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EUROPEAN SOCIAL CHARTER

14th National Report on the implementation of the European Social Charter

submitted by

THE GOVERNMENT OF PORTUGAL

Article 7, 8, 16, 17, 19, 27 and 31

for the period 01/01/2014 - 31/12/2017

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CYCLE 2019

REVISED EUROPEAN SOCIAL CHARTER

National Report (2018) on the implementation of

the revised European Social Charter

submitted by

PORTUGAL

for the period from 1 January 2014 to 31 December 2017

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

14th R e p o r t

submitted by **the Government of Portugal**

for the time period from **1 January 2014 until 31 December 2017**

(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)

Preliminary remarks

Portugal hereby submits its 14th Report that has been prepared in accordance with the reporting system adopted by the Committee of Ministers on 2th April 2014 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 2015 until 31 December 2017.

The 14th 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.

Table of Contents

Contents - Tables

Contents - Graphics

Article 7 – The Right of children and young persons to protection

Paragraphs 1 and 2

The topic of child labour is currently set out in the Labour Code (LC), approved by Law 7/2009 of December 2nd. Amendments were introduced by Law 47/2012 of August 29th, producing the fourth amendment to the LC, adapting it to Law 85/2009 of August 27th, which established compulsory schooling for children and young people.

Thus, these latter amendments introduced by Law 47/2012 were made in order to determine that minors under 16 years old that have not completed compulsory education but who are enrolled or attending secondary school, may be admitted to work, including autonomous work (self-employed). As a result, Article 3 (1) of Law 7/2009 and Articles 68 (1) (3), 69 (1) (6), 70 (1) (2) and 82 (2) of the LC were modified accordingly.

- Also noteworthy are the following legal diplomas on this subject: Law 102/2009, of September 10th, regulates the legal framework for the promotion of health and safety at work, namely specifying activities, agents, processes and work conditions prohibited/limited to minors. Several legislative amendments have been made, with special reference to Dec. Law 88/2015 of May 28th on the classification, labelling and packaging of substances and mixtures;

- Law 105/2009, of September 10th regulates and modifies the LC and, among other matters, the participation of minors in cultural, artistic or publicity activities;

- Law 101/2009, of September 8th regulates the work of minors at home.

Requirements regarding the type of work that can be performed by those minors remained unchanged: appropriate physical and psychological capacity for the job in question and light work.

In respect to the protection of a young person's health in the context of working environment, please refer to Article 7 (2).

The intervention of the Labour Inspection Authority (ACT)

The **Labour Inspection Authority** is a public authority which aims to promote the improvement of working conditions throughout the country by monitoring compliance with labour regulations within the framework of private employment and by promoting health and safety at work in all sectors of both public and private activity.

The ACT carries out its activities in the country through 32 organic units spread around the country - Decree-Law 47/2012, of July 31st - including, "Preventing and Fighting Child Labour, in Articulation with the Various Government Departments" - Article 2, (2), (p).

In-between its tasks of advising, verifying and monitoring compliance with the law and with the aim of promoting the improvement of working conditions, ACT's objective is to contribute to the eradication of child labour, by implementing actions directed to the workplace.

Inspection action plans have always included a program designed to focus ACT's intervention on the prevention and control of discrimination, working conditions and the employment of vulnerable groups of workers, which includes the employment and working conditions of minors. Containing the worst forms of exploitation and promoting adequate working conditions are also central objectives of the inspection activities.

The development of a culture of prevention in the workplace is a fundamental aim, influencing the direction of the inspection policy. The inspection methodologies include in-depth inspections of companies where the illegal work of minors has been reported, in relation to general working conditions and health and safety conditions.
The report to the Commission for the Protection of Children and Youth at Risk (CPCJ) of child labour situations identified in the respective municipalities and the communication to the Public Prosecutor of situations that may constitute a crime provided for in the Penal Code and the Labour Code are also methodologies used to increase the inspections impact in identifying irregular situations and cooperation in the actions that are carried out.
The action focused on the employment and work conditions of minors has consisted in inspection action regarding the minimum age of admission, the education level of underage workers, the transfer of legal liability for work accidents and health surveillance.

In Portugal, child labour is considered to be eradicated and any existing occurrences, if any, are merely residual, with the safeguard of childhood being guaranteed by maintaining a continuous, cooperative and common effort to regulate economic and social life associated with child labour.

Where ACT detects an infringement of the law concerning the misuse of a minor under the legal/school age or where the minor is carrying out a prohibited activity, ACT notifies the offender in writing to immediately cease the activity of the minor, with the warning that if they do not comply, they are found guilty of the crime of qualified disobedience.

Considering that the phenomenon of child labour is merely residual, ACT has included its controls within vulnerable groups.

It should be noted that the creation of specific intervention structures in this field have contributed to its eradication, namely:

- The Plan for the Elimination of the Exploitation of Child Labour (PEETI), which in 1998 marked the political commitment to effectively fight the exploitation of child labour as a crucial component in the fight against the discrimination and oppression of children and youth. Such areas include physical and psychological abuse and economic and social exploitation.

In 2008, once child labour was considered eradicated, the program came to an end and its mission structure was succeeded by the **Program for Inclusion and Citizenship** (**PIEC)**, aimed at monitoring integrated responses, namely socio-educational and vocational training responses, for children and youth flagged as in a situation of social exclusion, with a view to promoting school reintegration and compliance with compulsory schooling.

- **The Integrated Education and Training Program (PIEF),** whose objective was to promote the observance of compulsory schooling of children and youth and also the educational and professional certification of youth who are social excluded or at risk of social exclusion. The social response had a social, educational and training perspective and took into account the characteristics of each minor, so that it is possible to make adjustments and have the best results in each individual situation.

The support given to the youth's families with the social integration income (RSI) and the guarantee of a national minimum wage (SMN) have also contributed to the eradication of this phenomenon, insofar as they guarantee a means of subsistence for the families.

To substantiate this, ACT is not aware of any information provided by public or private organizations or even private individuals of the illegal work of minors.

Paragraph 3

In respect of the admission of minors into employment, please refer to the answer provided to Article 7 (1).

Paragraph 6

With regard to the vocational training of young persons, following the changes referred under Article 7 (1) of this report, please refer to the answer provided to Article 7 (4).

Paragraph 7 - Paid annual holidays

All employees are entitled to a period of paid annual leave of at least 22 working days per calendar year [Article 238 (1)]. Annual leave may not be replaced by an allowance in lieu or by any other type of compensation, even with the worker's agreement [Article 237 (3)]. In the event of illness or accident during holidays, the enjoyment of the remaining annual leave is suspended and is resumed afterwards [Article 244 (1) (2)].

We would like to draw attention to the amendments introduced to Article 264 (2) of the LC by Law 23/2012, of June 25th. Pursuant to this provision, the worker is entitled to a holiday allowance which is equivalent to basic pay plus other benefits, depending on the specific nature of the employment. Payment during annual leave continues to be equivalent to what the worker would receive if at work [Article 264 (2)].

Paragraphs 8 and 9

Regarding these matters, no amendments were introduced to the legislation mentioned in the last report.

Replies to the European Committee of Social Rights

Paragraph 1 - Prohibition of employment under the age of 15

"It asked how the conditions under which work at home is performed are supervised in practice. In particular, it asked whether the Labour Inspection Authority can enter homes, under what conditions and on what legal basis and it reserved its position on this ground. The report contains no answer to this question. The Committee therefore reiterates its question."

In the light of the **observations made by the European Committee on Social Rights** in the Report presenting the 2011 Conclusions, the following is stated:

Regarding the possibility of ACT inspectors entering a home where an activity is being carried out, we clarify that Portuguese legislation provides for two schemes:

- **Working at home** regulated by Law 101/2009, of 09/08, is the activity performed without legal subordination, at the residence or at the worker's place of business, as well as the actions taking place, after the purchasing of raw materials, to supply the finished product at a certain price to its seller, provided that the worker is economically dependent on the beneficiary of the activity.

Under this legal framework, article 13 regulates the possibility of supervising home work with the following terms:

"1 - The inspection service of the ministry responsible for employment (ACT) can only make visits to the work places at home:

a) In the physical space where the activity is carried out;

b) Between 9am and 7pm;

(c) In the presence of the worker or of a person designated by him aged 16 or over".

- **Domestic work contract** (subordinated paid employment) regulated by Decree-Law 235/92, of October 24th, is the work that a person is obligated, in exchange of financial reward, to provide to another, on a regular basis, under their direction and authority, of activities designed to meet their own or specific needs of a household, or equivalent, and their members. Concerning a domestic work contract and with reference to article 34 of the Constitution of the Portuguese Republic, ACT inspectors may only enter the house of citizens with a legal authorization.

Paragraph 2 - Prohibition of employment under the age of 18 for dangerous or unhealthy activities

"The Committee asks that the next report provide a copy of the list of the prohibited types of work considered hazardous or unhealthy. […] *In its last conclusion, the Committee asked for updated information on the number of inspections carried out with regard to the occupation of persons under the age of 18 in dangerous or unhealthy work, the infringements detected and the sanctions imposed. Moreover, the Committee asked for data relating to fatal accidents, non-fatal occupational accidents and occupational diseases. The report contains no information in this regard. The Committee therefore reiterates its question."*

The list of jobs prohibited and limited to minor workers is published in Law 102/2009, of 10 May, which regulates the legal framework for the promotion of health and safety at work, namely

specifying the activities, agents, processes and conditions of work prohibited/limited to minors, which has seen several legislative changes:

a) Law 28/2016 of August 23rd;

b) Law 146/2015 of September 9th;

c) Law 88/2015 of May 28th;

d) Law 3/2014 of January 28th;

e) Law 42/2012 of August 28th.

Following the adoption of a new system for the classification and labelling of substances and mixtures within the European Union, rules on the level of health and safety protection when hazardous chemical substances and mixtures are present in the working environment were updated, which entailed the amendment of Article 64 of Law 102/2009 of September 10th.

Thus, the Decree-Law 88/2015, of May 28th introduced some changes to the forbidden activities list for minors, due to the risks of contact with hazardous substances and mixtures[1]. Additionally, this Law and Law 3/2014, of 28 January made amendments to the forbidden activities catalogue for minors subject to certain working conditions set out in Article 66 of Law No. 102/2009.

Lastly, pursuant to Article 68 of Law 102/2009, the employer is now obliged to report to the Labour Inspectorate his assessment regarding the nature, degree and duration of the young person's exposure to activities, processes and working conditions involving physical, biological and chemical agents legally permitted under Articles 69 to 72 of the LC. Failure to report this assessment amounts to a minor administrative offence. It should be emphasized, however, that only young persons aged 16 or more are able to be involved in these type of activities, processes and working conditions.

Following the circumstance mentioned above and where there are activities that present a risk of exposure to hazardous substances and mixtures classified as such by Regulation (EC) No. 1272/2008 of 16 December 2008, such activities are forbidden to minors. The substances and mixtures in question are:

- acutetoxicity, category 1, 2 or 3 (H300, H310, H330, H301, H311, H331);
- skin corrosion, category 1A, 1B or 1C (H314);
- flammable gas, category 1 or 2 (H220, H221);
- flammable aerosols, category 1 (H222);
- flammable liquid, category 1 or 2 (H224, H225);

[1] http://www.pgdlisboa.pt/leis/lei_mostra_articulado.php?nid=1158&tabela=leis

- explosives, categories ‘Unstable explosive’, or explosives of Divisions 1.1, 1.2, 1.3, 1.4, 1.5 (H200, H201, H202, H203, H204, H205);
- self-reactive substances and mixtures, type A, B, C or D (H240, H241, H242);
- organic peroxides, type A or B (H240, H241);
- specific target organ toxicity after single exposure, category 1 or 2 (H370, H371);
- specific target organ toxicity after repeated exposure, category 1 or 2 (H372, H373);
- respiratory sensitisation, category 1, subcategory 1A or 1B (H334);
- skin sensitisation, category 1, subcategory 1A or 1B (H317);
- carcinogenicity, category 1A, 1B or 2 (H350, H350i, H351);
- germ cell mutagenicity, category 1A, 1B or 2 (H340, H341);
- reproductive toxicity, category 1A or 1B (H360, H360F, H360FD, H360Fd, H360D, H360Df).

Pursuant to Article 66 of Law 102/2009, the activities subject to the following working conditions are forbidden to minors:

- risk of structural collapse;
- the handling of equipment for the production, storage or application of compressed, liquefied or dissolved gases;
- work with vats, tanks, reservoirs or carboys containing chemical agents, substances or the mixtures aforementioned;
- driving or operating transport vehicles, tractors, forklifts and earthmoving machinery;
- release of dust-free silica, namely in the case of sandblasting;
- leakage of smelting metals;
- glass-blowing operations;
- work with fierce or poisonous animals;
- activities performed subsoil;
- work in wastewater drainage systems;
- work at airport runways;
- activities taking place in nightclubs or similar establishments;

- work of which the pace is determined by machinery and involves payment by results;
- risk of exposure to wood dust from hardwoods.

Lastly, in the field of physical and biological agents at work, the rules established in the LC and in the Decree-Law 84/97, of April 16th remain unaltered. Thus, activities involving the risk of exposure to ionizing radiation and to a high-pressure atmosphere, *e. g.* in pressurized containers and diving, as well as work involving high-voltage electrical hazards, are forbidden to minors. Concerning biological agents, the law forbids minors to any activities where a risk of exposure to those agents belonging to groups 3 and 4 exists, *i.e.*, agents that can cause severe human disease, present a serious hazard to workers and present a risk of spreading to the community, though there is usually effective prophylaxis or treatment available. The list also includes agents that cause severe human disease, present a serious hazard to workers, and present a high risk of spreading to the community and of which there is usually no effective prophylaxis or treatment available.

ACT monitors compliance with the applicable law. It further states that for the purposes of this framework, a "worker" is a person who, by way of a reward, provides a service to an employer. The same definition is also applied to a trainee, an assistant, an apprentice and all those with economic dependence on the employer, even if they do not have a legal employment relationship. This is due to the means of their work and the result of their activity - article 4 paragraph a).

Table 1 identifies the number of visits of specific inspections carried out in relation to child labour, as well as the number of minors found in illegal situations, in violation of the minimum admission requirements (minimum age and compulsory education) or in forbidden activity.

Table 1 - Inspection activities - Child Labour

Year	*Minors Detected	Visits	Other procedures (warnings/ notification)	Infractions	Minimum sanctioning framework
2010	6	202	4	12	14178.00
2011	2	107	0	9	17442.00
2012	1	77	0	12	17340.00
2013	1	49	0	1	2040.00
2014	0	76	0	17	20702.00
2015	4	67	0	7	14178.00
2016	0	55	2	3	2856.00
2017	2	21	1	6	6630.00

*Criminal offence for the employment of underage/school age minors or in a prohibited activity

Table 2 - Fatal occupational accidents* investigated by ACT

Employees' age group	2010	2011	2012	2013	2014	2015	2016	2017
Up to 24 years old	**	**	12	4	3	1	4	3

* Non-fatal occupational accidents are disaggregated by age group.
** Non-disaggregated data

The statistical indicators related to occupational diseases recognized as such are produced by Social Security. In the Social Security Institute (ISS) databases there are only beneficiaries of occupational diseases in the "20 to 24 years" age group, with no minors receiving compensation for professional diseases.

Paragraph 3 - Prohibition of employment of children subject to compulsory education

"As regards work during school holidays, the Committee refers to its interpretative statement on Article 7§3 in the General Introduction. It asks the next report to indicate whether the situation in Portugal complies with the principles set out in this statement. In particular, it asks whether the rest period free of work has a duration of at least two consecutive weeks during the summer holiday. It also asks what the rest periods during the other school holidays are. […] The Committee concludes that the situation in Portugal is not in conformity with Article 7§3 of the Charter on the ground that the daily and weekly working time for children subject to compulsory education is excessive."

From the outset, and regarding the aspects of Law 105/2009, of September 14th that have been criticized, we would like to emphasize that we have striven to strike a balance between the ages of children and adolescents and the compulsory school hours legally established, while assuring their health and security. Against this backdrop, Article 3 of Law 105/2009 is predicated on different levels embodying that balance.

Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work is reflected, *inter alia*, on Law 105/2009. It is our belief that Article 5 of the Directive regarding cultural or similar activities, in particular, gives some leeway to Member States regarding the ways to protect the health and security of children and adolescents pursuing those activities. Its only focus is the authorization for the employment of children for the purposes of performance in cultural, artistic, sports or advertising activities.

Additionally, Article 8 (1) (b) of Directive 94/33/EC is to be read in conjunction with Article 4 (2) (b) (c). From our point of view, it stems from this conjunction that children pursuing the activities set out in Article 5 are not subject to the working time limits established in the provision.

We consider that our obligations are properly discharged towards Article 7 (3).

Regarding the request for information in relation to the rest periods during summer and other school holidays, the school calendar year for each educational levels is approved every year through an Order. To respond fully to the questions raised by the Committee, and on the question of summer holidays in particular, Orders of the current school calendar year and the previous one must be consulted. In order to determine, for instance, the 2017 summer holiday duration, Order No. 5458-A/2017, of June 21st and Order No. 6020-A/2018, of June 18th, must be taken into account. Thus, its duration lasted approximately 11 weeks (between June 2017 and September 2018).

Paragraph 4 - *Working time for young persons under 18*

"The report does not indicate what the working time is for young workers aged under 18. […] *The Committee asks that the next report indicates what the situation is on this point."*

Regarding the working hours of persons under 18 years of age, the legal provisions mentioned in the 6th Report remained unaltered. However, following the changes referred under Article 7 (1) of this Report, it should be clarified that, under Article 69 (1) (3), minors are entitled to benefit from working student status if:

(i) they are aged less than sixteen and have completed their compulsory education or are enrolled and attending the secondary level, but do not hold a professional qualification;

(ii) they are aged sixteen or over but have not completed their compulsory education, are not enrolled or attending the secondary level or hold any professional qualification whatsoever.

Pursuant to Article 73 of the LC, the maximum daily working time and weekly working time of persons under 18 years of age is, respectively, 8 hours and 40 hours. Notwithstanding, collective agreements must strive, whenever possible, to reduce those limits. For light work carried out by young people under the age of 16, the maximum limit on daily and weekly working time is, 7 hours and 35 hours.

Lastly, it should be highlighted that Article 77 of the LC ensures a rest break between 1 and 2 hours so that persons under the age of 16 or over 16 do not work more than four consecutive hours or four and a half consecutive hours, respectively [Article 77 (1)].

Paragraph 5 - *Fair pay*

"The report does not provide any indications as to the level of the minimum allowances granted to the apprentices, according to the above-mentioned categories. […]

The report does not explain whether the apprentice subject to an apprenticeship contract has the right to an allowance and what is the amount of this allowance. The Committee asks that next report contains this information. The report contains no information as to what is the minimum wage for young workers and the minimum allowance for apprentices. The Committee asks for such information to be provided in the next report."

Firstly, it should be clarified that Article 275 (1) (a) (2) of the LC guarantees the payment of 80% of the statutory minimum wage (RMMG) to workers qualified as practitioners, apprentices, interns and trainees attending certified training. Those who fall in one of these four categories have concluded an employment contract, which establishes that the payment of the reduced statutory minimum wage is limited to a maximum period of 12 months, including the training period for another employer, provided that this period is documented and aimed at obtaining the same qualification. This period shall be reduced to 6 months where the worker has a technical-professional course or a course obtained within the vocational training system qualifying for the respective profession [Article 275 (3)].

Age is not, however, a differentiating element of the wage. Therefore, there is no specific *RMMG* for young persons under 18 years old with employment contracts.

In the last year of the reference period of the present Report, pursuant to Decree-Law 86-B/2016, of December 29th, the *RMMG* in force was 557 Euros.

In the framework of learning courses it should be emphasized that young people do not conclude employment contracts, but rather training contracts, whose legal regime is set out in Ordinance No. 1497/2008, of December 19th. This Ordinance governs the conditions of access, organization, management and functioning of learning courses, as well as the evaluation and certification of learning.

Under Article 11 (1) (e) (f) of Ordinance No. 1497/2008, trainees are entitled, namely, to regularly benefit from the support provided in their training contracts, as well as from insurance against personal injury during the training and due to the training. Indeed, this type of insurance is in line with this type of contract, which is classed as a training contract and not an employment contract.

Also according to the Specific Regulations for Learning Courses, provided for in article 21 of the aforementioned Ordinance (6th Revision of Normative Circular No. 11/2013 - Learning Courses - Specific Regulation), the trainees receive a professional scholarship, with a monthly maximum of 10% of the Social Support Index (SSI in the amount of €428,90), depending on their registered attendance training.

Pursuant to Ordinance No. 60-A/2015, of March 2nd (as amended by Ordinances no. 242/2015, of August 13th; 122/2016, of May 4thand 129/2017, of April 5th) that establishes the Regulation laying down common provisions on the European Social Fund, the support aforementioned includes:

- Professionalization scholarship with a monthly maximum of 10% of the Social Support Index value (*IAS,* Portuguese acronym)[2] depending on the trainee attendance;

[2] The Social Support Index value (IAS) was created by Law 53-B/2006, of December 29th. The IAS has become the determining reference point for establishing, calculating and updating supports and other expenses and revenues of the State's central administration, Autonomous Regions and local administration, whatever their nature, provided for in legislative or regulatory acts. The IAS value is updated annually by governmental ordinance. Therefore, since the entry into

- Study material scholarship, granted per training period and to be paid at the beginning of that period. This scholarship is granted according to the degree of economic distress of the household of the trainee, which is to be assessed taking into consideration the income level set for the allocation of family allowance purposes. The eligible annual value of the scholarship corresponds to the value set for the measures and levels provided in the school social action framework under the remit of the Ministry of Education. The latter is defined by ministerial order of the respective member of the Government, as an economic aid category for books and school materials;

- Support with transport costs, in one of the following forms: reimbursement of public transportation expenses incurred or transportation allowance when public transportation is not available up to a monthly limit of 15% of *IAS*;

- Support with food related expenses, whose payment can be in kind if a cafeteria or a canteen is available or in an allowance up to an amount equal to that to be paid to workers with an employment contract in public functions;

- Support granted for looking after underage children, disabled children and dependant adults' dependent on the trainee up to a monthly limit of 50% of *IAS*, when the need to entrust those persons to a third party in order to attend the training is proven.

It should be stressed that the sum of food and transport costs cannot exceed 75% of the *IAS*.

Regarding the legal framework on vocational internships laid down by Ordinance No. 129/2009, of January 30th and detailed in the 6th Report, it should be mentioned that it was repealed. Ordinance No. 131/2017, of April 7th, which is now in force, establishes a measure aimed at, *inter alia*, complementing and developing the skills of the unemployed (particularly young people) through practical experience in the work context, supporting the transition between the professional qualifications system and the labour market and the improvement of qualifications.

This measure is addressed to young persons between 18 and 30 years of age, with a 3, 4, 5, 6, 7 or 8 qualification level within the **National Qualifications Framework (*QNQ*);** persons over 30 years of age and under or 45 years of age, unemployed for more than 12 months, provided they have obtained less than 3 years ago a 3, 4, 5, 6, 7 or 8 qualification level within the *QNQ*, or are registered at a *Qualifica Center*, if they hold a 2 qualification level; persons over 45 years of age, unemployed for more than 12 months, holding a level 2 qualification registered at a *Qualifica Center*, or a 3, 4, 5, 6, 7 or 8 qualification level within the *QNQ*; disabled or incapacitated persons; persons living in a single-parent family; persons whose spouse or life partner are also registered at the Institute of Employment and Professional Training (*IEFP,* Portuguese abbreviation); domestic violence victims; refugees; ex-prisoners and persons who serve or that have served a sentence or a measure not involving the deprivation of liberty, ready to enter into active life; and drug addicts in rehabilitation.

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force of Law 53-B/2006, any social support for trainees, including scholarships, is no longer calculated on the basis of the statutory minimum wage. Pursuant to Ordinance No. 4/2017, of January 3rd, for 2017 the reference value is 421,32 Euros.

It has a nine-month non-extendable duration. However, it may last twelve months in the case of disabled or incapacitated persons, domestic violence victims, refugees, ex-prisoners and persons who serve or that have served a sentence or a measure of time not involving the deprivation of liberty, and drug addicts in rehabilitation. When dealing with a strategic interest project, the measure can last six, nine or a twelve-month period.

Under this measure, the following type of support is provided:

- Monthly internship scholarship;
- Meal or a meal allowance;
- Transport or a transport allowance in the case of disabled or incapacitated persons;
- Insurance against accidents at work.

The monthly internship scholarship amount varies according to the qualification level within the *QNQ*. Thus, the amount is:

- 1.2 times of the *IAS* for interns with a 3 *QNQ* level qualification;
- 1.3 times of the *IAS* for interns with a 4 *QNQ* level qualification;
- 1.4 times of the *IAS* for interns with a 5 *QNQ* level qualification;
- 1.65 times of the *IAS* for interns with a 6 *QNQ* level qualification;
- 1.7 times of the *IAS* for interns with a 7 *QNQ* level qualification;
- 1.75 times of the *IAS* for interns with a 8 *QNQ* level qualification; and
- 1 IAS for interns with another qualification level.

The scholarship is co-financed by the *IEFP* between 80% or 65% of the total, according to the features of the promoting entities and/or of the internship. These percentages are increased in 15 percentage points in the event of internships that are addressed to disabled or incapacitated persons, domestic violence victims, refugees, ex-prisoners and persons who serve or that have served a sentence or a measure of time not involving the deprivation of liberty, and drug addicts in rehabilitation.

Additionally, this measure also includes an award, «*Prémio ao emprego*», granted to the promoting entity when signing an indefinite employment contract with an intern. The amount of the award is equivalent to two times the pay provided in the contract up to a maximum of 5 times the *IAS*. Under Ordinance No. 84/2015, of March 20th, aimed at encouraging the hiring of unemployed persons of the under-represented sex in certain professions, the award can be raised up to 30 percentage points.

