants an integral scholastic and/or vocational qualification. In parallel, the pedagogical team with responsibility for the development of an EFA course defines a training plan that is appropriate to the characteristics of the adult in question, using his/her portfolio as a basis. The curricular design of this course includes a Reflexive Portfolio of Forms of Learning Area, which cuts right across both the basic training and the technological training, and whose purpose is to develop the portfolio on the basis of the competencies which the adult is now acquiring in a training context.

When it comes to **teacher training (initial and continuous)**, of particular note are the approaches set out in the new policy on teacher competencies and qualifications – particularly multidisciplinary training. These approaches are developed to guarantee that teachers have: (1) in-depth knowledge of the contents of their subject; (2) pedagogical knowledge; (3) suitable competencies for providing their learners with guidance counselling and support; and (4) an understanding of the social and cultural dimension of education (*see point 5 of the present chapter*).

With respect to **trainer training**, new approaches are being developed as part of the continuous training available to trainers with a view to promoting basic

competencies, particularly with regard to *e-learning* (*e-Trainers*¹⁸ and TNet), and to the development of methodologies and resources for new training approaches, such as training in a working context and training as an instrument for facilitating learning. We should note the publication of new frameworks of reference for training, such as the framework of reference 'For an active citizenship: intercultural learning' (June 2008).

**NUMBER OF PUBLIC AND PRIVATE SCHOOLS,
BY GEOGRAPHIC DISTRIBUTION (RURAL AND URBAN ZONES)**

2008/2009 Academic Year

Mainland

NUTS II	Number of schools			
	Total	Predominantly urban areas	Averagely urban areas	Predominantly urban areas
Total	11,514	6,657	2,618	2,239
North	4,369	2,377	1,366	626
Centre	3,684	1,646	927	1,111
Lisbon	2,099	1,968	98	33
Alentejo	985	409	169	407
Algarve	377	257	58	62

Source: Education Statistics 2008/2009 (*in Portuguese*)

Office for Education Statistics and Planning (GEPE), Ministry of Education

¹⁸ *e-Trainers* – Pedagogy, Training and Certification in an e-Learning Environment.

REGISTERED STUDENTS AND ADULTS IN EDUCATION AND TRAINING ACTIVITIES

2008/2009 Academic Year

Mainland

	Students			
	Total	Public	Private dependent on the State	Independent private
Total	1,952,114	1,525,420	150,704	275,990
Preschool Education	258,932	131,765	79,896	47,271
Basic Education	1,215,380	1,032,498	51,102	131,780
1 st Cycle	459,823	408,923	7,583	43,317
Standard	457,652	407,150	7,578	42,924
Specialised Artistic (integrated regime)	392	207	-	185
EFA Courses	1,307	1,207	-	100
RVCC Processes	472	359	5	108
2 nd Cycle	255,347	220,338	16,679	18,330
Standard	240,345	210,123	16,542	13,680
Specialised Artistic (integrated regime)	347	226	-	121
CEF Courses	661	619	14	28
EFA Courses	5,163	4,131	51	981
RVCC Processes	8,831	5,239	72	3,520
3 rd Cycle	500,210	403,237	26,840	70,133
Standard	317,729	277,292	24,478	15,959
Specialised Artistic (integrated regime)	350	256	-	94
Vocational	299	10	-	289
Learning / Apprenticeship Courses	996	996	-	-
CEF Courses	39,649	34,487	1,336	3,826
EFA Courses	40,374	27,521	274	12,579
Recurrent	125	120	5	-
RVCC Processes	100,688	62,555	747	37,386

Secondary Education	477,802	361,157	19,706	96,939
Standard	202,079	176,099	16,000	9,980
Specialised Artistic (integrated regime)	2,527	2,429	-	98
Vocational	89,499	53,637	2,214	33,648
Learning / Apprenticeship Courses	13,584	13,584	-	-
CEF Courses	3,391	2,890	91	410
EFA Courses	52,017	38,019	593	13,405
Recurrent	16,576	13,317	335	2,924
RVCC Processes	98,129	61,182	473	36,474

Source: Education Statistics 2008/2009 (*in Portuguese*)
Office for Education Statistics and Planning (GEPE), Ministry of Education

REGISTERED STUDENTS (YOUNG PERSONS)

2008/2009 Academic Year

Mainland

	Students (young persons)			
	Total	Public	Private dependent on the State	Independent private
Total	1,628,090	1,311,428	148,149	168,513
Preschool Education	258,932	131,765	79,896	47,271
Basic Education	1,058,420	931,366	49,948	77,106
1 st Cycle	458,044	407,357	7,578	43,109
Standard	457,652	407,150	7,578	42,924
Specialised Artistic (integrated regime)	392	207	-	185
2 nd Cycle	241,353	210,968	16,556	13,829
Standard	240,345	210,123	16,542	13,680
Specialised Artistic (integrated regime)	347	226	-	121
CEF Courses	661	619	14	28
3 rd Cycle	359,023	313,041	25,814	20,168
Standard	317,729	277,292	24,478	15,959
Specialised Artistic (integrated regime)	350	256	-	94
Vocational	299	10	-	289
Learning / Apprenticeship Courses	996	996	-	-
CEF Courses	39,649	34,487	1,336	3,826

Secondary Education	310,738	248,297	18,305	44,136
Standard	202,079	176,099	16,000	9,980
Specialised Artistic (integrated regime)	2,185	2,087	-	98
Vocational	89,499	53,637	2,214	33,648
Learning / Apprenticeship Courses	13,584	13,584	-	-
CEF Courses	3,391	2,890	91	410

Source: Education Statistics 2008/2009 (*in Portuguese*)
Office for Education Statistics and Planning (GEPE), Ministry of Education

STUDENT/TEACHER RATIO

2008/2009 Academic Year

Mainland

	Student/teacher ratio		
	Public	Private dependent on the State*	Independent private
Total	8.9	13.7	9.2
Preschool	14.3	19.1	15.3
Basic education – 1 st Cycle	14.2	17.8	16.9
Basic education – 2 nd Cycle	7.4	10.6	9.2
3 rd basic cycle and Secondary education	7.0	9.4	5.7

Note: The ratios were calculated taking into account students registered for standard education, specialised artistic education (standard, under an integrated regime), vocational courses, and education and training courses.

* Private schools with public funding through cooperation contracts

Source: Education Statistics 2008/2009 (*in Portuguese*)

Office for Education Statistics and Planning (GEPE), Ministry of Education

RATE OF TRANSITION TO NEXT GRADE / COMPLETION, BY ACADEMIC YEAR (%)

Mainland Academic year Education level	Public and Private – Male and Female													
	1995/96	1996/97	1997/98	1998/99	1999/00	2000/01	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09
Basic Education	86.5	85.0	86.6	87.3	87.9	87.7	86.8	87.4	88.5	88.5	89.4	90.0	92.3	92.4
1st Cycle	90.1	89.2	90.3	91.0	91.6	91.7	91.9	92.8	93.8	94.8	95.7	96.1	96.4	96.6
Grade 1	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Grade 2	84.1	81.4	84.0	84.7	85.3	86.1	85.8	86.9	88.4	89.4	91.2	92.5	93.2	93.1
Grade 3	92.1	91.3	91.4	92.1	92.9	91.8	92.3	93.2	94.8	95.9	96.7	96.8	97.1	97.1
Grade 4	86.0	85.9	87.4	88.6	89.7	90.2	90.4	92.0	92.8	94.4	95.2	95.5	95.9	96.3
2nd Cycle	86.9	85.2	86.6	87.0	87.3	87.7	84.9	85.7	86.5	87.5	89.5	89.7	92.2	92.5
Grade 5	85.3	84.3	86.3	86.6	86.9	87.9	85.6	85.5	86.5	87.2	89.2	90.0	92.2	92.6
Grade 6	88.5	86.1	86.9	87.4	87.8	87.6	84.2	85.8	86.6	87.8	89.8	89.5	92.2	92.5
3rd Cycle	81.9	79.6	82.0	82.6	83.2	82.1	81.2	81.3	82.6	80.7	80.9	81.6	86.3	86.2
Grade 7	79.0	78.0	78.8	79.6	80.4	79.2	78.1	76.0	77.6	78.1	78.9	79.4	83.3	83.3
Grade 8	82.0	80.9	83.4	83.8	84.1	83.1	82.3	83.3	83.8	84.1	85.1	85.9	89.2	88.9
Grade 9	85.0	80.2	84.1	84.9	85.6	84.6	83.6	85.4	87.5	80.1	78.9	79.8	86.8	86.9
Secondary Education	66.7	64.1	64.5	64.0	63.0	60.5	62.7	66.4	66.4	68.1	69.4	75.4	79.4	81.3
General Courses	69.5	67.0	67.2	66.2	64.9	62.5	64.9	68.7	68.9	71.6	70.6	76.3	80.0	78.9
Technological Courses ⁽¹⁾	59.2	55.1	56.0	56.3	56.2	53.2	54.2	57.8	56.7	56.3	64.8	71.3	74.4	85.5
Grade 10	60.1	61.2	64.3	63.7	63.0	60.6	61.3	65.1	66.6	70.7	74.4	80.1	82.2	83.2
General Courses	63.7	64.7	67.8	66.7	65.5	63.9	64.8	68.5	70.6	78.3	79.3	82.5	82.9	82.3
Technological Courses ⁽¹⁾	51.4	51.9	54.4	54.7	54.9	50.5	50.6	54.0	53.3	53.4	59.4	67.4	71.7	84.5
Grade 11	80.6	80.5	79.7	79.5	78.9	75.4	78.2	80.6	82.1	84.2	81.6	84.1	88.3	89.5
General Courses	82.3	82.4	82.1	81.3	80.5	76.9	80.0	81.9	84.6	86.5	82.3	84.0	88.5	87.0
Technological Courses ⁽¹⁾	75.6	74.2	71.9	72.9	73.1	69.5	70.9	75.3	72.2	75.0	79.2	84.7	86.9	93.9
Grade 12	62.5	50.9	50.8	50.5	50.0	47.2	51.0	55.4	51.8	50.9	53.5	63.3	67.6	69.7
General Courses	64.5	54.1	53.1	52.5	51.7	48.4	52.5	57.3	53.1	52.4	52.9	63.4	67.7	66.4
Technological Courses ⁽¹⁾	56.7	40.0	42.6	42.9	42.7	42.2	43.9	46.6	45.7	43.5	56.2	62.8	67.0	76.7

(1) In 2008/09 also includes the Vocational Courses

Source: Education Statistics (*in Portuguese*) – Office for Education Statistics and Planning (GEPE), Ministry of Education

STUDENTS RETAKING A YEAR OR DROPPING OUT, BY ACADEMIC YEAR (%)

Mainland Academic year Education level	Public and Private – Male and Female													
	1995/96	1996/97	1997/98	1998/99	1999/00	2000/01	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09
Basic Education	13.5	15.0	13.4	12.7	12.1	12.3	13.2	12.6	11.5	11.5	10.6	10.0	7.7	7.6
1st Cycle	9.9	10.8	9.7	9.0	8.4	8.3	8.1	7.2	6.2	5.2	4.3	3.9	3.6	3.4
Grade 1		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Grade 2		15.9	18.6	16.0	15.3	14.7	13.9	14.2	13.1	11.6	10.6	8.8	7.5	6.8
Grade 3		7.9	8.7	8.6	7.9	7.1	8.2	7.7	6.8	5.2	4.1	3.3	3.2	2.9
Grade 4		14.0	14.1	12.6	11.4	10.3	9.8	9.6	8.0	7.2	5.6	4.8	4.5	4.1
2nd Cycle	13.1	14.8	13.4	13.0	12.7	12.3	15.1	14.3	13.5	12.5	10.5	10.3	7.8	7.5
Grade 5		14.7	15.7	13.7	13.4	13.1	12.1	14.4	14.5	13.5	12.8	10.8	10.0	7.8
Grade 6		11.5	13.9	13.1	12.6	12.2	12.4	15.8	14.2	13.4	12.2	10.2	10.5	7.8
3rd Cycle	18.1	20.4	18.0	17.4	16.8	17.9	18.8	18.7	17.4	19.3	19.1	18.4	13.7	13.8
Grade 7		21.0	22.0	21.2	20.4	19.6	20.8	21.9	24.0	22.4	21.9	21.1	20.6	16.7
Grade 8		18.0	19.1	16.6	16.2	15.9	16.9	17.7	16.7	16.2	15.9	14.9	14.1	10.8
Grade 9		15.0	19.8	15.9	15.1	14.4	15.4	16.4	14.6	12.5	19.9	21.1	20.2	13.2
Secondary Education	33.3	35.9	35.5	36.0	37.0	39.5	37.3	33.6	33.6	31.9	30.6	24.6	20.6	18.7
General Courses	30.5	33.0	32.8	33.8	35.1	37.5	35.1	31.3	31.1	28.4	29.4	23.7	20.0	21.1
Technological Courses ⁽¹⁾	40.8	44.9	44.0	43.7	43.8	46.8	45.8	42.2	43.3	43.7	35.2	28.7	25.6	14.5
	39.9	38.8	35.7	36.3	37.0	39.4	38.7	34.9	33.4	29.3	25.6	19.9	17.8	16.8
General Courses	63.7	36.3	35.3	32.2	33.3	34.5	36.1	35.2	31.5	29.4	21.7	20.7	17.5	17.1
Technological Courses ⁽¹⁾	51.4	48.6	48.1	45.6	45.3	45.1	49.5	49.4	46.0	46.7	46.6	40.6	32.6	28.3
	19.4	19.5	20.3	20.5	21.1	24.6	21.8	19.4	17.9	15.8	18.4	15.9	11.7	10.5
General Courses	17.7	17.6	17.9	18.7	19.5	23.1	20.0	18.1	15.4	13.5	17.7	16.0	11.5	13.0
Technological Courses ⁽¹⁾	24.4	25.8	28.1	27.1	26.9	30.5	29.1	24.7	27.8	25.0	20.8	15.3	13.1	6.1
	37.5	49.1	49.2	49.5	50.0	52.8	49.0	44.6	48.2	49.1	46.5	36.7	32.4	30.3
General Courses	35.5	45.9	46.9	47.5	48.3	51.6	47.5	42.7	46.9	47.6	47.1	36.6	32.3	33.6
Technological Courses ⁽¹⁾	43.3	60.0	57.4	57.1	57.3	57.8	56.1	53.4	54.3	56.5	43.8	37.2	33.0	23.3

(1) In 2008/09 also includes the Vocational Courses

Source: Education Statistics 2008/2009 (*in Portuguese*) - Office for Education Statistics and Planning (GEPE), Ministry of Education

DROPPING OUT OF THE EDUCATION AND TRAINING SYSTEM

	Portugal	
	Year	
	2000	2009 *
Dropping out of the education and training system (ages 18-24)	43.6%	31.2%

Obs.: * Provisional figure
Source: Labour Force Survey
Eurostat

REGISTERED STUDENTS AND ADULTS IN EDUCATION AND TRAINING ACTIVITIES

2008/2009 Academic Year

Portugal

	Students			
	Total	Public	Private dependent on the State	Independent private
Total	2,056,148	1,614,596	152,746	288,806
Preschool Education	274,628	142,347	81,938	50,343
Basic Education	1,283,193	1,094,268	51,102	137,823
1 st Cycle	488,114	433,288	7,583	47,243
Standard	485,364	430,974	7,578	46,812
Specialised Artistic (integrated regime)	392	207	-	185
EFA Courses	1,714	1,576	-	138
RVCC Processes	472	359	5	108
Opportunity Programme / PERE	172	172	-	-
2 nd Cycle	271,924	236,174	16,679	19,071
Standard	254,923	223,977	16,542	14,404
Specialised Artistic (integrated regime)	347	226	-	121
CEF Courses	748	706	14	28
EFA Courses	5,288	4,256	51	981
RVCC Processes	8,902	5,293	72	3,537
Opportunity Programme / PERE	1,716	1,716	-	-
3 rd Cycle	523,155	424,806	26,840	71,509
Standard	336,705	295,371	24,478	16,856
Specialised Artistic (integrated regime)	350	256	-	94
Vocational	611	192	-	419
Learning / Apprenticeship Courses	996	996	-	-
CEF Courses	41,586	36,314	1,336	3,936
EFA Courses	40,457	27,579	274	12,604
Recurrent	956	951	5	-
RVCC Processes	101,360	63,013	747	37,600
Opportunity Programme / PERE	134	134	-	-
Secondary Education	498,327	377,981	19,706	100,640
Standard	215,542	189,194	16,000	10,348
Specialised Artistic (integrated regime)	2,527	2,429	-	98
Vocational	93,438	54,542	2,214	36,682
Learning / Apprenticeship Courses	13,584	13,584	-	-
CEF Courses	4,388	3,773	91	524
EFA Courses	52,214	38,145	593	13,476
Recurrent	18,208	14,949	335	2,924
RVCC Processes	98,426	61,365	473	36,588

Source: Education Statistics 2008/2009 (in Portuguese)

Office for Education Statistics and Planning (GEPE), Ministry of Education

REGISTERED STUDENTS (YOUNG PERSONS)

2008/2009 Academic Year

Portugal

	Students (young persons)			
	Total	Public	Private dependent on the State	Independent private
Total	1,727,809	1,396,768	150,191	180,850
Preschool Education	274,628	142,347	81,938	50,343
Basic Education	1,124,044	991,241	49,948	82,855
1 st Cycle	485,928	431,353	7,578	46,997
Standard	485,364	430,974	7,578	46,812
Specialised Artistic (integrated regime)	392	207	-	185
Opportunity Programme / PERE	172	172	-	-
2 nd Cycle	257,734	226,625	16,556	14,553
Standard	254,923	223,977	16,542	14,404
Specialised Artistic (integrated regime)	347	226	-	121
CEF Courses	748	706	14	28
Opportunity Programme / PERE	1,716	1,716	-	-
3 rd Cycle	380,382	333,263	25,814	21,305
Standard	336,705	295,371	24,478	16,856
Specialised Artistic (integrated regime)	350	256	-	94
Vocational	611	192	-	419
Learning / Apprenticeship Courses	996	996	-	-
CEF Courses	41,586	36,314	1,336	3,936
Opportunity Programme / PERE	134	134	-	-
Secondary Education	329,137	263,180	18,305	47,652
Standard	215,542	189,194	16,000	10,348
Specialised Artistic (integrated regime)	2,185	2,087	-	98
Vocational	93,438	54,542	2,214	36,682
Learning / Apprenticeship Courses	13,584	13,584	-	-
CEF Courses	4,388	3,773	91	524

Source: Education Statistics 2008/2009 (*in Portuguese*)

Office for Education Statistics and Planning (GEPE), Ministry of Education

TAXA DE RETENÇÃO E DESISTÊNCIA, SEGUNDO O ANO LECTIVO (%)

Portugal		Público e Privado - Homens e Mulheres													
Ano lectivo		1995/96	1996/97	1997/98	1998/99	1999/00	2000/01	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09
Nível de ensino															
Ensino Básico		13,8	15,2	13,8	13,2	12,6	12,7	13,6	13,0	12,0	11,8	10,7	10,1	7,9	7,8
1º Ciclo		10,4	11,3	10,2	9,5	8,9	8,8	8,5	7,6	6,7	5,5	4,4	4,0	3,7	3,6
1º ano		0,0	0,0	0,0	0,0	0,0	0,0	0,0	0,0	0,0	0,0	0,0	0,0	0,0	0,0
2º ano		16,6	19,2	17,0	16,4	15,8	14,8	14,9	13,8	12,3	10,9	8,8	7,6	6,9	7,0
3º ano		8,7	9,4	9,3	8,4	7,8	8,7	8,1	7,5	5,8	4,4	3,4	3,4	3,1	3,1
4º ano		14,6	14,6	13,1	11,8	10,7	10,2	9,8	8,4	8,0	5,9	4,9	4,8	4,4	4,0
2º Ciclo		13,3	15,0	13,8	13,5	13,1	12,7	15,6	14,8	13,9	13,0	10,7	10,5	8,0	7,6
5º ano		14,9	16,0	14,2	14,0	13,7	12,6	15,1	14,9	14,0	13,3	11,1	10,3	8,0	7,6
6º ano		11,7	13,9	13,4	13,0	12,5	12,8	16,1	14,6	13,9	12,7	10,4	10,7	8,0	7,6
3º Ciclo		18,4	20,4	18,4	17,7	17,2	18,2	19,2	19,1	17,8	19,7	19,2	18,4	14,0	14,0
7º ano		21,3	22,2	21,7	20,8	20,1	21,2	22,3	24,4	22,8	22,3	21,2	20,7	17,0	17,1
8º ano		18,2	19,1	16,8	16,4	16,3	17,2	18,0	17,0	16,4	16,1	15,0	14,2	11,0	11,3
9º ano		15,3	19,6	16,2	15,4	14,8	15,8	16,7	15,3	13,1	20,3	21,1	20,0	13,4	13,2
Ensino Secundário		33,1	35,7	35,6	36,0	36,8	39,4	37,4	33,7	33,8	32,1	31,1	24,8	21,0	19,1
Cursos Gerais		30,4	32,9	33,1	33,9	34,9	37,4	35,2	31,5	31,4	28,7	29,8	23,9	20,3	21,4
Cursos Tecnológicos ⁽¹⁾		40,7	44,6	43,9	43,7	43,7	46,7	45,7	42,1	43,5	44,0	35,6	29,1	26,1	15,1
10º ano		39,7	38,5	35,8	36,2	36,9	39,4	38,9	34,8	33,4	29,5	25,9	20,3	18,5	17,4
Cursos Gerais		36,1	35,0	32,5	33,2	34,4	36,1	35,5	31,5	29,6	22,0	21,2	17,8	17,6	18,1
Cursos Tecnológicos ⁽¹⁾		48,5	48,0	45,6	45,2	45,2	49,7	49,5	45,8	46,7	46,7	41,0	33,4	30,1	16,4
11º ano		19,2	19,5	20,4	20,3	20,8	24,4	21,9	19,2	17,8	15,9	18,6	16,0	11,9	10,7
Cursos Gerais		17,4	17,6	18,2	18,5	19,3	22,9	20,1	17,9	15,4	13,7	17,9	16,1	11,8	13,2
Cursos Tecnológicos ⁽¹⁾		24,5	25,8	28,0	27,2	26,8	30,4	29,3	24,4	27,9	25,1	21,1	15,6	13,0	6,4
12º ano		37,5	48,9	49,2	49,7	49,8	52,5	48,8	45,3	48,7	49,4	47,1	36,9	32,7	30,6
Cursos Gerais		35,6	45,9	47,0	47,8	48,1	51,3	47,3	43,5	47,5	47,9	47,7	36,8	32,6	33,9
Cursos Tecnológicos ⁽¹⁾		43,3	59,3	57,2	57,0	57,3	57,4	55,4	53,6	54,7	57,0	44,3	37,3	33,5	23,6

(1) Em 2008/09 inclui também os Cursos Profissionais

Fonte:

Estatísticas da Educação

Gabinete de Estatística e Planeamento da Educação, Ministério da Educação

On the question of early school leaving, it is worth to underline that combat early school leaving is a major priority of public policies, mainly education, training and employment and the situation had improved during the reference period. The **Council of Ministers Resolution no. 79/2009** of 2 September 2009, reorganized the mission structure of the Programme for Inclusion and Citizenship (PIEC).

PIEC is a mission structure that is designed to organise, implement and monitor integrated responses – particularly socio-educational and training responses for children and young persons who are thought likely to be, or are flagged as being, in a social exclusion situation – with a view to favouring their scholastic reinsertion and fulfilment of the requirement to attend compulsory education.

The intervention is based on the production and implementation of individualised social, educational and training responses. In the superior interest of each child or young person, it ensures his/her involvement in the construction of the response itself, in his/her role as the subject of rights. It is targeted at children and young persons up to the age of eighteen who are, or are at risk of being, in a social exclusion situation.

Among other measures, PIEC is responsible for the implementation of the Integrated Education and Training Programme (PIEF), in accordance with the provisions of Joint Orders nos. 948/2003 of 26 September 2003 and 1717/2006 of 10 February 2006.

Via this measure, PIEC is making an effective contribution to the reduction of both school absenteeism and the proportion of students who drop out without completing their compulsory education, inasmuch as PIEF applies to children and young persons who have already left school early, or whose high rate of absenteeism or academic failure indicates that they are in imminent danger of doing so.

In 2009, PIEC/PETI (from January to September, it was still PETI) received 2,341 flags, 83.3% of which concerned young persons who had dropped out.

Subsequent diagnosis showed that once the young people who had been placed in other categories were included, the actual proportion of flagged persons who had left school early was around 98%.

Number of persons flagged, by type of situation and by Region - 2009

	Risk CL	Actual CL	Risk PF	Actual PF	DO and Other	TOTAL	%
NORTH	153	19	8	0	327	507	21.7
CENTRE	69	4	3	0	347	423	18.1
LISBON & TAGUS VALLEY	55	31	26	1	886	999	42.7
ALENTEJO	3	6	1	0	120	130	5.6
ALGARVE	6	4	2	1	269	282	12.0
TOTAL	286	64	40	2	1,949	2,341	100.00
%	12.2	2.7	1.7	0.1	83.3	100.0	

Source: PIEC annual data

The PIEC's main objectives are:

- Promote compulsory education by children and young persons, and the academic and vocational certification of children aged fifteen and over who are in vulnerable situation (child labour or out of education system or in the forms deemed intolerable in ILO Convention no. 182.
- Favour fulfilment of compulsory education associated with a vocational qualification by minors aged sixteen or over who enter into labour contracts.

PIEC's intervention begins when it is notified about actual or imminent risk situations involving minors.

PIEC's mobile multidisciplinary teams promote and coordinate the diagnosis of each of the situations that are notified to the Programme. They involve a number of other entities – examples include the Social Security Service, the CPCJs, the Directorate-General of Social Reinsertion (DGRS), and the Children and Young Persons' Teams (ECJs) – in the individual process of the minor.

Following the diagnosis, the minors are forwarded to the proposed responses for the purpose of favouring fulfilment of their requirement to attend compulsory education, and obtaining academic and vocational certification in the case of those aged fifteen and over.

The Integrated Education and Training Programme (PIEF) is considered to be a social inclusion measure. It is implemented by means of individualised Education and Training Plans (PEFs), which include a scholastic component that favours fulfilment of their requirement to attend compulsory education, a training component designed to provide occupational and vocational guidance in accordance with the interests and expectations of the minor, and education for citizenship component that includes participation in activities with a social, community and solidarity-based interest, which are intended to promote social integration and which include the mobilisation of relational and social skills.

The activities in the training, training in a working context, and education for citizenship components take place in articulation with public and private entities from the local community whose intervention is considered appropriate to the desired forms of learning, particularly when it emphasises pedagogical criteria, integration and social inclusion.

The follow-up to PIEF can involve forwarding young persons to other responses that match the interests and expectations that each one has displayed. In the case of young persons who have successfully completed their compulsory education, these responses can particularly include academic and vocational certification paths or vocational certification paths, which are undertaken under the aegis of the Institute of Employment and Vocational Training and/or the Ministry of Education.

Via the PIEF Measure, at 31 March 2010 (the moment of reference for the last monitoring process) PIEC was operating 142 class-groups in mainland Portugal. These were distributed as follows: 54 in the North, 13 in the Centre, 50 in Lisbon and the Tagus Valley, 12 in the Alentejo, and 13 in the Algarve. The 142 class-groups included a total of 2,040 students, who were in situations in which they had left school early without completing their compulsory education.

Region	Total no. of students in PIEF	Class-Groups
North	705	54
Centre	151	13
Lisbon and Tagus Valley	817	50
Alentejo	172	12
Algarve	195	13
Total	2,040	142

Source: PIEC Annual Data

ARTICLE 19

The right of migrant workers and their families to protection and assistance

Paragraph 1

In order to improve the reception and integration of immigrants and immigrant workers Portugal has created specific services for these target groups, thereby not only transmitting a positive vision of immigration, but also reflecting the desire to protect human rights, values and freedoms.

In Portugal the Office of the High Commissioner for Immigration and Intercultural Dialogue (ACIDI IP) is the main promoter of those services.

ACIDI is a Public Institute (IP) that comes under the direct authority of the Presidency of the Council of Ministers. Its mission is to collaborate in the design, implementation and evaluation of the public cross-cutting and sectoral policies that are relevant to the integration of immigrants and ethnic minorities, and to promote dialogue between the various different cultures, ethnic groups and religions¹.

ACIDI offers information and services designed to promote immigrants' rights and duties, including a range of information material, national and local immigrant support centres, and a telephone information line. In addition, acting through ACIDI, Portugal has defined a variety of important measures intended to raise public awareness of the need to welcome and integrate immigrants, both via the Immigration Observatory (OI), and by means of the creation of intergovernmental National Plans with that objective.

In order to minimise any imprecisions and the time-consuming procedures of the Public Administration and thus help to increase immigrants' trust in the system, ACIDI decided to create national and local centres called **One-Stop-Shops**. This measure was based on recognition of the fact that the dispersal of information is one of the reasons why immigrants might not possess the necessary knowledge about their rights and duties and all the different institutionalised procedures.

To this end, in 2004, acting through ACIDI the Portuguese Government opened two **One-Stop-Shops** (officially known as **National Immigrant Support Centres – CNAIs**), one in Lisbon and one in Porto. Created solely for issues linked to the topic of immigration, the Centres bring a whole range of governmental services and offices that provide specialised support in immigration-related areas together in a single physical space.

The Centres include representatives from six departments of five Ministries (Health, Education, Labour and Social Solidarity, Justice, and the Interior). They also contain offices that provide legal support, support for family regroupment, employment-related support, support for the recognition of qualifications, and support in a number of other, equally important fields.

From their creation in 2004 until the end of 2009, the Lisbon and Porto CNAIs received a total of 1,968,404 users. In April 2009, a CNAI extension was opened in Faro in the form of a reception desk at the Faro Citizen's Shop (LC). Faro is the District with the second highest number of foreign residents in the country, and by the end of 2009 the desk had

¹ ACIDI's mission is defined in Executive Law no. 167/2007 of 3 May 2007. Among other competences, that mission includes helping to improve the living conditions of immigrants in Portugal, with a view to promoting their effective integration, with dignity and with the same opportunities as Portuguese citizens.

already received 11,323 users, thereby contributing to a total of nearly 2,000,000 (1,979,727) users received by the Centres by the end of 2009.

The CNAIs also count on the work of around 110 sociocultural mediators employed by associations and NGOs which are formed by, or work with, immigrants and with which ACIDI has entered into protocols. The development and implementation of integration policies are seen as a shared responsibility between public, private and civil society institutions.

The CNAIs were the model for the 'One-Stop Shop: A New Answer for Immigrant Integration' Project (JLS/2006/INTI/148), which was coordinated by ACIDI IP and financed by the European Union².

In addition to the CNAIs, ACIDI also created a network of **Local Immigrant Integration Support Centres (CLAIIs)**, which are located all around the country. These Centres are decentralised responses to reception and integration needs. They provide information and support with a view to responding to questions and problems brought to them by immigrants, and they have the capability to interact with local organisational structures. Their mission thus goes beyond the mere provision of information, and includes both supporting the multifaceted process of receiving and integrating immigrants at the local level, and promoting interculturality.

The CLAI network – there are currently 87 operational Centres – is the result of partnerships between ACIDI and the following organisations: municipal authorities, Immigrants' associations, non-governmental organisations, local development associations, parishes, and other not-for-profit organisations.

ACIDI created the **SOS Immigrant Line** with the objective of overcoming possible language barriers raised by immigrants' inability or lack of ability to understand and speak Portuguese. This service provides information related to the reception and integration process, including labour and social rights, and is available in 9 languages (Portuguese, Crioulo, English, French, Spanish, Russian, Ukrainian, Byelorussian, and Romanian). When other languages are needed, the Line can turn to the Telephonic Translation Service, which covers more than 50 languages and dialects.

The **Telephonic Translation Service (STT)** was created by ACIDI in June 2006. Its objective is to enable immigrants who do not speak Portuguese to be better understood and to themselves understand the information provided by public departments and services. This initiative addresses communication barriers that could otherwise involuntarily lead to discriminatory situations.

The **media** also play an important role in relation to the questions associated with immigration, including the rights of immigrants and their families to protection and support. In this respect ACIDI created the television programme '**Nós**' (Us). This weekly hour-long magazine programme (20-minute blocks of which are repeated daily) is dynamic, positive and committed to the reception and integration of the migrants who choose Portugal as their destination country. The programme seeks to create an information bridge to civil society by showing interviews and debates on current affairs and information pieces on the rights and duties derived from immigration, as well as by establishing links between immigrants' associations, civil society services, and the state.

Similarly, the **Immigration Observatory** also plays a central role in pursuit of the goal of producing and providing appropriate research and information. This Observatory seeks to obtain more in-depth knowledge about the reality of immigration in Portugal, with a view to improving the definition, implementation and evaluation of public immigrant integration policies³.

In addition to the specific services described above, ACIDI produces information material on immigration-related topics, with a particular focus on the rights and duties

² For information on this Project, see <http://www.oss.inti.acidi.gov.pt/index.php?lang=en>.

³ For more information on the Immigration Observatory, see <http://www.oi.acidi.gov.pt/>.

that pertain to immigrants in their relations with the Portuguese State, in an attempt to prevent the dissemination of erroneous information with regard to immigration. These Education, Information and Communication (EIC) materials are produced in three languages (Portuguese, English, and Russian) and are distributed free of charge via the CNAIs and CLAlls, immigrants' associations and other interested parties, such as government departments and services. They are also available on, and can be downloaded from, ACIDI's website (<http://www.acidi.gov.pt>).

Paragraph 2

Since 1997 there has been a programme promoted by the Portuguese State and implemented by the International Organisation for Migration (IOM) whose objective is to support migrants who voluntarily want to return to their countries of origin, or to move to a third country that is willing to receive them.

This 'Voluntary Return Programme' (PRV) is aimed at nationals of other countries, including those who are in irregular situations, and provides them with an air ticket and a sum of money designed to help them during the reintegration period.

Between 1997 and 2008, the PRV supported around 2,389 people, who returned to 48 different countries of origin.

Paragraph 3

The Conventions on Social Security play a central role at the level of the cooperation between the social services of emigrant and immigrant countries. Portugal has signed various social security conventions and is in the process of negotiating new ones.

The dialogue with countries of origin has also been one of the issues addressed in Portugal's public policies on migrations. The intercultural model recommended by our integration policy became particularly operational with the definition and implementation of National Plans for the Integration of Immigrants (PNIIs). During the period covered by the present Report, Portugal developed its first action plan for the integration of immigrants, which was based on an integrated and mainstreaming approach.

The 1st Plan for the Integration of Immigrants (PII), which was implemented between 2007 and 2009, involved 13 Ministries in the implementation of 122 measures distributed between 20 thematic areas, including 'solidarity and social security' and 'relations with countries of origin'.

The four measures in the 'solidarity and social security' area included a specific one on social security conventions (measure 47) entitled 'priority to the establishment of social security conventions with countries of origin of immigrants residing in Portugal', with a particular view to the signature of conventions with the Ukraine, and Moldavia. At the same time, the 'relations with countries of origin' area included six measures:

- A more effective system for sending remittances (measure 103).
- Information in the countries of origin for a better integration in the host country (measure 104).
- Relations with the countries of origin of foreign students (measure 105).

- Support for returns and for circular migration (measure 106).
- Support for investment by immigrants' associations in the development of the countries of origin (measure 107).
- Strengthening the consular network in the countries of origin of the migratory flows to Portugal (measure 108).

The final assessment of the 1st Plan showed that the execution rate for these measures exceeded 80%.

The 2nd Plan for the Integration of Immigrants (Council of Ministers Resolution no. 74/2010 of 12 August 2010) is being implemented between 2010 and 2013. It represents a continuity in relation to the 1st Plan, but adapts the measures to the new characteristics of our migratory flows (The 2nd Plan s will be described in the next Report).

Paragraphs 4 and 5

A – Labour-related matters

The Labour Code (CT) approved by Law no. 7/2009 of 12 February 2009 merely re-systematised the regime applicable to foreigners, combining in a single legislative act the provisions that had previously been contained in Articles 86 to 90 of the old Labour Code approved by Law no. 99/2003 of 27 August 2003 and had been regulated by Articles 157 to 159 of Law no. 35/2004 of 29 July 2004. Apart from this the information given in previous Reports remains valid:

- Equal treatment for foreign and stateless workers: Article 4 of the CT guarantees that foreign and stateless workers with authorisation to exercise a subordinate professional activity in Portuguese territory enjoy the same rights and are subject to the same duties as workers who hold Portuguese nationality. This principle of equal treatment and non-discrimination based on nationality is further strengthened by the provisions of Articles 23 to 27 of the CT.

- Article 24(1) of the CT establishes the right to equal opportunities and treatment in access to employment, training and professional promotion or career and to equal working conditions. It also prohibits that workers and job seekers be prejudiced, benefited, deprived of rights or exempted from duties for a range of reasons, which include nationality, ethnic origin, language, and religion. Article 24(2) particularly specifies that this equality encompasses the terms and conditions under which people are contracted to work in any sector of activity and at any hierarchical level, their remuneration and other material benefits, and their membership of or participation in collective representative organisational structures or any other organisation whose members exercise a given profession, including the benefits granted by those organizations.

- Article 27 establishes positive legislative measures that benefit groups which are disadvantaged as a result of discriminatory factors, such as nationality for example. The purpose of this norm is to resolve factual situations involving inequalities that affect such groups.

- The form and content of contracts involving foreign or stateless workers: In this respect Article 5 of the CT says that:

a) Labour contracts with foreign or stateless workers must be entered into in writing and, without prejudice to other provisions that are required in the case of limited-term contracts, must contain the following: the parties' identity details, signatures and domiciles; a reference to the worker's work visa or the document that authorises him/her to reside or remain in Portuguese territory; the employer's business activity; the activity for which the worker is contracted and the respective remuneration; the place of work and the normal working period; the amount and frequency of the remuneration and the form in which it is to be paid; and the dates on which the contract is signed and the worker starts work.

b) The worker must attach the identity details and domicile of the person or persons who will benefit from any pension in the event of his/her death as a result of a work-related accident or occupational illness.

c) Documents demonstrating fulfilment of the legal obligations regarding the foreign or stateless citizen's entry to and stay or residence in Portugal must be attached to the employer's copy of the contract; and copies of those documents must be attached to the other copies of the contract.

d) The employer must send the department or service with the competence to inspect labour-related matters of the Ministry with responsibility for the labour area (ACT) an electronic form notifying it that the employer has entered into a labour contract with a foreign or stateless worker, before the contract begins to be executed; The same procedure is applicable for termination of these type of contracts.

During the period under analysis (2005-2009), the Labour Inspectorate's interventions (ACT) essentially took the following forms:

a) Bringing the situations of foreign immigrants who want to work for third parties into line with the provisions of Executive Law no. 34/2003 of 25 February 2003 (issue of a formal opinion on each case).

b) The reception of copies of labour contracts entered into with foreign citizens who are already legally qualified to work in Portugal, at the beginning and end of each contract (Labour Code, and Regulations governing the Labour Code).

c) General inspection activities.

Inspection Activities

In Portugal the normative translation of the national immigration policy is to be found in Executive Law no. 244/98 of 8 August 1998 (Legal Regime governing the Entry, Stay, Departure and Removal of Foreigners into, in and from Portuguese Territory), as amended by Executive Law no. 4/2001 of 10 January 2001, which permitted a number of extraordinary measures designed to bring the situation of immigrant workers into line with the law, including the issue of authorisations to remain, and by Executive Law no. 34/2003 of 25 February 2003.

A number of extraordinary measures have been implemented with a view to bringing the situation of immigrant workers into line with the law. These include the authorisations to remain issued under Executive Law no. 4/2001 of 10 January 2001.