It should be noted that Ordinance No. 131/2017 also determines the conclusion of a written internship contract between the promoting entity and the recipients of the measure (the ones that have already been mentioned above), which includes an individual internship plan. The adequacy of this plan is, in fact, a requirement for the approval of the application.

Lastly, while the internship contract is in force, rules on working hours, work schedule, weekly and daily rest periods, holidays, annual leave, absence from work and health and safety at work, are also generally applicable to interns as well as those employed by the entity in question.

Paragraph 8 - Prohibition of night work

"In its last conclusion, the Committee wished to know also who is entitled to grant the exceptional authorisation of night work by young people aged over 16. In reply, the report states that there is no provision in Portuguese legislation allowing a worker who is a minor to work at night. The Committee notes that this statement conflicts with the statement in the previous Portuguese report according to which Article 65 of the Labour Code also allows the exceptional authorisation of night work by young people aged over 16."

Neither the 2009 LC, nor the previous LC dating from 2003, has put in place an entity responsible for authorising night work by young people over 16 (where night work is legally admissible for young persons of this age-group). Indeed, Article 76 of the LC corresponds in essence to Article 65 of the previous LC. That provision continues, in the same terms as the previous one, to prohibit in general terms night work for young persons under 16. Night work by minors aged 16 or over is only admitted in exceptional circumstances. These circumstances are the ones mentioned in the 2011 Committee Conclusions, *i.e.*, night work must be provided for in collective agreements for specific sectors, or it must be objectively justified in cultural, artistic, sports or advertising activities.

It should also be emphasised that even in these circumstances, under a collective agreement, night work by minors aged 16 or over is not admissible between midnight and 5 a.m. and in the case of cultural, artistic, sports or advertising activities, a compensatory leave of the same number of hours must be granted the very next day, or at the earliest possible stage. In both these two circumstances, young workers engaged in night work must be supervised by an adult if this is necessary to protect their health and safety.

Paragraph 9 - Regular medical examination

"The Committee asks to be informed on the findings of the Labour Inspectorate regarding compliance in practice of enterprises with requirements of medical examination of young workers."

The following table shows the activity carried out by ACT in relation to health surveillance. The data is general and is not disaggregated by age group.

Table 3 - Non-coercive and coercive procedures - Health surveillance

Health surveillance	2010	2011	2012	2013	2014	2015	2016	2017
Notifications for action	833	961	621	311	321	*	393	910
Violations	2057	1799	1298	888	1089	*	861	736

* Non-disaggregated data

Paragraph 10 - Special protection against physical and moral dangers

Protection against sexual exploitation

"The Committee notes that further amendments are envisaged in line with the process of ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. It wishes to be informed of these amendments."

Legal framework for the protection of children, under 18 years of age against all forms of sexual exploitation

Portugal ratified in 2012 the European Convention against exploitation and sexual abuse of minors (Lanzarote Convention).

By Law 60/2013 of August 23rd, significant changes were introduced to the crime of human trafficking (Article 160 of the Criminal Code, (CC)), and since then this crime has been extended to include child trafficking for purposes of sexual exploitation, labour exploitation, begging, slavery, organ harvesting, adoption and other criminal activities.

Children under the age of 16 years are not subject to criminal penalties (Article 19 CC) and to those over 16 years of age and under 21, rules set out in special legislation (Article 9 CC) apply.

In criminal offenses against the freedom and sexual self-determination of minors, criminal proceedings do not become void, for limitation purposes, before the offended person turns 23 (Article 118 (5), CC).

The aggravation of sentences for sexual crimes against minors (crimes against sexual self-determination) is in accordance with the framework dictated by Article 177 of the CC. In particular, causes for aggravation include the existence of a family bond or guardianship, economic or working dependence of the victim in relation to the agent, the agent is carrying a sexually transmitted disease, the crime results in pregnancy, there is serious physical offense, there is the transmission of a life threatening pathogen, suicide or the death of the victim occurs, the victim is under 16 years old or the victim is under 14 years old.

With Law 83/2015, of August 5th, the crime of female genital mutilation (Article 144-A) was added to the Criminal Code (CC) and is punished with a prison sentence of up to ten years or up to twelve years if perpetrated with special censorship or perversity, a crime that is now covered by the rules of extraterritoriality (Article 5, paragraph 1 c)) and may be aggravated under the terms of Article 147 of the CC. The consent of the victim of the crime foreseen in Article 144-A does not exclude unlawfulness in any case (Article 149, paragraph 3).

The crime of forced marriage was also added, stating that anyone who forces another person into marriage or enter into a union comparable to that of marriage shall be punished with imprisonment for up to 5 years (Article 154-B). This crime is now covered by the rules of extraterritoriality (Article 5 (1) (c)). The preparatory acts are also criminalized, including that of luring the victim to a territory other than that of their place of residence with the intention of forcing them into marriage or to enter into a union comparable to that of marriage. These shall be punished by imprisonment for up to one year or a penalty of up to 120 days (Article No. 154-C). This crime is subject to an aggravation regime (Article 155 CC).

On the other hand, with Law 103/2015, of August 24th, the level of protection of children and youth from physical and moral damages was amplified by introducing important changes in Portuguese legislation, including in its criminal law.

It should be noted that the Court may order that the suspension of the enforcement of a prison sentence (Article 50 CP) be accompanied by a probation period, if it deems appropriate and convenient to promote the reintegration of the convicted person into society (no. 1 of Article 53). A probation period is also always ordered when the perpetrator is convicted of an offense under Articles 163 to 176a, where the victim is a minor (Article 53 (4)). And, in these cases, it should focus, particularly, prevent recurrence, and therefore it should always include the technical monitoring of the condemned person as is necessary, in particular by attending rehabilitation programs for children and youth sex offenders. With law 94/2017, of August 23rd, the probation period is always ordered whenever the convicted person is not yet 21 years of age at the time of the crime (article 53 (4)).

Article 171 on sexual abuse of children began to include the enticement of children under 14 to watch sexual abuse or sexual activity, and that attempt is now punishable under Article 171 (3) c).

Article 172 (sexual abuse of dependent minors) now contains a provision which states that whoever practices the acts described in article 171, paragraph 3, with a profitable intention, shall be punished by imprisonment for up to 5 years (n. 3) stating that the attempt is punishable (n. 4).

Article 173 (sexual acts with teenagers) states that anyone of legal age who engages in a sexual act with a minor between 14 and 16 years old or entices him to engage in a sexual act with another person, taking advantage of his inexperience, is punished by a prison sentence of up to 2 years (paragraph 1). If the sexual act consists of copulation, oral intercourse, anal intercourse or vaginal or anal insertion of parts of the body or objects, the offender shall be punished by imprisonment for up to 3 years (no. 2), with the attempt being a punishable offence (no. 3).

In Article 174 (prostitution of minors), it is foreseen that those of legal age who practice a relevant sexual act with a minor between 14 and 18 years old, by means of payment or other return, shall be punished by imprisonment up to 2 years (no. 1) and that if the sexual act consists of copulation, oral intercourse, anal intercourse or vaginal or anal insertion of parts of the body or objects, the offender shall be punished by imprisonment for up to 3 years (no. 2).

Article 175 (incitement to child prostitution) currently states that anyone who encourages, favours or facilitates the practice of underage or minor prostitution shall be punished by imprisonment from 1 to 8 years (no. 1).

In Article 176 (child pornography) the term of imprisonment is up to 8 years (paragraph 3), introducing a rule on acquisition, possession, access, obtaining or facilitating access through a computer system or any other means to the materials referred to in no. 1 (b) (pornographic photography, film or recording, regardless of their support) by imposing a term of imprisonment of up to 2 years (no. 5). A rule was introduced according to which anyone who, in person or through a computer system or any other means, being of legal age, assists or facilitates access to a pornographic show involving the participation of minors under 16 years of age, shall be punished by imprisonment for up to 3 years (no. 6) and that anyone who performs the acts described in no. 5 and no. 6 with a profitable intention shall be punished by imprisonment for up to 5 years (no. 7).

The aggravation (Article 177) is also defined according to the family relationship, cohabitation, guardianship or custody, or hierarchical, economic or work dependency of the agent and if the crime is practiced abusing this relation (b) (no. 1). The penalties referred to in Articles 163 to 168 and 171 to 175, in no. 1 and no. 2 of Article 176 and Article 176-A, shall be increased by one third in their minimum and maximum duration, if the crime is committed jointly by two or more persons (no. 4). The penalties referred to in Articles 163 to 165, 168, 174, 175 and in no. 1 of Article 176 are increased by one third, in their minimum and maximum duration, if the victim is under 16 years of age (no. 6) and the penalties referred to in Articles 163 to 165, 168, 174, 175 and in no. 1 of Article 176 are increased by half, in their minimum and maximum duration, if the victim is under 14 (paragraph 7).

Article 69-B has been added, in relation to disqualifications for crimes against sexual self-determination and sexual freedom, and also an Article 69-C, concerning the breaking of the trust of minors and the inhibition of parental responsibilities, as well as a new Article 176-A which creates the crime of the grooming of minors for sexual purposes and a criminal registration system of convicted persons for crimes against sexual self-determination and sexual freedom of minors.

Lastly, new measures are introduced in Law 113/2009, of 17 September 17th, to prevent professional contact with minors (Article 2) and criminal identification (Article 4) which establishes measures of protection pursuant to Article 5 of the Lanzarote Convention and introduces a second amendment to Law 57/98, of August 18th).

Currently, in crimes against the sexual freedom and self-determination of minors, as well as in crimes of the female genital mutilation of a minor, the criminal procedure shall not be extinguished, due to a period-limitation, before the offender is 23 years old (Article 118, no. 5).

Protection Against Sexual Exploitation and Protection From Other Forms of Exploitation

"The Committee wishes to be informed of incidences of sexual exploitation of children, including trafficking. It also asks whether there are any action plans which envisage measures to combat trafficking and sexual exploitation of children.

The Committee wishes to be informed about incidences of street children and the measures taken to protect and assist them."

Measures/actions to fight against trafficking and sexual exploitation of children

The Lisbon Declaration on establishing common measures to prevent and combat human trafficking, including children, was adopted at the 13th Conference of Ministers of Justice of Portuguese Speaking Countries (PALOP), meeting in Lisbon on 29 and 30 May 2013. The measures were translated into 15 recommendations - each containing their respective methodology and actions - covering prevention, cooperation, protection of victims, investigation and prosecution and follow-up.

A **new development cooperation policy** was defined by the Council of Ministers Resolution no. 17/2014. Regarding **Children's Rights**, the new policy states that "Portuguese cooperation should be an important instrument for the promotion and definition of children's rights. The challenges to children are diverse, including health, education and training, social integration, the fight against crimes such as human trafficking and sexual exploitation as well as the fight against child labour. Special attention should be paid to children as they are particularly exposed to additional risks. Therefore, a comprehensive approach to the protection and promotion of children's rights in partner countries should be pursued. This approach must be based on a global and universal vision of children's rights and be part of a set of broader strategies for development and poverty eradication. "

<u>Incidences of sexual exploitation of children</u>

Table 4 - Statistical information on domestic violence against minors, abuse of minors and vulnerable persons, child trafficking, sexual abuse of dependent children and minors, sexual exploitation and the trafficking of children

Criminal court cases in a finished trial in a lower court for domestic violence crimes against minors, child abuse and neglect, human trafficking and sexual abuse of dependent children and minors, in the years 2013 to 2016
Defendants in criminal cases in a finished trial in a lower court for crimes of domestic violence against minors, child abuse and neglect, human trafficking and sexual abuse of dependent children and minors, in the years 2013 to 2016
Convicted persons in criminal cases in a finished trial in a lower court, for crimes of domestic violence against minors, child abuse and neglect, human trafficking and sexual abuse of dependent children and minors, in the years 2013 to 2016

Year			2016			2015			2014			2013		
Against people	Against physical integrity.	Domestic violence against minors	75	84	47	67	74	39	61	71	33	67	74	44
		Abuse of minors and vulnerable persons	102	129	56	111	143	61	106	131	52	194	223	119
	Against personal freedoms	Child trafficking	..	..		..	..		..	..		..	..	
	Against sexual freedom and self-determination	Sexual abuse of children	330	366	276	350	398	323	265	290	213	334	368	276
		Sexual abuse of dependent minor	14	15	14	11	12	8	10	11	8	15	15	11

Notes on the court cases

a) The number of court cases takes into account the most serious crime in the process.

b) The following court cases are not accounted for: with a final decision, appended, incorporated or integrated, sent to another entity and processes with term “N.E.” and modality of the term “N.E.”.

Notes on the defendants

a) The number of defendants takes into account the most serious crime in the process.

b) The following court cases are not accounted for: with a final decision, appended, incorporated or integrated, sent to another entity

Notes on the convicted persons

a) The number of convicted persons takes into account the most serious crime in the process.

b) The following court cases are not accounted for: with a final decision, appended, incorporated or integrated, sent to another entity

General notes

a) As of January 2007, the collection method has been changed, and the data is directly collected from the courts' computer system.
b) Date of the last update: 10/31/2017
c) Result null/protected by statistical confidentiality

Table 5 - Court cases, defendants and convicted persons in criminal cases in a finished trial in a lower court for crimes of human trafficking and trafficking of minors, in the years 2010 to 2012[3]

	2012			2011			2010		
Crime	**Court cases**	**Defendants**	**Convicted**	**Court cases**	**Defendants**	**Convicted**	**Court cases**	**Defendants**	**Convicted**
Human trafficking	..	9	6	..	9	..	..	..	..
Child trafficking	..	..	..	..	..	..	..	..	..
Sexual abuse of dependent child/minor	369	378	267	333	331	219	313	336	241

[3] Source: Directorate General for Justice Policy
a) The number of defendants takes into account the most serious crime for which they were charged and the number of convicted persons takes into account the most serious crime for which they were convicted.
b) Court cases with a final decision, appended, incorporated or integrated, sent to another entity are not accounted for.
(c) As of 2007, statistical data on cases before a lower court will be collected from the courts' computer system, representing the status of the cases registered in that system.
Result null/protected by statistical confidentiality
Date of the last update: 13/10/13

The National Commission for the Promotion of the Rights and Protection of Children and Young People (CNPDPCJ) has the mission of contributing to the planning of State intervention and to the coordination, monitoring and evaluation of initiatives taken by public entities and the community to promote the rights and protection of children and young people, particularly at the level of the 309 Commissions for the Protection of Children and Young People (CPCJ) throughout the country (mainland and islands).

The current National Commission (see Decree-Law 159/2015 of August 10th and Decree-Law 139/2017 of November 10th), whose mission is based on the principle of the **best interest of the child,** is based on the efforts of the previous National Commission for the Protection of Children and Young People at Risk (Decree-Law 98/98, of April 18th), heir to the 15 years of experience of its predecessor (see Annex I - *The Protection System and the Mission of the CNPDPCJ).*

It is in this context that the CNPDPCJ recently approved the National Strategy for Children's Rights (2017-2020) at the November 10th plenary session of its National Council, which seeks to contribute to a holistic and structural implementation of the United *Nations Convention on the Rights of the Child.* This strategic document should be implemented in Portugal, when it is officially published, with the coordination and monitoring of the National Commission.

The present information is based on the CPCJ Assessment Reports, taking into account the changes/updating made to the categories of risk situations reported and diagnosed, and an overall analysis was made based on the issues raised by the Committee.

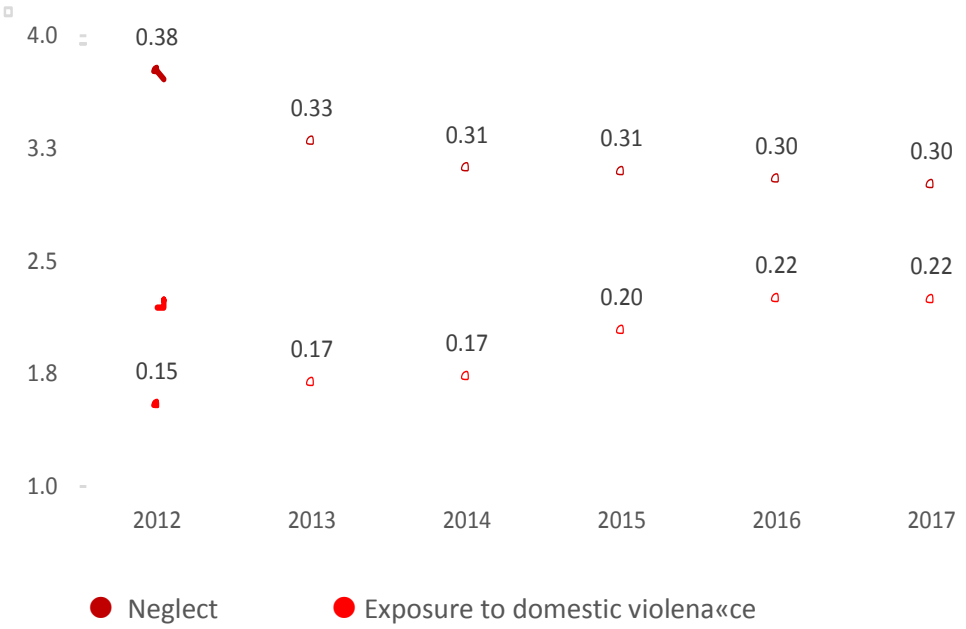
In nominative terms and by reported categories to the existing 309 CPCJs, that from 2012 to 2017 there is a growing tendency for reporting **negligence** (30.4%) and **exposure to domestic violence** (22.4%), followed by **dangerous behaviours in childhood and youth** (15.7%) and the **right to education** (15.9%), which includes scenarios such as abandonment, absenteeism and school failure.

Examples of negligence include lack of supervision and family accompaniment, and exposure to behaviours that may compromise the child's or young person's well-being and development, such as alcohol and/or narcotic consumption, including prostitution.

Review of Risk Categories **2017**	Attention is drawn to the fact that the 2016 CPCJ Evaluation Report has shown the need to rethink globally the set of categories and subcategories used, considering the emergence of new phenomena, such as **bullying,** as well as the expansion of others, including the **exposure of children to domestic violence,** and the fact that some of the categories and sub-categories used are inaccurate (see CPCJ Evaluation Report for 2017, pp. 44/48) and Annex III - Review Risk Situation Categories).

In view of the reported risk situations related to **neglect** and **exposure to domestic violence,** taking into account the period between 2012 and 2017, there was a decrease in the reporting of the first category in comparison with the growth of reports related to the second (Exposure to Domestic Violence).

Figure 1 - Reported risk situations



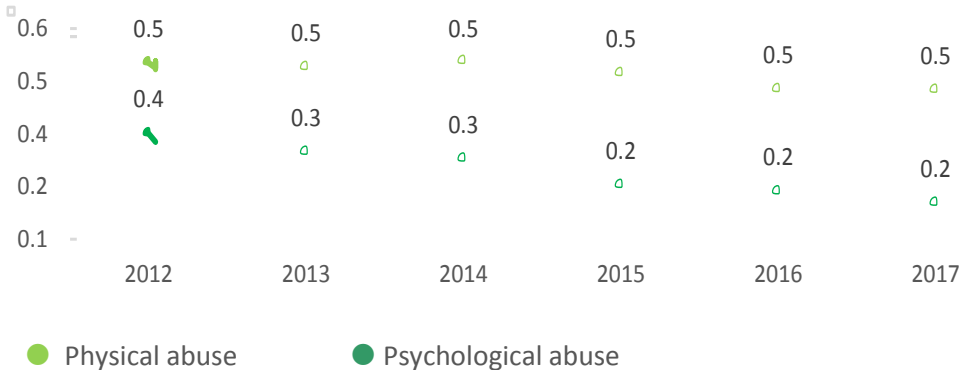
Focusing only on the last year (2017), there is a higher incidence of exposure of children aged 0 to 5 (34.8%) in Portugal, in terms of reports to CPCJs, followed by children aged 6 to 10 (28.9%), with a higher prevalence of boys (52.4%).

Table 6 - Children reported to CPCJ as being in situations of Exposure to Domestic Violence

	Women	Men	Total
Without Age reference	84	78	162
0 to 5 years old	1,446	1,609	3,055
6 to 10 years old	1,229	1,311	2,540
11 to 14 years old	880	933	1,813
15 to 18 years old	624	587	1,211
TOTAL	4,263	4,518	8,781

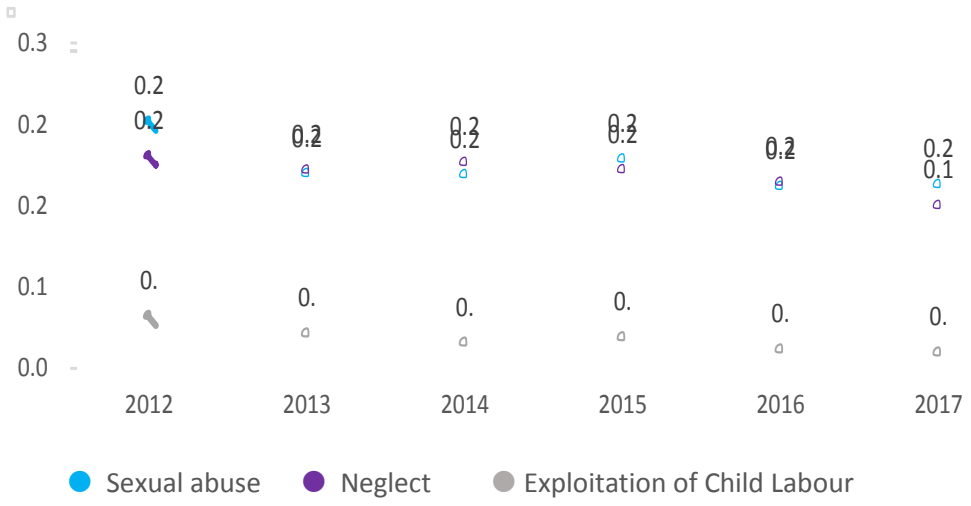
Still from a "prevention" perspective, in terms of the risk cases reported to the CPCJ, we underline the following **reported cases** of **physical abuse** and **psychological abuse** throughout the period under analysis:

Figure 2 - Reported cases of physical abuse and psychological abuse



From reading the graph, we can see a decrease in these two cases, mainly in terms of psychological treatment. Similarly, considering the categories of s**exual abuse, neglect and exploitation of child labour,** we can also see, in the graph below, a decrease in the reporting of these cases over the last years.

Figure 3 - Reported cases of sexual abuse, neglect and exploitation of child labour



Focusing only in **2017,** in terms of **exploitation of child labour** (the current category includes the old categories of "begging", "exploitation of child labour" and "child prostitution"), there is a higher number of reported **child labour cases** (38.5%), followed by the **use of children in begging** (26.9%); the lowest number refers to cases reported as **child prostitution** (5.8%).

Lastly, it should be noted that in the last ten years (2008-2017) there has been an increase of around ten thousand reports, although in the last three years (since 2015) the number of yearly reports to the CPCJ has stabilized at approximately 39 thousand. The entities that report the most to the CPCJs are still the Police Authorities (33% of the total) and Teaching Institutions (22.5% of the total), which

together account for more than half of all reporting (cf. Annex III - Main Entities that signal the Risk Situations to the CPCJ).

Main categories of Diagnosed Risk Situations

After the lawfulness of the CPCJ's intervention is guaranteed, there is a diagnostic evaluation of the child's risk situation, on which the application or not of a promotion and protection measure is based. It should be noted that not all cases opened as a result of the report of a risk situation (i.e. flagged) reach the diagnostic evaluation stage, and cases reported within a certain category are not always diagnosed as belonging to that same category.

Thus, considering the period between 2014 and 2017, we see from the table below a downward trend in risk cases diagnosed by the CPCJ, despite the increasing number of cases reported to these extrajudicial entities in the last ten years (2008-2017).