The extraordinary procedure provided for in Article 71 of Regulatory Decree no. 6/2004 of 26 April 2004 used a mechanism to extend stays that was commonly known as the 'Post Office process' (Article 52[3] of Executive Law no. 34/2003). This allowed the legalization of:

- foreigners who were working, who were registered with and contributing / paying taxes to contributory social security regimes and the fiscal administration,

but whose entry into and stay in Portuguese territory were not in conformity with Portuguese legislation (universe of foreigners covered by Article 71[1] to [6] of Regulatory Decree no. 6/2004), and

- foreigners who were working, but whose employer had not retained social security contributions at source or had done so but not paid them to the Social Security Service (universe of foreigners covered by Article 71[7] of Regulatory Decree no. 6/2004),

Law no. 23/2007 of 4 July 2007 approved the new regime governing the entry, stay, departure and removal of foreigners into, in and from Portuguese territory. The purpose of this Law is to favour legal immigration, create disincentives for and counter illegal immigration, fight bureaucracy, take advantage of the latest technologies to simplify and speed up procedures, and innovate with regard to solutions. Regulatory Decree no. 84/2007 of 5 November 2007 regulated the new legal regime.

Currently it is the Labour Code (which revoked Law no. 20/98 of 12 May 1998) that governs the provision of subordinate labour by foreign citizens in Portuguese territory.

The Plan for the Integration of Immigrants 2008-2010 (PII) is one of the instruments of reference for the Working Conditions Authority (ACT) in the inspection field.

In the light of the increasing representativity of immigrant workers in Portugal (9% of the active population and 4.5% of the national population) it has been considered both necessary and a priority to adopt a range of policies designed to promote an improvement in their reception and integration, both from a sectoral perspective, with emphasis on the Work area, and from a cross-cutting point of view in terms of the issues of racism and discrimination, gender equality, and citizenship.

As a result, the PII lists a range of measures that are distributed across a variety of vertical and cross-sectional sectoral areas, for implementation by different ministries, whose competences are defined in the Plan. The major goal of all these measures is the full integration of immigrants into Portuguese society and the evaluation of their situation. They are based on a set of guiding principles, of which the following are especially important:

- i) Equal opportunities for all, with particular emphasis on the reduction of disadvantages in access to work, with the rejection of any discrimination based on ethnicity, nationality, language, religion or gender, and with an effort to combat legal or administrative dysfunctions.
- ii) Special attention to gender equality, in recognition of the dual vulnerability of female immigrants.
- iii) The simultaneous and indissociable affirmation of immigrants' rights and duties.

These principles are put into practice by:

- i) The launching, in various languages, of a campaign targeted at immigrant workers and designed to raise awareness about the issues of safety at work and the prevention of work-related accidents and occupational illnesses in sectors of activity with higher incident rates. The goal is to distribute 60,000 leaflets in 5,000 enterprises and to carry out 50 awareness-raising actions.
- ii) An increase in the inspection activities targeted at employers who use immigrant labour illegally, in such a way as to raise the number of actions conducted and the number of enterprises inspected by 10% each year.

The intervention programme concerning the prevention and control of discrimination and the working conditions and terms and conditions of employment of vulnerable groups of workers, which formed part of the ACT's Inspection Action Plan for 2008 and 2009, included a specific action targeted at the integration of migrant workers.

The following table shows the numbers and geographic breakdown of the labour contracts that were assessed by the Labour Inspectorate in 2005, 2006 and 2007, with a view to the possible issue of authorisations for immigrants to remain in Portugal.

Immigrant labour contracts assessed by the Labour Inspectorate, by District

District	2005	2006	2007
Aveiro	1,111	980	619
Beja	226	1,332	616
Braga	451	334	98
Bragança	111	138	103
C Branco	450	226	114
Coimbra	956	562	173
Évora	445	290	107
Faro	3,850	3,678	872
Guarda	122	116	38
Leiria	798	876	333
Lisbon	6,610	8,247	2,169
Portalegre	323	258	66
Porto	1,440	1,000	302
Santarém	1,925	1,027	315
Setúbal	4,272	2,102	699
V. Castelo	169	113	36
Vila Real	381	90	21
Viseu	246	253	100
Total	23,886	21,622	6,781

Source: ACT/2010

In 2008, the authorities were notified of 51,182 labour contracts with foreign workers.

Geographic breakdown of labour contracts with foreign workers, 2008

Regional Directorate	2008
North	7,412
Centre	6,691
Lisbon & Tagus Valley	23,267
Alentejo	3,747
Algarve	10,065
TOTAL	51,182

Source: ACT/2010

In 2009, the authorities were notified of 45,594 labour contracts with foreign workers.

Geographic breakdown of labour contracts with foreign workers, 2009

Regional Directorate	2009
North	4,850
Centre	5,277
Lisbon & Tagus Valley	25,025
Alentejo	3,887
Algarve	6,555
TOTAL	45,594

Source: ACT/2010

In 2008, there were 2,861 inspection visits related to the integration of immigrant workers. As a result of their inspection activities ACT's departments and services issued 297 official notifications of infractions. The fines paid totaled € 276,249. In the same year the labour inspectors also issued 89 warning notices with regard to irregularities – i.e. irregularities that had not resulted in irreparable harm to workers, the Labour Administration, or the Social Security Service. ACT's decentralised departments and services also held 50 information sessions and distributed 50,000 leaflets in workplaces.

In 2009, there were 3,282 inspection visits in this field. ACT's inspection work resulted in the issue of 332 official notifications of infractions, which led to fines worth a minimum of € 301,617. The labour inspectors issued 145 warning notices in the same year.

As we said earlier, Law no. 23/2007 of 4 July 2007 brought in the following changes:

- The creation of a single type of visa – the 'visa for the purpose of obtaining a residence permit' – which allows its holder to enter Portugal in order to take up residence and is granted on the basis of specific objectives (the exercise of professional activity, family regroupment, studying).
- The new visa replaced the six different types of long-duration visa (four types of work visa, a residence visa, and a study visa) and this measure is making it possible to rationalise and debureaucratise the applicable procedures.

However, the general conditions for the issue of a visa continue to include requirements related with the absence of any relevant criminal convictions, the absence of any indication that the applicant has been refused admission under the Schengen Information System or the Portuguese Foreign Nationals and Borders Service's (SEF) Integrated System, possession of a valid travel document, and possession of the means of subsistence.

- The regime governing the grant of visas in order to obtain a residence permit with a view to exercising a subordinate professional activity (admission of immigrant workers) has replaced the regime governing the grant of work visas. The new regime is adapted to the need to match the offer of jobs available.
- The creation of a legal regime for merely temporary immigration, with a temporary visa for the exercise of a seasonal activity. This is another simplified visa procedure for issuing visas for temporary stays by workers who are the object of temporary assignments by companies or groups of companies from countries that belong to the World Trade Organisation and do business in Portugal.

- The creation of a simpler regime for the admission of scientists, university teachers and other highly qualified foreigners citizens who want to work in Portugal, to stay temporarily or to establish permanent residence. In particular, the new regime permits the issue of residence permits to persons in this category who have legally entered Portugal under a residence or short-term visa.
- The creation of a regime for granting visas to immigrant entrepreneurs.

The new regime is subject to a framework provided by the setting of an indicative overall contingent of job opportunities that are available. This decision is taken following the issue of a formal opinion by the Permanent Social Concertation Commission (CPCS). Given the importance to the proposed regime's management of close cooperation with the countries in which migratory flows originate, the new regime is applicable without prejudice to the special regimes that already exist under international conventions.

As we said earlier, based on the idea of taking advantage of the latest technologies to simplify and speed up procedures, the Law requires the Institute of Employment and Vocational Training (IEFP) to maintain a database that is publicly accessible via the Internet. This database contains all the offers of subordinate jobs that have not been filled by nationals of Member States of the European Union or the European Economic Area or of other states who are legally resident in Portuguese territory. These jobs are publicised either at the initiative of the IEFP itself, or at the specific request of the employers in question. The **Netjob-Immigrant** (*Netemprego-Imigrante*) service was created specifically for this purpose. In addition to making it possible to divulge this type of job offer, the service enables foreign job seekers to make their applications directly to the employer's electronic address. The mechanisms that will ensure that all the communications between the departments and services which are involved in this process are sent electronically are currently under development.

1. Registration at Job Centres

Any unemployed or employed immigrant citizen who wants to change job **can register at a Job Centre**, on condition that he/she holds a valid document that permits him/her to remain or reside in Portuguese territory and exercise a subordinate professional activity.

Immigrants who are registered at a Job Centre enjoy the same rights as Portuguese citizens, namely:

- The right to an adequate reception.
- The right to personalised treatment of their case.
- The right to information, particularly with regard to offers of training and of employment, the socioeconomic environment, professions, working conditions, terms and conditions of employment, social benefits, the job market, and the social employment market.
- Technical support for drawing up the person's insertion project or social and occupational reinsertion project.
- Immediate assistance, free of charge, with the search for a job that suits the person's needs.
- The right to vocational guidance counselling with a view to enhancing the person's employability.
- Technical support for the process of actively looking for employment.
- The right to support for occupational and geographic mobility.
- The protection afforded to unemployed persons, as laid down by law.

2. Employment programmes and measures

Where the promotion of socio-professional integration is concerned, Immigrants can receive technical benefits – namely in terms of information and vocational guidance counselling – gain access to the employment and training measures and programmes which the length of their permit to remain or reside enables them to complete, and register as job seekers with a view to a place in the job market.

In addition to these responses, the **Portugal Welcomes** (*Portugal Acolhe*) **Programme** is a specific measure designed to facilitate the social, cultural and professional insertion of immigrants in Portugal by developing basic competencies in the fields of Portuguese Language and Citizenship.

The **Portugal Welcomes Programme** was created in 2001 by the Ministry of Labour and Solidarity. The IEPF was charged with operationalising the training measures provided for under the Programme, with their implementation being entrusted to its network of Job and Vocational Training Centres, in association with other bodies that possess the technical competency and specific vocation needed for the integration of migrant populations.

Within this overall framework, the Programme's development began with an experimental phase that lasted from July to November 2001 and included the implementation of a set of pilot actions. The training measures were generalised and expanded to the whole network of Job and Vocational Training Centres in December of the same year.

At the time, the Portugal Welcomes Programme was created as an indispensable strategy for responding to the intensification of the previous immigration flows, which brought new challenges and new opportunities to a country that had traditionally been characterised as an area of emigration.

Portugal implemented an integrated set of measures and actions that sought to facilitate access by the foreign communities residing in the country to a basic range of instruments/knowledge that were indispensable to a full insertion into Portuguese society as right-holders.

The **capacity to express oneself in and understand the Portuguese language and knowledge of one's basic rights are absolutely indispensable and constitute one of the first steps towards a greater integration of immigrants into Portuguese society.** To this end the Portugal Welcomes Programme invested in the development and implementation of measures designed to facilitate a greater knowledge of portuguese language by the immigrant population.

One of the indispensable conditions needed to support the area related to the regulation of the labour market is naturally respect for the rights that are enshrined in the law and the exercise of an active citizenship. The **training for citizenship** domain, which is an integral part of the Programme, is intended to provide a response to this concern, in the certainty that knowledge of one's legal rights is the first condition that must be met if one is to exercise them.

The **training measures provided for in the Portugal Welcomes Programme** included both a **Basic Portuguese Module** (with a duration of 50 hours) and a **Basic Citizenship Module** (with a duration of 12 hours).

From Portugal Welcomes to Portuguese for All

The available data show that between 2003 and 2006 there was negative growth in the Programme's execution. This situation was reversed in 2007, with positive growth in the number of trainees, the number of actions undertaken, and the demand for training from foreign citizens. This was due to the latest amendment to the provisions of Law no. 23/2007 of 4 July 2007 and Regulatory Decree no. 84/2007 of 5 November 2007, which introduced the certificate for successful completion of the Basic Portuguese course (issued by the IEFP), as one of the items required for applications for permanent residence permits.

In this respect, **the Portugal Welcomes Programme was revised in 2008**. It is now known as the **Portuguese for All Programme (PPT)**, and its goal is to ensure broader access by its target group – particularly the unemployed – and a strengthening of the pedagogical components of the Portuguese Language and Citizenship modules. The latter has been achieved by introducing a set of Short-Duration Training Units (UFCDs), especially in Technical Portuguese. These are Portuguese language training programmes that are specialised in the language used in certain occupational contexts which require knowledge of their own vocabulary, and in the sectors of activity where there is a higher rate of employability of immigrant target groups – notably Retailing, the Restaurant Trade, Beauty Care, and Civil Construction.

The Ministry of Labour and Social Solidarity / the IEFP negotiated the **adoption of a new framework of reference for training in the Portuguese language** – Portuguese for Speakers of Other Languages, which is published by the Directorate-General for Innovation and Curricular Development (DGIDC) of the Ministry of Education and the Ministry of Foreign Affairs.

The **Programme's new curricular structure** thus provides for training actions in **Portuguese Language and Citizenship with a total of 200 hours** for a Type A path (150 hours of Portuguese and 50 hours of Citizenship), and **training actions in Technical Portuguese with 25 hours per sector of activity**.

The entry into force of the (ESF) National Strategic Framework of Reference (QREN)(axis 6, typologies 6.6/8.6.6/9.6.6) led to the attribution to the Office of the High Commissioner for Immigration and Intercultural Dialogue (ACIDI) of the status of Intermediate Body under the Human Potential Operational Programme (OI-POPH). As such ACIDI is responsible for publicising and disseminating the Portuguese for All Programme, which includes the Portuguese Language training actions arranged by the IEFP's Vocational Training Centres and the Ministry of Education's schools.

In the case of the IEFP's Vocational Training Centres, the **target group** for the training actions that are undertaken under this Programme are **adult (aged eighteen or over) immigrants who are active citizens, either employed or unemployed** and possess a legal **authorisation to remain or reside** in Portugal.

Paragraph 6

a) From the legislative point of view 2007 witnessed some significant developments in the immigration and asylum field, particularly as a result of the passage of a new Immigration Law (Law no. 23/2007 of 4 July 2007). This Law created the new Legal Regime governing the Entry, Stay, Departure and Removal of Foreigners into, in and from Portuguese Territory, and simultaneously transposed various EU Directives into Portuguese law. The most significant changes included the introduction of a single

residence permit, the expansion of family regroupment, an end to the application of preventive detention of illegal immigrants for the purpose of their removal from the country, an increase in the protection for victims of human trafficking and in the fight against that crime, and the reinforcement of the penal sanctions applicable to crimes related to illegal immigration.

Law no. 23/2007 was regulated by Regulatory Decree no. 84/2007 of 5 November 2007 and complemented by a number of Ministerial Orders, the most important of which were Ministerial Order no. 727/2007 of 6 September 2007 (set the fees and charges levied by SEF) and Ministerial Order no. 1563/2007 of 11 December 2007 (means of subsistence required for foreigners to enter, remain and reside in Portuguese territory).

Among the Community Directives that were transposed by the new Law, we should particularly mention those concerning family regroupment, the status of long-term residents, the grant of residence status to victims of human trafficking who cooperate with the authorities, the conditions governing the admission of students, unpaid training and volunteer activities, admission for the purposes of scientific research, and in-transit support in cases of removal from the country by air.

In this respect we should note the issue of a set of Ministerial Orders that complemented the new legal framework governing foreigners approved by Law no. 23/2007 of 4 July 2007.

This was the case of Ministerial Order no. 208/2008 of 27 February 2008⁴, which defines the terms under which it is possible to facilitate the procedure for granting a visa authorising residence for the purpose of studying, student exchanges, internships, or volunteer activities under Community programmes designed to promote mobility within the European Union or the Community of Portuguese-Speaking Countries (CPLP).

Ministerial Order no. 1432/2008 of 10 December 2008⁵ approved the uniform model for the residence permit, which fulfils the requisites and specifications laid down in Council Regulations nos. 380/2008 of 18 April 2008 and 1030/2002 of 13 June 2002.

The introduction of this uniform model was intended to increase the protection of this document against forgery and falsification, thereby helping to avoid clandestine immigration and the illegal presence of persons in the territory of the Member States. This model of residence permit is issued to foreigners who are legally authorised to reside in Portuguese territory, as well as to persons who possess refugee or subsidiary protection status and members of their families.

Other Ministerial Orders approved the models for the documents provided for in the Law governing Foreigners. They include:

- the model for declaring the entry of a foreigner into the country (Ministerial Order no. 395/2008 of 6 June 2008)⁶,
- the model for the official sticker demonstrating extension of the authorisation for a foreigner to remain in Portuguese territory (Ministerial Order no. 397/2008 of 6 June 2008)⁷,
- the model for the travel document issued to a citizen who is a national of another state and is issued a deportation order and does not possess travel documentation (Ministerial Order no. 398/2008 of 6 June 2008)⁸,
- the model for safe conducts (Ministerial Order no. 399/2008 of 6 June 2008), and

⁴ Accessed on 27 March 2009 at <http://dre.pt/pdf1sdip/2008/02/04100/0130501305.pdf>.

⁵ Accessed on 27 March 2009 at <http://dre.pt/pdf1sdip/2008/12/23800/0867708678.pdf>.

⁶ Accessed on 27 March 2009 at <http://dre.pt/pdf1sdip/2008/06/10900/0333503335.pdf>.

⁷ Accessed on 27 March 2009 at <http://dre.pt/pdf1sdip/2008/06/10900/0333703337.pdf>.

⁸ Accessed on 27 March 2009 at <http://dre.pt/pdf1sdip/2008/06/10900/0333703337.pdf>.

- the model for the 'accommodation bulletin' (list of foreigners staying at a hotel or similar establishment) and the rules for protection of personal data (Ministerial Order no. 415/2008 of 11 June 2008)⁹.

Important measures taken within the framework of the implementation of the common immigration policy included Ministerial Orders nos. 79/2008 of 25 January 2008¹⁰, which approved the Regulations governing the Financing of the External Borders Fund (created by Decision no. 574/2007/EC of the European Parliament and of the Council of 23 May 2007), and 98/2008 of 31 January 2008, which approved the Regulations governing the Financing of the European Return Fund (created by Decision no. 575/2007/EC of the European Parliament and of the Council of 23 May 2007).

In terms of the strategic implementation of the immigration policies, Portugal has implemented the electronic Residence Permit (eTR) for nationals of other countries, and has begun to issue the permits themselves. This project is of strategic importance in terms of both public security and documentation. We should also note the implementation of the experimental biometric visa system, in a way that ensures its future interoperability with the VIS11 system in the process of controlling borders with regard to citizens of other countries who need a visa to enter Portugal.

b) Migrant workers are entitled to join trade unions and benefit from collective agreements. With a view to promoting trade union membership among immigrants, the 1st Plan for the Integration of Immigrants (PII) contained a specific measure (measure 12) that reinforced these rights. This measure was designed to encourage immigrants to join the latter as a means of both defending their labour rights and achieving social integration into Portuguese society. Under its terms, ACIDI and the two most representative trade unions produced a variety of information material and signed a number of cooperation protocols.

c) In the housing field there are a number of governmental programmes whose creation has benefited – and continues to benefit – immigrants as well as Portuguese nationals¹²:

- The **Special Rehousing Programme (PER)**¹³, and later the **PROHABITA Programme**¹⁴, were both created in order to fund access to housing, with special emphasis on situations involving serious hardship in terms of the accommodation of families residing in Portugal, including immigrant families.
- The **Incentive for Young Rentals (IAJ) Programme** and its subsequent replacement in the form of the Young Person at Number 65 (P65J) Programme were created in order to make it easier for young persons, including young immigrants, to gain access to the rental market.

⁹ Accessed on 27 March 2009 at <http://dre.pt/pdf1sdip/2008/06/11100/0339303394.pdf>.

¹⁰ Accessed on 27 March 2009 at <http://dre.pt/pdf1sdip/2008/01/01800/0072400729.pdf>.

¹¹ Visa Information System.

¹² This area of intervention is entrusted to the Institute of Housing and Urban Rehabilitation (IHRU, <http://www.portaldahabitacao.pt/pt/ihru/>).