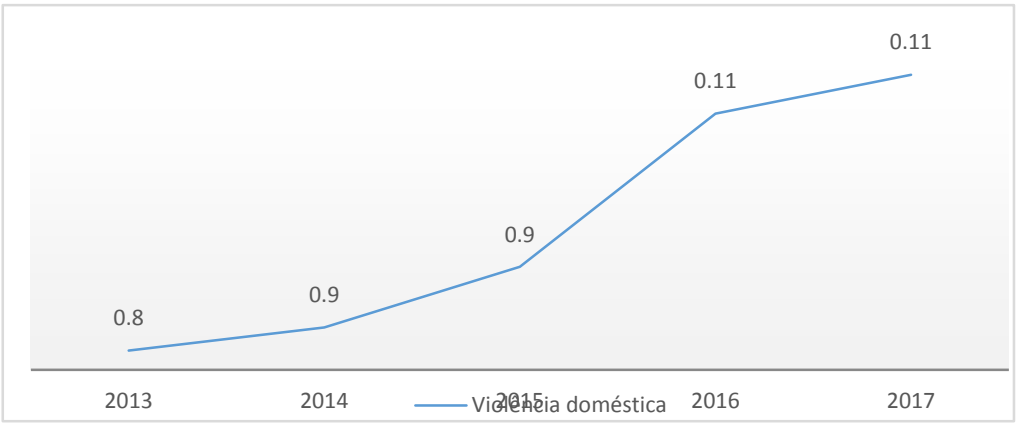
Along the same lines, we also see a **sustained decrease in cases diagnosed under Negligence**, although it remains the **most diagnosed category.** Conversely, there is a **growing tendency in cases diagnosed as domestic violence.**

Table 7 - Main Risk Cases Diagnosed (2014 - 2017)

	2014	2015	2016	2017
Neglect	17,405	16,700	15,654	14,829
Risk behaviour in childhood	5,647	5,794	5,947	6,087
Risk cases in which the right to education is concerned	6,252	6,053	5,658	5,706
Domestic violence	3,221	3,423	3,965	4,030
Other risk cases	1,502	1,518	1,460	1,400
Physical abuse	1,297	1,239	1,135	1,086
Abandonment	1,031	977	955	886
Psychological abuse	952	892	744	667
Sexual abuse	511	487	380	356
Child exploitation	71	58	52	28
Diagnostic processes per year	**37,889**	**37,141**	**35,950**	**35,075**

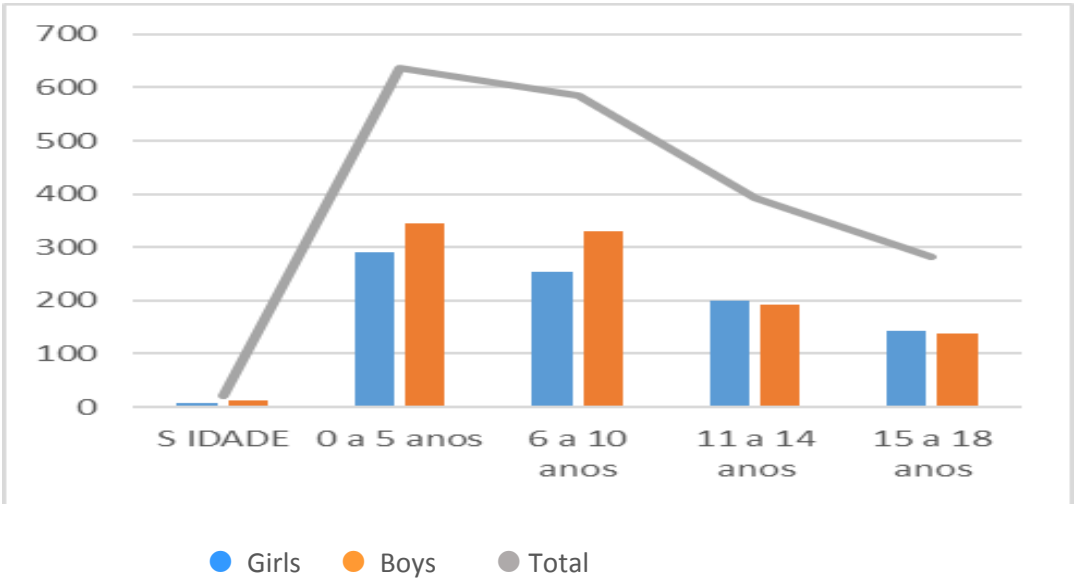
Between 2013 and 2017, we can observe a substantial **increase** in the number of cases diagnosed under **domestic violence** (see graph below).

Figure 4 - Domestic violence



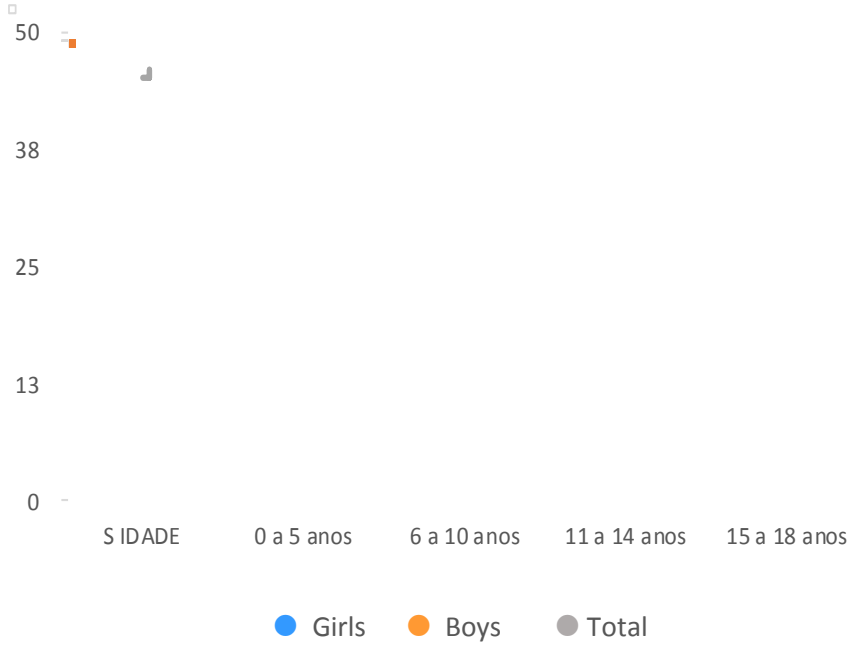
Looking only at the last year (2017), under the category of **domestic violence,** 99% of the reported cases were related to **exposure to domestic violence** and 1% related to **physical abuse of a child/young person**, with a higher incidence in the **0-5 age group** and in **boys** (see graphs below).

Figure 5 - Exposure to domestic violence



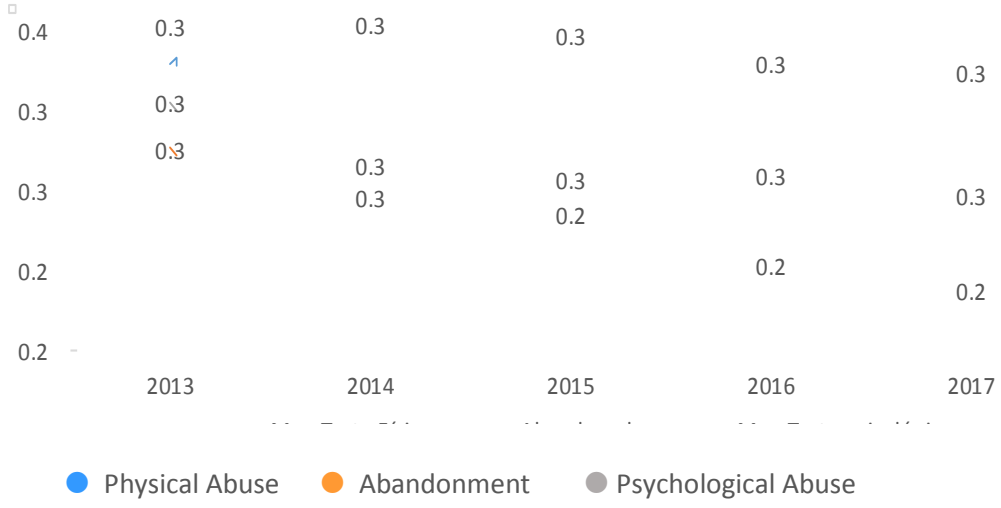
Regarding sexual abuse, there has been a slightly steady decrease over the years in reference (from the 511 cases diagnosed in 2013, we now have 356 cases in 2017), with a higher incidence in the 11-14 age group and the 15 - 18 age group, with a higher incidence with girls.

Figure 6 - Exposure to sexual abuse



In terms of cases diagnosed as abuse, for the same period in question, there is a marked decrease in psychological abuse (from 3.1% in 2013 to 1.9% in 2017), with this decrease also being observed, although less markedly, in cases of physical abuse and abandonment.

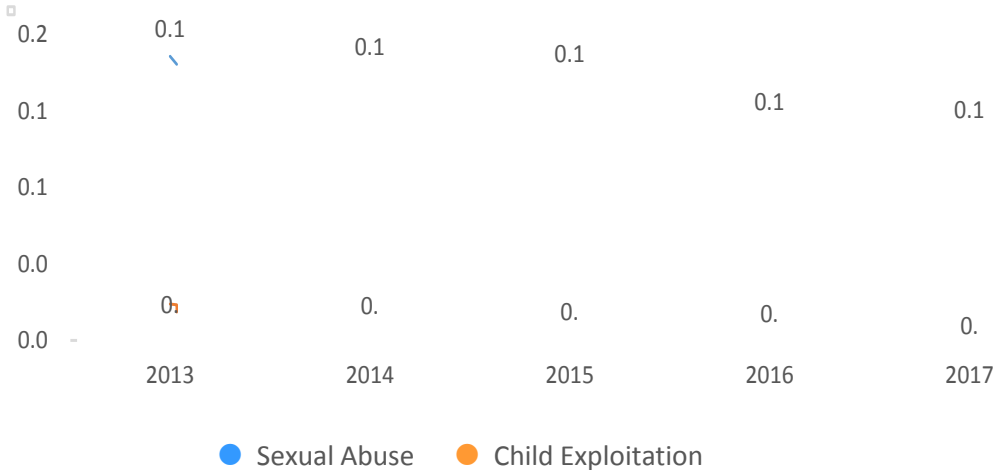
Figure 7 - Cases diagnosed under the category of Abuse and Abandonment



With regard to **"Abandonment"**, which has seen a small downward direction, it is part of a set of subcategories, such as "Unaccompanied children or young people".

In the same sense, the number of cases diagnosed as s**exual abuse** has been decreasing (from 1.5% in 2013, to 1.0% in 2017), and cases diagnosed as **child exploitation** are almost marginal (from 0.2% in 2013 to 0.1% in 2017).

Figure 8 - Cases diagnosed under the category of Sexual Abuse and Child Exploitation



In overall comparative terms, taking into account the period 2013 - 2017, a general downward trend can be observed, with the exception of **domestic violence.** The largest **decrease** occurs in the **"neglect"** category. Conversely, we highlight an **increase** in the number of cases diagnosed as **domestic violence** (from 8.2% in 2013, to 11.5% in 2017). Cases diagnosed as "**Childhood and Youth Risk Behaviour**" and "**Risk Cases Involving the Right to Education**" also increased (from 13.1% in 2013 to 17.4% % in 2017 and from 14.5% in 2013 to 16.3% in 2017, respectively).

These trends are more significant if we only compare the last two years (2016 - 2017).

<u>Application of Promotion and Protection Measures</u>

As explained in Article 17, the intervention of the CPCJ depends on the express consent of the parents, the legal representative or the person who has custody of the child, as well as the non-opposition of the child or young person aged 12 years or older. It may also be taken into account at a younger age, given their ability to understand the meaning of the intervention (see articles 9 and 10 of the Promotion and Protection Act).

The application of the measure results from a negotiated decision, translated into the signing of a ***Promotion and Protection Agreement.*** According to article 35 of the LPCJP, **Measures of Promotion and Protection** are (a) **support with parents,** (b) **support with another family member,** (c) **trust in a person of good repute,** (d) **support for independent living,** (e) **foster care,** (f) **residential care,** (g) and **trust in the person selected for adoption, foster family or institution prior to adoption.**

Depending on their nature, they may be carried out in a **natural environment** (support measures with the parents, support with another family member, trust in a person of good repute, and support for independent living), or in a **placement regime** (foster care and residential care). The

application of promotion and protection measures are the exclusive competence of the CPCJ and of the Courts, and the measure of ***trust in the person selected for adoption, foster family or institution prior to adoption*** (paragraph g) (1) of article 35 of the LPCJP) is the exclusive jurisdiction of the courts.

It should be emphasized that CPCJs may apply **precautionary measures**[4] (Article 37 of the LPCJP) in order to guarantee the immediate protection of the child from imminent danger while the child is undergoing a diagnostic evaluation. The application of precautionary measures lasts for a maximum of 6 months and must be reviewed within a maximum period of three months.

When there is a present or imminent danger to life or a serious impairment of the physical or mental integrity of the child or young person, and in the absence of consent by the parents or the guardian, the protection commissions shall take appropriate measures for their immediate protection and request the intervention of the court or police authorities (**Article 91 of the LPCJP**).

In other words, any of the entities with competence in matters of childhood and youth, and **the Commission for the Protection of Children and Young People, in the case of a present or imminent danger to life and serious impairment of the physical or psychological integrity of the child or young person,** will **take appropriate measures for their immediate protection** and request the intervention of the court or police authorities.

The intervening entity shall immediately inform the Public Prosecutor of the situation. Until the intervention of the court is possible, the police authorities will remove the child or young person from danger and ensure their immediate protection in a foster home or other suitable place (see Article 91 (1) and (2)).

The Public Prosecutor, in turn and after receiving the case, will immediately request the competent court to launch urgent legal action. The court will, within 48 hours, make a provisional decision, confirming the measures taken for the immediate protection of the child or young person. The court will then carry out the summary and investigations, taking the necessary steps to ensure the enforcement of its decisions. Once a provisional decision has been taken, **the proceedings will continue as a Legal Action of Promotion and Protection.**

In the case of **unaccompanied minors in particular, it should be noted that the Commission for the Protection of Children and Young People do not have direct contact with these cases. Instead, proximity organisations such as those responsible for the care of these children (e.g. Portuguese Council for Refugees - CPR, Santa Casa da Misericórdia and others) will take care of these cases since it is the Court that accompanies and applies the appropriate protection measures in these instances.**

[4] The existing **precautionary measures** are the following: support with parents, support with another relative, trust in a person of good repute, support for independent living, family shelter and residential shelter.

Examples of law enforcement in specific cases

Decision of the Lisbon Court of Appeal of January 1st, 2011. Provisional measure of institutionalization - sexual abuse of two minors by an older sibling - parental neglect in the supervision of minors - parents' visit to minors[5].

Decision of the Évora Court of Appeal, of December 7th, 06. Trust measure for future adoption - Purpose of measures to promote the rights and protection of children - Serious sexual abuse and connivance or neglect of the parents - Integration of the child into a family where he or she is loved - Entrusting of the child to an institution for future adoption[6].

[5] *http://www.dgsi.pt/jtrl.nsf/33182fc732316039802565fa00497eec/08e164ce364d5b4f8025781c0059a681*
[6] *http://www.dgsi.pt/jtre.nsf/c3fb530030ea1c61802568d9005cd5bb/c6ab6aef8fc7879280257367003d3783*

Article 8 – The right of employed women to maternity protection

Paragraphs 1 and 2

The 2009 revision of the Labour Code (Law 7/2009, of February 12th), introduced significant changes in the areas of equality, non-discrimination, parental support and the reconciliation of professional activity with family and personal life. It translated into an increase in the protection guaranteed to workers by promoting the sharing of responsibilities between women and men, as outlined in the 6th report presented by Portugal in 2010.

Law 7/2009, of February 12th, was amended several times during the reference period, with the following being highlighted, and directly related to the subject under analysis:

- Law 23/2012, of June 25th (third amendment to the Labour Code): changes the wording of Article 63 (3) (a) of the Labour Code (protection in case of dismissal);

- Law 28/2015, of April 14th (eighth amendment to the 2009 Labour Code): sets gender identity in the framework of the right to equality in access to employment and work, changing the wording of Article 24 (1) of the Labour Code and introducing the factor of discrimination known as gender identity;

- Law 120/2015, of September 1st (ninth amendment to the 2009 Labour Code): reinforces maternity and paternity rights, and proceeds to the third amendment to Decree-Law 91/2009, of 9 April, and to the second amendment to Decree-Law 89/2009, of April 9, introducing new rights and reinforcing others:

    - Initial parental leave can be taken simultaneously by the parents between the 120th and 150th days. The initial parental leave can only be taken simultaneously by both the mother and father working in the same company, this being a microenterprise, depends on an agreement with the employer.

    - The parental leave of 15 working days, followed or interpolated, must be taken by the father within 30 days of the birth of the child, 5 of which are taken consecutively immediately after the birth of the child. Decree-Law 91/2009 of April 9th and Decree-Law 89/2009 of April 9th were amended accordingly providing for the payment of a substitute allowance for the loss of salary.

    - A worker who chooses part-time work pursuant to this Article shall not be penalized in terms of performance evaluation and career development.

    - A worker who chooses flexitime work under this Article shall not be penalized in terms of performance evaluation and career development.

- The employer must display all the information regarding parental rights in the company's office or, if it exists, include them in the company's internal regulation, as referred to in Article 99.

- Failure to notify the grounds for the non-renewal of a fixed-term contract when a pregnant worker, who has recently given birth or who is breastfeeding is involved, constitutes a serious administrative offence.

- The worker with a child up to 3 years of age has the right to conduct his/her activity in a teleworking scheme, when it is compatible with the activity performed and when the employer has the resources and means to do so. The employer can not oppose the request of the worker.

- The adaptability scheme is not applicable to a worker with a child under 3 years of age that does not express their agreement in writing.

- An hour bank system is not applicable to a worker with a child under 3 years of age that does not express their agreement in writing.

- Law 73/2017, of August 16th (12th amendment to the Labour Code) strengthens the legal framework for the prevention of harassment, in particular with the following points:

  - It prohibits harassment;

  - The right to compensation for harassment is the same as the right to compensation for discriminatory acts;

  - The practice of harassment constitutes a very serious administrative offence, without prejudice to any criminal responsibility provided for under the law;

  - The complainant and the witnesses indicated by them cannot be sanctioned with disciplined, unless they act with wilful misconduct, based on declarations or facts contained in the criminal proceedings, triggered by harassment until a final decision, without prejudice to the right to adversarial proceedings;

  - It is the duty of the employer to adopt codes of good conduct for preventing and combating workplace harassment whenever the company has seven or more employees. Non-compliance is a serious administrative offence;

  - It is the duty of the employer to initiate disciplinary proceedings whenever they are aware of alleged harassment at work. Non-compliance is a serious administrative offence;

  - The employer is liable for the compensation of damages arising from occupational diseases resulting from harassment. Social Security is responsible for the payment of compensation for damages arising from occupational disease, under the terms legally

established, which is subrogated to the rights of the worker, in proportion to the payments made, plus default interest;

- The dismissal or other penalty applied to punish an offense is deemed abusive if it occurs within one year of the complaint or another form of the exercise of rights relating to equality, non-discrimination and harassment.

- Upon termination of the employment contract by mutual agreement, the document shall state expressly the date of the agreement and when it comes into effect, as well as the legal deadline for the exercise of the right to terminate the cessation agreement.

- The abuse of the employee's physical or moral integrity, freedom, honour or dignity, punishable by law, including the practice of harassment reported to inspection services in the labour area, committed by the worker or his representative, constitute just cause for the termination of the contract by the worker.

- In the event of an administrative offence for harassment, the additional penalty for publicity may not be waived on account of the circumstances of the offense, or on the grounds that the agent has immediately paid the fine to which she/he was sentenced and if she/he has not committed any serious or very serious administrative offence in the previous five years.

- The Authority for Working Conditions and the Inspector-General of Finances provide their own electronic addresses for complaints of harassment in the workplace, in the private and in the public sector, respectively, and information on their websites concerning harassment and measures to prevent, combat and respond to harassment. The General Inspectorate of Finance includes statistical data regarding the activity carried out under this law in its annual report.

- The witnesses in harassment court proceedings are notified by the court.

Under the Public Administration employment framework published as an annex to Law 35/2014 of June 20th (LTFP) we highlight here the changes introduced by Law 84/2015, of August 7:

- The addition of Article 114a establishing the half-day period consisting in the work done in a reduced period of half the normal full-time working hours referred to in Article 105, without prejudice to the full length of service for the purposes of seniority and paid to 60% of the total amount received under a full-time work scheme.

In the context of parental rights, Decree-Law 91/2009, of April 9th, which establishes the legal framework of social parental support within the social security system and in the solidarity subsystem, and Decree-Law 89/2009, of April 9th, which defines and regulates parental support concerning the possibility of maternity, paternity and adoption, in the convergent social protection scheme, were the subject of significant changes, as exemplified:

- Decree-Law 70/2010, of 16 June (first amendment to Decree-Law 91/2009, of April 9th):

- The condition for appeals provided for in Article 51 (b) shall be determined on the basis of the applicant's monthly household income, which may not exceed 80% of the IAS, whose income capability is weighted according to the equivalence scale provided for in Decree-Law 70/2010 of June 16th.

- Proof of the income declared by the applicants for the benefits provided is made through the interconnection of data between the social security and tax administration's databases, under the terms provided for in Decree-Law 92/2004 of April 20th. Whenever it is not possible to present a proof of income in accordance with the terms of the preceding paragraph, the benefits management body, within the scope of its competencies, shall request the evidence it deems indispensable for the award and maintenance of the benefits.

- Without prejudice, whenever possible, the remaining proofs of income declared by the applicants for the purposes of awarding and maintaining the benefits and social supports provided for in Article 1 are effected through the interconnection of data between the databases of the services holding the relevant information for the means test and the services that must carry out this test, in the terms to be defined in the ordinance by the members of the Government responsible for the areas involved.

- Proof of the elements necessary for the determination of income from capital income and housing support on a regular basis is made as follow for current instalments: a) until 31 December 2010, for family allowances and unemployment social allowance; b) up to 30 days before the annual renewal date, for RSI benefits.

- All legal, regulatory or other provisions that make reference to the household, income or the capitation of household income in respect of benefits, social benefits or allowances, when subject to a means test, shall be understood in accordance with this decree-law (Article 23, Decree-Law 70/2010).

The following is **the concept of a "household**", pursuant to Article 54 of Decree-Law 91/2009:

1. In addition to the applicant, the following persons who live with them in joint economy are part of their household, without prejudice to the provisions of the following paragraphs:
   a) A spouse or unmarried partner for more than two years;
   b) Relatives of legal age, in a direct or collateral line, up to the 3rd degree;
   c) Underage relatives in a straight and collateral line; Adopters, tutors and persons to whom the applicant is entrusted by the judicial or administrative decision of entities or services legally qualified for this purpose;
   d) Adopted and guarded by the applicant or any of the members of the household plus children and young person's entrusted to the applicant or any of the members of the household by the judicial or administrative decision of entities or services legally qualified for this purpose.

2. Persons living in the same household and that have established a common living experience of mutual aid and a sharing of resources are considered in joint economy, without prejudice to the provisions of the following paragraph.
3. The condition of living in the same household may be waived by the temporary absence of one or more members of the household for work, school, professional or health reasons.
4. An unmarried partner for more than two years, for the purposes of the provisions of this decree-law, shall be considered as family.
5. Children and young person's entitled to benefits who are admitted to social welfare institutions, public or private non-profit, whose operation is financed by the state or other legal persons governed by public law or by private law of public interest, as well as persons placed in reception centres (educational or detention centres), are considered as isolated persons.
6. The personal and family situation of the members of the relevant household for the purposes of the provisions of this decree-law shall be the same as that which is verified at the date on which the declaration of its respective composition is to be made.
7. The persons referred to in the preceding paragraph may not belong, at the same time, to different households, by reference to the same beneficiary.
8. Persons in any of the following situations shall not be considered as members of the household:
    a) when there is a contractual relationship between people, namely a sublease and a lodging that implies residence or common housing;
    b) when there is a living obligation by means of a labour activity in respect to some of the people of the household;
    c) where the joint economy is related to the pursuit of transitional purposes;
    d) when there is physical or psychological coercion or other conduct that threatens individual self-determination with respect to any of the persons in the household.

Decree-Law 133/2012 of 27 June (second amendment to Decree-Law 91/2009, of April 9th and first amendment to Decree-Law 89/2009, of April 9th):

- Regulated protection also includes the award of cash benefits for holidays, Christmas or other similar benefits.

- The right to parental allowance and to an allowance for the care of a child with a disability or a chronic illness shall only be granted after the birth of the child to beneficiaries who are not prevented from or fully prevented from exercising their parental rights. There exists the exception of the right of the mother to the initial parental benefit of 14 weeks and the special risk allowance during breastfeeding.

- The protection awarded to self-employed persons does not include child-care allowances and grandchild-care allowances or cash benefits for holidays, Christmas or other similar benefits.

- Recognition of entitlement to benefits depends on compliance with the qualifying conditions at the time of the event determining the protection. The termination or suspension of the employment contract (or legal employment relationship) does not affect the right to protection in the event of maternity, paternity and adoption provided that the conditions for the award of benefits are met (Decree-Law 89/2009, of April 9 and Decree-Law 91/2009, of April 9).

- In cases where there is an aggregation of the contributory periods, if the beneficiaries do not show a pay statement for a six month reference period, the reference pay is defined as R/(30 Xn), where R represents the total of the pay statements (earned) from the beginning of the reference period up to the day preceding the determining event of the protection and the number of months to which they relate (Decree-Law 89/2009, of April 9 and Decree-Law 91/2009, of April 9th).

- In determining the total pay statement, the sums (amounts) related to vacations, Christmas or other similar benefits are not taken into account (Decree-Law 89/2009, of April 9thand Decree-Law 91/2009, of April 9th).

- The award of non-payment of vacations and Christmas benefits or other similar benefits will require an application. The application must be submitted to the institutions managing the benefits within a six-month period as of 1 January of the year following that in which the benefits were due, except in the case of termination of the employment contract, in which case the period begins from the date of the termination. The application must be accompanied by a statement by the employer stating the unpaid amounts and the reference to the legal or contractual rule justifying the non-payment.

- In the event of the death of the beneficiary who, having met the substantive legal conditions for the award of the benefit, did not apply for it before their death, the family members entitled to the death grant may request it within the deadline for filing the respective application.

- The granting of holidays and Christmas benefits or other similar benefits depends on the beneficiary not being entitled to the payment of all or part of those benefits by his employer, provided that the loss of his working capacity is equal to or superior to 30 consecutive days.

- The amount of the granted benefit represents 80% of the amount that the beneficiary fails to receive from the employer, and in the case of a parental leave to assist a child with a disability or a chronic illness, it cannot exceed twice the value of the IAS.

- Following the enactment of Law 120/2015, of September 1st (3rd amendment to Decree-Law 91/2009, of April 9th and 2nd amendment to Decree-Law 89/2009, of April 9th), the information provided in the 6th National Report must be updated. Hence, regarding the initial parental leave, this leave can be simultaneously taken by both parents between 120 and 150 days [Article 40 (2) of the LC]. Additionally, the length of the initial parental leave (120 or 150 consecutive days) is now increased by 30 extra days if each parent utilises, exclusively:

- 30 consecutive days; or
- 2 periods of 15 consecutive days,
- subsequent to the mandatory enjoyment of 6 weeks exclusive leave granted to the mother [Article 40 (3)].

Moreover, the simultaneous use of this leave by parents who work in the same enterprise, this being a microenterprise, depends on an agreement with the employer [Article 40 (6)].

Lastly, in respect to paternity leave (or as the 6th National Report mentions, the initial parental leave exclusively for fathers), this leave now has a duration of 15 working days (instead of the previous 10 working days), consecutive or otherwise, which must be taken within 30 days after the birth. Furthermore, 5 of those 15 working days must be taken consecutively and immediately after the child is born [Article 43 (1)].

In the national legal framework, with the publication of Law 2/2016, of February 29th, the discrimination in access to adoption, civil sponsorship and other family legal relationships was eliminated and Law 9/2010 of May 31st (allowing same sex civil marriages) established the legal admissibility of adoption, in any of its formats, by persons married with a spouse of the same sex.

Such law also determined that no legal provision or regulation regarding adoption can be interpreted contrary to what is determined.

Accordingly, and in the present legal framework, as provided for in Article 5 of Law 9/2010, of May 31st, all legal provisions regarding marriage, adoption, civil sponsorship and other family legal relationships must be interpreted according to the law, regardless of the sex of the spouses.

Law 2/2016 of February 29th, which also amended Law 7/2001 of May 11th (**which adopts measures to protect unmarried partnerships),** determined that in the current system of adoption, contained in Book IV, Title IV, of the Civil Code, all persons who live together in an unmarried partnership, under the terms defined therein, have the right of adoption under conditions similar to those provided for in Article 1979 of the Civil Code, without prejudice to the legal provisions regarding adoption by unmarried persons.

The Labour Code recognizes the right to adoption leave (Article 44 of the Labour Code), similar to the original parental leave and referring to its framework provided for in Article 40, establishing a parallelism of labour rights between the bond of adoption and natural paternity.

The code also recognizes situations involving the extension of rights granted to parents, under the terms of Article 64 of the Labour Code[7] and applicable to the situations therein, namely, for the adopter, the guardian, for the person to whom the judicial or administrative trust of the minor is granted, as well as the married or unmarried partner of any of them or of the parent, provided that they live in the same household as the minor.

In this sense, parental rights belong to whoever is the holder of the family legal relationship regardless of gender and taking precautions with regard to the practice of discrimination based on sex, sexual orientation, gender identity, marital status, family situation or genetic heritage, prohibited under the terms of Articles 24 (1) and 25 (1) of the Labour Code.

In Portugal, the application of the norms related to the protection of parenthood, includes, with the necessary adaptations, cases involving the recognition of paternity to workers regardless of sex, gender identity, marital status, family situation or genetic heritage.

With the publication of Law 3/2011 of February 15th, any discrimination in the access to and in the exercise of independent work is prohibited and Directive 2000/43/EC of the Council of 29 June, the Council Directive 2000/78/EC of 27 November and the Directive 2006/54/EC of the European Parliament and of the Council of 5 July is adopted. It establishes that equality in self-employment does not prejudice the application of provisions relating to the special protection of genetic heritage, pregnancy, parenthood, adoption and other cases relating to the reconciliation of work and family life. It also establishes the right of the candidate of independent work or who is an independent worker and who experienced discrimination, to compensation for damage to property and personal injuries, under the general terms of the law.

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[7] Article 64 of the Labour Code
Extension of rights granted to parents
1 - The adopter, the guardian, for the person to whom the judicial or administrative trust of the minor is granted, as well as the married or unmarried partner of any of them or of the parent, provided that he/she lives in the same household as the minor, benefits from the following rights:
Leave of absence for breastfeeding
Complementary parental leave in any format, child care leave and leave to assist a child with a disability or chronic illness;
Child and grandchild care leave;
Reduction of working hours for assistance to an underage child with a disability or chronic illness;
Part-time work of a worker with family responsibilities;
Flexible working hours for a worker with family responsibilities.
2 - Whenever the exercise of the rights referred to in the previous numbers is dependent on a custodial relationship or judicial or administrative trust of the minor, the respective holder must, in order to exercise them, mention that quality to his employer.

In the period between January 1, 2010 to December 31, 2017, the legislation applicable to public service workers regarding maternity protection continued to be the legislation contained in the Labour Code (Articles 34 to 65), approved by Law 7/2009, of February 12th (applied since May 1, 2009).

In the scope of public administration, only the legislation establishing the reference to that code was amended, since until July 31, 2014, the application of the Labour Code on maternity, paternity and adoption protection was carried out by Law 59/2008, of 11 September.

As of August 1, 2014, the date of entry into force of the General Labour Law in Public Service (LTFP) approved, in annex to Law 35/2014 of June 20th, the reference to the Labour Code with regard to the same matter is contained in Article 4 (1) (e) of the LTFP.

The substantive changes of note are those made to the Labour Code in the period in question in terms of protection in maternity, paternity and adoption, that is, they are the same as those applied to private sector workers.

Lastly, **Law 7/2016, of March 17th,** determined that the amount of the benefits in the area of social protection in maternity, paternity and adoption (imposed by Decree-law 91/2009) received by residents in the autonomous regions of the Azores and Madeira would be increased by 2%.

Portuguese legislation provides for the following rights for pregnant and postpartum workers from 2009 to the present time:

Interruption of work before childbirth:

Leave of absence in cases of clinical risk during pregnancy

Article 37 of the Labour Code, revised in 2009 for the private sector and Article 4 (1) (e) of the annex to Law 35/2014 of June 20th - General Labour Law in Public Service (LTFP) - for the public sector, and without changes until December 31 of 2017, stipulates that:

In a situation of clinical risk to the pregnant worker or to the unborn child, preventing the performance of her duties, regardless of the reason that determines this impediment and whether or not this is related to work conditions, if the employer does not provide the means for her to perform her activity in a manner compatible with her condition and professional category, the worker is entitled to a leave of absence for the period of time that by medical prescription is considered necessary to prevent the risk, without prejudice to the initial parental leave.

Effects: Article 65 (1) (a) of the LC - Time off from work does not entail the loss of any rights and is regarded as working time.

Allowance paid by Social Security: Articles 9 and 29 of DL 91/2009, of April 9th - The daily amount of subsidies for clinical risk during pregnancy is equal to 100% of the beneficiary's reference pay.

This benefit is applicable to self-employed workers, pursuant to Article 7 (1) (a) and (4) of DL 91/2009, of April 9th.

Allowance paid under the convergent scheme for civil servants: Articles 9 and 23 of DL 89/2009, of April 9th - The daily allowance for clinical risk during the pregnancy and termination of pregnancy corresponds to 100% of the beneficiary's reference salary.

Periods of parental leave exclusive to the mother

Article 41 of the Labour Code, amended in 2009, for the private sector and of Article 4 (1) (e) of the annex to Law 35/2014 - General Labour Law in Public Service (LTFP) - for the public sector, and without changes until December 31st of 2017:

- The mother can enjoy up to 30 days of initial parental leave before giving birth;
- It is compulsory for the mother to enjoy six weeks of leave after childbirth;
- A worker who intends to take part of the leave before delivery must inform the employer of this purpose and submit a medical certificate stating the expected date of delivery, giving this information ten day in advance or, in the case of an emergency, ascertained by the doctor, as soon as possible.

Effects: Article 65 (1) c) of the Law Code - Time off from work does not entail the loss of any rights and is regarded as working time.

Benefits paid by Social Security: Articles 13 and 30 of DL 91/2009 - The **daily amount of the initial parental allowance** is as follows:

(a) In the period corresponding to the 120-day leave, the daily amount shall be equal to 100% of the beneficiary's reference salary;

b) In the case of a 150-day leave period, the daily amount is equal to 80% of the beneficiary's reference salary;

c) In the case of a 150-day leave period in situations where each parent has at least 30 consecutive days, or two periods of 15 consecutive days, the daily amount shall be equal to 100% of the beneficiary's reference salary;

d) In the case of a 180-day leave period, in cases where each parent has at least 30 consecutive days, or two periods of 15 consecutive days, the daily amount is equal to 83% of the beneficiary's reference salary;

This allowance is applicable to self-employed workers, pursuant to Article 7 (1) (c) and (4) of the LC 91/2009.

Allowance granted under the convergent scheme for civil servants: Articles 11, 12 and 23 (2) of Decree-Law 89/2009 - The daily amount of the initial parental allowance corresponds to the following percentages of the beneficiary's reference salary:

(a) In the period relating to the 120-day license, in accordance with Article 11 (1), 100%;

(b) In the period relating to the 150-day license, in accordance with Article 11 (1), 80%;

(c) In the period relating to the 150-day license, in accordance with Article 11 (2), 100%;

(d) In the period relating to the 180-day license, in accordance with Article 11 (2), 83%.

Leave for pregnancy termination

Article 38 of the Labour Code, revised in 2009for the private sector and Article 4 (1) (e) of the annex to Law 35/2014 - General Labour Law in Public Service (LTFP) - for the public sector, and without changes until December 31 and 2017 state that:

- In a case of termination of pregnancy, the worker is entitled between 14 to 30 days leave;
- The worker informs the employer and presents, as soon as possible, a medical certificate stating the period of leave.

Effects: Article 65 (1) (b) of the LC - Time off from work does not entail the loss of any rights and is regarded as working time.

Allowance paid by Social Security: Articles 10 and 29 of DL 91/2009- The daily amount of the termination of pregnancy allowance is equal to 100% of the beneficiary's reference salary.

This allowance is applicable to self-employed workers, pursuant to Article 7 (1) (b) and (4) of the LC 91/2009.

Allowance granted under the convergent scheme for civil servants: Articles 10 and 23 (1) of Decree-Law 89/2009, of 9 April - The daily amount of benefit is 100% of the beneficiary's reference salary.

Leave of absence for prenatal consultation

Article 46 of the Labour Code, revised in 2009 for the private sector and Article 4 (1) (e) of the annex to Law 35/2014 of 20 June of LTFP - revised for the public sector, and without changes until December 31st, 2017 state that:

- The pregnant worker is entitled to leave from work for prenatal consultations, for the amount of time and number of times necessary;
- The worker should, whenever possible, attend a prenatal consultation outside working hours;
- Where prenatal consultation is only possible during working hours, the employer may require the worker to provide evidence of this circumstance and of the consultation, or to make a statement of the facts;
- Preparation for childbirth is treated as prenatal consultation;
- The father is entitled to three leaves of absence to accompany the pregnant worker to prenatal consultations.

Effects: Article 65 (2) of the LC - Time off for prenatal consultation does not entail the loss of any rights and is regarded as working time.

The salary shall be paid by the employer.

Interruption of work after childbirth

Periods of parental leave exclusive to the mother

Article 41 of the Labour Code, amended in 2009 for the private sector and Article 4 (1) (e) of the annex to Law 35/2014 - General Labour Law in Public Service - amended for the public sector, and without changes until December 31st , 2017 state that:

- It is compulsory for the mother to take six weeks of maternity leave.

Effects: Article 65 (1) c) of the LC - Time off from work does not entail the loss of any rights and is regarded as working time.

Compensatory allowance paid by Social Security: Articles 11, 12, 13 and 30 of DL 91/2009 of 9 April - The daily amount of the initial parental allowance is as follows:

> (a) In the period corresponding to the 120-day leave, the daily amount shall be equal to 100% of the beneficiary's reference salary;
>
> b) In the case of a 150-day leave period, the daily amount is equal to 80% of the beneficiary's reference salary;
>
> c) In the case of a 150-day leave period in situations where each parent takes at least 30 consecutive days, or two periods of 15 consecutive days, the daily amount shall be equal to 100% of the beneficiary's reference salary;
>
> d) In the case of a 180-day leave period, in cases where each parent takes at least 30 consecutive days, or two periods of 15 consecutive days, the daily amount is equal to 83% of the beneficiary's reference salary;

This allowance is applicable to self-employed workers, pursuant to Article 7 (1) (c) and (4) of the LC 91/2009, of 9 April.

Allowance granted under the convergent scheme for civil servants: Articles 11, 12 and 23 (2) of Decree-Law 89/2009 - The daily amount of the initial parental allowance corresponds to the following percentages of the beneficiary's reference salary:

(a) In the period relating to the 120-day license, in accordance with Article 11 (1), the amount is 100%;

(b) In the period relating to the 150-day license, in accordance with Article 11 (1), the amount is 80%;

(c) In the period relating to the 150-day license, in accordance with Article 11 (2), the amount is 100%;

(d) In the period relating to the 180-day license, in accordance with Article 11 (2), the amount is 83.3%.

The daily amount of the initial parental allowance payable for the extended periods in accordance with Article 11 (3) shall be 100% of the beneficiary's reference salary.

Initial parental leave

Article 40 of the Labour Code, amended in 2009 , for the private sector and of Article (1) (e) of the annex to Law no. 35/2014 - General Labour Law in Public Service - for the public sector, with changes introduced by Law 120/2015, of September 1st, states that:

- If the parental leave is not shared by the mother and the father, and without prejudice to the rights of the mother referred to in Article 41 of the Labour Code, the parent who takes the leave shall inform his employer, within seven days of the birth, of the duration of the leave and the beginning of the respective period, together with a statement from the other parent stating that the latter is working and will not take the initial parental leave;
- In the absence of such statement the leave is taken by the mother;
- If the child or the parent who is taking the leave after childbirth is hospitalized, the leave period shall be suspended, at the request of the parent, for the duration of the stay.
- The suspension of the leave in the case provided for in the previous number takes effect after the fact is communicated to the employer, accompanied by a statement issued by the hospital.

Effects: Article 65 (1) (c) of the LC - Time off from work does not entail the loss of any rights and is regarded as working time.

Allowance paid by Social Security: Articles 11 and 30 of DL 91/2009 - The daily amount of the initial parental allowance is as follows:

(a) In the period corresponding to the 120-day leave, the daily amount shall be equal to 100% of the beneficiary's reference salary;

b) In case of a 150-day leave period, the daily amount is equal to 80% of the beneficiary's reference salary;

c) In the case of a 150-day leave period in cases where each parent has at least 30 consecutive days, or two periods of 15 consecutive days, the daily amount shall be equal to 100% of the beneficiary's reference salary;

d) In the case of a 180-day leave period, in cases where each parent has at least 30 consecutive days, or two periods of 15 consecutive days, the daily amount is equal to 83% of the beneficiary's reference salary;

Self-employed workers are entitled to this benefit, pursuant to Article 7 (1) (a) and (4) of DL 91/2009, of 9 April.

The allowance granted under the convergent scheme for civil servants: Articles 11, 12 and 23 (2) of Decree-Law 89/2009 - The daily amount of the initial parental allowance corresponds to the following percentages of the beneficiary's reference salary:

(a) In the period relating to the 120-day license, in accordance with Article 11 (1), the amount is 100%;

(b) In the period relating to the 150-day license, in accordance with Article 11 (1), the amount is 80%;

(c) In the period relating to the 150-day license, in accordance with Article 11 (2), the amount is 100%;

(d) In the period relating to the 180-day license, in accordance with Article 11 (2), the amount is 83%.

The tables below contain data regarding the evolution of the number of beneficiaries and the expenditure on parental leave.

Table 8 - Number of beneficiaries of maternity, paternity, adoption and parenthood benefits, in the period 2009 to 2017

	Benefits	2009	2010	2011	2012	2013	2014	2015	2016	2017
Maternity, paternity and adoption benefits (up to April 2008)	Maternity Allowance	50,191	365	103	51	19	11	7	6	5
	Paternity Allowance	19,569	101	29	3	0	0	0	0	0
	Maternity Social Allowance	10,888	49	18	0	0	0	0	0	0
	Paternity Social Allowance	1,116	22	8	0	0	0	0	0	0
Parenthood benefits (as of May 2009, DL no. 91/2009, of 9 April)	Clinical Risk allowance during Pregnancy	18,467	32,895	34,263	33,662	35,522	45,346	52,941	58,312	59,733
	Subsidy for Specific Risks	177	186	211	265	260	259	266	287	299
	Pregnancy Interruption Allowance	2,981	4,802	4,728	4,401	4,114	4,545	5,420	5,613	6,018
	Initial Parental Allowance	80,752	149,012	152,855	141,591	131,616	127,073	137,894	147,099	144,932
	Extended Parental Benefit	1,214	2,179	2,415	2,579	2,749	3,458	4,944	6,952	8,820
	Adoption Allowance	351	364	374	427	413	383	325	315	280
	Social Allowance for Clinical Risk during Pregnancy	195	267	161	158	149	252	321	320	332
	Pregnancy Interruption Social Allowance	52	56	38	15	23	26	27	20	19
	Initial Parental Social Subsidy	15,309	28,569	25,492	25,382	24,255	23,386	23,614	22,914	20,933

Source: Ministry of Labour, Solidarity and Social Security, Information Technology Institute, IP, Department of Information Management - Database data as of 8 August 2018

Table 9 - Annual expenditure on maternity, paternity and adoption benefits, and parenthood, in the period 2009 to 2017

Benefits (unit: thousand of euros)		2009	2010	2011	2012	2013	2014	2015	2016	2017 (*)
Maternity, paternity and adoption benefits (up to April 2008)	Maternity allowance	119,755,4	1,281,4	469.1	294.1	121.2	48.6	44.0	23.6	
	Paternity allowance	4,848,4	80.6	74.5	43.6	5.8	2.4	3.5	0.4	
	Maternity Social Allowance	11,472,6	69.5	19.1	3.4	2.6	2.9	1.3	0.0	
	Paternity Social Allowance	62.9	1.4	0.4	0.0	0.0	0.0	0.0	0.0	
Parenthood benefits (as of May 2009, DL nº 91/2009, of 9 April)	Clinical Risk allowance during Pregnancy	37,271.2	73,853.8	79,218.4	80,337.7	76,775.5	96,086.5	114,734.8	130,790.4	
	Subsidy for Specific Risks	806.5	904.0	983.6	1,092.2	1,178.6	1,123.7	1,292.0	1,209.7	
	Pregnancy Interruption Allowance	2,065.3	3,586.5	3,606.6	3,337.9	2,985.2	3,328,8	4,014.0	4,227.8	
	Initial Parental Allowance	155,486.5	296,989.2	321,121.6	298,126.1	251,020.5	244,405.2	261,428.0	283,795.1	
	Extended Parental Benefit	617.3	1,629.0	1,612.5	1,736.4	1,628.2	2,079.4	2,932.6	4,121.9	
	Adoption Allowance	1,258.9	1,431.8	1,387.6	1,606.5	1,385.9	1,365.6	982.5	1,031.8	
	Social Subsidy for Clinical Risk during Pregnancy	145.0	235.9	128.6	141.7	134.0	237.2	280.2	275.7	
	Pregnancy Interruption Social Allowance	13.9	16.0	11.0	3.8	6.4	7.2	7.1	6.7	
	Initial Parental Social Subsidy	13,837.8	25,294.2	23,360.6	22,584.9	21,135.7	20,527.4	20,546.4	20,011.5	
Total annual expenditure on maternity/parenting benefits		375,817.1	425,658.9	452,547.7	429,286.3	375,579.3	391,061.5	432,620.3	476,107.1	497,962.0

Source: Ministry of Labour, Solidarity and Social Security, Institute of Financial Management of Social Security, IP, - "Social Security Accounts"

(*) The annual expenditure for 2017 broken down by type of benefit is not available.

Table 10 - Women receiving parental leave allowance (2010 - 2016)

Benefits	2010	2011	2012	2013	2014	2015	2016
No. of children born **	101,381	96,112	89,841	78,779	82,367	85,500	87,126
Women receiving a 120/150 day leave allowance	86,242	86,941	76,409	71,175	68,056	72,992	77,228
(% of total children born)	85.1	90.5	85.0	90.3	82.6	85.4	88.6
Women who received maternity social allowance/paternity social allowance *	21,300	18,742	18,436	17,551	16,981	16,981	16,571
(% of total children born)	21,0	19,5	20,5	22,3	20,6	19,9	19,0

Source: Instituto de Informática, I.P. IP; Institute of Social Security, IP; INE/Own calculations

Note: A beneficiary may be included in more than one of the previous cases and is counted once in each of them.

* This measure has only existed since 2008; the same beneficiary may be included in more than one benefit and such a constraint should be taken into account in the use and analysis of the data.

** Source: Institute of Registration and Notary Affairs

In the context of the evolution of the use of parental leave, the number of men who received parental leave for the exclusive use of the father has increased considerably between 2005 and 2016.

The same trend occurred in relation to the number of women taking their parental licenses and sharing the licenses with the father, according to the tables below:

Table 11 - Evolution in the use of parental leave (2005 - 2016)

Anos	2005	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Crianças nascidas**	109399	102492	104594	99491	101381	96856	89841	82787	82367	85500	87126
Homens que receberam subsídio por licença parental obrigatória de uso exclusivo do pai	42982	45687	45973	53278	58069	61604	56289	51547	50283	55445	58638
(5 dias até abril de 2009 e 10 dias desde maio de 2009)											
(% no total de crianças nascidas)	39,3%	44,6%	44,0%	53,6%	57,3%	63,6%	62,7%	62,3%	61,0%	64,8%	67,3%
(% no total das licenças das mulheres)	56,5%	60,7%	61,2%	62,6%	67,3%	70,9%	73,7%	72,4%	73,9%	76,0%	75,9%
Homens que receberam subsídio por licença parental facultativa de uso exclusivo do pai	32945	37552	38442	44447	49823	52283	48661	45165	44799	49672	51528
(15 dias até abril de 2009 e 10 dias desde maio de 2009)											
(% no total de crianças nascidas)	30,1%	36,6%	36,8%	44,7%	49,1%	54,0%	54,2%	54,6%	54,4%	58,1%	59,1%
(% no total das licenças das mulheres)	43,3%	49,9%	51,2%	52,2%	57,8%	60,1%	63,7%	63,5%	65,8%	68,1%	66,7%
Homens que partilharam licença de 120/150 dias	413	551	577	8593	19711	20528	20430	20128	20623	23542	26329
(% no total de crianças nascidas)	0,4%	0,5%	0,6%	8,6%	19,4%	21,2%	22,7%	24,3%	25,0%	27,5%	30,2%
(% no total das licenças das mulheres)	0,5%	0,7%	0,8%	10,1%	22,9%	23,6%	26,7%	28,3%	30,3%	32,3%	34,1%
Mulheres que receberam subsídio por licença de 120/150 dias	76125	75297	75128	85085	86242	86941	76409	71175	68056	72992	77228
(% no total de crianças nascidas)	69,6%	73,5%	71,8%	85,5%	85,1%	89,8%	85,0%	86,0%	82,6%	85,4%	88,6%
Homens que receberam subsídio social de paternidade/subsídio social parental*				3945	7100	6601	6869	6639	6333	6567	6253
(% no total de crianças nascidas)	...	...	...	4,0%	7,0%	6,8%	7,6%	8,0%	7,7%	7,7%	7,2%
(% no total das licenças das mulheres que beneficiam do subsídio social de maternidade)	...	...	...	17,9%	33,3%	35,2%	37,3%	37,8%	37,3%	38,7%	37,7%
Mulheres que receberam subsídio social de maternidade/subsídio social parental*			7257	22094	21300	18742	18436	17551	16981	16981	16571
(% no total de crianças nascidas)	...	...	6,9%	22,2%	21,0%	19,4%	20,5%	21,2%	20,6%	19,9%	19,0%

Source: Instituto de Informática, IP; Social Security Institute; INE.

Subtitles:

Homens que receberam subsídio por licença parental obrigatória de uso exclusivo do pai: **Men who received compulsory parental leave allowance for the exclusive use of the father**

Homens que receberam subsídio por licença parental facultativa de uso exclusivo do pai: **Men who received a parental leave allowance for the exclusive use of the father**

Homens que partilharam a licença de 120/150 dias: **Men who shared the 120/150 day leave**

Mulheres que partilharam a licença de 120/150 dias: **Women who shared the 120/150 day leave**

Homens que receberam subsídio social de paternidade/subsídio social parental: **Men who received social paternity allowance / parental social allowance**

Mulheres que receberam subsídio social de paternidade/subsídio social parental**: Women who received social paternity allowance / parental social allowance**

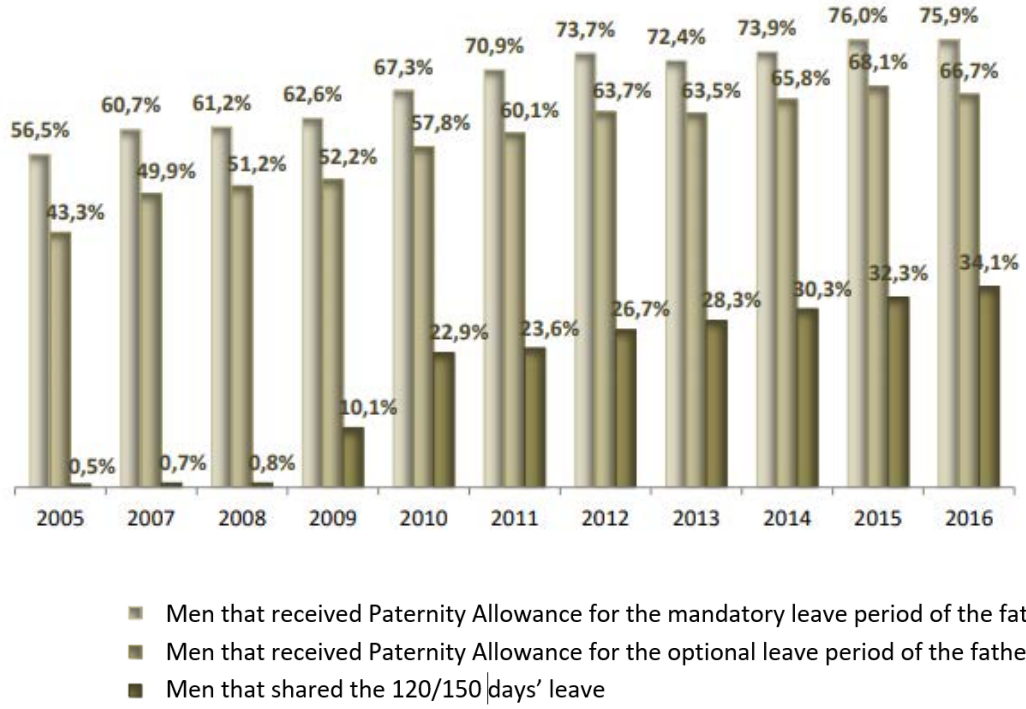
% no total de crianças nascidas: **% of total children born**

% no total das licenças das mulheres: **% of total women's leave**

5 dias até abril de 2009 e 10 dias desde maio 2009: **5 days until April 2009 and 10 days from May 2009**

15 dias até abril de 2009 e 10 dias desde maio 2009:**15 days until April 2009 and 10 days from May 2009**

Figure 9 - Evolution of the use of the paternity license, 2005-2016 (% on the total of women leaves)



Paragraph 3 - Time off for nursing mothers

No amendments were introduced to the LC regarding time off for nursing mothers. Thus, briefly, the breastfeeding mother is entitled to be released from work to breastfeed her child while breastfeeding persists and must present a medical certificate if the breastfeeding extends beyond the first year of the child's life. If there is no breastfeeding, and provided that both parents carry out professional activity, any of them or both of them have the right to be released from work for the purposes of feeding the child, until the child is one-year-old. Whether breastfeeding or bottle feeding, the daily break is divided into two distinct periods of one hour each, unless otherwise agreed with the employer, of which each period is extended by 30 minutes in cases of multiple births. [Article 47 (1) to (4)].