¹³ The objective of the Special Rehousing Programme (PER) was to eliminate the slum areas located in the Lisbon and Porto Metropolitan Areas (Executive Law no. 163/92 of 7 May 1992). In order to speed up the rehousing process, the PERFamilies Programme was created in order to give each municipality the possibility of building homes for subsequent sale or rent (Executive Law no. 79/96 of 20 June 1996).

¹⁴ Created by Executive Law no. 135/2004 of 3 June 2004, and amended by Executive Law no. 54/2007 of 12 March 2007).

The following information is available about family regroupment:

FAMILY REGROUPMENT IN PORTUGUESE TERRITORY

YEAR	A. R. s	Family Regroupment in P.T.					
		Applications		Granted		Refused	
		M	F	M	F	M	F
2005	TOTAL	851		662		130	
	TOTAL M/F	369	482	328	334	99	31
2006	TOTAL	14,320		12,854		54	
	TOTAL M/F	5,078	9,242	4,543	8,311	18	36
2007	TOTAL	14,810		14,087		14	
	TOTAL M/F	5,531	9,279	5,133	8,954	4	10
2008	TOTAL	14,115		12,175		82	
	TOTAL M/F	5,495	8,620	4,724	7,451	38	44
2009	TOTAL	9,504		8,838		60	
	TOTAL M/F	3,712	5,792	3,437	5,401	25	35

FAMILY REGROUPMENT OUTSIDE PORTUGUESE TERRITORY

YEAR	VISAS	Family Regroupment outside P.T.					
		Applications		Granted		Refused	
		M	F	M	F	M	F
2005	TOTAL	3,902		1,750		180	
	Total M/F	1,584	2,318	613	1,137	77	103
2006	TOTAL	5,347		3,011		212	
	Total M/F	2,485	2,862	1,367	1,644	97	115
2007	TOTAL	4,313		3,996		102	
	Total M/F	2,091	2,222	1,889	2,107	56	46
2008	TOTAL	3,338		1,372		168	
	Total M/F	1,660	1,678	610	762	95	73
2009	TOTAL	2,558		1,380		162	
	Total M/F	1,219	1,339	584	796	79	83

Paragraph 7

Foreign citizens who are working in Portugal legally enjoy the same rights as workers who hold Portuguese nationality.

Paragraph 8

Under Article 134 of Law no. 23/2007 of 4 July 2007 foreign citizens can only be expelled from Portuguese territory in exceptional circumstances defined by law, namely if :

- a) They enter or remain in national territory illegally.
- b) They harm national security or public order.
- c) Their presence or activities in Portugal constitute a threat to the interests or dignity of the Portuguese State or its nationals.
- d) They abusively interfere with the exercise of rights of political participation that are reserved to Portuguese citizens.
- e) They have engaged in acts which, if they had been known to the Portuguese authorities, would have constituted an obstacle to their entry into Portugal.
- f) There are serious reasons to believe that they have committed serious criminal acts, or intend to commit such acts, particularly within the territory of the European Union.

Article 135 of the same Law lists the situations in which there is a limit on expulsion. It says that foreign citizens cannot be expelled from Portugal if:

- a) They were born in Portuguese territory and reside here.
- b) They are effectively responsible for children of theirs who are minors, hold Portuguese nationality and reside in Portugal.
- c) They have children who are minors, nationals of another state and reside in Portugal and with regard to whom they effectively exercise parental duties and are responsible for their living expenses and education.
- d) They have been in Portugal since before the age of ten and reside here.

Paragraph 9

It is permitted to transfer money and savings both via financial institutions that exist for that purpose and via the banks operating in Portugal.

With the objective of supporting foreign citizens, in 2008 ACIDI¹⁵ created a specific area within its website with information about remittances.

The PII (2007-2009) also included a specific measure in this area entitled 'Financial systems for sending remittances' intended to improve information and combat illegal activities related with the transfer of money to immigrants' countries.

Paragraph 10

ACIDI created the 'Promotion of Immigrant Entrepreneurship' (PEI) Project, whose general objective is to foster enterprising attitudes in immigrant communities, with special emphasis on those living in more vulnerable neighbourhoods. This represents a broadening of the work that has already been done by the Occupational Insertion Offices (GIPs), which are incorporated into the Immigrant Network (RI) and are coordinated by ACIDI IP and the National Immigrant Support Centre's (CNAI) Entrepreneurship Unit.

¹⁵ <http://www.acidi.gov.pt>.

The PEI's Objectives:

- To develop an enterprising attitude towards life, and promote self-esteem and self-confidence.
- To develop personal, social and business management competencies that are fundamental to the creation of a business.
- To promote the creation of businesses in a sustained way.
- To facilitate the link between potential entrepreneurs and the existing entrepreneurship support programmes undertaken by a variety of entities.
- To promote the formalisation of businesses that already exist in the informal economy.
- To create a network of mentors who will support immigrant entrepreneurs.

Project Development

- Create and build the capacity of a team of trainers and intercultural mediation agents in such a way as to favour entrepreneurship.
- Mobilise and build the capacity of the partner institutions in such a way as to favour entrepreneurship.
- Train potential entrepreneurs and build their capacity.
- Articulate with institutional partners and mobilise other relevant actors.

Paragraph 11

In recent years the process of integrating immigrants into Portuguese society has been clearly adopted as a political priority, under which the country's immigration/integration policies have been reconciled with the applicable Community Directives. It was within this context that in 2007 the **'Integration Policy Index' (MIPEX)** ranked Portugal in second place in a group composed of the 25 EU states, Canada, Norway and Switzerland.

In the wake of recommendations from the European Commission, as we have already said, 2007 saw the creation of the **'Plan for the Integration of Immigrants'**. This Plan contained a definition of Portugal's immigration policies, which involve the economic and social aspects of integration, as well as other issues related to cultural and religious diversity, citizenship, participation, and political rights.

Created in 2001, the **'Choices Programme'** seeks to prevent criminality and ensure the insertion of young persons – especially those descended from immigrants and ethnic minorities – who live in the more problematic neighbourhoods of some of the country's Districts.

As part of this Programme, since 2006 twenty-seven thousand users have had free access to the Internet at 100 local digital inclusion centres called **'CID@NETs'**, thereby enabling them to receive scholastic support, look for jobs, and engage in a range of other activities.

Within the overall framework of the Constitution of the Portuguese Republic and other legislation, Portugal defends the **Basic Principles** of the protection of the rights of migrant students and/or the children of immigrants – principles that apply equally to Portuguese students:

The Principle of Integration – educate through and for equality, in accordance with the right to education and with respect for the maintenance of the student's language and culture of origin.

The Principle of Equality – promote academic success as a means of guaranteeing equal opportunities. School is a privileged space in which to combat social inequalities and discriminatory attitudes.

The Principle of Interculturality – stimulate dialogue between cultures, under conditions of equality and reciprocity, in a process in which schools must see themselves as spaces that value and enhance multi-lingual practice and the multicultural.

The Principle of Quality – achieve schools' objectives in terms of the development of personal, social, ethical and intellectual competencies.

Programme for the Integration of Students for whom Portuguese is not a Mother Tongue

The growing migratory movement has given our societies a sociocultural heterogeneity and consequently a large degree of linguistic diversity, particularly in schools, which have sought to make this diversity into a factor for cohesion and integration. Within this context schools have developed and implemented curricular projects that are appropriate to culturally diverse contexts.

These curricular projects include a set of guidelines about teaching and learning Portuguese as a non-mother tongue, together with appropriate strategies and materials. Inasmuch as school is a space for the social, cultural and occupational integration of its students, the success of those who were born in another country is intimately linked to their integration, which in turn depends on their mastery of the Portuguese language.

In 2005, the Ministry of Education presented the Guideline Document '*Português Língua Não Materna no Currículo Nacional*' (Portuguese as a Non-Mother Tongue in the National Curriculum), which was designed to promote the integration of students in basic, secondary and recurrent education for whom Portuguese is not a mother tongue (PLNM). In 2007 it was adopted the Guideline Document that defines the principles and norms for identifying levels of linguistic skills, using data obtained in a diagnostic test: Initiation (A1, A2), Intermediate (B1), and Advanced (B2, C1).

Reception measures

1. Within the framework of the **School Network**, the criteria have been revised in such a way as to ensure that the composition of classes is balanced in ethnic terms.

Where the training of teachers with regard to interculturality is concerned, a **Continuous Teacher Training Programme** has been established as a priority training area. This Programme involves both the Presidency of the Council of Ministers (ACIDI) and the Ministry of Education (DGIDC), and is designed to develop the competencies of the teachers who work at increasingly heterogeneous schools, particularly those where Portuguese is a non-mother tongue.

2. Given the difficulties faced by immigrants, which are made worse by language-related problems, ACIDI took the initiative of creating a **Volunteer Exchange (BE)**, whose members offer support to immigrants who are ill and/or in prison, and organise courses to teach them the Portuguese language.

3. There is also an Exchange made up of **Sociocultural Mediators** who ensure articulation between home, school and the community.

One of the aspects that the current legislation is seeking to enhance is the *co-responsibility* of immigrants for the design, development and assessment of immigration policies, in a process in which belonging to immigrants' associations is seen as a primary

expression of the participation of immigrants and where particular emphasis is placed on the **sociocultural mediator** format.

4. Support for programmes for students to learn their mother tongue and culture of origin

Portuguese schools that have students of other nationalities can include programmes for the latter's languages and cultures of origin in the school educational project. These programmes possess the status of curricular enrichment subjects or extra-scholastic education courses, particularly when they are directed at young persons who are not in compulsory education or at adults.

5. The Portuguese for All Programme (PPT)

Within the framework of this Programme, which is run by the Office of the High Commissioner for Immigration and Intercultural Dialogue (ACIDI IP), it is possible to offer the immigrant population **Courses in Basic Portuguese** (level A2) that facilitate their integration into Portuguese society. Attendance is entirely free of charge.

The certificates provided by these courses are essential for a variety of purposes, such as obtaining Portuguese nationality, a permanent residence permit, or long-term resident status.

Courses in Technical Portuguese are also available in various sectors of activity, such as retailing, the hotel trade, beauty care, civil construction, and all of them enhance integration into the labour market. These courses are arranged by the Ministry of Education's schools and the IEFP's Job and Vocational Training Centres.

In the meantime, a new reality is appearing all over Portugal – **Portuguese as a Second Language** – a situation that arises out of the family regroupment of children and young persons who, when they arrive in Portugal, start to go to our schools without speaking the country's language.

6. Volunteer work by teachers

As part of the framework created by Executive Law no. 124/2009 of 21 May 2009, the Ministry of Education defined the legal regime governing voluntary work at schools by retired teaching staff.

Under the principle of the autonomy of education establishments, people can only do volunteer work if they expressly state their desire to do so, whereupon the school's executive body has the competence to approve a volunteer programme.

One of the most frequent voluntary activities are: Integrating immigrant students by providing additional lessons in Portuguese Language, and by helping them study a variety of other subjects.

Each volunteer programme lasts for one academic year, but can then be successively renewed for further annual periods. It must include a minimum number of hours, which the management body defines in the light of the project in question.

7. Notwithstanding the fact that the reception process is the object of the appropriate legislation in Portugal, the authorities have also created a **national register of foreign minors in irregular situations** in Portuguese territory. The sole purpose of this register is to ensure that these minors gain access to education (preschool and school) and healthcare. Within this process ACIDI IP has the competence to guarantee that registered minors can exercise the same rights as the law recognizes to minors who are present in Portuguese territory in lawful situations. ACIDI IP is also responsible for gathering the applicable data and treating and maintaining them.

Paragraph 12

During the period covered by the present Report a number of measures were developed and implemented with a view to supporting the teaching of Portuguese as a means of improving the social and occupational integration of immigrants. Immigrants' own associations have played a fundamental role in this respect.

The Portuguese Government has provided financial support to the immigrants' associations that arrange Portuguese language teaching, with a budget that has been increasing each year. This rise was around 7% from 2008 to 2009, to a total of € 704,642.68 in the latter year.

Teaching immigrants their mother tongue

In Portugal, immigrants are mainly taught their mother tongue as a result of voluntary private initiatives, some of which are also supported by the central and/or local education authorities. As mentioned in the previous paragraph, in 2005, the Ministry of Education presented a document containing recommendations on how to promote mother tongues and cultures of origin, and how to develop projects in this field.

As we have already said, schools with students of other nationalities can include **programmes covering the latter's languages and cultures of origin** in their education project. These programmes possess the status of curricular enrichment subjects or extra-scholastic education courses, especially when they are targeted at young persons who are not in compulsory education or at adults.

Communication between schools and migrant families

In order to improve the participation of parents in their children's education, and to support immigrant parents that face linguistic and/or cultural difficulties, it has been necessary to create measures to ensure communication between families and schools, such as: **i)** written information about the education system, in families' languages of origin; and **ii)** the use of interpreters and/or mediators.

The action of sociocultural mediators who establish contacts between a student's family, school and the community was reinforced.

ACIDI publishes a number of general brochures that are regularly updated and are available in English and Russian on its website.

Overall budget of Portuguese language courses for foreigners,

Total 2007-2013
11,436,240.41€

Source: ACIDI/2010

Financial execution - Costs paid,

Total 2008-2009
1,561,670.49€

Source: ACIDI/2010

Financial situation	Total 2007-2013	Total 2008-2009
Overall Budget	11,436,240.41€	
Financial execution		1,561,670.49€

Source: ACIDI/2010

Flows	Trainees (2008 + 2009)		
	Total	Male	Female
Number of Participants	7,213	3,291	3,922
Total:	7,213	3,291	3,922

Employment Status	Trainees (2008 + 2009)		
	Total	Male	Female
Employed	4,448	2,180	2,268
Unemployed	2,403	943	1,460
Inactive	362	168	194
Total:	7,213	3,291	3,922

Age Group	Trainees (2008 + 2009)		
	Total	Male	Female
Young (15 - 19)	557	336	221
Young (20 - 24)	702	310	392
Age Group (25 - 34)	2,070	822	1,248
Age Group (35 - 44)	1,925	878	1,047
Adults under age 45	1,959	945	1,014
Total:	7,213	3,291	3,922

Source: ACIDI/2010

Educational level	Trainees (2008 + 2009)		
	Total	Male	Female
Basic Education	2,582	1,232	292
Secondary Education	3,302	1,420	1,882
Higher Education	1,216	475	741
Master's Degree	79	33	46
PhD	30	11	19
Postdoctoral	4	2	2
Total:	7,213	3,173	2,982

Source: ACIDI/2010

Districts of Portugal	Trainees (2008 + 2009)	
	Number of trainees	Number of hours of training attended
Aveiro	296	34,438.50
Beja	73	6,766.50
Braga	125	15,326.00
Bragança	11	81.00
Castelo Branco	70	4,930.00
Coimbra	155	18,107.50
Évora	54	3,855.00
Faro	1,654	105,419.50
Guarda	15	2,862.00
Leiria	594	49,248.00
Lisbon	2,837	241,380.00
Portalegre	31	1,584.00
Porto	387	38,111.00
Santarém	190	21,142.00
Setúbal	622	52,478.50
Viana do Castelo	45	6,443.00
Vila Real	0	0.00
Viseu	54	4,774.00
Total	7,213	606,946.50

Source: ACIDI/2010

Number of trainees by country

Europe	4006	Africa	687
Albania	2	Afghanistan	1
Armenia	5	Algeria	21
Austria	9	Angola	36
Belgium	19	Benin	2
Belarus	22	Burkina Faso	1
Bosnia and Herzegovina	1	Cameroon	8
Bulgaria	110	Cape Verde	39
Cyprus	2	Congo, Republic of the	17
Croatia	1	Egypt	15
Czech Republic	8	Eritrea	2
Denmark	3	Gambia, The	4
Estonia	5	Ghana	6
Finland	11	Guinea-Bissau	196
France	83	Guinea-Conakry	29
Germany	159	Ivory Coast	1
Georgia	35	Liberia	1
Greece	4	Mali	2
Hungary	4	Morocco	172
Ireland	18	Mauritania	1
Italy	23	Mozambique	4
Latvia	5	Nigeria	39
Lithuania	18	Sao Tome and Principe	9
Luxembourg	1	Senegal	56
Moldova	465	Sierra Leone	2
Netherlands	77	Somalia	5
Norway	2	South Africa	4
Poland	38	Sudan	1
Portugal	62	Tanzania	1
Romania	220	Trinidad and Tobago	1
Russia	408	Tunisia	11
Serbia and Montenegro	9	South and Central America	123
Slovakia	9	Argentina	2
Slovenia	1	Bolivia	2
Spain	48	Brazil	10
Sweden	12	Chile	3

Switzerland	8	Colombia	29
United Kingdom	324	Cuba	19
Turkey	17	El Salvador	1
Ukraine	1758	Ecuador	1
Asia and Middle East	811	Honduras	1
Bangladesh	14	Jamaica	2
China	187	Panama	1
India	254	Peru	21
Indonesia	2	Suriname	4
Iran	14	Venezuela	27
Iraq	5	North America	33
Japan	2	Canada	12
Korea, South	2	USA	13
Kazakhstan, Republic of	16	Mexico	8
Yemen	1	Oceania	13
Libya	2	Australia	13
Myanmar	2	Others	539
Nepal	47		
Pakistan	177		
Philippines	7		
Kyrgyzstan	4		
Thailand	14		
Uzbekistan	61		

Source: ACIDI/2010

Number of trainees by continent

Europe	4,006
Africa	687
Asia and Middle East	811
North America	33
South and Central America	123
Oceania	13
Others	539
Total:	6,212

Source: ACIDI/2010

Article 27

THE RIGHTS OF WORKERS WITH FAMILY RESPONSIBILITIES TO EQUALITY OF OPPORTUNITIES AND TREATMENT – RECONCILING WORK AND FAMILY LIFE

Update to the information provided in the 2nd and 4th Reports.

Paragraph 1.a

The reconciliation of work and family life is one of the workers' rights that are enshrined in the Constitution of the Portuguese Republic.

In recognition of the importance of, and the need to establish, measures that help create conditions which favour the reconciliation of work and family life, the Labour Code (CT) approved by Law no. 7/2009 of 12 February 2007 includes the following provisions:

- The social protection scheme for independent workers who become parents has been widened: such workers now also benefit from the allowance for the provision of assistance to a child with a disability or a chronic illness, and men from the parental allowance exclusively for fathers.
- The father's rights upon the birth of a child have been increased, both in terms of the rights that must obligatorily be exercised, and with regard to those whose exercise is optional; and there has been an increase in the length of the parental leave in cases in which the latter is shared by both progenitors, thereby ensuring that the child is accompanied for longer during the initial period of his/her life, and making it possible for the progenitors to increase the sharing and flexibility of the way in which they share their parental responsibilities and reconcile their family life with the management of their professional careers.
- The duration of the initial parental leave has been increased by six months, with an allowance paid by the Social Security Service. The extended parental allowance, which lasts for three months, is awarded to one spouse, or to both alternately, on condition that the leave in question is taken immediately after the other spouse's initial parental leave or extended complementary leave.
- There has been an increase in the care provided to very young children. Working part-time in order to accompany a child during the first 12 years of his/her life now counts double for the purpose of the award of social security benefits, up to a maximum limit equal to the worker's full-time remuneration.
- With regard to the assistance provided to children who are ill or have an accident, the range of situations in which protection can be provided has

been expanded by the award of an allowance during the period in which time is taken off work. The protection in cases involving a child with a disability or chronic illness has been reinforced. An allowance is paid for time off work in order to provide assistance to a child below the age of twelve, or to any child with a disability or chronic illness regardless of his/her age. The allowance is paid for up to 30 days per calendar year or, if the child is hospitalised, for the entire hospitalisation period. Time off work in order to provide assistance to a child aged twelve or over is the object of an allowance for up to 15 days per calendar year, plus one day for each child over and above the first.