Regarding compensation, Article 392 (3) establishes a ceiling to the amount that can be awarded. This ceiling is 60 days of pay plus any additional amounts due for seniority, for each complete or fraction of a year that the worker has been in service of the undertaking. A dismissal on the grounds of family responsibilities would amount to discrimination [Article 24 (1)] and, thus, can give rise to a

duty to compensate for any material and non-material damages suffered, pursuant to the general legal conditions (Article 28).

Pursuant to Article 65 (2) of the LC, time off for breastfeeding or bottle feeding does not entail the loss of any rights and is regarded as working time.

If either parent works part-time, the daily leave for breastfeeding or nursing is reduced in proportion to their normal working hours and may not be less than 30 minutes.

In the above situation, the daily leave shall be taken for a period not exceeding one hour and, where appropriate, for a second period of the remaining duration, unless otherwise agreed with the employer.

In Portuguese law, a nursing or lactating worker has the right to be exempted from some forms of work scheduling, such as work organized according to an adaptability scheme, a work hours bank or a concentrated schedule. This right shall apply to either parent in the case of nursing, when the work performed under the schemes affects its performance.

The worker who breastfeeds is not obliged to give extra work hours during the entire breastfeeding period if this is necessary for her or the child's health.

Effects:

- Infringement of the provisions of Article 47 of the Labour Code constitutes serious administrative offences;
- Infringement of the provisions of Article 58 of the Labour Code constitutes serious administrative offences;
- Infringement of the provisions of Article 59 of the Labour Code constitutes serious administrative offences;
- The leave for breastfeeding or nursing does not result in a loss of any rights and is regarded as working time;
- The remuneration shall be borne by the employer.

Paragraph 4 – Regulation of night work

No amendments were introduced to the LC regarding this matter. Thus, and concisely, pursuant to Article 60 (1) of the LC, female workers have the right to be excused from night work (covering a period between 8 p.m. and 7 a.m.) in the following situations:

- For 112 days before or after childbirth, of which at least half must be taken prior to the presumed birth date;
- During the remainder of the pregnancy, upon presentation of a medical certificate stating that such a measure is necessary for the health of the worker or the unborn child;
- Throughout the breastfeeding period, upon presentation of a medical certificate stating that such a measure is necessary for the health of the worker or the child.

This exemption of night work is subject to a request submitted by the female worker within 10 days' notice [Article 60 (4)]. Nevertheless, the occupational physician can always determine the exemption whenever, within the monitoring of the workers' health, a risk for the health of the pregnant worker, worker who has just given birth or is breastfeeding is identified.

Paragraph 5 – Prohibition of dangerous, unhealthy or arduous work

The legal framework referred in the 6th National Report has not been amended during the reporting period. However, it is worth mentioning the adoption of Law No. 3/2014, of 28 January, of Decree Law No. 88/2015, of May 28thand of Law No. 64/2017, of August 7th regarding the exposure of workers to the risks arising from chemical and mutagenic agents and risks arising from physical agents (electromagnetic fields) which reinforced the level of protection granted under this provision.

A pregnant worker, a worker who has recently given birth or a worker who is breastfeeding is entitled to special health and safety conditions in the workplace in order to avoid exposure to risks to her health and safety.

Without prejudice to other obligations included in special legislation, in an activity liable to present a specific risk of exposure to agents, processes or working conditions, the employer shall assess the nature, extent and duration of the exposure to a pregnant worker, a worker who has recently given birth or who is breastfeeding, in order to determine any risk to their health and safety and the effects on pregnancy or breastfeeding, as well as the measures to be taken.

In such cases, the employer shall take the necessary measures to avoid exposure of the worker to such risks, in particular:

a) Adapt the working conditions;

b) If the adaptation referred to in the preceding subparagraph is impossible, excessively time-consuming or too costly, provide the worker with other tasks compatible with her professional status and category;

c) If the measures referred to in the previous paragraphs are not feasible, exempt the worker from work during the necessary period.

Without prejudice to the information and consultation rights set out in special legislation, pregnant workers, workers who have recently given birth or workers who are breastfeeding have the right to be informed in writing of the results of the evaluation and of the protective measures adopted.

Pregnant workers, workers who have recently given birth or workers who are breastfeeding are forbidden to work in activities presenting a risk of exposure to agents or working in conditions that endanger their health and safety, or the development of the unborn child.

Activities that are likely to present a specific risk of exposure to agents, processes or working conditions, as well as those agents and working conditions, are set out in specific legislation.

Pregnant workers, workers who have recently given birth or workers who are breastfeeding have the right to request an inspection by the inspection department of the ministry responsible for labour, with priority and urgency, if the employer fails to comply with the obligations arising from this article.

Activities liable to present a specific risk of exposure to agents, processes or working conditions, and those agents and working conditions are set out in Articles 50 to 60 of Law 102/2009 of September 10th, in its 6th version provided by Law 28/2016 of August 23th, namely, that provided for in Article 55 of Law no. 102/2009, of September 10th, relating to work conditions: The pregnant and breastfeeding worker is prohibited to work underground in mines.

This determination is legally provided for in the original version of Law 102/2009.

Effects:

- Breach of (1), (2), (3) or (5) constitutes a very serious administrative offence and the breach of Article 62 (4) of the Labour Code is a serious administrative offence.
- Absences from work by pregnant workers, workers who have recently given birth or workers who are breastfeeding, for reasons of the protection of their health and safety do not determine the loss of any rights, except for the salary, and are considered as effective working days.
- In the private sector, in accordance with Article 18 and Article 35 of the DL 91/2009 of April 9th, the allowance for specific risks is granted in cases of impediment to the exercise of labour activity determined by the existence of specific risk to the pregnant beneficiaries, beneficiaries who have recently given birth or who are breastfeeding, who perform night work or who are

exposed to agents, processes or working conditions which constitute a risk to their safety and health as defined by the law, for the period necessary to prevent such risk and in the impossibility of the employer to assign other tasks to her.

- In the case of self-employed workers or persons covered by voluntary social insurance, proof of the risk of performing night work, of exposure to an agent or of risky working conditions is carried out by the occupational physician or by an institution or service integrated with the National Health Service.
- The daily special risk allowance is equal to 65% of the beneficiary's reference salary.

In the public sector and in the case of a public employment contract, pursuant to Article 17 and Article 23 (4) (d) of Decree-Law no. 89/2009, of April 9th:

- Conditional or prohibited tasks, as well as night work, pose specific risks to the safety and health of pregnant women, those who have recently given birth or those who are breastfeeding, and are covered under special legislation. The allowance for specific risks is granted in cases in which there is exemption from work, determined by the existence of a specific risk for pregnant women, those who have recently given birth or those who are breastfeeding, as well as those in night work.
- The daily allowance corresponds to 65% of the beneficiary's reference salary.

Administrative Measures, Programs, Action Plans, Projects, Project Products for the Implementation of the Legal Framework

The Commission for Equality in Work and Employment (CITE) in partnership with ACT developed, between 2011 and 2012, the project titled "Instruments and methodologies in Gender Equality for ACT's inspection activity".

In addition to reinforcing the collaboration and communication between these two entities, this project developed tools to facilitate the activity of inspectors and labour inspectors in their day-to-day activities of identifying discriminatory practices based on sex, maternity and paternity.

The results of the work carried out by a specialist team, set up for this purpose, was the development of the guidelines "Instruments to support action to combat gender discrimination at work".

In addition to the development of this working instrument, several awareness actions were carried out and a training framework was designed for the acquisition of knowledge and skills in gender equality by the inspectors.

Although the Labour Code adopted in 2009 stipulates that the employer expressly has the duty to provide workers with working conditions that favour the reconciliation of professional activity with family and personal life, pregnancy and parenthood are still discriminatory factors, with many workers reporting unfavourable treatment due to pregnancy, and unfavourable treatment in the taking of parental leave or the taking time off work to care for children or other dependents of the household.

Employers need to be better informed about the rights of pregnant workers and workers with family responsibilities in a positive, clear and practical way, by showing them the organizational and financial advantages of investing in measures that promote the balance between work and personal life.

On the other hand, workers who are victims of discrimination or unfavourable treatment due to pregnancy or family responsibilities need to be better informed about their rights, to have the means to provide the necessary evidence and to know which institutions they can appeal to for support.

Replies to the European Committee of Social Rights

Paragraph 1 - Maternity Leave

The right to maternity leave and the right to maternity benefits

"The Committee asks whether the same regime applies to women employed in the public sector."

The right to parental leave provided for in Article 40 of the Labour Code applies in full to civil servants, and thus the basis of this license is the same that applies to workers in the private sector - Article 4 (1) (e) of the LTFP.

The percentages of the allowances (parental allowance) granted, in the various forms and conditions for the use of the leave, to public employees are the same as those applied to private sector employees, as can be confirmed by comparing Articles 11 to 14 of Decree-Law 91/2009, of April 9th with Article 23 of Decree-Law 89/2009, ofApril 9th.

Likewise, the prenatal family allowance provided for in Decree-Law no. 245/2008, of December 18th, applies to women workers who perform public work, as it is an entitlement under the citizenship

social protection system that covers all citizens, and is not within the scope of the pension system, which is exclusive to workers.

Paragraph 2 - Illegality of dismissal

"The Committee asks whether there is a ceiling on the amount that can be awarded as compensation. If so, it asks whether this upper limit covers compensation for both pecuniary and non-pecuniary damage or whether unlimited compensation for non-pecuniary damage can also be sought by the victim through other legal avenues (e.g. anti-discrimination legislation). It also asks whether both types of compensation are awarded by the same courts, and how long it takes on average for courts to award compensation. Should the next report not provide the requested information, there will be nothing to establish that the situation is in conformity with this respect.

It also asks whether the same regime applies to women employed in the public sector, in particular to those with a fixed term employment contract."

The legal framework regarding the dismissal of pregnant workers, workers who have recently given birth or are breastfeeding mentioned under this provision and also under Article 27 (3) with regard to the 6th national report remains accurate, subject only to the update on Article 27 (3) provided under the present report.

Article 63 of the Labour Code, which requires the prior opinion of the competent authority, the Commission for Equality in Labour and Employment (CITE), in the event of the dismissal of a pregnant worker, a worker who has recently given birth, a worker who is breastfeeding or who is on parental leave, applies to employees of the public administration, pursuant to Article 4 (1) (e) of the LTFP.

This framework for dismissal also applies to fixed-term contracts for women workers in the private sector, pursuant to Article 67 (1) and Article 393 (1) of the Labour Code[8] and for public administration workers, under the terms of Article 56 (2) of the LTFP[9].

[8] Article 67 Equal treatment

1 - The fixed-term worker has the same rights and is bound by the same duties of the permanent worker in a comparable situation, unless objective reasons justify a different treatment.

Article 393 Special rules relating to fixed-term work contracts

1 - The general rules of termination of a contract apply to a fixed-term contract, with the changes listed in the following paragraph.

[9] *Article 56 of the LTFP General rules*

1 - A civil servant employment contract may have a fixed or undetermined term, in the terms set forth in the following articles.

Regarding the non-renewal of a fixed-term contract, if a pregnant worker, a worker who has recently given birth or who is breastfeeding is also involved, the employer must communicate the reason for the non-renewal to CITE. This requirement is included in Article 144 (3) of the Labour Code and is provided in totally identical terms in Article 64 (2) of the LTFP for public administration workers.

Pursuant to Article 26 of the Labour Code, cases involving the dismissal of pregnant workers, workers who have recently given birth or who are breastfeeding have to be prioritized and granted an urgent status.

According to Article 63 (8) of the Labour Code, if the dismissal is declared unlawful, the employer can not oppose the reinstatement of the employee, as provided for in Article 392 (1) of the same code.

If the worker opts for compensation instead of reintegration, there is a pecuniary limit to this amount, which will correspond, as determined by the court, to days of base salary and seniority, ranging from 30 days to 60 days for each full year or seniority fraction, and may not be less than the value corresponding to 6 months of base salary and seniority.

In situations of dismissal, although unlawful, compensation for non-pecuniary damages (moral damages) is not granted, as a rule. In recent years, however, case-law has accepted in labour relations the sentencing to the payment of compensation for non-pecuniary damage if the employer has been found guilty of a grave breach of his contractual obligations of good faith, respect and courtesy and if he has offended the dignity of the worker.

Article 63 of the Labour Code applies, as mentioned above, to employees of the Public Administration - Article 4 (1) (e) of the LTFP.

The reparation of moral damages can also be attributed through anti-discrimination legislation, in particular by the rule set forth in Article 28 of the Labour Code, which gives the employee the right to compensation for damage to property or for personal injuries, in the event of the worker being harmed by way of discrimination.

This article applies to public administration employees, pursuant to Article 4 (1) (e) of the LTFP.

At present, we do not have a disaggregated data record that allows us to assess the court's delay in granting favourable decisions to workers in these particular situations of compensation for

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2 - In all matters that are not explicitly covered in the present law, the labour code framework, in a way that is not incompatible with the provisions of the present law, is applied subsidiarity to the fixed-term public employment contract.

pecuniary and non-pecuniary damages for the serious breach of contractual obligations or for the practice of discriminatory acts. However, in 2016, the average duration of the proceedings of labour courts was 11 months, one month lower than the one recorded in 2007.[10]

In order to prevent discrimination and unfavourable treatment due to pregnancy, parental leave and the need to reconcile work and family life, the Labour Code stipulates that the dismissal of a pregnant worker, a worker who has recently given birth, a worker who is breastfeeding or who is on parental leave, requires a prior opinion (art. 63) by the competent authority in the area of equality between women and men, which in this case is CITE. The Labour Code also provides for workers with family responsibilities who work part-time (Article 55) and who have flexible working hours (Article 56), with the refusal by the employer requiring a prior opinion (art. 63) by CITE.

[10] *STATISTICAL INFORMATION BULLETIN 51.* Statistics of Justice - Some statistical indicators on proceedings in lower courts, 2007-2016

Table 12 - Evolution of the number of requests for prior opinions by type (2010-2017)

Type	2010	2011	2012	2013	2014	2015	2016	2017
Intention of dismissal (Article 63 of the CT)	94	113	173	151	89	112	91	76
Refusal of flexible working hours (Articles 55, 56 and 57 of the LC)	51	96	77	155	329	449	564	663
Mandatory request for prior opinion	145	209	250	306	418	561	655	739
Total	**159**	**231**	**265**	**336**	**462**	**585**	**688**	**747**

Source: CITE, Self-evaluation Reports

Table 13 - Evolution of the number of complaints concerning the lack of a request for a prior opinion on the dismissal of pregnant workers, workers who have recently given birth, workers who are breastfeeding, or workers on parental leave (2010-2017)

	2010	2011	2012	2013	2014	2015	2016	2017	Total
Failure to comply with the procedure set forth in Article 63 of the LC	12	5	5	15	7	1	1	0	**46**

Source: CITE, Self-evaluation Reports

In order to ensure that pregnancy, nursing or breastfeeding cannot as such constitute discrimination in access to employment and work, the Labour Code provides in Article 144 (3) states that the reason for the non-renewal of a fixed-term contract of a pregnant worker, a worker who has recently given birth or a worker who is breastfeeding, is communicated to CITE within a maximum period of five working days.

Table 14 - Evolution of communications, requests for information and complaints concerning non-renewal of fixed-term employment contracts (2010-2017)

Year	Notice of non-renewal of a fixed-term contract (art. 144 (3) of the LC)	Requests for information on the possible lack of communication of non-renewal of a fixed-term contract	Complaints regarding non-compliance with the procedure set forth in art. 144 of the LC
2010	714	*	41
2011	825	*	4
2012	774	*	7
2013	713	*	8
2014	697	43	3
2015	984	43	2
2016	1,229	155	0
2017	1,302	178	0
Total	**7,238**	**419**	**65**

Source: CITE, Self-evaluation Reports

* No information available

Table 15 - CITE opinions on dismissals (2012-2017) concerning the decision made, disaggregated by sex

DISMISSALS	2012	2013	2014	2015	2016	2017
Unanimity	87%	73%	90%	67%	70%	76%
Majority	13%	27%	10%	33%	30%	24%
Favourable to dismissal	61%	64%	48%	38%	41%	54%
Unfavourable to dismissal	39%	36%	51%	62%	59%	46%
Men	9%	2%	7%	4%	3%	6%
Women	91%	98%	93%	96%	97%	94%

Paragraph 3 - Time off for nursing mothers

"The Committee asks for confirmation that these breaks continue to be remunerated. It also asks whether women employed in both the private and public sector enjoy the same protection."

Article 47 of the Labour Code, which establishes the right to a leave for breastfeeding or nursing, while the salary is still paid, also covers women workers in public administration, pursuant to Article 4 (1) (e) of the LTFP.

Paragraph 4 – Regulation of night work

"The Committee asks whether this protection also applies to women employed in the public sector."

The rule set forth in Article 60 of the Labour Code that establishes the right of the worker to be exempt from night work, if necessary for her health or for the health of the child, is fully applicable to working women in the public administration - Article 4 (1) (e) of the LTFP.

Paragraph 5 – Prohibition of dangerous, unhealthy or arduous work

"The Committee asks whether this regime also applies to women employed in the public sector."

The right to special conditions in the workplace to protect the health and safety of pregnant workers, workers who have recently given birth or workers who are breastfeeding, in order to avoid exposure to risks, as provided for in Article 62 of the Labour Code, is applicable in the same terms to employees of the Public Administration - Article 4 (1) (e) of the LTFP.

The application, by remission, of the Labour Code and supplementary legislation to public sector workers on the promotion of occupational health and safety, including prevention (specifically the application of Law 102/2009, of 10 September, which establishes the legal framework for the promotion of occupational safety and health), is included in Article 4 (1) (j) of the LTFP.

Article 16 – Right of the family to social, legal and economic protection.

The Economic protection of families

In the context of the specific measures aimed at promoting social welfare, Social Integration Income (RSI), Senior Citizens Pension Supplement (CSI), family allowances, dependency & disability benefits and unemployment benefit, these have been amended as follows:

- **RSI:** Decree-Law no. 70/2010, of June 16th, reinforced the integration aspect of the allowance, through measures that were imposed on all beneficiaries between 18 and 55 years. These beneficiaries were not on the job market but were able to work. They were covered by measures for the recognition and validation of academic or professional competences in training, education or job market integration programs and they were within a maximum period of six months after applying to the integration program.

It was also determined that, in order to increase accountability, if the beneficiaries were to refuse appropriate employment, socially necessary work, vocational training or other active employment measures, the allowance would be terminated.

Decree-Law 133/2012, of June 27th, established changes, among other things, in the value of the means-tested benefits, in the adoption of the OECD equivalence scale for the purpose of calculating the household income and in the indexation value of the benefit to the Social Support Indexation (IAS). It also established changes in: making the termination of the integration contract a condition for the entitlement to the benefit, ending the automatic renewal of the annual benefits, making it an obligation of the beneficiaries to be registered in the employment centre and being actively looking for jobs.

Furthermore, other changes included the development of socially meaningful work, the termination of the non-transferability of the RSI, the becoming subject to the system of partial seizure applicable to the remaining benefits of the social security system, and in establishing as causes of termination, among others, where the subsistence of the holder of the benefit is ensured by the State, such as the enforcement of prison terms in prisons and institutionalization.

As a result of Ordinance 257/2012, of August 27th, the value of the RSI was set at 45.208% of the IAS[11] and through Decree-Law 13/2013, of January 25th, the value of the RSI was changed, placing it at 42.495% of the IAS.

Decree-Law 1/2016, of January 6th, introduced new changes to the legal framework of the RSI (created by Law 13/2003, of May 21st), modifying the applicable equivalence scale, which resulted in an increase in the percentage of the allowance granted to each person of age from 50% to 70% of the RSI reference value, and to each underage person from 30% to 50% of the RSI reference value.

[11] Value of IAS in 2010, 2011, 2012 and 2013: €419.22, according to Decree-Law 323/2009, of December 24th, Law 55-A / 2010, of December 31st, B 011, of December 31st, and Law 66-B/2012, of December 31st, respectively. The IAS value was only updated through Administrative Rule 4/2017, of January 3rd, and was set at €421,32 in 2017.

This framework is again amended by Decree-Law 90/2017, of July 28th, with the intent of making the allowance more accessible to citizens in a situation of economic need, including the following:

Firstly, some of the requirements that limited access to the allowance were eliminated or changed, with special emphasis on facilitating access by foreign citizens legally resident in Portugal.

On the other hand, the benefit is granted to the following citizens: those who are temporarily included in a social response program with a defined personal integration plan, those who are hospitalized in therapeutic units or in inpatient units belonging to the National Continuous Care Network, or those who are serving a prison sentence, before they are discharged or released, so that the payment of the benefit is available on the date of the discharge or release.

Situations where beneficiaries and/or members of their household can be exempted from entering into or completing the integration contract, such as active availability for work, are broadened and better defined. People are exempt in the following cases: temporary incapacity for work; pensioners with absolute disability beneficiaries of national or foreign social security schemes, of absolute permanent disability due to occupational risks, or persons with disabilities of 80% or more, certified by a multipurpose medical certificate. The list also includes those under 16 years of age or with/over the normal age of pension entitlement, and those over 16 years old who comply with the age limits and level of education provided as specific conditions for access to family allowance for children and young people.

The entitlement and beginning of the payment of the benefit ceases to be dependent on the conclusion of the integration contract, with the benefit being due from the date on which all the documents proving the compliance with the benefit conditions are delivered.

As a condition for receiving the benefit, the applicant expressly and formally undertakes to enter into and fulfil the integration contract, which must be negotiated and effectively concluded within 45 days after the benefit is granted.

The benefit has a duration of 12 months and is renewable for equal periods of time, automatically, and with a formal verification of income.

Ordinance 5/2017, of February 3rd, established a new restitution of 25% from the 2012 cut, setting the reference value of the RSI for 2017 at €83,84.

- **CSI:** Law 3-B/2010, of April28th, changed the percentages of the means-tests, setting them at 40% of the IAS for a single applicant and 60% for couples. Decree-Law 13/2013, of January 25th, determined the reduction of the CSI reference value by setting it at €4 909 for a single person.

Access to the CSI was extended to disability pension holders through Decree-Law 126-A/2017, of October 6th, which created the social benefit for inclusion (referred to below).

Law 114/2017 of December 29th(2018 State Budget - article 111) established that during 2018 the right to the senior citizens' pension supplement can be granted to pensioners who have access to a pension through the following early retirement schemes:

a) Flexibility of the pensionable age;

b) Early retirement due to the particularly distressing or exhausting nature of the profession, expressly recognized by law;

c) Advance payment of the pension in cases involving involuntary long-term unemployment.

Ordinance 3/2017 of January 3rd, updated the CSI reference value by adding 0,5%, setting its value for 2017 at €5 084,30.

A. Family Benefits

Decree-Law 133/2012, of June 27th, ensured the revaluation of the household income level, making it dependent on new income that may alter its calculation.

Thus, the following tables show the reference income levels, the reference year income and the amounts of the benefit.

The social security system, through the family protection subsystem, guarantees citizens' basic rights and equal opportunities for children and young people by granting a compensation of family expenses, as provided for in Law 4/2007, of January 16th, which approved the general framework of the social security system.

In this context, during the reference period of this report, it should be noted that there have been some changes to the rules governing the award of family allowances for children and young people and the amount of scholarships, which are part of the compensation scheme for family expenses, as set out in the information relating to Article 16.

Reiterating the information previously provided, through Decree-Law 70/2010, of June 16th, some rules of access to non-contributory benefits were harmonized, such as family allowances for children and young people.

This harmonization focused on fundamental aspects of the verification of the means-tested, namely in the concept of household. It approximated it to the concept of "private household" and the incomes to be considered, by introducing a more rigorous determination of the total income. It considered in-kind support, support for social housing, the incorporation of financial income and the financial position of the applicant. It also provided a definition of "capitation" among those defined by the OECD, which depends on the composition of the household, including single-parent families, taking into account the existence of economies of scale within them.

On the other hand, Decree-Law 77/2010, of June 24th, specified that only those entitled to the family allowance for children and young people, corresponding to the first income level, of ages between 6

and 16, are entitled to receive in September, in addition to their allowance, an additional amount equal to the cost of school fees, as long as they are enrolled in a school.

Decree-Law 116/2010 of October 22nd, also ceased the award of family allowances to the highest levels of income (4th and 5th levels), and the 25% bonus was eliminated for the 1st and 2nd levels of the family allowance for children and young people.

Finally, Decree-Law 133/2012, of June 27th, has ensured that whenever there is a change in household income that means a change in the reference income (a change in the income level for the purpose of granting the allowance), that level can be revaluated in line with the new household income.

Proof of the schooling situation was also anticipated for the month of July, in order to avoid cases of undue payment of benefits, with the legal effects of the lack or non-presentation of proof within the legally established period changing accordingly.