- Grandparents' rights have been strengthened, and the possibility of making the management and organisation of family life more flexible has been promoted, by the creation of an allowance for grandparents who take time off work in order to provide assistance, in the children's parents' stead, to their grandchildren who are ill and are minors, or who have a disability or chronic illness regardless of their age.
- The maximum limit on the amount of the allowance for the provision of assistance to a child with a disability or chronic illness has been doubled, in a measure that positively discriminates in favour of situations in which there are special needs for family assistance.
- The evidence that citizens must provide when they apply for allowances has been simplified in order to make it easier for citizens. It is not needed to make a formal application when a situation is certified by a Certificate of Temporary Incapacity to Work (CITT), it is still also possible to apply on paper or online via the Social Security Service.
- The new Labour Code seeks to ensure that parental leaves are divided fairly between both progenitors. The parental leave period has been increased to six months with an allowance equal to 83% of remuneration, or five months at 100%, in cases in which the mother and father share the leave with the father taking 30 days, or twice 15 days, that are exclusively reserved to him. This measure is designed to guarantee that the child is accompanied for longer at the beginning of his/her life, and to make it possible for the progenitors to increase the sharing and flexibility of the way in which they reconcile their family life with the management of their professional careers.
- There has been an increase in the possible ways of making working hours more flexible, either as a result of the negotiation of collective labour agreements, or by means of collective decisions within enterprises. At the same time, the overall limits on the duration of both regular and overtime work are unchanged. The innovative regimes include the possible creation of 'hour banks', and of timetables that concentrate working hours into a smaller number of days per week, together with an increase in the length of remunerated leaves for parents (see the previous point).
- Article 61 of the Labour Code (CT) established the guarantee that a worker must be fully reintegrated into his/her work at the end of a period of

leave for the provision of assistance to a child or to a person with a disability or chronic illness. This disposition also requires the employer to provide the worker with a place on training actions and with occupational updating in such a way as to promote his/her full occupational reinsertion.

- Similarly, Article 65(5) of the CT guarantees workers the right to reassume contracted work at the end of any situation involving leave, absences, dispensations, or special working regimes.
- Article 30(3) of the CT also establishes a criterion under which preference must be given with regard to participation in any vocational training actions to workers who reach the end of their parental or adoption leave, as well as to workers who are responsible for single-parent families. This norm is one of the non-discriminatory positive action measures that are generically referred to in Article 27 of the CT and are designed to ensure the exercise under equal conditions of the rights provided for in the CT and to correct any inequalities that may persist in the social life of a group that is disadvantaged as the result of a discriminatory factor.

Among the measures that are intended to make the right of workers with family responsibilities to equal opportunities a reality, we should emphasise the importance of the various flexible work-organisation formats, such as part-time work, flexible working hours, and the reduction of normal working hours.

- Article 150(1) of the CT says that: “part-time work is deemed to be that which corresponds to a normal working week shorter than that which is practised in a comparable full-time situation”. The CT also says that when collective agreements address admission to part-time regimes, they must establish preferences in favour of workers with family responsibilities, workers with reduced capacity, persons with disabilities or a chronic illness, and workers who attend education establishments (Article 152[1]). Provision is also made for the possibility for part-time workers to change to full-time, or vice versa, either definitively or for a given period, by means of a written agreement that constitutes an amendment to the worker’s labour contract. When this contract amendment implies changing from full-time to part-time work for a given period, at the end of that period the worker is entitled to resume full-time work (Article 155 of the CT).

Article 51 of the CT says that for the purposes of providing assistance to a child (natural or adopted) up to the age of six years, the father or the mother has the right to opt not to take three months of extended parental leave, but instead to work part-time for twelve months with normal working hours equal to half those of the full-time schedule.

In addition, under Article 55 of the CT workers with a child under the age of twelve, or regardless of age in the case of a child with a disability or chronic illness, are entitled to work part-time. This right can be exercised by either progenitor, or by both of them for successive periods, after the complementary parental leave (whatever the latter’s format); the normal working hours in this situation are half those worked in the comparable normal situation. This part-time working can last up to: two years, normally;

three years in the case of the third or subsequent child; and four years in that of a child with a disability or chronic illness.

- The flexible working-hours regime allows workers to work up to six consecutive hours and a total of up to ten hours each day. The normal weekly number of hours must be worked on the basis of the average over each four-week period (Article 56[4] of the CT).
Employers can only refuse requests to work under one of these regimes on the grounds of imperative requirements linked to the operation of the enterprise or to the fact that it is impossible to replace the worker, and then only following a favourable formal opinion from the competent entity in the area of equal opportunities for men and women. If the latter's opinion is unfavourable, the employer can only refuse a request following a court decision recognising the existence of justified grounds for doing so (Article 57[2], [5] and [7] of the CT).
- The CT provides for a 5-hour reduction in normal weekly working hours for the purpose of providing assistance to a child with a disability or chronic illness, until the child's first birthday (Article 54[1]).

In addition to the mechanisms linked to making working times more flexible – to which the revised CT has added some new formats, such as group adaptability, the hour bank, and concentrated working hours – the Code contains some other measures that also enhance the reconciliation of work and family life. One example is teleworking – a very broad concept that allows work to be done in different locations, including the worker's home.

One of the objectives of the Human Potential Operational Programme (POPH), which comes under the National Strategic Framework of Reference/QREN (FSE)¹, is to promote the reconciliation of work and family and personal life, by giving priority to the creation of conditions that permit parity in the harmonisation of professional and family responsibilities.

Against this background and with regard to the vocational training domain, we should note that Portugal is fostering measures that directly or indirectly seek to help promote equal opportunities for men and women.

The measures in the field of vocational training for active members of the population encompass a diverse range of types of intervention and target group (persons with disabilities, persons in danger of exclusion) and a variety of phenomena to which they are intended to respond. Examples include: the interventions in the area of promoting equal opportunities (non-discrimination in access to training and to social support for attending training); the promotion of qualified employment and the adaptability of the labour market; the support for social and community development.

One of the measures that have been adopted as ways of promoting the reconciliation of work and family and personal life as part of the activities of the Institute of Employment and Vocational Training's (IEFP) network of Vocational

¹ <http://www.qren.pt/>

Training Centres has been the extension of the offer of dual-certification Adult Education and Training courses (EFAs) outside working hours.

In the light of the primary objective of professional integration, the IEFP's network of Vocational Training Centres favours training projects that:

- Promote social inclusion founded on the fundamental principle of equal opportunities.
- Promote citizenship and social inclusion through participation in employment and access for all to resources, rights, goods and services.
- Prevent people's professional lives from breaking down by developing their capacity to achieve professional insertion; and prevent risks of exclusion, by fully exploring and exploiting the potential of the knowledge-based society and the latest information and communication technologies,
- Favour the social integration of women and men who are likely to face situations of persistent poverty, particularly when these are due to the fact that they belong to a social group with special difficulties with regard to insertion.
- Favour the reconciliation of work and family life, particularly by means of schedules that are more flexible and adapted to the target groups' characteristics and needs.
- Favour the gender perspective, both in terms of numbers and with respect to occupational areas that are traditionally male or traditionally female.
- Promote and favour intercultural diversity and dialogue.

The female sex is the majority beneficiary of vocational training measures aimed at disadvantaged target groups, where female trainees represent about 60% of the total.

There is a range of forms of social support that are designed to incentivate attendance at vocational training actions. Of particular note is the payment of the costs of looking after minors or other persons that are dependent on the trainee. Additional financial resources are allocated to men and women in order to guarantee equal conditions to access vocational training and to reconcile it with their family life. The following elements of this type of support are particularly significant:

- The eligible costs are those incurred in relation to looking after underage children and dependent adults for whom an unemployed trainee is responsible, up to a maximum monthly limit of 50% of the Social Support Index Value (IAS, which amounted to € 419.22 in 2009), when the trainee proves that it is necessary to entrust those persons to a third party in order to be able to attend the training.

- Any duly proven specific costs of looking after dependent persons are eligible, on condition that they are directly connected to vocational training programs, including registration fees, monthly fees, meals, transport and any other obligatory costs,
- Costs are reimbursed against the presentation of proof of payment (a receipt or other equivalent original document), which the trainee must submit monthly. The system continues to apply when training activities are temporarily interrupted for holidays, on condition that the beneficiary presents the Internal Regulations of, or a Declaration by, the Receiving Entity demonstrating that this is necessary or is required by the latter.
- Whenever it is necessary for a Centre to support the placement of a dependent for whom a trainee is responsible in a social facility, preference must be given to facilities that belong to the public sector or a private charity (IPSS).

Another important form of support is the grant of a 'subsidy to all the beneficiaries of certain employment and training actions who attend training actions with both theoretical and practical components. The purpose of this subsidy is to reduce the obstacles to socioprofessional reinsertion, especially in the case of women, and particularly women who are responsible for single-parent families. This allowance is designed to cover the costs of looking after dependent children and adults when the training means that it is necessary to entrust them to the care of third parties.

In a different area, the legal regime governing the reparation of the situation of unemployment approved by Executive Law no. 220/2006 of 3 November 2006 establishes a set of rights and duties for the recipients of unemployment benefits. Of particular significance in this respect is the duty to accept appropriate employment – i.e. a job that is proposed by the public employment service and meets a set of previously defined legal requirements. Unjustified refusal by the beneficiary leads to the termination of his/her unemployment benefits.

When they defined these criteria, the legislative authorities bore in mind the need to make family life compatible with work. They did so by setting different proportions for the average travel time between the person's home and the proposed workplace, which cannot exceed 25% of the working hours, or the reduced amount of 20% for beneficiaries who are responsible for underage children or other dependent persons.

Paragraph 1.b

The last few years have seen the creation of various programmes that are helping to improve the reconciliation of work and family life. As a dimension of the public policies designed to promote equality between women and men, this reconciliation is one of the aspects of the *3rd National Plan for Equality, Citizenship and Gender (PICG)*, the *National Employment Plan (PNE)*, and of

the *National Action Plan for Inclusion (PNAI)* – instruments that define the national strategy for intervention in the different areas..

The Programme for the Expansion of the Network of Social Facilities (PARES) has been driving the support for early childhood more intensely than ever before. It is making a decisive contribution to deepening the support given to families – especially young families – by providing them with more and better care services to help families to reconcile their parental responsibilities with the exercise of an occupation. PARES is financed by public funds.

The primary objective of the Programme is to create new places through the Solidarity Network (composed of IPSSs – i.e. private charities), thereby improving this response's coverage in regions of the country where the need is greatest, and thus correct imbalances in this domain, particularly by incentivating private investments and partnerships at the local level.

In 2007, this Programme supported a substantial number of projects in the early childhood area, covering about 14,000 *crèche* places. The opening of a 3rd phase of PARES applications at the beginning of 2008² was exclusively targeted at the funding of projects that would expand the network of crèches in the Lisbon and Porto metropolitan areas – regions where the population density is high and the territorial asymmetries in the coverage of this type of facility are great. At the time it was approved about 4,500 new places. Taking the country as a whole, these 18,500 new places constitute a rate of growth in the crèche response of about 50% – a number that can exceed 70% in the regions where the need for facilities of this kind has been identified as being at its greatest³.

Another area in which the PARES Programme has invested is that of persons with disabilities, with a view to contributing to a society that is more cohesive and is capable of providing these citizens and their families with a better quality of life. A rise in the number of places in social facilities for persons with disabilities is part of the aims of specific measures included in the Plan for the Integration of Persons with Disabilities or Incapacitation (PAIPDI). These measures seek to make an effective contribution to the development of a society that is more cohesive for, and does more to integrate, citizens with disabilities, as well as to a significant improvement in their and their families' quality of life. More than 1,400 places in social responses for persons with disabilities have been approved under the PARES, namely in the Residential Home, Autonomous Residence, Occupational Activities Centre, and Home Support Service formats. 2,407 places for persons with disabilities had been created by the end of 2008 – thus exceeding the goal of 1,850 places by 2009 – with PARES making a very significant contribution in this respect.

The PARES Programme has also made it possible to significantly strengthen the network of services and facilities for the elderly, thereby helping to ensure that elderly persons remain in their own homes, with assistance from the Home Support Services and Day Centres. The Programme has also helped improve the situation of a larger number of older dependent persons by expanding the coverage of Homes for the Elderly. Taken as a whole, these measures are also

² Order no. 5266-A/2008 of 26 February 2008.

³ GEP, Social Charter (*in Portuguese*), ISS, IP.

providing the family members of elderly persons with better conditions for reconciling their work and family lives.

The combination of the increase in places recorded in the Social Charter data and the places created under the PARES Programme gives us a post-PARES rise of 27,139 places for elderly persons, for a growth of around 15% in the number of responses⁴. Under the aegis of the PARES Programme more than 18,600 places have been approved in social responses targeted at the elderly: over 6,850 covered by Home Support Services, 5,600 at Day Centres, and 6,150 in Homes for the Elderly.

The objective of the National Integrated Continuous Care Network (RNCCI) is to optimize the social security and health resources to provide continuous, integrated healthcare and social support for dependent persons, whatever their age.

The Integrated Continuous Care system focuses on the person's full recovery and rehabilitation, by promoting his/her autonomy and improving his/her functionality within the situation of dependency in which he/she finds him/herself. Through the RNCCI and its various component elements (Convalescence Units; Medium-Term and Rehabilitation Units; Long-Term and Maintenance Units; Palliative Care Units) – which are actually provided by the National Health Service and the private sector, but above all by the solidarity sector, with special emphasis on the Misericórdia charities – persons in dependent situations are given continuous, integrated healthcare and social support. Centred on the overall recovery of the person, these services began on an experimental basis in 2006, and have been generalised throughout the country since 2007. They represent a major source of help for the families of dependent individuals. In December 2008, the RNCCI had more than 2,900 institutional care places, 530 of which were in Convalescence Units, 917 in Medium-Term and Rehabilitation Units, 1,365 in Long-Term and Maintenance Units, and 93 in Palliative Care Units.

By December 2008 the National Integrated Continuous Care Network had provided support to around 14,000 citizens, and the goals that had been set for 2006-2008 had been attained to a degree of about 75%. The remaining 25% is expected to be fulfilled thanks to a network of physical infrastructures that are provided for in the Modular Programme (PM), which will create more than 3,000 new inpatient places.

This set of protection and social support measures has been making a decisive contribution to ensuring that people can effectively enjoy their rights in the field of the reconciliation of their work and family and personal spheres. By implementing these family support measures and by arranging a better sharing of parental responsibilities and expanding the network of facilities and services for supporting children, the elderly and persons in dependent situations, Portugal is taking steps to promote the participation of women in the labour market with more quality in terms of the way in which they use their time, and to ensure the fulfilment of the goals of achieving equality for women and men in

⁴ GEP, Carta Social, ISSS, IP.

the various different areas of life in society, while incentivating a greater presence in the private sphere on the part of men.

Portuguese social security legislation does not contain any provisions that might constitute an obstacle to the women and men rights to family responsibilities.

Childcare services for children under school age

2005		2006			2007			2008			2009		
No. of Social Responses	No. of Children	Type of Social Response	No. of Social Responses	No. of Children	Type of Social Response	No. of Social Responses	No. of Children	Type of Social Response	No. of Social Responses	No. of Children	Type of Social Response	No. of Social Responses	No. of Children
1.467	50.170	Crèche	1.581	52.956	Crèche	1618	55.004	Crèche	1655	58.331	Crèche	1587	61.160
66	2.881	Minder / Family Crèche	93	2.914	Minder / Family Crèche	90	3.000	Minder / Family Crèche	105	2.998	Minder / Family Crèche	65	3.248
1.450	86.266	Preschool	1.464	86.916	Preschool	1463	86.617	Preschool	1466	86.929	Preschool	1436	88.094
38	1.375	Crèche	38	1.375	Crèche	38	1.375	Crèche	38	1.375	Crèche	35	1.366
742	2.740	Minder / Family Crèche	717	2.725	Minder / Family Crèche	728	3.290	Minder / Family Crèche	703	3.126	Minder / Family Crèche	621	2.298
37	2.094	Preschool	37	2.094	Preschool	37	2.094	Preschool	37	2.094	Preschool	34	2.126
330	12.900	Crèche	387	20.650	Crèche	407	18.331	Crèche	465	23.507	Crèche	-	-
-	-	Minder / Family Crèche	-	-	Minder / Family Crèche	-	-	Minder / Family Crèche	-	-	Minder / Family Crèche	-	-
-	-	Preschool	-	-	Preschool	-	-	Preschool	-	-	Preschool	-	-

Source: ISS/2010

Source:

Inspection activities

The inspection work in this field has been structured around two core ideas that cut across every sector of economic activity: the promotion of dignified work, as delimited by the International Labour Organisation; and a reduction in work-related accidents and occupational illnesses.

To this end the minimum activities undertaken under the Inspection Action Plan include objectives directed at the most vulnerable groups of workers – particularly women, young persons and foreigners, who are generally potential targets of discriminatory practices.

Prevention of discrimination at work and in employment, and the reconciliation of personal and family life with work are areas that are particularly pertinent to the objectives of the Working Conditions Authority (ACT) under the *dignified work* axis of the current Inspection Action Plan. The programme for preventing and controlling discrimination and controlling the working and employment conditions of vulnerable groups of workers includes an action in the field of gender equality and non-gender-based discrimination at work and in employment.

ACT is responsible for verifying compliance with the norms that regulate equal access to employment and work. This is particularly true of the provisions of the Labour Code and its Regulations, which apply the principle of equal treatment for all and establish a legal framework for the fight against discrimination.

As a result of the inspection work that was done in 2005, at the national level the decentralised departments and services of the Labour Inspectorate (IGT) issued 10 official notifications for infractions committed in the area of the prohibition of direct and indirect discrimination in that year.

These labour-related infractions (classified as very serious administrative offences related to the prohibition of discrimination) led to the imposition of fines (the base amount of which depended on each enterprise's turnover and degree of culpability) in the total sum of € 45,924.00 if paid at the minimum amount or € 128,160.00 if paid at the maximum amount.

Also in 2005, 2 official notifications were issued for infractions in that year with regard to the right to equal access to employment and work. These infractions, which also constitute very serious administrative offences, led to fines worth between a minimum of € 3,560.00 and a maximum of € 7,120.00.

In 2006, the IGT's decentralised departments and services issued 10 official notifications for infractions concerning the prohibition of discrimination. The corresponding fines amounted to between a minimum of € 55,654.00 and a maximum of € 171,860.00.

In the same year IGT noted one situation involving an infraction with regard to the right to equal access to employment and work, which resulted in a fine of between € 8,010.00 and € 26,700.00.

In 2007, there were 1,023 inspection visits linked to the protection of maternity and paternity; there were 470 such visits in 2008; and 463 in 2009.

The inspection visits conducted in 2007 in relation to the right to equality and non-discrimination led to the issue of 25 official notifications that corresponded to administrative offences with fines worth a minimum of € 120,990.00 and a maximum of € 356,385.00. In addition, 83 official warnings were also issued.

In 2008 it was issued 43 official notifications for administrative offences in the field of the right to equality and non-discrimination, with fines with a minimum value of € 138,682.00 and a maximum of € 234,064.00. There were also 150 official warnings for breaches of norms in the same area.

Inspection activities at the national level by ACT's decentralised departments and services in 2009 led to the issue of 37 official notifications for the commission of discrimination-related infractions by employers. The minimum amount of the applicable fines was € 189,762.00, with a maximum of € 567,381.00.

In addition, 2009 saw 16 coercive proceedings in response to irregular situations in the field of the protection of maternity and paternity. The corresponding fines totalled € 15,996.00 if paid at the minimum amount, and € 33,932.00 at the maximum amount.

Paragraph 1.c

- As we have already mentioned, the Programme for the Expansion of the Network of Social Facilities (PARES) was created with the objective of using financial resources from public funds and lotteries and similar games to stimulate private investment in social facilities and increase the existing installed capacity in terms of responses in the childhood and youth areas, among others.

The Programme is looking to see a 50% increase in the installed capacity.

- In 2006 it was also launched by **Ministerial Order no. 869/2006 of 29 August 2006** (later complemented by **Orders nos. 4749/2009 of 29 January 2009** and **21927/2009 of 21 September 2009**) the Programme for Supporting Investment in Social Facilities (PAIES). This Programme's objective is foster the creation of new crèche places, by providing support for private for-profit initiatives, using financial resources from public funds and lotteries.

- It forms part of the policy of expanding the network of social facilities, which are seen as a factor that is a key to the well-being of citizens and families and to improving their living conditions. PAIES applies to mainland Portugal, and the maximum duration of the projects it covers is 36 months.