Regarding the scholarship, article 64 of Law 55-A/2010, of December 31st, established that the amount of this social benefit becomes equal to the amount of the allowance for children and young people awarded to its beneficiary, when previously it was double the amount of the allowance.

Table 16 - Number of beneficiaries with benefits for family expenses, from 2009 to 2017

Benefits	2009	2010	2011	2012	2013	2014	2015	2016	2017
Pre-natal family allowance	122,279	117,394	77,747	71,465	61,582	67,860	70,685	71,330	69,547
Family allowances	1,859,183	1,844,550	1,399,897	1,296,587	1,277,560	1,261,299	1,232,790	1,205,562	1,211,494
Family allowances bonus for children and young people with disabilities	78,828	84,439	84,032	83,678	84,310	85,576	88,076	93,565	96,405
Allowance for attendance at special schools	13,708	14,742	14,233	15,387	16,284	11,452	11,366	13,526	14,008
Permanent monthly allowance	12,432	12,743	12,950	13,283	13,448	13,587	13,676	13,685	13,660
Constant attendance allowance	13,248	13,455	13,639	13,404	13,364	13,249	13,348	13,400	13,264

Source: Ministry of Labour, Solidarity and Social Security, Instituto de Informática IP, Information Management Department – Data registered in the database on 02-02-2018.
(Note: Data subject to updates)

Table 17 - Annual expenditure on benefits for family expenses in the period 2009 to 2017

Benefits Unit: Thousands of Euros	**2009**	**2010**	**2011**	**2012**	**2013**	**2014**	**2015**	**2016**	**2017**
Pre-natal family allowance	69,735.4	67,989.5	46,429.1	42,427.9	38,385.6	36,447.7	42,128.2	40,094.8	(*)
Family allowances (**)	922,597.2	863,686.9	605,438.8	592,730.6	591,297.2	568,562.0	556,644.9	573,394.7	675,506.7
Family allowances bonus for children and young people with disabilities	66,998.5	70,851.6	68,873.2	70,661.8	72,465.6	74,383.0	77,139.7	84,167.0	89,931.1
Allowance for attendance at special schools	23,678.9	23,163.6	22,349.7	25,247.7	27,146.8	20,266.4	18,481.5	19,482.3	26,276.3
Permanent monthly allowance	28,845.1	29,304.5	29,722.3	30,342.1	30,673.5	31,033.3	31,155.6	32,337.5	24,055.9
Constant attendance allowance	13,515.5	13,498.1	13,382.8	13,443.4	13,395.2	13,323.4	13,353.2	14,782.9	15,468.9
Total	**1,125,370.6**	**1,068,494.1**	**786,195.9**	**774,853.6**	**773,363.8**	**744,015.7**	**738,903.1**	**764,259.2**	**83,238.9**

Source: Ministry of Labour, Solidarity and Social Security, Institute for the Financial Management of Social Security, IP, "Social Security Accounts".

(*) Not available.

(**) The annual expenditure on family allowance includes the additional amount and bonuses. In 2017, it also includes the expenses with the pre-natal family allowance and scholarships.

a) Family Allowance for Children and Young People: While Decree-Law 77/2010, of June 24th, limited the payment of the additional amount of the allowance to the first income level, Decree-Law 116/2010, of October 22nd, terminated the award of the allowance to the 4th and 5th levels, also eliminating the 25% increase for the 1st and 2nd grades.

To determine the income level, the value of the IAS to be considered is the one set for the year to which the household income refers to and which was the basis for calculating the reference income of the same household.

Table 18 - Household reference income levels (2013)

Household reference income levels		**Income in the reference year (IAS for 2013 = €419.22)**
1st	Equal to or less than 0.5 x IAS x 14	Up to €2,934.54
2nd	Over 0.5 x IAS x 14 and equal to or less than 1 x IAS x 14	From €2,934.55 to 5,869.08
3rd	Over 1 x IAS x 14 equal to or less than 1.5 x IAS x 14	From €5,869.09 to 8,803.62
4th	Over 1.5 x IAS x 14	Over €8,803.63

Table 19 - Amount of Family allowance (2013)

Family income Levels	**Amount of Family allowance**				
	Age less than or equal to 12 months	**Age between 12 and 36 months**			**Age greater than 36 months**
		1 child	**2 children**	**3 or more children**	
1st	€140.76	€35.19	€70.38	€105.57	€35.19
2nd	€116.74	€29.19	€58.38	€87.57	€29.19
3rd	€92.29	€26.54	€53.08	€79.62	€26.54

In addition to updating the value of guaranteed benefits under the family protection subsystem, Ordinance 62/2017, of February 9th, initiated a convergence process in the value of support for children aged 12 to 36 months with the amount of support that is currently granted, within each level, to children up to 12 months. It also restores the fourth income level for children up to 36 months.

In the following tables, reference income levels, reference year income and total amounts of the benefit are presented:

Table 20 - IAS value for 2017 = €421.32 (2017)

Household reference income levels		**Income in the reference year (IAS value for 2017 = €421.32)**
1st	Equal to or less than 0.5 x IAS x 14	Up to (and including) €2,949.24
2nd	Over 0,5 x IAS x 14 and equal to or less than 1 x IAS x 14	Over 2,949.24 up to €5,898.48
3rd	Over 1 x IAS x 14 and equal to or less than 1.5 x IAS x 14	Over 5,898.48€ up to €8,847.72
4th	Over 1.5 x IAS x 14 and equal to or less than 2.5 x IAS x 14	€8,847.72 up to €14,746.20
5th	Over 2.5 x IAS x 14	Above €14,746.20

Table 21 - Amount of Family allowance (2017)

Family income Levels	Amount of Family allowance				
	Up to 12 months old	Ages between 12 and 36 months			36 months old or older
		1 child	2 children	More than 2 children	
1st	€146.42	€73.21	€109.81	€146.41	€36.60
2nd	€120.86	€60.43	€90.65	€120.87	€30.22
3rd	€95.08	€49.93	€77.28	€104.62	€27.35
4th	€18.91	€18.91	€18.91	€18.91	€0.00
5th	€0.00	€0.00	€0.00	€0.00	€0.00

b) Study Grant: Decree-Law 116/2010, of October 22nd, terminated the award of the grant to the 4th and 5th income levels, also eliminating the 25% bonus for the 1st and 2nd levels.

With Law 55-A / 2010, of December 31st (State Budget Law for 2011), it was determined that the value of the study grant would be equal to the value of the family allowance for children and young people, when previously it was double the amount of the same benefit.

c) Prenatal Family Allowance: Decree-Law 70/2010, of June 16th, changed the rules of the means-test for the provision and maintenance of the benefit, namely in the concept of "household", incorporation of financial income and the definition of a headage among those defined by the OECD.

To be eligible for this benefit, a person must have a reference income equal to or less than the value established for the 3rd income level (equal to or less than 1.5 x IAS x 14).

In the context of the duration of its provision, if the pregnancy period exceeds 40 weeks, it is granted for 6 months or until the month of birth, inclusive; if it is less than 40 weeks, it is granted for 6 months, and can be combined with the family allowance after birth.

It establishes an increase of 20% in the case of single-parent households, which increased to 35%, with Decree-Law 2/2016, of January 6th.

d) Funeral Expenses Allowance: In 2013 the allowance was €213,86 and in 2017 it was €214,93.

B. Dependent person's allowances

a) Dependent Person's Supplement: Decree-Law 13/2003, of January 25th, excluded pensions over €600 from the supplement for 1st degree dependency.

Table 22 - Dependent Person's Supplement

<table>
<tr><th rowspan="3">Nature of the pension</th><th colspan="4">Dependency level</th></tr>
<tr><th colspan="2">2013</th><th colspan="2">2017</th></tr>
<tr><th>1st Degree</th><th>2nd Degree</th><th>1st Degree</th><th>2nd Degree</th></tr>
<tr><td>General scheme - old-age invalidity and survivors' pensions.</td><td>€98.77</td><td>€177.79</td><td>€103.15</td><td>€186.31</td></tr>
<tr><td>Special scheme for agricultural activities - invalidity, old-age and survivors' pensions.</td><td rowspan="2">€88.90 EUR</td><td rowspan="2">€167.92</td><td rowspan="2">€93.15</td><td rowspan="2">€175.96</td></tr>
<tr><td>Non-contributory or similar scheme - invalidity and old-age social pensions, orphan's and widow's pensions.</td></tr>
</table>

b) Subsidy for Third Party Assistance: The value of this allowance remained at €88,37 in 2013and reached €101,68 in 2017.

C. Disability Benefits

a) Disability Bonus: The amounts of this allowance remained the same in 2013, compared to those mentioned in the previous 6th report, which defines the nature of the benefit.

If children/young people entitled to benefits are included in single-parent households, a bonus of 35% is added to the value of the disability bonus, an increase from the previous 20%, according to the following table:

Table 23 - Disability Bonus

Age groups	Amounts - 2017	
	Disability bonus	Disability bonus for single parent families
Up to 14 years old	€61.57	€83.12
Between the ages of 14 and 18	€89.67	€121.05
Between the ages of 18 and 24	€120.04	€162.05

b) Social Benefit for Integration (PSI): The Social Benefit for Integration was instituted by Decree-Law 126-A/2017, of October 6th, and aims to compensate the increased costs of disability and to promote autonomy, social inclusion and fight against the poverty of people with disabilities.

It is a cash allowance for national citizens, foreign citizens, refugees and stateless persons, who are 18 years of age or older and who have a disability resulting in an incapacity equal to or greater than 60% in degree.

This allowance consists of three components of gradual implementation: the base component (effective as of October 1st, 2017) is intended to compensate for the increased overall costs resulting from the disability and, in addition to being awarded to new applicants, replaces three benefits: Monthly Life Allowance, Disability Social Pension and Disability Pension from the transitional schemes for agricultural workers.

The supplement to the benefit (effective as of October 2018) is applicable in situations of financial need or hardship. The bonus (effective as of 2019) is intended to replace those benefits that in the previous scheme compensated for specific extra expenses resulting from the person's financial hardship and these will be regulated by specific legislation.

The annual reference value of the base component of the allowance is, for 2017, €3 171,84 (corresponding to the monthly value of €264,32).
The Social Benefit for Inclusion can be accumulated with other income and with other benefits.

c) Social Unemployment Benefit: Decree-Law 70/2010, of June 16th, changed the rules for the means-test, namely in the concept of "household", in the income to be considered and in the definition of a capitation of those defined by the OECD.

Decree-Law 72/2010, of June 18th, established that household income cannot exceed 80% of the IAS value, in order to comply with the means test.

Decree-Law 64/2012, of March 15th, established the age groups and contribution periods according to which the duration of the benefit is established.

The following are the conditions for entitlement to unemployment benefits: (1) residence in the national territory, (2) involuntary unemployment, (3) being able and available for work, and (4) being registered in the employment centre of the area of residence.

Furthermore, in the case of a first unemployment social benefit, one has to: a) have 180 days of paid employment with proof of pay in the 12 months immediately preceding the date of unemployment, b) fulfil the means test.

In the case of Unemployment Social Benefit subsequent to the unemployment benefit, it is also necessary to: c) have exhausted the unemployment benefit period, d) continue to be unemployed and registered at the employment centre, e) meet the means test when the unemployment allowance ends.

The allowance is granted according to the age of the beneficiary and the number of months of contributing to social security since the last period of unemployment.

Therefore, for the initial unemployment social benefit, the beneficiaries who become unemployed as of 1 April 2012 and who, on 31 March 2012, had no contribution period for access to unemployment assistance, are now entitled to the following allowance durations:

Table 24 - Social Unemployment Benefit

Age of the beneficiary	Months of accounted pay	Grant period	
		No. of allowance days	Bonus
Less than 30	Less than 15	150	30 days for every 5 years with accounted pay
	Equal or greater than 15 and less than 24	210	
	Equal to or greater than 24	330	
From 30 years old to 39 years old	Less than 15	180	30 days for every 5 years with accounted pay in the last 20 years
	Equal or greater than 15 and less than 24	330	
	Equal to or greater than 24	420	
From 40 years old to 49 years old	Less than 15	210	45 days for every 5 years with accounted pay in the last 20 years
	Equal or greater than 15 and less than 24	360	
	Equal to or greater than 24	540	
50 years or more	Less than 15	270	60 days for every 5 years with accounted pay in the last 20 years
	Equal or greater than 15 and less than 24	480	
	Equal to or greater than 24	540	

In this situation, the Subsequent Unemployment Social Benefit is granted to beneficiaries under the age of 40 for half of the periods indicated above, taking into account the age of the beneficiary at the time the unemployment benefit ends. For beneficiaries aged 40 and over, they have the same duration as the initially assigned unemployment allowance.

In the case of someone's first period of unemployment, as of 1 April 2012, if the beneficiary by 31 March 2012 had already guaranteed a certain grant period, (taking into account the age and accounted pay days on that date) the grant period is maintained in accordance with the following table:

Table 25 - First period of unemployment

Age of the beneficiary	No. of accounted pay months	Grant period	
		No. of allowance days	Bonus
Less than 30 years old	Up to 24	270	-
	Greater than 24	360	30 days for every 5 years of contributions
Between 30 and 39 years old	Equal to or less than 48	360	-
	Greater than 48	540	30 days for every 5 years of contributions in the last 20 years
Between 40 and 44 years old	Equal to or less than 60	540	-
	Greater than 60	720	30 days for every 5 years of contributions in the last 20 years
45 years or more	Equal to or less than 72	720	-
	Greater than 72	900	60 days for every 5 years of contributions in the last 20 years

In this situation, the Subsequent Unemployment Social benefit will be equal to half of the period of the initial unemployment benefit that the beneficiary was entitled to.

During the period of the Social Unemployment Benefit, the amount is also changed according to changes in the household.

In the context of family protection, this decree-law even increased the unemployment allowance by 10% in cases where both spouses or persons living in a union in the same household are entitled to unemployment benefits and have children or similar at their care and when, in the single-parent household, the single parent is the holder of the unemployment benefit and does not receive child support decreed or approved by the court.

Law 114/2017 of December 29th (State Budget for 2018) eliminated the reduction of 10% of the daily amount of the unemployment benefit occurring after 180 days of provision, maintaining the increase in the unemployment benefit and in the benefit for termination of activity.

Other benefits:

a) The School Social Aid (ASE) is a set of measures designed to ensure equal opportunities for school access and success for all pupils in primary and secondary education. It also promotes socio-educational support measures for students from economically disadvantaged households, determining the need for financial contributions.

With regard to the ASE legal framework, as of 2010, reference should be made to: Order 8452-A/2015, of July 31st, which regulates the conditions of application to school social aid measures, under the responsibility of the Ministry of Education and local municipalities; Order 5296/2017 of June 16th, which amends Order 8452-A/2015, of July 31st and Rectification 451/2017 of Dispatch 5296/2017 of June 16th.

School Social Aid includes food support measures such as access to school cafeterias, school buffets, the School Milk Program and the School Fruit Program.

- The provision of meals in school cafeterias aims to ensure a balanced diet that is adequate for the students' needs. The price of the meals served in school cafeterias is co-financed for all students, and the meal is free for students from economically disadvantaged households. The price of the meal to be paid by students is stipulated annually by ministerial order.

- The school buffets are an additional service to the school cafeteria, with a price system that promotes the adoption of healthy habits among students. As a School Social Aid service, the buffet indirectly supports students who, due to socio-economic shortcomings, require extra food.

- The School Milk Program consists of the daily free distribution of 20 cl of milk to children attending pre-school and primary education, throughout the school year.

In order to complement the nutritional needs of children attending pre-school and primary education, other healthy foods may also be offered with school milk.

Ordinance 161/2011 of April 18th regulates the system of granting community aid for the distribution of milk and dairy products to students in schools in mainland Portugal and in the autonomous regions, known as "aid", and repeals the Ordinance 398/2002, of April 18th.

- The School Fruit Program consists of the distribution of processed fruits & vegetables and by-products to children in public school and to students who attend primary education in grouped and non-grouped schools.

The system for the granting of community aid for the distribution of fruit and vegetables was regulated by Administrative Rule 1242/2009, of October 12th, which was amended by Administrative Rule 206/2012 of July 5th.

It should be noted that with the publication of the Delegated Regulation (EU) 2017/40 of the Commission, of 3 November 2016 and with the Implementing Regulation (EU) 2017/39 of the Commission, of 3 November 2016, a new legal framework applicable to the system of the distribution of fruit and milk in schools was introduced.

In turn, **School Insurance** is a social and educational support measure which complements the support provided by the national health system to children who attend pre-school education and to children of primary and secondary education in public schools. School Insurance is governed by Decree-Law 176/2012 of August 2nd, regulating the compulsory schooling framework of children and young people between the ages of 6 and 18 years.

To ensure compulsory schooling for students who need to leave their household during the school year, a **housing support service** is organized consisting of an official network of student housing and placements with host families. Accommodation support is preferably given to students from low-income families.

Economic Aid constitutes a form of school-based social aid benefiting children attending pre-school education and students in primary and secondary education belonging to households whose socio-economic condition does not allow them to fully bear the costs of attending school. These costs include meals, books, school supplies and accommodation.

Lastly, **School Transport** is another measure included in School Social Aid and is intended for students who cannot use public transport for their travels between home and the educational institution they attend, providing them with an adequate school transport service. The organization and control of the school transport operation is the responsibility of the student's local municipality.

Table 26 - Key measures included in tax codes with a direct impact in families

Taxes		Benefits
CIRS		
Employment income	**Art. 2-A, (1) (a)**	**The benefits provided by employers to compulsory social security schemes, even if they are of a private nature, aimed exclusively at providing benefits in the event of retirement, disability or low income are not considered employment income in the annual tax returns.**
	Art. 2-A, (1) (b)	**The benefits attributable to the use of social and leisure activities promoted by the employer, under legally established conditions and childhood vouchers issued and allocated in accordance with the law are not considered employment income in the annual tax returns.**
	Art. 2-A, (1) (d)	**The amount borne by employers through the acquisition of social travel cards in favour of their employees, provided that such acquisition is general in nature, is not considered employment income in the annual tax returns.**
	Art. 2-A, (1) (e)	**The amount borne by employers for health or sickness insurance for the benefit of their employees or their family members, provided that this benefit is general in nature, is not considered employment income in the annual tax returns.**
	Art. 2-A, (1) (f)	**The costs paid by the employer through reparations or compensation, in cash or in kind, during the year of an employee's relocation of over 100km, are not considered employment income in the annual tax returns.**
Business and Professional Income	**Art. 3 (4)**	Income from agricultural, forestry and livestock activities shall be excluded from taxation where the value of the income or revenue, alone or in addition to the value of gross income, even if exempted from that or other categories, do not exceed four and a half times the annual value of the IAS.
Income Category G	**Art. 10 (5)**	The period for the reinvestment of the realizable value (in order to obtain the benefit of the non-taxation of capital gains from the sale of the taxpayer's home), is 36 months when the investment is made after that operation, and 24 months when it was made before that operation.
Art. 12 (4)		Personal Income Tax is not levied on maintenance allowances, nor on the amounts necessary to cover extraordinary expenditure on health and education that is paid or granted: (i) by the regional social security centres and ii) by the Santa Casa da Misericórdia de Lisboa or by social solidarity private institutions in conjunction with those providing foster care and support to the elderly, people with disabilities, children and youth.

<table>
<tr>
<td>Art. 68 (1)</td>
<td>1 - Personal Income Tax rates are set out in the following table:
<table>
<tr><td rowspan="2">Collectible income (Euros)</td><td colspan="2">Rates (percentage)</td></tr>
<tr><td>Normal (A)</td><td>Average (B)</td></tr>
<tr><td>Up to 7 091</td><td>14.50</td><td>14.500</td></tr>
<tr><td>Between 7 091 and 20 261</td><td>28.50</td><td>23.600</td></tr>
<tr><td>Between 20 261 and 40 522</td><td>37</td><td>30.300</td></tr>
<tr><td>Between 40 522 and 80 640</td><td>45</td><td>37.613</td></tr>
<tr><td>Over 80 640</td><td>48</td><td></td></tr>
</table>
(The IRS takes into account the household’s ability to contribute)</td>
</tr>
<tr>
<td>Art. 7 (1), (2) and (4)</td>
<td>- Safeguarding the subsistence level:from the application of the tax rates provided for in article 68 of the IRS Codefor people with income predominantly from employed work or pensions, shall not resultan available income net of tax of less than €8,500.00.
There is no taxation for households with:
3 or 4 dependents and a taxable income of €11,320 or less, or
5 or more dependents and a taxable income equal to or less than €15,560.00.</td>
</tr>
<tr>
<td>Deductions to taxable income
Art. 78</td>
<td>- Deductions to taxable income broken down with reference to the household are halved for the separate taxation of married couples or co-habiting partners.
- The limits shall be reduced to 50% where parental rights are exercised jointly by both taxable persons.
- The sum of deductions to taxable income per household may not exceed and, in the case of joint taxation after a division of two, the limits of the law in relation to the collectable income levels.</td>
</tr>
<tr>
<td>Deductions of relatives in the descending and ascending line:
Art. 78-A, (1) and (2)</td>
<td>- <u>Families with children/infants</u> (Art. 78-A, (1) (a) and (2) (a)): A deduction to a taxable income of €600.00 per dependent over 3 years old or €726.00 per dependent up to 3 years of age, until 31 December of the year in respect of the tax. If an agreement is being pursued onthe exercise of parental rights and a share custody and alternate residence of the minor is established, each taxable person who has parental responsibilities is entitled to a €300.00 deduction. If the dependent is 3 years old or less, the deduction goes up to €363.00.

- <u>Families with an elderly at home</u> (Art. 78 (1) (b) and (2) (b)): A deduction to taxable income of €525.00 for each relative in the ascending line living in the same household as the taxable person and that does not receive an income higher than the minimum pension of the general scheme. This deduction is increased to €635.00, if there is only one relative in the ascending line.</td>
</tr>
</table>

Family General Expenses **Art. 78-B**	**General and Family Expenses**(Art. 78-B (1)): 35% of the expenses borne by any member of the household, with the overall limit of €250.00 per taxpayer, with services and acquisition of goods communicated to the tax authorities or invoiced through the tax authority website are deductible to taxable income. **Single Parent Families**(Art. 78-B (9): 45% of the amount borne by any member of the household, with alimit of €335.00, is deductible from taxable income.
Health Expenses/Health Insurance **Art. 78-C (1)**	**- Health Expenses with the Family**(art. 78-C (1) (a) and (b)): 15% of the borne amount related to health expenses of the taxable person and his household (with the overall limit of €1,000.00), which are exempt from VAT or subject to the reduced rate, as well as other expenses duly justified by medical prescription, communicated to the tax authority or invoiced in the tax authority website by issuers working in the sector (and also insurance premiums that exclusively cover health risks in relation to the taxable person or his dependents) are deductible from taxable income.
Training and Education Expenses **Art. 78-D (1)**	**- Education Expenses** (Art. 78-D, (1) (a), (c) and (d)): 30% of education and training expenses incurred by any member of the household (with an overall limit of €800.00), exempt from VAT or taxed at a reduced rate, communicated to the tax authority or invoiced through the tax authority website by issuers working in the industry, including school meal expenses, are deductible from taxable income.
Costs of real estate allocated to permanent housing **Art. 78-E (1), (4) and (5)**	**- Deductions to taxable income from real estate costs related to permanent housing**(Art.78-E (1) and (7): 15% of the amount borne by any member of the household through the rent of permanent housing, up to a limit of €502.00 (a); or in the case of loan interest for the purchase of permanent housing or rental leases up to a limit of €296.00 (for contracts entered into up to 12 December 2011) (b), are deductible from taxable income. (a) the limit to deductions from taxable income for house rents is high if the collectable income is equal to or less than €7,091.00 or if the collectible income is greater than €7091.00 and equal to or less than €30,000.00. (b) the limit to deductions from taxable income related to interest on debt or leasing payments is high if the collectable income is equal to or less than €7,091.00 or if the collectible income is greater than €7091.00 and equal to or less than €30,000.00;

Invoice Requirement Art. 78-F	**<u>Deductions for the requirement of an invoice</u>**(Article 78-F, (1) and (3) - 15% of the VAT borne by any member of the household (with a global limit of €250.00) through the maintenance and repair of motor vehicles and motorcycles, accommodation, catering and similar in, hairdressing & beauty salons and veterinary activities, as well as purchase of monthly public transport travel cards (the deduction in this case is 100% of the VAT paid) are deductible from taxable income if an invoice is issued at the time of the purchase.
Alimony expenses Art.83-A	20% of the alimony expenses that the taxable person is obliged to pay by court order or by agreement approved under civil law are deductible from taxable income, except where the beneficiary is part of the same household or for which there are other deductions to taxable income.
Nursing homes expenses Art.84	Families with elderly people in nursing homes and institutions of support for the elderly; home care; homes and residences for people with disabilities: 25% (with a global limit of €403.75) of the expenses incurred with home care, nursing homes and institutions for the care of the elderly related to taxable persons and expenses with nursing homes and independent residences for persons with disabilities, their dependents, ascendants and collateral up to the third degree, are deductible from taxable income.
Disabled people Art.87	**- Families with People with Disabilities:** - Deduction of €1,900.00 per disabled taxpayer; - Deduction of €2,375.00 per disabled taxpayer from the Armed Forces; - Deduction of €1,187.50 per disabled dependent; - Deduction of €1,187.50 per disabled person; - €1,900.00 is added per taxpayer or dependent with a disability degree equal to or greater than 90% (accompanying expenses). -Deduction of 30% of all expenses incurred with the education and rehabilitation of the taxable person and dependents; - Deduction of 25% of all life insurance premiums with a limit of 15% of collectable income; **<u>- Transitional regime.</u>** Category H gross income earned by disabled taxpayers is considered for tax purposes at 90% of their value. The gross income of categories A and B earned by disabled taxpayers is considered at 85% of the total. The excluded part of taxation cannot exceed €2,500 for each income category.

Replies to the European Committee of Social Rights

"The Committee asks that the next report explains how domestic law defines the concept of "family" and describes the legal case of family types other than those based on marriage, notably in the light of Article 16 of the Charter, such as families with unmarried parents, and single-parent, reconstituted and monoparental families."

Concept of "family"

In addition to the concept of "family" referred to in Article 67 of the CRP, Article 36 of the CRP refers to the family and the rights associated with it. This rule establishes, in particular, that everyone has the right to start a family and to enter into marriage with full equality. It also states that the spouses have equal rights and duties in respect to civil and political capacity. Therefore the maintenance and upbringing of their children, including children born outside marriage, cannot therefore be discriminated. The law or official bodies may not discriminate concerning paternity, and parents have the right and duty to raise and support their children. Furthermore, children cannot be separated from their parents, except when they do not fulfil their fundamental duties towards them and any separation must always be after a court decision.

The legal scenario of families outside of marriage

Parental Responsibility

Children are subject to parental responsibilities until the age of 18 unless they become emancipated, thus safeguarding the rights of the underage child (cf. Articles 1877 and 124, both of the Civil Code (CC)).

Parents may not waive their parental responsibilities or any of the rights those responsibilities specifically confer on them, without prejudice to what is provided in the CC about adoption (see Article 1882 of the CC).

The rules applicable to the exercise of parental responsibilities are set out in Articles 1901 to 1912 of the Civil Code and may be summarized in three broad groups of scenarios:

- In marital relations[12], or when the paternity is established in relation to both spouses and one parent is living in conditions similar to the other parent, the exercise of the parental responsibilities is incumbent on both parents and is exercised by mutual agreement and, in case no agreement is reached in matters of particular importance, any of them may appeal to the court, which will attempt conciliation. If conciliation is not possible, the court will hear the child before deciding, except in the case of serious circumstances (see Article 1901 CC and Article 1911c). This procedure is still applicable, in the context of the joint exercise of parental responsibilities when the paternity is established for both spouses and one of them does not live in conditions similar to the other parent (Article 1912 (2) of the CC).

[12] Article 1576 of the CC provides that marriage is the source of family legal relationships, along with kinship, affinity and adoption, according to the wording of Law 9/2010 of May 31st. The concept of marriage is set forth in Article 1577, which is understood to be the contract between two persons who intend to form a family through a full communion of life, in accordance with the provisions of the Civil Code. Marriage is defined as the legal status of two persons who, regardless of sex, live in conditions similar to those of the spouses for more than two years (Law 7/2001, Article 1 (2), according to the wording of Law 23/2010, of August 30th).
Bigamy is a crime, under the terms of Article 247 of the Criminal Code, punishable by up to 2 years imprisonment or a fine of up to 240 days.

- In the event of divorce, judicial separation of persons and property, declaration of nullity, annulment of marriage, *de facto* separation, or when the paternity is established for both parents and one of the parents have ceased to coexist in conditions similar to the other one, or when the paternity is established for both parents and one parent is not living in conditions similar to the other parent, the scheme is substantially identical[13].

The Civil Code determines that, in these situations, parental responsibilities related to matters of particular importance in the life of the child are exercised jointly by both parents in the terms that were in force in the marriage, except in cases of clear urgency, where any of the parents may act alone and should inform the other as soon as possible.

Where the joint exercise of parental responsibilities relating to matters of particular importance to the life of the child is found to be contrary to the interests of the child, the court must, by reasoned decision, determine that those responsibilities are exercised by one of the parents.

The exercise of parental responsibilities relating to the child's daily life lies with the parent with whom he usually resides, or with the parent with whom he is temporarily residing with; but the latter, in exercising their responsibilities, should not contradict the most relevant educational guidelines defined by the parent with whom the child usually resides.

The parent who is responsible for the exercise of parental responsibilities related to the child's everyday life may exercise them by his/herself or delegate this responsibility.

The court shall determine the residence of the child and visiting rights in the best interests of the child, taking into account all the relevant circumstances.

Parents who do not exercise parental responsibilities, in whole or in part, have the right to be informed about the way in which they are exercised, including the child's education and living conditions.

The court will always decide in accordance with the best interests of the child.

- If the paternity of a child born out of wedlock is established only in relation to one of the parents, the exercise of parental responsibilities belongs to that parent (see Article 1910 of the CC).

By adoption, the child becomes the son/daughter of the person adopting and the child is included in the family line, without prejudice to the provisions regarding marital impediments (Article 1986 of the CC).

Law 137/2015 of September 7th, introduced several changes to the parental responsibility exercise regime provided for in the Civil Code (CC), promoting its extension in the case of absence, incapacity, disability or the death of a parent.

[13]Cr articles 1906 to 1907, 1908, 1909, 1911 (2) and 1912 (1), all of the CC

This regime provides that when a parent is unable to exercise his parental responsibilities due to absence, incapacity or other impediment decreed by the court, this right shall be exercised by the other parent or, where this right is denied to that parent by a court decision, by the spouse, partner or a family member of either parent. This regime is also applicable, with the necessary adaptations, if the paternity is established for one of the parents (Article 1903 of the CC).

On the other hand, Article 1904-A provides for the joint exercise of parental responsibilities by the sole parent of the child and his or her spouse or unmarried partner, in the sense that, when paternity is established for one of the parents, the parental responsibilities may also be assigned, by judicial decision, to his or her spouse or unmarried partner, who exercises them, in this case, together with the parent.

In this case, the joint exercise of parental responsibilities depends on the request of the parent and his or her spouse or unmarried partner. The court should, whenever possible, listen to the minor. The exercise of parental responsibilities, under the terms of Article 1904-A, begins and ceases before the age of majority or emancipation only by a court ruling, based on articles 1913 to 1920-A.

In the case of divorce, separation of persons and property, declaration of nullity or annulment of marriage and the *de facto* separation or termination of cohabitation between parents with parental responsibilities, the provisions of Articles 1905 and 1906, with the appropriate adaptations, shall apply.

Article 1905 was amended by Law 122/2015, of September 1st, and it now states that the child's right to food in the case of divorce, judicial separation of persons and property, declaration of nullity or annulment of the marriage (for the purposes of Article 1880) remain after the age of majority. This right will remain until the child reaches the age of 25, with a pension fixed for his/her benefit during the age of minority, unless his/her education or vocational training process is concluded before that date, it has been freely interrupted or ifthe person obliged to pay for alimony provides proof of the absurdity of his demand.

Article 1906-A on the regulation of parental responsibility in crimes of domestic violence and other forms of violence in a family context has been added to by Law 24/2017, of May 24th. It determines that the court may consider that the joint exercise of parental responsibility relating to matters of particular importance to the child's life may be judged to be contrary to the best interests of the child for the following reasons: if a coercive measure is imposed, a penalty is declared that prohibits any contact between parents and if there is a serious risk to the rights and safety of victims of domestic violence and other forms of family violence such as child abuse or sexual abuse. In such cases, the Court shall determine which responsibilities are exercised by one of the parents.

Law 5/2017, of March 2nd, establishes the system that regulates parental responsibility by mutual agreement with the Civil Registry Offices, by changing the Civil Code and the Civil Registry Code, amending the regime of Article 1909, stating that when parents wish to regulate by mutual agreement the exercise of parental responsibility of minor children or to amend the agreement already ratified, they may request it, at any time, from any Civil Registry Office. They can do so under the terms foreseen in Articles 274-A to 274-C of the Civil Registry Code, approved by Decree-

Law 131/95, of June 6th. They can also request judicial approval of an agreement to regulate parental responsibilities, in the terms provided for in the General Regime of the Civil Custodial Proceedings, approved by Law 141/2015 of September 8th.

The same law also amended the regime of Article 1911 stating that, in the case of the end of cohabitation between parents, the provisions of articles 1905 to 1908 shall apply, as well as the provisions of article 1909 (2),whenever the parents wish to regulate by mutual consent the exercise of parental responsibilities as well as the agreement of the regime set forth in Article 1912 (2) determining that in the case of a joint exercise of parental responsibilities, the provisions of articles 1901 and 1903 shall apply, and the provisions of Article 1909 (2) shall also apply, whenever the parents wish to regulate by mutual agreement the exercise of parental responsibilities.

Mediation services

The Family Mediation System (SMF)[14] currently operates throughout the country.

As already mentioned in the previous report, the SMF has the power to mediate family disputes, covering in particular matters of regulation, alteration and non-compliance with the exercise of parental responsibilities; divorce and separation of persons and property; conversion of separation of persons and property in divorce; reconciliation of separated spouses; allocation and changes in alimony, provisional or definitive; suppression of the right to use the surnames of the other spouse; authorization to use the surname of the former spouse and assignment of a family address.

The concept of family relationships when appealing to the SMF includes all relations arising from the sources of family legal relations provided for in Article 1576 of the CC and relationships arising from unmarried partnerships when considered in conditions similar to those of the spouses provided for in Article 2020 and the Law 7/2001, of May 11th.

Social protection of families: Family counselling services

In this regard, it is important to mention the - Family Support Centres and Parental Counselling social response – (CAFAP's).

The CAFAP's objectives are:

- Prevent risk and danger situations by promoting the exercise of a positive parenthood;
- Evaluate risk and protection dynamics of families and the possibilities of change;
- Develop parental, personal and social skills that can improve the parental responsibilities; to empower families by promoting and reinforcing quality relational dynamics and daily routines;
- Improve family interactions;

[14]Created by *Order 18 778/2007, of July 13th,* and started operating on July 16th, 2007

- Mitigate the influence of risk factors in families, preventing situations of separation of children and young people from their natural environment;
- Increase family and individual resilience;
- Help the reintegration of the child or young person into a family environment;
- Strengthen the quality of the relationship between the family and the community, as well as identify resources and ways to access them.

In accordance with the legislation in force, this response constitutes a specialized support service for families with children and young people, aimed at preventing and repairing situations of psychosocial risk by developing the parental, personal and social skills of families. These are organized around 3 intervention actions (article 8):

Family Preservation

- It aims to prevent the removal of the child or young person from their natural environment.

Focused on parental education in individual and/or group programs, on the development of preservation programs, on the implementation of material acts of measures in the natural environment (MMNV) as well as on the specialized intervention with the family on the basis of a contract concluded within the Social Integration Income program.

Family Reunification

- Its goal is the return of the child or young person to their family environment;
- The intervention is focused on the implementation of foster measures or institutional placement (namely institutional sheltering or a foster family).

Family Meeting Point

- Its goal is to maintain or re-establish family ties in cases of the interruption or serious disturbance of family life, especially parental conflict or parental/marital split.

Currently, there is a national network, which has observed in recent years an overall increase in the action available to children and their families (see attached table) and is currently under evaluation, with the objective to verify its response level and the possible extension of the number of existing measures.

The School Psychology and Guidance Service (SPO) is a resource for the school that contributes to meeting the challenges of the 2020 strategy in terms of improving educational success, reducing early school leaving, making vocational education more attractive and improving the match between the skills of young people and the needs of the labour market.

SPOs are considered specialized units for educational support and are integrated into the school network, developing their action in schools and groups of schools from pre-school to secondary

education. They act in an integrated manner and in close partnership with the educational community, teachers, non-teachers, parents and caregivers as well as with other educational agents in the surrounding area. They develop their activity in the area of psycho-pedagogical support to students and teachers and in the development of the school relation system and lifelong guidance.

In the exercise of their activities, school psychologists should guide their action by the Code of Ethics of Portuguese Psychologists, published in the Official Gazette of Portugal on April 20th, 2011.

Under Decree-Law 266-G/2012, supplemented by Ordinance 258/2012, the technical and regulatory monitoring of the SPOs is by the competency of the General Directorate of Education (DGE)

This body shall in particular:

- develops guidelines and tools to support the activity of psychologists;
- promotes continuous training;
- increases networking and peer learning.

The legislation on the organization and operation of the Portuguese Education System, namely with regard to the Student Statute and School Ethics (Law 51/2012) and the measures to be taken to promote educational success (Decree-Law 17/2016), give SPOs an active role in the pursuit of the major goals associated with extending compulsory schooling, promoting school success, equal opportunities for all and preparing young people for transition and integration into the labour market.

The intervention of these services is also mentioned in the regulations related to Special Education and in educational offerings aimed at creating the necessary conditions for the success of all students (for example, Administrative Rule 341/2015).

According to the legislation, these services are responsible for:

- Contributing to the integral development of students and to the construction of their identity;
- Supporting students in their learning and in their integration into the interpersonal relationships system of the school community;
- Providing psychological and psycho-pedagogical support to students, teachers, parents and guardians in the context of educational activities in order to achieve school success, effective equality of opportunities and the adequacy of educational responses;
- Ensuring, in collaboration with other relevant services, such as special education, the flagging of students with special needs, the assessment of their situation and the proposal of appropriate interventions;
- Contributing, together with activities developed within curriculum areas, with educational and non-school educational components, to the identification of psychological factors of the students according to their global development and age group;

- Promoting specific academic and professional information activities, capable of helping students meet the available opportunities. This is done in terms of school, training and jobs by promoting the indispensable link between school and the labour market;

- Developing psychosocial counselling and career development action for students to help them in their career choice and planning process;

- Collaborating in pedagogical experiences and teacher training programs, as well as to carry out and promote research in its areas of expertise.

In turn, the Portuguese Psychologists Association considers that the promotion of health in a school environment is of the greatest importance and that it is inseparable from the contribution of Psychology and Psychologists. In this regard, in 2017, the Portuguese Psychologists Association launched the campaign ***HealthyMind School.***

The ***HealthyMind School*** campaign has the following dimensions:

- School structure, organization and environment;

- Psychological health and educational success;

- Literacy in education for psychological health;

- The psychological health of educational agents;

- Involvement of family and community.

The Portuguese Psychologists Association also launched the so-called ***"HealthyMind School" Seal - Good Practice in Psychological Health and Educational Success.***

This initiative is a contribution to the promotion and dissemination of good practice in the promotion of psychological health and educational success in Portuguese schools, being part of the Healthy School Campaign and aims to recognize and to distinguish Portuguese schools whose policies and educational practices demonstrate a strong and effective commitment to promote the development, learning and psychological health of the entire educational community.

Social protection of families: Participation of associations representing families

In Portugal, CONFAP - National Confederation of Parents' Associations is a confederate structure of Parent and Guardian Associations and its federated structures, from any degree or form of schooling (official, private or cooperative).

CONFAP is not for profit, and its goal is to group, coordinate, promote, defend and represent, at a national level the movement of Parent Associations. It also intervenes as a social partner with the state authorities and institutions in order to help parents and guardians comply with their responsibility to guide and actively participate in the integral education of their children and pupils.

At a National Level:

CONFAP examines the problems related to the global qualification of young people, working together with each school. It works with public authorities to improve situations relating to:

- School social aid, food and school insurance;
- Quality and freedom of education;
- School manuals;
- School transport;
- School buildings;
- Occupation of free time;
- Citizenship education.

At an International Level:

CONFAP intends to contribute to:

- Promote the equivalence of diplomas and degrees;
- Develop the exchanges of experiences;
- Help promote consensus on education among European Union countries,
- Confirm the universal recognition of the Parents Associations' rights to intervene in the definition of educational policies.

Legal protection of families: Domestic violence against women

"The Committee asks the next report to provide information on the application of the laws on protection from domestic violence. It also asks for the next report to provide a comprehensive description of the measures taken to combat domestic violence against women (measures in law and practice, data and judicial decisions)."

During the period under review, the Resolution of the Council of Ministers 102/2013, which approves the 5th National Plan against Domestic Violence (V PNPCVDG - 2014-2017), stands out amongst all of the adopted measures.

The 5th PNPCVDG complies with the international measures to which Portugal is committed, namely the assumptions of the Istanbul Convention, and is a paradigm shift in national public policies to fight against violations of fundamental human rights such as gender-based violence including domestic violence.

The plan is structured around five strategic areas and comprises of 55 measures, including those whose nature encompasses the family structure, such as children/youth, and which involves the Ministry of Internal Affairs (MAI):

Strategic Area 1 - Prevention, raising awareness and education

- Carry out awareness-raising and information activities particularly addressed to the educational community, on domestic and gender-based violence, especially addressing issues of bullying, violence through new technologies and dating abuse;
- Develop and disseminate scripts and other informative and pedagogical materials targeted at the educational community;
- Promote action to prevent all forms of violence and eliminate exclusion in schools; and
- Carry out action to raise awareness about violence amongst lesbian, gay, transsexual and transgender (LGBT) people in intimate relationships.

Strategic Area 2 - Protecting Victims and Promoting their Integration

- Implement risk assessment and management methodologies to be used by the national support network for victims of domestic violence;
- Establish protocols for cases involving children and youth victims of violence, integrating the national support network for victims of domestic violence and the entities and responses that are part of the national system for the protection of children and youth;
- Consolidate the implementation of the remote protection system throughout a national level;
- Define minimum requirements for the functioning of the structures that integrate the national support network for victims of domestic violence and oversee their supervision and technical follow-up.
- Consolidate and evaluate the methodology used for assessing the risk of revictimization by security forces in cases of domestic violence; and
- Further deepen proactive approaches to the policing of domestic violence cases.

Strategic Area 4 - Training and qualifying professionals

- Qualify operatives from the Republican National Guard (GNR) and Police (PSP); and
- Raise awareness/train professionals to intervene with people in the LGBT community.

The Ministry for Internal Affairs, through the Security Forces under its tutelage, has been making efforts to provide specialized and qualified assistance to crime victims. To this end, it has invested in the specific training of the police officers that provide assistance to victims of crime and in the improvement of facilities where they are received.

In 2004, GNR began the implementation of the Women and Minors Nucleus Project (NMUME), currently called the Investigation and Support to Specific Victims Project (IAVE). This project focused

on GNR action in the prevention, investigation and monitoring of casesof violence against women, children and other groups of specific victims. The IAVE Project has the most specialized personnel, who are distributed by the Investigation and Support to Specific Victims Units (NIAVE)[15] and the Teams[16].

In 2016, the Security Forces had a total of 1,005 people with specific responsibility in the area of domestic violence, namely:

- 443 in GNR, where there were 24 NIAVE and 303 Investigation and Inquiring Teams; and
- 562 in PSP, 407 of which were assigned to Proximity and Victim Support Units (EPAV) and 155 to Special Criminal Investigation Units for cases of domestic violence.

In 2016, 27,075 risk assessments and more than 20,760 evaluations were carried out, in parallel with evaluating the implementation of the domestic violence risk assessment.

During the period under review, GNR has developed several training courses on domestic violence, ranging from initial training to the continuing training of its staff. This investment in training reflects the importance given by the GNR to domestic violence, already apparent in the real improvement and qualification in the care and support to the victims.

Regarding training activities, in 2016, the General Secretariat for Home Affairs (SGAI), in partnership with the Security Forces, carried out three training courses looking at the retrospective analysis of homicide in domestic violence, which was attended by 83 members of those security forces. In addition, globally until the end of 2016, the Security Forces carried out in-house training attended by 854 members, directly addressing the issue of domestic violence.

The facilities for receiving the victims are a crucial aspect in their care and support. The GNR stations built since 2004 have rooms for victim support, and the oldest ones have made improvements to these spaces. By the end of 2016, about 63% of GNR and PSP stations and precincts with territorial jurisdiction had a victim support room.

It is also worth noting the approval, in late 2016, by the Minister for Home Affairs, of the creation of the Special Program for the Policing of Domestic Violence. This program aims to bring together the various measures, initiatives and projects of the MAI in this area. It also values and reinforces the work that has been done, namely by the security forces and the intra-ministerial group for domestic violence (which are composed of SGAI, GNR and PSP).

To best monitor the implementation of Article 16, it's worth to further add that, between 2014 and 2017, there was a slight decrease in the percentage of domestic violence cases witnessed by minors[17], as reported by GNR and PSP:

[15] At the Command or Territorial Post level

[16] At the Territorial post level.

[17] Data from the Annual Reports of the Ministry of Home Affairs.

- 2014: -38%
- 2015: -36%
- 2016: -35%

In 2017, the main categories of dangerous cases reported to the Commission for the Protection of Children and Young People (CPCJ) had the following percentages in relation to the total number of cases flagged[18]:

- Negligence: 30.1%
- Exposure to domestic violence: 22.3%
- Dangerous behaviour with children and youth: 16.5%
- Cases that call into question the right to education: 16%

By 2017, the less reported categories of dangerous cases reported to the Commission for the Protection of Children and Young People (CPCJ)[19] registered the following percentages in relation to the total of cases flagged[20]:

- Physical abuse: 4.5%
- Psychological abuse: 1.9%
- Sexual Abuse: 1.7%
- Abandonment: 1.5%
- Child labour exploitation: 0.1%[21]

Law 129/2015, of September 3rd, amended Law 112/2009, of September 16th , which establishes the legal framework applicable to the prevention of domestic violence, protection and assistance of victims.

The legal framework of the organization and function of support structures, emergency shelter responses and shelters that are part of the national support network for victims of domestic violence provided for in Law 112/2009 of September 16th, in its current version, did not change during the four-year period 2014-2017.

The Domestic Violence Act, in article 4-A, also provided for the creation of a team analyzing homicides in domestic violence. They aim at understanding the reasons, circumstances and context

[18] As shown in the CPCJ activity report.
[19] That together represent less than 10% of total signalling.
[20] As shown in the CPCJ activity report.
[21] Percentage corresponding to 52 flagged situations.

in which the events occurred that caused or could have caused the death of a person. They looked at this in the context of family relationships, intimacy and dependency, in order to produce recommendations that would improve preventive measures, correct errors and overcome weaknesses in the intervention system.

Thus, the Retrospective Analysis Team of Homicides in Domestic Violence (EARHVD) was set up and its procedure was regulated by Ordinance 281/2016 (Presidency of the Council of Ministers, Home Affairs, Justice, Labour, Solidarity and Social Security and Health).

In order to contribute to the reduction of the number of homicides in the context of domestic violence, the EARHVD is centred on analysing concrete cases with a final ruling by the judicial system, aiming at:

i) A better understanding of the reality, the pattern of behaviour and the determining factors of this phenomenon;

(ii) A better implementation and mobilization of existing resources in the areas of prevention, protection, support and repression;

iii) The improvement of the coordination between all public and private institutions, cooperative and the social sector institutions, structures and programs that work in this area;

iv) The implementation of new preventive methodologies;

v) The formulation of recommendations addressed to all entities with responsibilities in any of the above areas.

Domestic violence has been addressed by a number of international means through which different nations have committed themselves to pursue a policy towards its elimination, recognizing also the need to provide assistance to victims through the many different services available.

The **Fifth National Plan for the Prevention and Fight against Domestic and Gender Violence (PNPCVDG 2014-2017),** emphasized the need to strengthen the fight against domestic violence, calling for the coordination of all intervening bodies and the reinforcement of prevention and victim protection measures. It is also recognized that there is a need for articulated action of all the involved institutions, a more effective protection of the victims and more intense training of the professionals who work in the area, be it in the investigation and punishment of the crimes, or in the direct contact with the victims staying in support and shelter structures.

This plan has sought to outline strategies to protect victims, to work with aggressors, to better understand the associated phenomena, to prevent such violence from happening, to qualify the professionals involved and to strengthen the existing national network for the support and assistance to victims.

The **National Network for Supporting Victims of Domestic Violence** focuses on the adult and children victims of Domestic Violence. It is a structure that does not present a direct/isolated

response to children and adolescents, but rather responds within the framework of a victim household.

The Commission for Citizenship and Gender Equality is a public administration body whose mission is to ensure the implementation of public policies in the area of citizenship and the promotion and defence of gender equality in the fight against domestic violence and human trafficking. It is the body responsible, together with Social Security, for the coordination of the National Support Network for Victims of Domestic Violence.

Portugal has 39 shelters available for female victims of domestic violence and their children, with a total of **669 places.** There is also, since October 2016, a shelter for male victims of domestic violence, offering 10 places. In addition to these long-term sheltering responses (the law foresees that the sheltering can go up to six months, possibly to be extended for an equal period of time) there are **173 emergency places** that aim to respond to crisis situations and short-term immediate security needs.

These places provide shelter where strictly necessary and when there is a risk of the crime being repeated. The occupancy rate of shelters is around 78% and the occupancy rate of emergency shelters is considerably lower.

It should also be noted that this National Network is fully financed by the Portuguese State and managed by non-governmental organizations that enter into cooperation agreements with the state. In the case of a public shelter network, these are subject to a set of requirements, made in the Regulatory Decree 2/2018, of January 24th. Thus, all 40 shelters are required, amongst others requirements that are mentioned in the two mentioned diplomas, to:

a) temporarily accommodate women and children in order to protect their physical and psychological health;

b) provide the necessary conditions for their education, health and general well-being, in an environment of tranquillity and security;

c) promote the acquiring of personal, professional and social skills;

d) provide for the reorganization of the lives of the sheltered women, with a view to their social and professional reintegration.

The services provided are completely free. It is up to the state to promote the development, installation, expansion and support to the operation of shelters and other structures that are part of the national network. Any form of public support for the development or functioning of shelters and emergency shelters requires the technical supervision of the public administration body responsible for citizenship and gender equality. Social security services are responsible, under its terms of reference, to monitor the action and to provide technical support and follow-up to those social responses that are part of the cooperation agreement. The supervision and monitoring of all these shelters and emergency shelters are, therefore, the joint responsibility of the social security services and the body responsible for citizenship and gender equality.

It should also be underlined that under the terms of Law 112/2009, the Commission for Citizenship and Gender Equality is responsible for ensuring the supervision of the specific responses for support and sheltering of victims by verifying their compliance with the procedures as adopted by national, community and European technical guidelines and their articulation with public policies.

It also verifies the monitoring of the work of the teams with regards to intervention models and practices, which must follow the guidelines adopted by the social security services. Furthermore, it includes the training, information and update of the technical-scientific skills of the appropriate people.