- As part of the Cooperation Programme for the Development of the Quality and Safety of Social Responses (PCDQSRS, **Ministerial Order no. 139/2007 of 29 January 2007** and **Executive Law no. 64/2007 of 14 March 2007**), in 2007 it was published the regime governing the licencing and inspection of the

provision of social support services and of social support establishments that involve activities and services linked to the social security of children (among others). This regime applies to all the entities that work in this field, except for the public ones and the Lisbon Misericórdia charity.

It is the result of a growing concern to ensure the safety and well-being of citizens, the quality of facilities and the simplification of their licencing and operation, in a context of cooperation between the State and the solidary sector and of a desire to increase the efficacy of their planning. Where the support for children and young persons is concerned, it is targeted at crèches, free-time activity centres, children and young people's homes, autonomisation apartments, and temporary-stay homes.

- In 2006, **Executive Law no. 56/2006 of 15 March 2006** changed the way in which the net proceeds from the lotteries and similar games operated by the Lisbon Santa Casa da Misericórdia charity are parcelled out. The objective was to achieve a more balanced, efficient and stable distribution of the resources that are available for social purposes (among others).
- The purpose of this support is to help facilities to quickly adapt their premises and installations to the existing safety rules, bearing in mind that compliance with those rules is a fundamental factor in guaranteeing the well-being and the quality of the living conditions of the users of social facilities.

We should also note that:

- In 2007, **Executive Law no. 256-A/2007 of 13 July 2007** adopted a new regime for contracts involving public works projects and the public acquisition of goods and services under the PARES Programme up until the end of 2009, the purpose of which was to simultaneously make procedures faster and control the State's expenditure and defend its interests during the execution of PARES projects.

At the beginning of 2009, **Ministerial Order no. 37/2009 of 16 January 2009** amended the Executive Law n° 256-A/2007 in order to speed up the conclusion of the projects and to provide additional public financial support to it. The Programme is underlain by territorial planning that takes account of existing coverage rates to correct the asymmetries in the installed capacity around the country and seeks to promote a greater degree of fairness in access to social responses.

- A number of Social Response Evaluation Models (MARSS) have been developed for certain responses targeted at children and young persons. The models' objectives are to:
 - Be an instrument with which social responses can assess themselves and thus be able to systematically review their performance.
 - Enable each project to be supported by the development and implementation of a Quality Management System, thereby enabling it to significantly improve its organisation and operation.

- Combine all the requisites applicable to a given social response in a single normative framework of reference, regardless of the establishment's legal nature.

A number of Key Processes Manuals and Satisfaction Assessment Questionnaires for the target population, staff and partners have been developed.

No. of Crèches in Mainland Portugal, 2005-2008

	Year			
	2005	2006	2007	2008
No. of Crèches	1,934	2,010	2,065	2,158

Source: GEP; Social Charter *(in Portuguese)*

The Programme is seeking to create 5,750 new crèche places.

Paragraph 2

Also see Paragraph 1.

Law no. 7/2009 of 12 February 2009 approved the revision of the Labour Code (originally set out in Law no. 99/2003 of 27 August 2003), which made some changes with regard to the rights that are inherent in parenthood. These include:

Working mothers and fathers are now entitled to 120 or 150 consecutive days of initial parental leave when the mother gives birth, and can share it after that birth.

In the case of multiple births, this leave is increased by 30 days for each child over and above the first one.

Future mothers can choose to take up to 30 days of parental leave before the birth; they must obligatorily take six weeks of leave after it. Fathers must obligatorily take 10 working days of parental leave within the 30 days after the birth; these 10 days of leave can be consecutive or spaced out, but 5 of them must be taken consecutively, immediately after the child is born. Fathers are entitled to a further 10 working days, which can be consecutive or spaced out, but must be taken during the period in which the mother takes her initial parental leave.

Parents who are independent workers have the same rights as third-party employees, particularly when it comes to sharing the initial parental leave.

Adoptive parents are entitled to 120 or 150 days of leave, which the father and mother can share between them. If they do so, the leave can be extended by 30 days to a total of 180. The overall duration is decided by the adoptive parents and affects the amount of the allowance they receive. If more than

one child is adopted at the same time, the parents have the right to a further 30 days for each child over and above the first one.

Either the father or the mother is entitled to miss work in order to provide assistance that is required as the result of a disability or chronic illness on the part of a child who lives with him/her. Leave for the purpose of providing assistance to a child with a disability or chronic illness can last for up to 6 months, and can then be extended up to a maximum of 4 years if necessary. A worker with a child who lives with him/her and is below the age of twelve, or who has a disability or chronic illness regardless of age, is entitled to work part-time. This right can be exercised by either progenitor, or by both of them alternately, after the complementary parental leave (any format).

Article 51 of the Labour Code (CT) provides for 3 months of complementary parental leave for the purpose of providing assistance to a natural or adopted child up to the age of six .

Alternatively, the father and mother are entitled to work part-time for 12 months under the above terms, or to alternate parental leave and part-time work until such time as the total duration of the absence and reduced working hours equals the time that would normally be worked in a 3-month period. Collective agreements can also establish another alternative, under which the father and mother can alternate absences up to a maximum equal to the times they would normally work in a 3-month period.

These rights can be taken consecutively or spaced out. They pertain to the father and to the mother; neither progenitor is allowed to accumulate the other's rights. In cases in which both progenitors work for the same employer, the latter can delay the leave due to one of them, on the grounds of requirements that result from the enterprise's operational needs.

Adoptive parents and guardians of minors also have the right to complementary parental leave, or to alternative regimes involving part-time working or the alternation of both formats (Article 64[1][b] of the CT).

Once the above rights have been used up, there is also provision for up to 2 years of leave to provide assistance to a natural or adopted child; this can be extended up to 3 years in the event of the birth or adoption of a third or subsequent child. In these situations the leave can be taken by one progenitor only, or by both of them alternately (Articles 52[1], [2] and [3] and 64[1][b] of the CT).

During the complementary parental leave, or the duration of the alternative part-time working regimes, or the duration of alternating periods of both formats, workers retain all their rights except that to remuneration (Article 65[1] of the CT).

During leave for the purpose of providing assistance to a natural or adopted child, those rights and duties of both employee and employer that presuppose the effective provision of work – particularly the right to remuneration – are suspended, but workers continue to be entitled to the benefits of medical

assistance and assistance in the form of medicines (Article 65[1] and [6] of the CT).

As we said in earlier Reports (particularly the 2nd and 4th Reports) and in the information we are giving with regard to Article 8 (the right of employed women to the protection of maternity) in the present Report, the legal regime governing the protection of parenthood provides for the payment of a range of monetary allowances in situations in which the Labour Code makes provision for taking time off work or leave to provide assistance to descendants. These provisions were amended during the period covered by the present Report. The changes can be summarised as follows:

- **Initial parental allowance exclusively for fathers** – Awarded to fathers for the following periods:
 - 10 working days (compulsory), of which 5 must be consecutive and immediately follow the child's birth, and 5 can be taken consecutively or spaced out at any time during the rest of the 30 days following the birth.
 - 10 working days (optional), which can be consecutive or spaced out, but must be taken after the compulsory 10-day period and during the period in which the mother is receiving the initial parental allowance.Amount: 100% of the beneficiary's reference remuneration.
In cases of multiple births, the above 10-day periods are increased by 2 days for each child over and above the first; the additional days must be taken immediately after the 10-day period in question.

- **Allowance for the provision of assistance to a grandchild** – Awarded to grandparents in an exclusive or shared format, as follows:
 - In the event of the birth of a grandchild: up to 30 consecutive days following the birth of the grandchild, who must be living with the beneficiary in a household in which the living expenses are shared, and must be the child of an adolescent below the age of sixteen.Amount: 100% of the beneficiary's reference remuneration.
 - For the provision of assistance to a grandchild who is a minor or who, regardless of age, has a disability or chronic illness: for up to the number of days of absences from work that have not been taken by the grandchild's progenitors.**Amount: 65%** of the beneficiary's reference remuneration.

- **Allowance for the provision of assistance to a child** – Awarded in medically certified cases of illness or accident, as follows:
 - In the case of a child below the age of twelve or, regardless of age, a child with a disability or chronic illness: awarded for up to 30 consecutive or spaced out days in each calendar year, or for the whole of any period in which the child is hospitalised.
 - In the case of a child aged twelve or over: awarded for up to 15 consecutive or spaced out days in each calendar year.Amount: 65% of the beneficiary's reference remuneration.

- **Allowance for the provision of assistance to a child** – Awarded for a period of up to six months, with the possibility of extension up to a maximum of four years.

Amount: 65% of the beneficiary's reference remuneration.

The award of these allowances is subject to completion of a qualification period of at least six calendar months, which can be consecutive or spaced out, but must involve recorded remuneration.

Paragraph 3

Article 63 of the Labour Code (CT) contains various measures designed to provide protection from dismissal to female employees who are pregnant, have just given birth or are breastfeeding, and workers who are taking parental leave. The dismissal of a worker in any of these situations on the grounds of a fact that for which the worker is allegedly responsible is automatically presumed to be without just cause (Article 63[2]), and the employer must thus prove the facts on which the dismissal is based.

Dismissal in such situations can only occur following the issue of a formal opinion by the competent administrative entity in the area of equal opportunities for men and women (CITE), that opinion is automatically deemed to be favourable if the entity does not pronounce itself within 30 days. If the resulting opinion is unfavourable, the dismissal can only occur if a court issues a sentence recognising that there is a justified reason for it; an unfavourable opinion also means that in the meantime, if the worker requests an injunction, the court must suspend the dismissal (Article 63[3], [4], [6] and [7] of the CT).

It is unlawful for an employer, acting on its own initiative, to dismiss female employees who are pregnant, have just given birth or are breastfeeding, or workers who are taking any format of initial parental leave, unless it first asks the competent administrative entity in the area of equal opportunities for men and women for a prior formal opinion [Article 381[d] of the CT]. It is worth adding that failure to comply with this requirement constitutes a serious administrative offence (Article 63[9] of the CT).

If a dismissal is declared to be unlawful, the employer cannot oppose the worker's reinstatement, in the case of a microenterprise or a worker who is a company director or senior manager, the employer can ask the court to exclude reinstatement on the grounds that there are circumstances which mean that the return of the worker would disturb and be seriously prejudicial to the operation of the enterprise. If the court accepts this request, it will instead order that the worker be paid compensation of between 30 and 60 days of his/her base remuneration plus any additional amounts due for seniority, for each year or part of a year of service. The exact amount is determined by the amount of the remuneration and the degree to which the dismissal is unlawful, but the total can never be less than the equivalent of six months of remuneration and the applicable seniority bonuses (Articles 63[8] and 392[1] and [3] of the CT).

In the case of the non-renewal of fixed-term contracts, whenever the worker in question is a female employee who is pregnant, has just given birth or is breastfeeding, Article 144(3) of the CT makes it obligatory for the employer to

notify the competent administrative entity in the area of equal opportunities for men and women of the reason why it chose not to renew.

ARTICLE 31

THE RIGHT TO HOUSING

Update to the information provided in the 2nd Portuguese Report on the Implementation of the Revised European Social Charter.

Paragraph 1

The Constitution of the Portuguese Republic (CRP) enshrines the "Right to Housing" in Article 65(1) (included in Chapter II, on Social Rights and Duties), which reads as follows: *"Everyone has the right for himself and his family to have an adequately sized dwelling that provides hygienic and comfortable conditions and preserves personal and family privacy"*.

Article 65(2) of the CRP says that: *"In order to ensure the right to housing, the state"* (i.e. the Central and Local Administrations and the Autonomous Regions) *"is charged with"*:

- a) Programming and implementing a housing policy.
- b) Promoting the construction of low-cost and social housing.
- c) Stimulating both private construction, subject to the general interest, and access to owned or rented housing.
- d) Encouraging and supporting local community and popular initiatives that work towards the resolution of the respective housing problems and foster the formation of housing and self-building cooperatives.

Paragraph (3) of the same Article says that: *"The state shall adopt a policy that works towards the establishment of a rental system which is compatible with family incomes and provides access to individual housing"*.

In Articles 70 and 72 respectively, the Constitution especially mentions the right of young persons and the elderly to housing.

Article 70(1) says that: *"In order to ensure the effective fulfilment of their economic, social and cultural rights, young people shall enjoy special protection, particularly (...) in access to housing."* (subparagraph [c]).

Turning to the elderly, Article 72(1) says that: *"The elderly have the right to economic security and to conditions in terms of housing and family and community life that respect their personal autonomy and avoid and overcome isolation or social marginalisation"*.

Where the policy which the Government has defined for the housing sector is concerned, the State, acting via the Institute for Housing and Urban Rehabilitation (IHRU), contributes with actions and programmes designed to minimise the lack of social housing in Portugal.

IHRU, IP was created as part of the Programme for the Restructuring of the State's Central Administration (PRACE) by Executive Law no. 223/2007 of 30

May 2007, which renamed its predecessor (the National Housing Institute – INH) and combined its responsibilities with those of both the Institute for the Management and Disposal of the State’s Housing Assets (IGAPHE) and the Directorate-General of National Buildings and Monuments (DGMEN), with the exception of those concerning classified building patrimony. IGAPHE and DGMEN were then abolished on 27 August 2007.

The new Institute’s mission is thus to ensure that the Government’s policy for the housing and urban rehabilitation areas is put into practice, in articulation with the Cities Policy and other social policies, and in a way that safeguards and enhances the country’s heritage patrimony, thereby simultaneously guaranteeing both the memory of our architectural heritage and its evolution.

The IHRU fulfils the Ministry of the Environment and Planning’s responsibilities in the above areas. It is particularly charged with the following tasks:

- Drawing up, monitoring and arranging for the assessment of the Plans in the housing and urban rehabilitation sectors.
- Promoting the acquisition of knowledge in the fields of housing and other building activity, with a view to proposing legislative policy and regulatory measures.
- Developing and managing the implementation of instruments for funding both housing programmes with a social interest and urban rehabilitation.
- Managing, conserving and disposing of the stock of public housing assets, facilities, equipment and land .
- Intervening in the property market.
- Ensuring the operation of the Housing and Urban Rehabilitation Observatory (OHRU), which began work in February 2008 with the mission of assembling and managing an information system that is organised in such a way as to make it possible to know what is happening in the housing and urban rehabilitation sector. The Observatory is also responsible for promoting the systematic, regular and periodic dissemination of information about the sector, for the purpose of supporting both the public Housing and Urban Rehabilitation Policy and all the agents in the market.

The IHRU manages a variety of programmes and actions (described below), which are designed to respond to situations of housing hardship and to make it easier for the social groups that are at risk and for whom that hardship is particularly evident to gain access to housing:

Housing Support

- Controlled-cost homes.

Rehousing Support

- Rehousing Programmes: PER, PER-FAMILIES, PROHABITA, Collaboration Agreements (Executive Law no. 226/87).

Rental Support

- Number 65 – Rentals by Young Persons; Rent allowance (Social NRAU); and the provision of homes for rent.

Urban Rehabilitation Support – takes the form of funding for the following Programmes:

- SOLARH
- RECRIA
- REHABITA
- RECRIPH.

The recently published Executive Law no. 307/2009 of 23 October 2009 established the legal regime governing urban rehabilitation. The additional regulation is being prepared.

1. Housing Support

Controlled-Cost Housing

The forms of controlled-cost housing are:

a) Housing that is promoted with support from the State and complies with the parameters, limits and values set out in Ministerial Order no. 500/97 of 21 July 1997.

b) Residential rehousing units, on condition that their promoter justifies their size and the need for them. Such units receive fiscal and para-fiscal benefits and subsidised funding.

This funding is only provided on condition that the construction meets quality requirements and falls within certain parameters in terms of both surface area per number of rooms and sale price.

2. Rehousing Programmes

i) PER (Special Rehousing Programme) PER-FAMILIES

The PER Programme was created in 1993 (Executive Law no. 163/93 of 7 May 1993) in order to respond to the problems of the quality of, and overcrowding in, housing in the Lisbon and Porto metropolitan areas, which are considered to be a priority because they are where the housing shortage is at its worst.

After the first few years of implementing the PER, it became clear that it was possible for local authorities to not only promote the construction of new, dignified housing needed to rehouse disadvantaged families, but also to buy housing that already existed on the market.

As such, 1996 saw the creation of the PER FAMILIES Programme (Executive Law no. 79/96 of 20 June 1996), which was also targeted at the Lisbon and Porto metropolitan areas.

This legislative act, which also remained in force until 2003, was primarily intended to make the existing rehousing solutions more flexible, in such a way as to facilitate the social integration of disadvantaged families.

In 2003, analysis of the 2001 Census conducted by the National Institute of Statistics (INE) showed that it was necessary to make some significant changes to the national housing policy, which had thus far primarily targeted the construction of new homes.

Ten years after the PER had first been created, it thus became clear that there was a gap between the practice of purchasing and building new homes for rehousing purposes on the one hand and the reality in the housing sector, as revealed by the Census, on the other.

Given the obvious degradation of the constructed assets that already existed in the urban areas, it was seen as of primordial importance to favour and stimulate the reconstruction and maintenance of existing housing, thereby driving an appropriate use of those assets – both those on the market and those belonging to local authorities – and incentivating urban rehabilitation rather than the acquisition or construction of new homes.

This new solution enabled local authorities to fulfil the PER's objectives (i.e. to provide dignified rehousing for the most disadvantaged populations living in slums or similar situations, such as physically degraded homes, without the necessary conditions in terms of habitability and health) and simultaneously to recover their stocks of housing assets in a way that was in harmony with the general option to speed up urban rehabilitation.

To this end, in 2003 the PER and PER-FAMILIES regimes were reformulated by Executive Law no. 271/2003 of 28 October 2003, which amended Executive Law no. 163/93 of 7 May 1993. The new legislation combined the two programmes into a single regime, which thenceforth emphasised housing solutions that entail the rehabilitation of existing buildings.

The Special Rehousing Programme (PER) that was created by Executive Law no. 163/93 of 7 May 1993 and is specifically targeted at the Lisbon and Porto metropolitan areas is currently in the final phase of execution. It is only continuing to promote new developments in the municipalities that began their rehousing processes later on. This reorientation of the Government's housing policy in such a way as to prioritise rehabilitation has enabled local authorities to rehouse families in refurbished housing units (Executive Law no. 271/2003 of 28 October 2003).

ii) PROHABITA

The PROHABITA Programme has succeeded to the previous Municipal Rehousing Programmes (PMRs, Executive Law no. 226/87 of 6 June 1987) and forms part of the Government's effort to rehabilitate and requalify the existing stock of

housing assets. It allows a broad range of solutions for rehousing groups of people, including the acquisition of homes for rehabilitation, or their rental on the open market.

PROHABITA (the Funding for Access to Housing Programme) was created by Executive Law no. 135/2004 of 3 June 2004. Its goals are to promote the resolution of situations involving serious hardship in terms of housing on the part of households in Portuguese territory, and to incentivate the rehabilitation of housing to provide alternative solutions for the accommodation of those households, thereby enabling the Autonomous Regions and municipalities to conjugate the resolution of those problems with the rehabilitation of part of the stock of housing assets and the use of empty homes.

Executive Law no. 54/2007 of 12 March 2007 extended coverage to a number of new situations, in order to provide the means to respond to some different construction-related and urbanistic challenges by making the funding regime appropriate to different realities and proposing an improvement in the articulation between the State and other entities. The new Executive Law also favoured including or introducing accessibility solutions in the buildings that are constructed or rehabilitated under the Programme.

The changes also address some other needs, such as support for the rehabilitation of social neighbourhoods where the properties are divided into autonomous residential units (e.g. blocks of flats) with very degradation conditions and as support for the creation of facilities in social neighbourhoods.

When a situation involving a serious lack of housing is identified in a given council area or region, the Programme is implemented in the form of collaboration agreements with a maximum duration of 5 years between the IHRU and the local authority or Autonomous Region (acting via the regional government) in question. It addresses measures designed to resolve the problems, their overall cost, and the form of funding needed.

PROHABITA is designed to share out costs, responsibilities and benefits between the Central, Regional and Local Administration and a variety of other entities.

The IHRU is responsible for granting funding under the agreements that are entered into, in the form of contributions towards costs or loans to the entities referred to above.

- **Forms of Financial Support**

Funding can be granted under PROHABITA for the following purposes:

PROHABITA – 54/2007	Non-refundable Contribution (IHRU)	Loan (IHRU or IC)	Own Funds (Municipality, Association...)
Acquisition outside the HCC*	<u>Up to max. limit</u> of 30% - Min. Order no. 683/2008	<u>Up to max. limit</u> of 50% - Min. Order no. 683/2008	<u>Min. limit</u> 20% - Ministerial Order no. 683/2008
Construction or Acquisition HCC	<u>Up to max. limit</u> of 30%	<u>Up to max. limit</u> of 50%	<u>Min. limit</u> 20%
Rehabilitation	<u>Up to max. limit</u> of 45% * 50% * gross area x the max. purchase price/m ² for T5 type homes set in Min. Order no. 683/2008	<u>Up to max. limit</u> of 40% * 50% * gross area x the max. purchase price/m ² for T5 type homes set in Min. Order no. 683/2008	<u>Min. limit</u> 15%
Acquisition and Rehabilitation	<u>Up to max. limit</u> of 45% of the max. amount set in Min. Order no. 683/2008	<u>Up to max. limit</u> of 45% the max. amount set in Min. Order no. 683/2008	<u>Min. limit</u> 10%
Rental	<u>Up to max. limit</u> of 40% of the applicable technical rent (supported rent regime) *In the case of empty homes – max. limit 60%	----	<u>Min. limit</u> 60% * <u>Min. limit</u> 40%

- **Housing with controlled cost**
- **Source: IHRU/2010**

The funding (partial contributions and loans) that was contracted in 2009 under the Rehousing Programmes involved an investment of around 50M€.

As was the case under the PER, the local authorities and Autonomous Regions must verify the situations in which there is a serious lack of housing, identify the households who require housing and their composition and gross annual incomes, and forecast both the number of homes that need to be built, acquired, rehabilitated and/or rented, and, where appropriate, any social facilities that need to be promoted.

All the homes and the respective accessory structures that are funded by PROHABITA are intended for allocation to especially disadvantaged households, for use as their permanent residences, under either a supported rent regime or a terminable ownership regime.

- **Access to Housing – Eligibility of households**

Households who fulfil all the following conditions can gain access to housing under PROHABITA:

- a) The household's monthly income must be insufficient to pay a supported rent regime,
- b) None of the members of the household may hold a right to any other housing in the council area in question, or in any bordering council

area; and none of them may receive any other form of public housing support.

Article 4 of the regime governing the **PER** says that in order to adhere to the Programme, local authorities must “carry out an exhaustive and rigorous survey of the slum areas in their municipality, with the respective characterisation, which must include the slum’s location, the number of existing constructions, the households who require rehousing and their identity details (...)”

Article 14 says that “none of the members of the household who have been or are to be rehoused (...) may hold a right of any kind to any other housing in the council area in which they have been surveyed for the PER, or in any bordering council area, nor may they have any other residence in Portuguese territory for fiscal, social security or other purposes...”

Where **PROHABITA** is concerned, the collaboration agreement must include information about the “number of households to be lodged, complemented by a specific annexe containing their identity details, family composition and gross annual incomes...”

Article 26 of the PROHABITA regime says the same as Article 14 of the PER regime.

The available data about the Rehousing Programmes in the period covered by the present Report are as follows:

	PROHABITA						PER + PER-Families				Collab. Agreemt. (Exec. Law no. 226/87)		
	AQUIS	CONSTR	REHAB	RENT	AQUIS + REHAB	TOTAL	AQUIS	CONSTR	REHAB	TOTAL	AQUIS	CONSTR	TOTAL
2005	82	203	16	0	0	301	481	174	0	655	852	154	1006
2006	236	168	943	93	5	1,445	1,283	61	0	1,344	88	103	191
2007	254	166	1,155	34	7	1,616	195	38	2	235	765	49	814
2008	106	55	2,007	108	37	2,313	746	125	0	871	240	51	291
2009	347	180	3,834	85	42	4,488	125	100	408	633	92	40	132

Source: IHRU/2010

3. Rental

i) Number 65 – Young Person

This Programme was created by Executive Law no. 308/2007 and carried on from the Incentive for Youth Rentals (IAJ), which was itself created in 1992 with a view to reducing the housing policy’s excessive dependency on owned properties. The programme does not establish any nationality criteria.

The Number 65 – Young Person Programme is designed to support the rental of housing for permanent residences. The support takes the shape of a monthly subsidy, the amount of which depends on the amount of the rent and the beneficiary household’s socioeconomic conditions.

In implementing it the Government sought to achieve the following objectives:

- To incentivate young persons at the beginning of their lives to opt for rented housing, thereby creating more autonomous lifestyles.
- To revitalise the rental market,
- To stimulate the rehabilitation of constructions for subsequent rental.
- To rationalise the State's financial resources by awarding forms of support that are considered to be fairer, more efficient and more equitable, particularly to persons who are in situations of economic hardship or physical incapacitation or who are responsible for minors.
- To permit access to housing by young persons who are living together or are members of households.
- To simplify and dematerialise the procedures involved in applying for and awarding support.

Number 65 – Young Person is managed via the Housing Website and is entirely dematerialised. After each public call for applications is issued (April, September, and December), this IT platform accepts the applications and applies the criteria governing their selection and ranking for the purpose of awarding support, the amount of which is established in advance.

The current management of this Programme consists of maintaining the IT platform, the analysis and treatment of new applications and re-applications, notifying applicants of any information that is missing, providing explanations in person or by telephone, advertising the Programme, and inspecting, controlling, and notifying people of amounts that require payment.

The funds for this purpose are included in the budget of the Directorate-General of the Treasury and Finance (DGTF), and the IHRU receives a management commission of up to 4% of the amount of subsidies awarded.

The following table shows the number of approved applications and the number of applicants:

Description	2007	2008	2009	Total
Approved applications				
1 st applications	1,544	7,955	7,169	16,668
Re-applications			4,851	4,851
No. of applicants				
1 st applications	2,348	11,322	10,324	23,994

Source: IHRU/2010

ii) New Urban Rental Regime (NRAU)

The NRAU was approved by Law no. 6/2006 of 27 February 2006 and additional complementary legislation (Executive Laws nos. 156/2006 to 161/2006 of 8 August 2006, and Ministerial Orders nos. 1192-A/2006 and 1192-B/2006 of 3 November 2006). Its purpose is to ensure the gradual updating of old rents, a reduction in the number of conflicts between landlords and tenants, and the creation of mechanisms for resolving such conflicts.

It makes provision for a rent subsidy to which tenants may be entitled if they fulfil the income and age conditions laid down in the Law and if the respective rent is subject to special updating under the terms of the NRAU.

The Programme is managed via an IT platform – the NRAU Website – that operates within the Housing Website. Where the implementation of the NRAU is concerned, the operation of the platform is divided into 3 major dimensions:

- It is a space that brings together all the matters that are raised and forwards them to the entity that is responsible for resolving them.
- It dematerialises and standardises the procedures that must be followed by all the various parties that intervene in the process.
- It provides three simulators (rent updates, calculation of the state of a property's conservation, and the applicable rent subsidy).

In 2009, 2,210 rent updates were communicated under the system.

iii) Homes for rent

The IHRU currently has homes available for rent in various developments around the country, for whoever is interested in them and meets the necessary conditions.

This process is based on two phases – Intention, and Adherence – that are fundamental if a rental is to occur. The details of the available homes can be consulted in the Developments (*'Empreendimentos'*) section of the Housing Website, and include the number of rooms, surface area, and the schedule of future visits.

4. Support for Urban Rehabilitation

i) SOLARH

The Solidarity and Support for the Recovery of Housing (SOLARH) Programme was created by Executive Law no. 7/99 of 8 January 1999 and regulated by Executive Law no. 39/2001 of 9 February 2001. This support takes the form of a contractual loan and is designed to assist disadvantaged households, especially those who live in the interior of the country and in the historic neighbourhoods of urban centres. The loan must be used to finance conservation, reahabilitation and improvement work to a residential property, and that work must be needed in order to restore the minimum acceptable conditions in terms of habitability and health.

The loans that are granted under SOLARH are interest-free and are made by the IHRU. They are available in 3 kinds of loans, subject to the following conditions:

1. The property must belong to and be the permanent residence of individuals or households whose gross annual income is equal to or less than the following limits:

- Two and a half times the annual amount of the social pension for each adult up to the second such person.
- Twice the annual amount of the social pension for each adult from the third such person onwards.
- One-and-a-half times the annual amount of the social pension for each minor.

The property to which the work is to be done must have been owned by the applicant or another member of his/her household for at least 5 years.

Neither the applicant nor any other member of his/her household may own another residential property, nor may they already have another loan for the purpose of funding work to the property in question.

2. The property must be empty and belong to a local authority, private charity (IPSS), a legal person that possesses administrative public utility status and whose object is to provide welfare services, or a housing cooperative. On the date on which it makes the application, the applicant entity must hold the right of ownership or the building right (*'direito de superficie'*) to the property that is to be the object of the funded work.
3. The property must be empty and belong to one or more natural persons who, on the date on which they make the application, must hold full ownership or the building right to the property.

The financial support that is available under SOLARH can also be granted to the persons and public entities referred to above, in order to carry out ordinary or extraordinary conservation and improvement work to the common areas of urban buildings divided into autonomous residential units (e.g. blocks of flats).

The loans granted by the IHRU are interest-free and can be for a sum of up to 11,971 euros per home. In the case of private individuals, the amount of the instalments on the loan varies in accordance with the level of income of the household in question.

Up to 30% of the cost of the work can be paid in advance.

The following numbers of homes have been rehabilitated with support from SOLARH:

2005 – 156
 2006 – 124
 2007 – 152
 2008 – 146
 2009 – 151

ii) RECRIA

The Special Regime governing Contributions to the Cost of the Recovery of Rented Properties (RECRIA) was regulated by Executive Law no. 329-C/2000 of

22 December 2000. It involves the non-refundable payment by the State of part of the cost of ordinary and extraordinary conservation work done by owners, or by tenants or municipalities in the place of owners, to buildings in which at least one residential unit is rented out under a rent that is subject to correction under the terms of Law no. 46/85 of 20 September 1985.

In each case the non-refundable contribution is paid 60% by the IHRU and 40% by the applicable Municipal Authority. The part of the works that is not paid for in this way can be the object of a loan from the IHRU or another authorised lending institution.

RECRIA is designed to improve the habitability of buildings and consequently make it possible to update the rents obtained from them, in accordance with the works that are done and the improvements that are made.

In 2009, 282 homes were rehabilitated with support from RECRIA.

iii) REHABITA

The Regime governing Support for Contributions to Housing-related Costs in Old Areas (REHABITA) is regulated by the legal regime established by Executive Law no. 105/96 of 31 July 1996, with the text given to it by Executive Law no. 329-B/2000 of 22 December 2000.

This Programme is an extension of RECRIA for historic areas and provides support for the costs of the design and monitoring of works, and of the temporary accommodation of families who are displaced while the works are done.

In 2009, 44 homes were rehabilitated with support from REHABITA.

iv) RECRIPH

The Special Regime governing Contributions to the Cost and the Financing of the Recovery of Urban Buildings divided into Autonomous Units (RECRIPH) was regulated by Executive Law no. 106/96 of 31 July 1996. Its purpose is to help pay for and fund ordinary and extraordinary conservation works and works to improve buildings that are divided into autonomous residential units (e.g. blocks of flats).

The financial support is provided by IHRU, IP and by the municipal authority in whose area the building is located. It takes the shape of a non-refundable contribution of 20% of the cost of the works to conserve the common areas of residential buildings that are divided into at least 4 autonomous residential units and whose usage licence predates 1970. 40% of the support comes from the applicable municipal authority and 60% from IHRU, IP.

In 2009, 150 homes were rehabilitated with support from RECRIPH.

In 2009, the various Rehabilitation Programmes involved funds of around 6M€, split between loans and non-refundable contributions to costs.

The amount of financing that was contracted within the scope of the above Rehousing and Rehabilitation Programmes totalled 56M€.

Public Housing Stock

The IHRU holds and manages a stock of around 12,000 residential units that were built between 20 and 30 years ago. Generally speaking, this property is in a fairly advanced state of degradation because for many years it was not object of any intervention.

These assets are intended to house populations who have fewer resources. In the majority of cases the rent regime applicable to the IHRU's stock of housing (which it inherited from IGAPHE) is that of the social rent.

Among other tasks, the current management of the housing stock involves collecting rents and updating their amount, resolving the situation of properties that have been occupied illegally, supporting tenants (particularly by negotiating agreements under which they can pay off outstanding debts, and analysing whether a property is appropriate to a household's size and composition), arranging the necessary transfers and swaps of properties, and ensuring that all of the stock is rented out.

Another aspect of the current management is the need to ensure that the properties are in habitable conditions by arranging and carrying out both maintenance work and major works designed to rehabilitate them.

In 2009, the IHRU began a process of transition to and the implementation of the New Model for the Governance of the Management of the IHRU's Assets, which was designed to resolve the problems that existed in the respective neighbourhoods and maintain them, all in a quick and timely manner.

As part of the New Model for the Management of its Housing Stock, the IHRU also began the process of creating Local Management and Intervention Agencies (AGILs).

In 2009, the rehabilitation of the IHRU's stock of properties involved an investment of around 6 M€.

It is important to note that the average rent charged by the IHRU is 25€/month (social and supported rent), and the average technical price per home is 250€.

There are waiting lists for IHRU homes in most of local municipalities, and there is no information available about the average waiting time for social housing.

Institutional Relations and Participation in Networks

It is important to mention that the IHRU has been involved in and consulted by various Commissions and Sectoral Plans (listed below) in which it has been thought useful and necessary to both address and receive contributions from

the housing and rehabilitation field. These processes have highlighted three of the main risks that exist with regard to access to housing, which arise at the following levels: the social exclusion of certain more vulnerable groups; family indebtedness caused by the purchase of owned property; and difficulties in terms of the accessibility/adaptability of buildings in general.

NATIONAL PLANS
National Plan for Inclusion (PNAI) 2008/2010
Commission for the Promotion of the Family and Family Policies (CPPF) Set up in 2006 (execution began in 2008)
Action Plan for the Integration of Persons with Disabilities or Incapacitation (PAIPDI) 2006-2009
1 st Plan for the Integration of Immigrants (PII) 2007/2009 2 nd Plan for the Integration of Immigrants 2010-2013
3 rd Plan for Equality Citizenship and Gender (PICG) 2007/2010 3 rd National Plan against Domestic Violence – 2007/2010 (PNVD)
National Mental Illness Plan (PNDM) 2007-2016
National Youth Plan (PNJ) 2008/2013
National Initiative for Childhood and Adolescence (INIA) 2009-2010
National Plan against Drugs and Drug Addiction (PNDT) 2009/2012
Prevention, Intervention and Monitoring Strategy for Homeless Persons (EPIASA) 2009/2015
National Environment and Health Action Plan (PNAAS) 2008/2013.
2010 European Year for Combating Poverty and Social Exclusion

1. Special support for persons with disabilities:

The following provisions are currently in force in Portugal in order to support the effective enjoyment of the right to housing by citizens with disabilities:

- a) For the **acquisition or construction of the beneficiary's own home (Executive Law no. 230/80** of 16 July 1980):
With the objective of enabling persons with a degree of disability of 60% or over to acquire or build their own home, such persons are entitled to the same terms and conditions with regard to access to mortgage loans as those applicable to bank staff: subsidised credit with a lower interest rate and fixed payments for the duration of the loan.
- b) **Executive Law no. 158/2006** of 8 August 2006 (Article 5[1][c]) – **calculation of Corrected Gross Annual Income (RABC)**: when the RABC (which serves as the basis for calculating whether a tenant is eligible for a rent subsidy) is calculated, if the household includes one or more persons with a degree of disability or incapacitation of 60% or over, for each such person an amount equal to 0.5 of the Annual National Minimum Remuneration (RMN) is deducted from the applicable income.
- c) The **New Urban Rental Regime (NRAU)** approved by Law no. 6/2006 of 27 February 2006 contains some special rules for **persons with disability and**

the elderly. This Law is currently in the process of being regulated, so more details of its provisions will be given in a subsequent Report.

2. Special support for elderly persons

One of the measures with which the 17th Constitutional Government proposed to implement in the fight against poverty and exclusion was the launch of a housing qualification programme designed to prevent the dependency and institutionalisation of our older citizens.

The **Housing Comfort for Elderly Persons Programme** (PCHI) was thus created in March 2007. It seeks to qualify housing with the goal of improving the basic habitability and mobility conditions available to elderly persons who use home support services, in such a way as to prevent and avoid their institutionalisation.

The PCHI applies to mainland Portugal, and priority has been given to the inland Districts with the highest population ageing indices. The Programme is being executed in partnership with the Social Security Institute (ISS) and municipalities, via collaboration protocols.

The PCHI is available to persons aged 65 or over whose *per capita* income is equal to or below the amount of the social support index value (IAS) and who meet all the following conditions:

- They must live in their own home, or have been residing permanently for at least 15 years in a property that is not registered, and the home/property must require qualification appropriate to the applicant's situation and needs.
- They must be using the Home Support Services (SAD), or attending a Day Centre.
- They must live alone, or cohabit with one or more of the following persons:
 - Other elderly persons.
 - Family members with disabilities.
 - Minors.
 - Adults who are students and do not receive income from work or allowances or benefits that substitute for such income.

The housing qualification interventions that are undertaken under the PCHI can involve both the **building** itself and its **facilities and equipment**.

By December 2009, cooperation protocols had been signed with 6 Districts: Beja, Bragança, Castelo Branco, Guarda, Portalegre, and Vila Real. Home improvements were made in 936 cases in these Districts, and a total of 1,242 people benefited from them.

Paragraph 2

The 1976 Portuguese Constitution enshrines the right of every person to accommodation and housing (Article 65[1]).

Although the Mental Health Law (Law no. 36/98 of 24 July 1998) does not explicitly refer to homeless persons, it does however have an impact on the reality of many such persons who have mental health problems, in that it lays down the legal conditions that permit the compulsory internment and treatment of persons with mental disorders.

Law no. 13/2003, which created the Social Insertion Income (RSI, previously known as the Guaranteed Minimum Income, RMG), also had an impact on the situation of homeless persons, to whom it granted access to an allowance that was specified in the Law and is awarded on the basis of the beneficiary's resources.

In the light of the Universal Declaration of Human Rights (1948), the International Covenant on Economic, Social and Cultural Rights (1966), the Constitution of the Portuguese Republic (1976), and the European Social Charter (1961), all of which emphasise the right to somewhere to live, and, within the context of the identification of the phenomenon of homelessness and exclusion from housing as one of the three main challenges in the social protection and social inclusion field, given that the European Parliament has passed a written declaration containing an undertaking by the Member States to solve the situation of homeless persons by 2015, and also the commitment to bear in mind policies linked to this phenomenon for the European Year for Combating Poverty and Social Exclusion 2010, Portugal has developed a National Strategy for the Integration of Homeless Persons (ENIPA). This Strategy is intended to comply with the various European Directives and to implement measures that create the conditions needed to detect and monitor situations that pose a risk in terms of the prevention of the loss of a home.

The first National Strategy for the Integration of Homeless Persons (2009-2015) was launched on 14 March 2009 and is being coordinated by the Ministry of Labour and Social Solidarity, acting via the Social Security Institute (ISS).

The Strategy is a set of general guidelines and of commitments by the various entities involved, for operationalisation at the local level within the scope of the local social networks (of the Local Social Action Councils – CLASs) on the basis of specific plans that are adapted to identified local needs.

Besides clearly stating the rights of citizenship and the right to the promotion of equal opportunities and gender equality, the guiding principles are imbued with the recognition of the phenomenon's multidimensionality and complexity, and the importance of defining measures at the prevention, intervention and monitoring levels that are implemented and operationalised by mobilising a range of public and private entities in a way which is integrated and centred on the homeless person.

The Strategy began with an analysis of the factors that can be seen as enhancing the risk of homeless situations – factors which are then linked to intervention in homeless situations and to a subsequent monitoring of the former

homeless person's accommodation and insertion. This analysis identified a set of measures targeted at various different specific areas:

- Prevention with regard to groups that are at risk.
- Interventions in relation to situations where people are living rough or in temporary accommodation.
- Intervention in terms of monitoring.

The Axes of the Strategy

Axis 1 – Getting to know the phenomenon, information, awareness-raising and education

A set of measures designed to ensure that the appropriate entities are constantly familiar with the phenomenon of homelessness at various levels, thereby making it possible to exchange information at the local level, plan at the regional level, and take policy decisions at the central level.

The fundamental pillars of this Axis are the use of a uniform concept that is adopted by every entity throughout the country, the construction and implementation of the Information and Monitoring System (SIM), and the monitoring and evaluation of the implementation of the intervention measures that are operationalised by social networks at the council-area or supra-council-area levels.

At the same time, the Axis also includes measures designed to inform, raise the awareness of and educate the general community about both the phenomenon of homelessness and other issues, in such a way as to help change the discriminatory social representations associated with these problems.

Axis 2 – Qualification of the intervention

The measures included in this Axis seek to ensure quality, efficiency and efficacy in two fundamental aspects of this issue:

1. Technical interventions, by training the specialist staff and managers of both social responses and public departments and services that deal with homeless persons, based on the adoption of integrated intervention methodologies derived from specific models.
2. Recognition of the quality of the responses aimed at this population.

The quality of a response is recognised on the basis of a set of predefined criteria and an objective definition, and the identification, of the entities that provide services to this population, who are then recognised as entities of reference.

The Strategy's **objectives** are:

Axis 1

1 – To promote the use of a single concept of just what a ‘homeless person’ is, at the national level.

2 – To ensure that the phenomenon of homelessness is monitored via an Information and Monitoring System (SIM), with a view to adapting the responses to the real needs.

3 – To ensure that the social networks’ diagnoses and Social Development Plans (PDSs) include indicators for the phenomenon of homelessness.

4 – To ensure the constant updating of the knowledge about the issue in order to reinforce fight against discrimination.

5 – To ensure that constantly updated information on the topic and the available resources is accessible and made available.

Axis 2

1 – To promote the technical quality of interventions.

2 – To ensure that interventions are effective and efficient.

3 – To ensure the quality of the responses, of the services that are provided, and of the operational logistics of the fixed and mobile facilities and equipment that provide support to homeless persons.

4 – To ensure both the existence of responses which guarantee that no one is deinstitutionalised before all the measures needed to ensure that he/she will have an appropriate place in which to live have been initiated, and the necessary support whenever it is justified.

5 – To ensure that no one has to remain on the street for more than 24 hours.

6 – To ensure technical support when a person leaves temporary accommodation, for as long as is necessary.

7 – To ensure the existence of conditions that guarantee the promotion of autonomy, via the mobilisation and contractualisation of all the available resources, in accordance with the diagnosis of the case and the person’s needs.

Implementation of the Strategy (year one)

The Strategy will be implemented in three phases:

Phase1 – Preparation of all the logistics for the Strategy (duration: 1 year).

Phase 2 – Start-up of all the projects that are included in the local plans (these projects must be based on an intervention and monitoring methodology). At the local level this is the phase in which the information system will be implemented and the specialist staff will be trained.

Phase 3 – Evaluation.

Organisational Structure

The Institutional Group known as the Strategy Implementation, Monitoring and Evaluation Group (GIMAE), which is coordinated by the ISS, is responsible for the Strategy's implementation.

The Strategy Implementation, Monitoring and Evaluation Group is not only charged with ensuring that the Strategy is implemented, but also with both promoting the participation of a whole range of intervening parties, and monitoring and evaluating the whole process.

GIMAE is made up of three bodies, each with specific functions:

The Extended Evaluation Committee – all the public and private entities which formed the group that was responsible for drawing up the Strategy. The Committee performs monitoring functions and meets every six months. New entities may join the Committee in the future, if there is a reason for it.

The Executive Unit – a group of entities that meets every month and is in charge of monitoring, implementing and evaluating the Strategy, particularly by drawing up and presenting evaluation reports. The Unit is composed of: ISS, IP; ACS; the IAFP; ANMP, the IHRU; IDT; and one of the non-governmental organisations on the Extended Committee, which rotate their presence in the Executive Group.

The Consultative Unit – responsible for the technical guidelines and scientific knowledge and theory. This Unit is made up of experts from universities, study centres and representative organisations with a track record of work and research in this area. It meets the Executive Unit every six months and regularly monitors its work.

The responsibility for implementation, monitoring and evaluation at the local level is entrusted to an interlocutor appointed by the Local Social Action Council, or by the coordinator of the Homelessness Planning and Intervention Units (NPISAs) whenever there is one. These local officials coordinate their work with the Executive Unit once a month, or whenever is necessary.

We should note the fundamental role played by the local social networks which, thanks to the broad scope of the entities that form them, are able to help ensure a greater participation by all the entities that ought directly or indirectly to be involved with this phenomenon at the local level.

The fact is that it is at the level of the local social networks and via their diagnostic instruments that it will be possible to survey the needs for intervention on the various levels:

- Risk prevention.
- Working directly with homeless persons.

- Ensuring that those persons are monitored until they either become autonomous, or are in a situation with an appropriate framework whenever autonomy is impossible for them.

The activity plan for the first year (2009/2010) aimed to achieve the following objectives:

- Disseminate the concept of homeless person that is to be used everywhere throughout the country. Secure approval of the concept and the applicable operational requisites, in such a way as to represent a milestone and an unquestionable sign of agreement and so that it is possible to address these issues in a cross-cutting way.
- Characterise the situations of homeless persons at the local level.
- Make use of the country's local social networks, especially those in the seven largest municipalities – Braga, Porto, Aveiro, Coimbra, Lisbon, Setúbal, and Faro.

Specific Projects

Since 2009 the Social Security Institute has been supporting the **Homes First** Project which, in the space of one year, has made it possible for around 50 people with serious mental illnesses who had been homeless for a number of years (62% for more than 6 years) to go from the streets to a stable (non-transitory) individualised home that is integrated into the city. The project provides support for rentals and individualised support services in a housing context and in connection with other community resources.

Unlike the existing social responses in this area, which have essentially sought to respond in a specific way at the level of treatment and the provision of basic assistance (food, and places to stay overnight), this project has directly responded to the issue of the lack of housing.

The results of the evaluation of the project's first year of implementation reveal that individualised support adapted to their concrete needs enables people to achieve a stable housing situation. 90.5% of the participants have remained in their new homes.

The vast majority of participants say that they are very satisfied with their home and with the support services they have received, and that they perceive that there have been significant improvements in the quality of their life. They say that having a home has improved their personal safety, eating habits, rest, and levels of stress and mental and physical health. The results of the evaluation also indicate a reduction in alcohol and drug consumption.

The evaluation has also made it possible to note a drastic fall in both the use of emergency services – particularly hospital casualty rooms – and the number of inpatient stays. At the same time, the participants have stopped resorting to the specific social services for the homeless population, such as the street teams and canteens, and are using the Emergency Social Service (SES) much less than before.

The daily cost per person of this project (17.50 euros) is significantly lower than the cost of hospital use, continuous care, or accommodating people in bed-and-breakfast establishments. The project's cost/benefit ratio is also significantly more efficient than that of temporary night-time accommodation responses. At the same time, the reduction in the use of emergency services and the support services for homeless persons has also led to a fall in the overall costs incurred in relation to this population.

At the end of 2009, a questionnaire was sent to all the local networks with a view to characterising all the known situations of homelessness.

53 parishes answered with regard to homelessness (situations in which people spend the night in the street or in non-conventional places, such as a car, an abandoned building, etc.) and to persons who had lost their homes (and were in emergency and temporary accommodation in bed-and-breakfasts or rented rooms).

This questionnaire made it possible to record, and to intervene in relation to, 2,126 homeless persons (1,777 men and 349 women).

This figure does not represent the entire Portuguese homeless population, because it was not possible to obtain a response from all of the country's parishes. However, it does include responses from the main urban parishes, including the 7 that are considered to be a priority in this respect. It was thus possible to process the information and obtain a reliable sociographic picture of the homeless population in Portugal:

- The majority are male (84%), and 60% are aged between 30 and 49.
- 82% hold Portuguese nationality.
- The majority live alone.
- Their educational level is relatively low (31% have completed the 1st basic education cycle, and 23% the second basic education cycle).
- In terms of accommodation, 32% sleep in the street and 22% at temporary reception centres.
- 48% of the persons in these two categories have been in this situation for more than a year.
- The reason for being in a homeless situation or for living in temporary reception centres is linked to family breakup/meltdown (33%), unemployment or loss of employment (22%), and personal problems (21%).
- Although 28% of these homeless persons are entitled to the Social Insertion Income and 11% to old-age or disability pensions, around 25% of them do not have any income, and only 4% have a paid income.
- The main problems that were identified and require support/intervention are drug addiction (28%), alcoholism (19%), mental health (11%), and also the need for an occupation (17%).

No. of homeless persons covered by Street Teams, 2005-2008

	Year			
	2005	2006	2007	2008
No. of homeless				

persons covered by Street Teams (a)	-	-	262	265
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Source: GEP; Social Charter *(in Portuguese)*

(a): Although these responses are specifically directed at homeless persons, they can also support other target groups and this may be reflected in the figures.

**No. of homeless persons covered by Occupational Workshops
2005-2008**

	Year			
	2005	2006	2007	2008
No. of homeless persons covered by Occupational Workshops (a)	-	-	239	429

Source: GEP; Social Charter *(in Portuguese)*

(a): Although these responses are specifically directed at homeless persons, they can also support other target groups and this may be reflected in the figures.

Paragraph 3

Financial support granted by the State – Right to Housing

Executive Law no. 349/98 of 11 November 1998, as amended by Executive Law no. 320/2000 of 15 December 2000, approved the legal regime that regulates the grant of credit for the purchase or construction of Permanent Owned Housing (HPP), secondary housing and housing destined for rental, and for ordinary and extraordinary conservation and improvement work thereto, as well as the grant of credit for the purchase of land on which HPP is to be built.

Borrowers under this regime benefit from a subsidised interest rate that takes account of their household's corrected gross annual income.

The subsidised part of the interest rate is readjusted each year in accordance with any variations in the gross annual income and size of the household and in the national minimum wage for the year in question.

However, as a result of the provisions of Joint Order no. 549/2002 of 1 July 2002, Article 5 of Law no. 16-A/2002 of 31 May 2002, Article 7 of Law no. 32-B/2002 of 30 December 2002, and Article 1 of Executive Law n.º 305/2003 of 9 December 2003, since 30 September 2002 it has not been possible to enter into new credit operations under the subsidised regime.

Having said this, in the face of the economic situation and its effect on the employment market, in 2009 the rules governing the terms and conditions for HPP loans were made more flexible in order to support families in terms of the costs they bear in relation to their permanent housing, and also in order to preserve the housing stock itself.

Executive Law no. 103/2009 of 12 May 2009 adopted an extraordinary transitory measure designed to create the conditions needed to grant current borrowers who had been unemployed for at least 3 months a moratorium with regard to the repayment of HPP loans, whatever the type of loan and the legal regime governing it, in the amount of 50% of the monthly instalment, up to a maximum of 500 euros/month.

To this end the State created a line of credit, which it made available to lending institutions that adhered to the scheme. This credit line financed the

moratorium for up to 24 months for borrowers who met the conditions set out in Article 3 of the Executive Law and who applied for it by 31 December 2009. The State funded this system via the Directorate-General of the Treasury and Finance (DGTF) for a maximum of 24 months, at an interest rate equal to 6-month Euribor less 0.5 %.

Given the way in which the economic situation was evolving and the prospects for future unemployment levels, the Government then decided to prolong this extraordinary family support measure by extending the deadline for applications under the credit line to 31 December 2010 (see Executive Law no. 14/2010 of 9 March 2010).

Within the same context, Ministerial Order no. 384/2009 of 9 April 2009 permitted unemployed borrowers to benefit from a more favourable Subsidised Rate Calculation Reference Rate (TRCB), with the addition of a further 1% (Euribor 6M +1.5% instead of the previous +0.5%) to the rate of the subsidy.

In addition, unemployed borrowers were given automatic access to a more favourable class of subsidy (the one immediately preceding that in which they were classified under the terms of Ministerial Order no. 1177/2000 of 15 December 2000).

At the same time, the DGTF is also intervening in terms of subsidising loans taken out by persons with disabilities and loans under controlled-cost housing programmes (see Paragraph 1), including special rehousing plans and special funding in response to exceptional situations, such as fires and bad weather.

Article 14(8) of Executive Law no. 43/76 of 20 January 1976 and Executive Law no. 230/80 of 16 June 1980 awarded special advantages to citizens with a degree of disability of 60% or more.

Along the same lines, with the objective of doing away with the slums in the Lisbon and Porto metropolitan areas, Executive Law no. 163/93 of 7 May 1993 (which created the Special Programme for Rehousing in the Lisbon and Porto Metropolitan Areas- PER), as later amended by Executive Law no. 271/2003 of 28 October 2003, established programmes and led to agreements between the municipalities in question and the Institute for Housing and Urban Rehabilitation (IHRU), with a view to the funding for the respective loans being provided either directly by the IHRU or by banks.

Here the DGTF's role is focused on paying the interest-rate subsidies when asked to do so by the IHRU or by the banks that are responsible for managing the subsidised loans.

Another aspect of the follow-up to the housing support measures involves working to create special financing conditions for municipalities and their associations, as well as for municipal and inter-municipal enterprises that build housing for rent, thereby ensuring that the cost of a responsibility that pertains to both the central and local administrations is shared.

More recently, when Executive Law no. 135/2004 of 3 June 2004 (which created

the Funding for Access to Housing Programme [PROHABITA] and was amended and caused to be republished by Executive Law no. 54/2007 of 12 March 2007) came into force, an attempt was made to favour the granting of financial support for housing purposes via the rehabilitation of residential properties and the use of empty homes, to the detriment of solutions such as the purchase or construction of new ones.

The idea was to respond to situations of serious hardship in terms of housing – examples include exceptional situations in which the homes of disadvantaged households are destroyed by natural catastrophes or disasters, or households that urgently need temporary accommodation because they have nowhere to live, especially because the slums or similar structures where they had lived are destroyed.

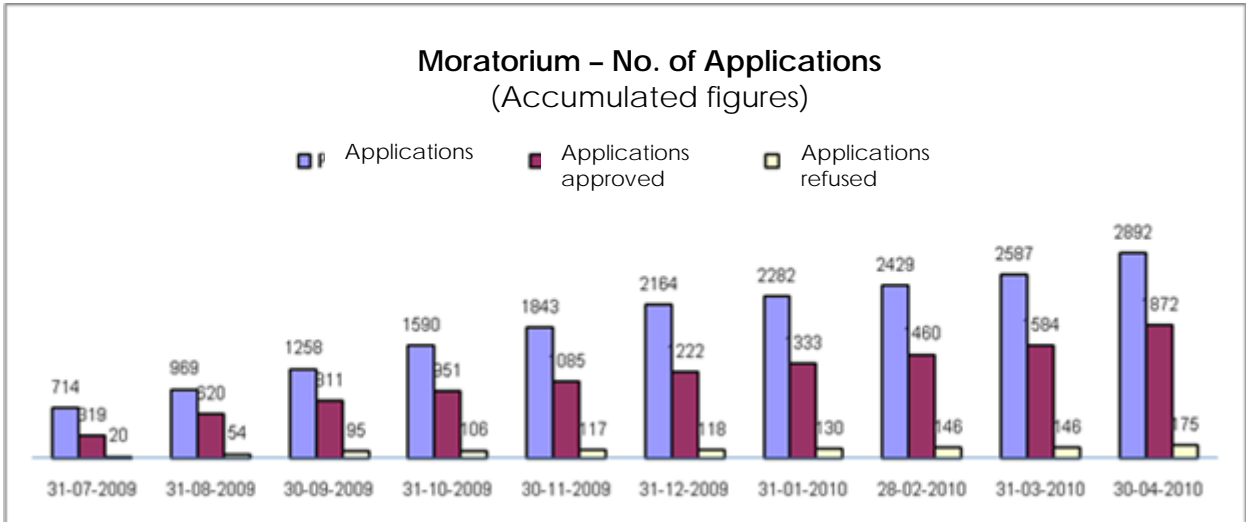
The Law addressed two special needs: on the one hand, to support the rehabilitation of social neighbourhoods made up of buildings divided into autonomous residential units (e.g. blocks of flats), whose advanced degradation requires an integrated response in order to correct their poor conservation and even the safety and solidity of the building and its health-related status; and on the other, to support the creation of facilities in social neighbourhoods where there are situations in which there are no urban facilities for collective use, or the ones that exist are insufficient.

Here too the DGTF intervenes solely with regard to the payment of the subsidies for the loans granted under the applicable support programmes.

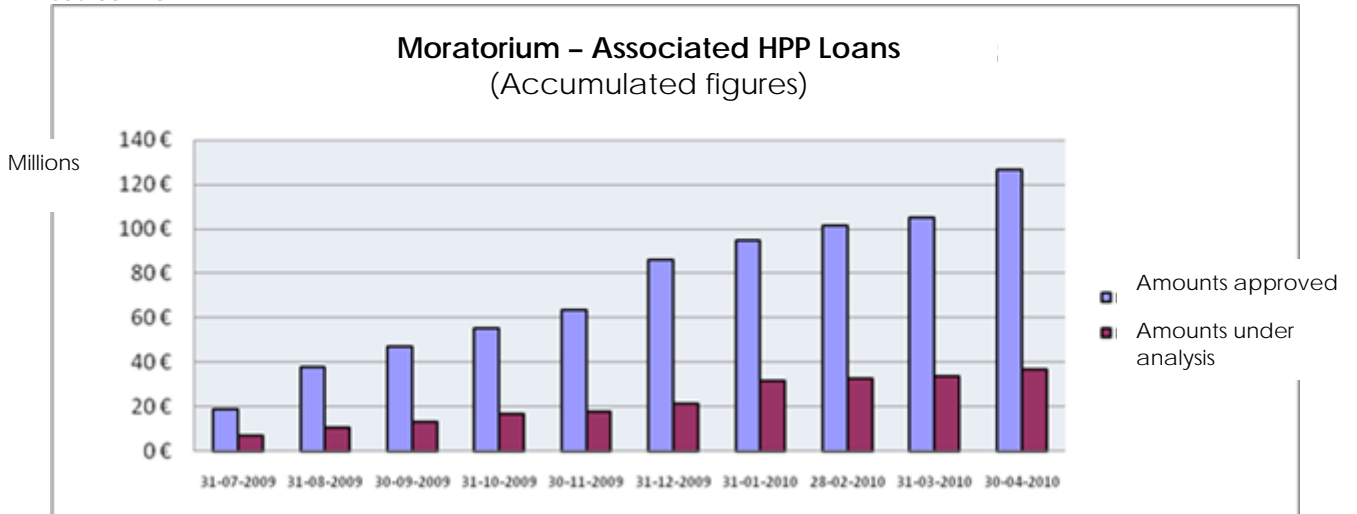
Lastly, in the case of the so-called Number 65 — Young Person Programme, which regulates incentives for the rental by young persons of housing to serve as their permanent home, the DGTF's role is to grant a monthly subsidy under the terms of Executive Law no. 308/2007 of 3 September 2007, as amended and caused to be republished by Executive Law no. 43/2010 of 30 April 2010.

The funds needed to pay the subsidies are included in the State Budget and transferred to the bank indicated by the DGTF, which then transfers the amounts of each subsidy to the bank account nominated by the beneficiary, as per the information from the IHRU with regard to the award of the subsidy.

The following graphs show the accumulated figures for the last two years:



Source: DGTF



Source: DGTF