In September of 2016, the **Guide to Minimum Intervention Requirements for Domestic Violence and Gender Violence**[22]was created, it advocates a set of minimum intervention requirements by support structures, emergency shelters and shelters. This document, together with Regulatory Decree 2/2018, of January 24th, aims to ensure equal access to services by victims of domestic and gender violence. It also aims to establish the criteria for the certification process of the response systems (care facilities, emergency shelter responses and shelters) of the National Network for Supporting Victims of Domestic Violence.

Failure to comply with legally established requirements for the establishment and operation of shelter responses compromises public funding and, therefore, their existence.

The 39 shelters of the national shelter network, as well as the 173 emergency spaces, are distributed in 16 of the 18 districts of mainland Portugal (covering 83% of the territory) and in both autonomous regions (covering 100% of the territory). Most of the time the victims of domestic violence, due to the risk of repeat crime, are sheltered outside their area of residence. For this reason, the Portuguese state provides a safe and secure transport service, available 24 hours a day, every day of the year, without any charge to the sheltering organisations or to the adult victims and children.

The impact of this relocation, in socio-professional terms, is even foreseen in Law 112/2009, of September 16th, which guarantees that the underage children of the sheltered victims are transferred to a school, without regard to the *numerus clausus*, nearest to their respective shelter and that, under the Labour Code, the victim of domestic violence has the right to be transferred, temporarily or permanently, at his or her request to another facility of the company.

It is important to clarify that a large majority of women who are sheltered are accompanied by their sons and daughters (in fact, children sheltered with their mothers correspond annually to 52% of the persons sheltered in the national network).

In 2013, still under the **4th Plan to Prevent and Combat Domestic Violence**, a protocol was signed between the CIG and the IHRU, I.P. to respond to the housing needs of the victims of domestic violence when leaving the shelter homes. In order to comply with this measure, Law 81/2014 of December 19th, was established to create a new supported housing rental scheme, and which

[22]https://www.cig.gov.pt/2016/09/novo-guia-para-intervencao-em-violencia-domestica-e-de-genero/

regulated article 45 of Law 112/2009, of December 16th, regarding the support for victims of domestic violence to rent a home.

Thus, Article 11 of Law 81/2014, of December 19th, recommends that, when granting a house under a supported housing rental scheme, whenever the conditions of that house allow it, the rental agencies define preferential criteria, namely for single-parent families, persons aged 65 or over, or victims of domestic violence. This decree also provides for an exceptional system determining that households have access to a supported housing rental scheme in cases of urgent and/or temporary housing needs, namely due to: natural disasters, calamities or other situations of vulnerability and social emergency; and if there is physical or moral danger to people, including domestic violence.

In 2017 the CIG, together with the IHRU, I.P., prepared a proposal for an addendum to the protocol currently in force, allowing an expansion of both the beneficiaries of the protocol and the type of support granted. Below are the figures presented by the IHRU, I.P. report related to requests for housing through this protocol and to requests from other procedures/entities (victim support structures and individual persons who, with the Victim Statute, directly contact the IHRU, I.P.).

Table 27 - Requests for housing

Housing requests	2014	2015	2016	2017	Total
Effective housing requests	16	27	30	ND	73
Granted Housing requests	9	16	34	19	78

It is also worth mentioning the protocol signed in 2012 between the bodies working for equality, the Local Administration and the National Association of Portuguese Municipalities (ANMP). **This Protocol calls for a collaborative relationship between the signatory entities in support of the process of empowering victims of domestic violence who have been sheltered,** with a view to their return to their community of origin or to another community, if security and labour market reasons justify such as move. As of December 31st, 2017, the protocol was subscribed to by 131 municipalities (43% of municipalities in Portugal). Within the framework of this measure and the mentioned protocol, an online survey was carried out at the beginning of 2018 among the 308 Portuguese municipalities. 109 municipalities responded to the questionnaire (a 35% response rate).

Under the aforementioned protocol, the Solidary Municipalities can provide the following support:

- Allocation of social housing.

- Low cost rental of municipal houses.
- Support in the search for housing through social welfare services.

For the period under review:

- 269 victims of domestic violence were granted housing support, through the social aid services.
- 57 social housing homes were attributed to victims of domestic violence.
- 40 municipal houses were rented at low cost to victims of domestic violence.

The National Network for Supporting Victims of Domestic Violence presents responses covering three areas: support structures, emergency shelter and shelter. These three responses combine different forms of victim support, which are legal, psychological and social in nature. The response also includes economic support (through the empowering fund or in conjunction with the Social Security Social Aid).

The CIG Resource Guide and the mobile app " AppVD " were launched in October 2017 and provide information covering all the support services available in the country, the ways to file a complaint or request information, and the organisations that guarantee legal support, counselling and psychological support.

Table 28 - The evolution of cooperation agreements and the number of users covered by the social responses to victims of domestic violence (2014-2017)

Social Response	2014		2015		2016		2017	
	Agreements	Beneficiaries	Agreements	Beneficiaries	Agreements	Beneficiaries	Agreements	Beneficiaries
Shelters	29	558	30	568	31	587	32	599
Support Services	15	334	15	334	15	384	17	425

Source: SISS COOP, July 2018

Table 29 - Statistics showing domestic violence against spouses/partners, the abuse of spouses/partners and human trafficking numbers.

Criminal proceedings completed in lower courts from 2013 to 2016 for crimes of: domestic violence against spouse/partner; abuse of spouse/partner and human trafficking.
Defendants in criminal proceedings completed in lower courts from 2013 to 2016 for crimes of: domestic violence against spouse/partner; abuse of spouse/partner and human

trafficking.
Convicted persons in criminal proceedings completed in lower courts from 2013 to 2016 for crimes of: domestic violence against spouse/partner; abuse of spouse/partner and human trafficking.

Year			2016			2015			2014			2013		
Against people	Against physical integrity	Domestic violence against spouses or similar	2832	2954	1528	2590	2700	1432	2258	2339	1275	2663	2782	1430
		Abuse of spouses or similar	4	8	..	4	8	3	7	8	3	16	25	78
	Against personal freedom	Human Trafficking	4	18	10	3	6	..	4	31	22	6	28	9

Notes on defendants

(a) The number of defendants takes into account the most serious crime in the proceedings

b) The proceedings which are not decided, remitted to another entity, incorporated or integrated are not accounted for

Notes on convicts

The number of convicted persons takes into account the most serious crime for which they were convicted

b) The proceedings which are not decided, remitted to another entity, incorporated or integrated are not accounted for

General notes

a) As of January 2007, the data collection method has been changed and the data is collected directly from the courts' computer system.
b) Date of last update: 31 October 2017
c) Result null/protected by statistical confidentiality

Examples of the application of the law

Decisions of the Court of Appeal of Coimbra, of January 2013 16th. Crime of domestic violence - mental abuse - dignity of the human person - depriving the spouse of access to water, gas, electricity, telephone and mail, in the house where they both lived - Article 152 of the CP[23].

Judgment of the Court of Appeal of Guimarães, March 3rd, 2014. Domestic violence - Aggravation of domestic violence crime, as a result of being practiced in the presence of a minor (Article 152 (2) of the CP) - intention of the legislator to extend criminal protection to vulnerable persons who may become "indirect" victims of the abuse initially directed at other persons[24].

Economic protection of families: Vulnerable families

"The Committee consequently asks what measures are taken to ensure the economic protection of Roma families."

The **National Strategy for the Integration of Roma Communities 2013-2020 (ENICC),** approved by the Council of Ministers Resolution 25/2013 of April 17th, is based on a model that includes the involvement of the organisations responsible for areas requiring particular attention through its representatives, namely the following: ACM (Coordinator), Commission for Gender Equality (CIG), Santa Casa da Misericórdia de Lisboa, General Directorate of Reintegration and Prison Services, Police (PSP), National Republican Guard (GNR), Directorate General of Education (DGE), Directorate General of Education and Science Statistics (DGEEC), Housing and Urban Rehabilitation Institute (IHRU), Institute of Employment and Professional Training (IEFP) and Directorate General of Health (DGS).

Currently under revision are the Priorities and Measures under the responsibility of the ISS, I.P. at ENICC, and these aim to:

1. Develop an integrated and multisector approach and action with the active participation of Roma people, their families and the representatives of Roma communities in social action;

2. Strengthen the qualification of professional skills in the support and social accompaniment of the Roma people, their families and communities;

3. Monitor and optimize the social accompaniment of the Roma people, their families and communities.

Throughout 2014, 2015, 2016 and 2017 the ISS I.P. collaborated in:

1. Strategy monitoring;

[23] http://www.dgsi.pt/jtrg.nsf/86c25a698e4e7cb7802579ec004d3832/06646d98a1cbe65880257aa0003eed7e?OpenDocument
[24] http://www.dgsi.pt/jtrg.nsf/86c25a698e4e7cb7802579ec004d3832/9577fd5f9c32918080257ca10059c2cd?OpenDocument

2. Releasing joint reports when there was a need for coordination among ministries on some specific topic;

3. Providing opinions on documents produced within the ENICC;

4. Elaborating on the ENICC Annual Report;

5. Collecting quarterly statistical information on the support/social monitoring of Roma beneficiaries within the scope of social action and RSI;

6. E-mailing the social network counterparts for the collection of data on the initiatives developed on the ground within the scope of ENICC or other related matters to the Roma communities;

7. Providing Roma community training courses for ISS, I.P. employees (technicians and senior technicians working on triage and social care in collaboration with the ACM);

8. Conducting the "Exploratory longitudinal study of Roma people beneficiaries of social action measures/RSI" on behalf of the GPE;

9. The involvement of NGOs and associations representing Roma people in the 278 CLAs at a national level. Within these, there are 13,977 partner organizations dealing with specific social intervention issues including intervention with Roma communities;

10. Quarterly monitoring of anonymous data, the systematization of mediator use and the number of visits to the Roma community within the scope of social action and RSI;

11. Identifying the use of mediators to work with the Roma community, in partnership with internal and external teams, through atypical agreements and RSI Protocols.

Because of the **General Data Protection Regulations** (GDPR) and since a specific framework for the monitoring of Roma data is difficult (since registration is carried out from a non-discriminatory perspective), it is difficult to identify specifically which families/beneficiaries of support measures belong to the Roma community.

According to the Social Security District Centres, in the context of support and social action, in the 4th Quarter of 2017 there were families identifying themselves as belonging to the Roma ethnic group and they made up a considerable number of beneficiaries of the Social Integration Income [RSI]. Most of these beneficiaries were women, with a significant portion of them under the age of 16.

In this context, the legal changes to the Social Integration Income Scheme included the ones operated by Decree-Law 90/2017, of July 28th, and by Ordinance 253/2017, of August 8th.

The RSI consists of a cash allowance, which is a universal, transitional right that does not depend on a discretionary evaluation but on established criteria. The RSI also has an integration program that is built on an articulated and coherent set of actions, phased over time and established according to

the characteristics and conditions of the household of the benefit applicant, with a view to the full social integration of its members (article 3 of Law 90/2017, of July 28th).

In the award of the RSI, an Integration Agreement[25] is established, which is embodied as a set of actions. It is established according to the characteristics and conditions of the applicant and the members of their household. It aims to encourage the autonomy of families through work and other forms of social integration.

It includes:

- Integration action defined according to the characteristics and living conditions of the beneficiaries;
- Integration support and measures;
- Rights and duties of the holder and the members of his/her household who are bound by the integration contract;
- Accompanying measures to monitor compliance with the integration contract to be carried out by the relevant services;
- The signing and compliance of the contract, if it meets the conditions for work, requires active availability for appropriate work, socially necessary work, socially useful activity, vocational training or other forms of adequate training;
- When the integration contract establishes occupational integration action, promoted by public employment services, the beneficiaries are obliged to accept a personal employment plan, which becomes an integral part of their employment contract;
- The integration contract must be concluded by the beneficiary within a maximum period of 45 days after the award of the Social Integration Income, and, if applicable, by the other members of the household who must comply with it.

The publication of the legislative amendment to the Social Integration Income Scheme (Decree-Law 90/2017 of July 28th and Ordinance 253/2017 of August 8th) has supported the benefit and reinforced its integrative and inclusive vision.

Thus, the RSI is a measure aimed at poverty reduction, especially in its most extreme forms, differing from other social support and benefits by including a component of integration and inclusion.

It has been strengthened in its effectiveness through a set of legislative changes, which consolidate its capacity to protect the most fragile and vulnerable groups.

The reinstatement of the protection levels to families living in poverty, which began in 2016, is one of political pillars of the 21st Constitutional Government, whose objective is to gradually and consistently reintroduce coverage levels adequate to this benefit.

The change in the scale of equivalence, as it translates to an increase in the percentage of the amount granted to each individual, made sure that larger and deprived families would not be

[25] Practical Guide - Social Integration Income (February 21st, 2018).www.seg-social.pt

jeopardized. The changes recommended by the current legislative review include the reassessment of the general requirements and conditions for the award of the benefit, namely with respect to the legal residence by national citizens and legal residence by nationals of a non-member state of the European Union.

The value of the Social Integration Income corresponds to a part of the Social Support Index (IAS) and the awarded amount varies according to the composition of the applicant's household and according to the following rules: the applicant receives 100% of the RSI value; for each person of age, they are entitled to 70% of the value of the RSI and for each child or young person, they are entitled to 50% of the RSI value.

The maximum RSI that can be claimed corresponds to the sum of the following values for each household member, which currently corresponds to:

Table 30 - Social Support Income

By the beneficiary	186.68€ (100%) of the RSI value
For each person of age	130.68€ (70%) of the RSI value
For each minor individual	93.34€ (50%) of the RSI value

Local management of Social Integration Income is based on organisations called Local Integration Centres created by Order 1810/2004 (2nd series) of January 27th. The Local Integration Centres, with a total of 294 (data from July 2017), are multisector operational structures that aim to ensure the development of the RSI in their respective areas.

The Local Integration Centres have a municipal approach constituting their territorial scope of intervention with responsibility for the award of the RSI benefit, the integration program and the coordination and collaboration with other entities.

The Local Integration Centres, whose coordination is the responsibility of the social security representative, include representatives of public bodies, institutions responsible for social security, employment, vocational training, education, health and local authorities. They may also include representatives of other public or private non-profit organizations that are active in their geographic area, and commit themselves to creating effective inclusion opportunities.

The competent management entity, that is, Social Security, may conclude a contract by means of a specific protocol with a private social security institution or another organization that pursues the same purpose and also with local authorities, to carry out accompanying measures with RSI beneficiaries, i.e. to follow-up the integration contracts.

On the basis of the experience gained, the integration agreements take into account the social situation of RSI beneficiaries in order to adapt them to the reality of each community and to increase their rigor and adequacy in terms of the intervention and resources allocated.

The development and implementation of these protocols are subject to specific rules concerning the award criteria, the obligations of each organisation, the termination clauses and the financed costs, in accordance with Order 451/2007, of January 10th.

Accompanying measures for the beneficiaries of the RSI include the diagnosis of the family situation, preparation of the social report; the negotiation and preparation of the integration program and the implementation and follow-up of the integration program.

The accompanying measures are carried out by a multidisciplinary technical team whose constitution is defined by the board of the Social Security Institute, I.P.

In December 2017, 211 RSI protocols were in force, totalling about 41,810 households. These protocols involved 712 senior technicians and 732 field staff.

In December 2017, there were a total of 197,569 RSI beneficiaries in Portugal, with an average allowance of €115/per beneficiary per month, covering 91,640 households with a monthly average allowance of €251 euros[26] per household, with the average duration of the allowance being 32 months.

The Social Integration Income and its management costs is funded by the State Budget, in the terms established by the Social Security Law (Article 38, of Decree-Law 90/2017, of 28 of July), totaling €43,461,180 (Management Indicators, 2017).

According to data contained in the Management Indicators document (December 2017), actions targeting RSI beneficiaries were carried out in different areas to increase compliance with the Integration Agreements, namely the following amounts:

Table 31 - Integration Agreements

Scope	Education	Vocational Training	Employment	Health	Social Aid	Housing	Others
Number of actions	3,522	2,509	10,937	6,759	9,836	923	3,360

Up to December 2017, 94,824 beneficiaries were reached in a total of 37,846 integration actions.

IEFP, I.P. in the continuation of its work, strictly complies with national legislation, the recommendations issued by the organizations that supervise the application of these matters and does not discriminate in any way.

IEFP, I.P. seeks to respond to the specific contexts and characteristics of its beneficiaries, defining methodologies, models of approach and procedures that are more adequate and effective for their

[26] MANAGEMENT INDICATORS. December 2017 - Planning and Strategy Department- Planning, Control and Management Unit, ISS, I.P.

professional integration. It participates in national strategies in order to collaborate in the construction of a more equitable and cohesive country by adopting those strategies in the design of actions adjusted to address the problems of more vulnerable groups.

The Roma community is one of the most vulnerable in terms of their social inclusion, highlighting cases of poverty, exclusion and delinquency. These difficulties emerge from the alienation of this community, in particular being affected by its values and traditions, leading to low levels of schooling, significant rates of failure and school drop-out and to the pursuit of professional activities which are losing their place in a market plagued by accelerated technological developments, which also contributes to the employability of this group of workers.

Within the framework of its tasks and in accordance with the principles governing public service, IEFP, I.P. has, through a targeted approach, promoted the access of Roma communities to employment and, therefore, promoted their integration into the mainstream and the safeguarding of their necessary financial support.

In relation to this, we highlight the following actions:

- Promoting the registration in employment centres of unemployed persons belonging to Roma communities, identified in the framework of other interventions and through relevant entities and structures that locally accompany these communities, namely the Local Insertion Centres (NLI) and Local Social Development Contracts (CLDS +);

- Referral and integration into employment and training measures or other action promoting the employability of this group;

- Development of awareness-raising action with employers and other institutions, with a view to promoting active employment and training measures as instruments to support the integration of Roma workers;

- Support in signalling and referral of the unemployed to other organizations and responses, if justified, in coordination with the CLDS and also with technical coordination.

The **National Strategy for the Integration of Roma Communities 2013-2020,** in which the IEFP, I.P. participates as the entity responsible for the operationalization and monitoring of the measures included in the axis dedicated to Training and Employment, acts as a framework for its action.

The priorities given to the IEFP, I.P and which integrate these measures are as follows:

- Promote a greater knowledge of Roma communities;

- Provide training services and adapt training responses to the specific needs of these communities;

- Enhance access to employment and job creation;

- Increase professional qualifications with a view of integration into the labour market;

- Develop an integrated approach to the communities, favouring the work carried out in partnership;
- Revitalize the traditional activities of Roma communities for their socio-professional integration
- Develop information and awareness-raising action and dissemination of good practices.

In order to facilitate the operationalization of ENICC, a preferential interlocutor has been designated in each Employment Service to interact with other organizations working directly with Roma communities.

The ENICC originated the formal definition of internal guidelines on the procedures and responsibilities of the various departments making up the body of the IEFP, I.P. (on a central, regional and local level) and the list of measures to be favoured as a response to the Roma community. This definition, materialised in Technical Guidance 4 of February 2018, is still in force.

The statistical data we have appended for the period between 2014 and 2017 illustrates the commitment of the IEFP, I.P., as co-responsible for the pursuit of its priorities as a partner of ENICC.

Table 32 - Roma Community: employment measures

Roma Community					
Employment measures		**2014**	**2015**	**2016**	**2017**
CEI / CEI+	Referred	31	84	89	138
	Integrated	13	34	38	55
Internships	Referred	1	2	4	1
	Integrated	1	2	2	1
Active youth employment	Referred	ND	ND	ND	ND
	Integrated	ND	15	4	3

Table 33 - Roma Community: Actions

Roma Community				
Actions	**2014**	**2015**	**2016**	**2017**
Number of candidates flagged as covered by ENICC	1,065	2,485	3,159	3,962
Number of interventions addressed to ENCC candidates	2,298	4,226	6,027	11,024
Number of referrals addressed to ENICC candidates	485	2,081	2,269	2,583
Number of candidates integrated in vocational training measures	224	985	997	1,047
Number of candidates integrated in employment measures	15	52	54	59
Number of candidates submitted to job vacancies	56	335	572	887
Number of candidates placed on the labour market, as an employee	1	17	62	98
Number of contracted Personal Employment Plans	1,065	308	528	988
Number of candidates referred to Recognition, Validation and Certification of Competence (RVCC)		1	6	23
Number of candidates integrated in RVCC		1	1	
Number of candidates benefiting from individual orientation intervention		362	740	498
Number of candidates benefiting from collective counselling intervention		193	351	

Economic protection of families: Equal treatment of foreign nationals and stateless persons with regard to family benefits

"The Committee asked for specific information on the length of residence required and has reserved its position on this point. The report does not provide the information requested and the Committee repeats its question."

The Basic Law 32/2002, of December 20th, established in its article 64[27] the residence in national territory as a general rule of access to the benefits of the subsystem of family protection, not establishing any minimum period for their entitlement. The same rule is foreseen in article 47 of the current Basic Law (Law 4/2007, of January 16th) which repealed the aforementioned law.

Also Decree-Law 176/2003, of August 2nd, in its current wording (which defines and regulates protection in the event of family expenses, and without prejudice to any international instrument to which Portugal is bound, including community legislation and international social security agreements) provides that, in addition to national citizens who usually live in the national territory, foreign citizens, refugees or stateless persons with a valid residence permit in the Portuguese territory or in a similar situation, are entitled to social protection and does not provide for the existence of minimum periods of residence for access to family allowances.

[27] Article 65 - Conditions for entitlement

1 - It is a general condition for entitlement to the protection provided for in this section to reside in national territory.

2 - The law may provide for special conditions of entitlement depending on the contingencies to be protected.

Article 17 – The right of children and young people to social, legal and economic protection

Paragraph 1 – Assistance, education and training

According to the **CRP,** children have the right to protection by society and the state, with a view to their overall development, especially against all forms of abandonment, discrimination and oppression and against the abusive exercise of authority by the family and other institutions. It is also the responsibility of the state, under the CRP, to provide special protection to children who are orphaned, abandoned or in any way deprived of a normal family environment.

Through the scope of social security, **Law 4/2007, of January 16th** guarantees the prevention and reparation of cases of social dysfunction, exclusion or vulnerability. It also includes the integration and community promotion of people and the development of their capacities, through the social aid subsystem, ensuring special attention to the most vulnerable groups of society, including children and young people.

Therefore, during the reference period, in relation to the full application of the social rights of children and young people, **Decree-Law 121/2010, of October 27th,** regulates the legal regime of *Civil Sponsorship,* approved by **Law 103/2009, of September 11th,** specifying the requirements and procedures necessary for a person to sponsor a child.

Civil sponsorship is a legal relationship of a family type that is constituted between a child or young person under 18 years of age and a natural person or family, to whom parental responsibilities are attributed, and between whom affective bonds are established. It has a permanent nature and results from a judicial decision or a compromise between the parties approved by the Court and is subject to civil registration.

Parents and other members of the biological family have the right to visit, maintain their relationship with the child or young person and follow-up on their development (such as school progression and health). The biological family also assumes the duty of collaboration with the sponsors, and any child or young person under the age of 18 can be sponsored, as long as they cannot be adopted.

There are several entities that may request that the child or young person be sponsored and they are: the Public Prosecutor's Office, the Commission for the Protection of Children and Young People

at Risk, the Social Security Agency, the parents of the child or young person and the child if he/she is over 12 years old).

The child or young person can be sponsored whenever adoption is not possible and if there is a situation of danger confirmed by the CPCJ or a promotion and protection measure is being implemented in their favour. Thus, the CPCJ may, on its own initiative, propose civil sponsorship, establishing a sponsorship commitment that depends on the approval of the court. Following the approval, the CPCJ initiates their own process to follow-up on the support provided in article 20 (2) of Law 103/2009, of September 11th.

In 2017, CPCJs proposed the civil sponsorship of 11 accompanied children. In 9 of those situations it was not possible to establish a sponsorship commitment. In the two cases in which a civil sponsorship commitment was established, this was approved by the court.

On the other hand, **Ordinance 139/2013, of April 2nd,** established the intervention, organization and operation of *Family Support and Parental Counselling Centres (CAFAP),* which are specialized support services for families with children and young people. They are dedicated to the prevention and repair of cases of psychosocial risk through the development of parental, personal and social skills of families.

Law 142/2015, of September 8th, introduced a second amendment (the first was introduced by Law 31/2003, of 22 August, changing the adoption legal framework), to **Law 147/99 of 1 September 1st,** which established the legal regime for social intervention by the state and the community in cases of children and young people in danger and lacking protection.

This amendment was made due to change in the framework concerning measures in the natural environment and foster care, by providing for a transitional provision stipulating that until the entry into force of a proper diploma, foster houses operate in an open regime. This creates the freedom of the child and the young person to enter and exit the house, according to the general rules of operation, with the only limits being their educational needs and the protection of their rights and interests.

Law 23/2017, of May 23rd, introduced the third amendment to the law, allowing the measures of promotion and protection of support for autonomy of life or foster care to be in place until the child is 25 years old, defining the underlying assumptions.

These legal changes cover children and young people in danger who reside or are in national territory.

Referral of Promotion and Protection Proceedings to Court

After a case is flagged, the **CPCJ carries out preliminary inquiries that allow it to decide whether or not to open the Promotion and Protection Proceedings (PPP), which correspond to the preliminary analysis stage.** After deliberation on the opening of proceedings, the CPCJ collects from the parents, legal representative or the de facto custodian their consent to the intervention. They also obtain consent from the child or young person who is over 12 years old (or younger if she/he can understand the meaning and scope of the intervention).

The referral of a PPP to the court after its necessary archiving in the respective CPCJ **results from several situations,** namely the absence of consent for the intervention, the report to a competent court, if its annexed to a judicial process, the **application of urgency procedure** (under article 91 of the LPCJP), the opposition of the child or young person, the situation of adoption, and the absence of a decision by the CPCJ after 6 months.

Table 34 - Referral of Promotion and Protection proceedings to Court (after intervention) ; 2013 - 2017

	2013	2014	2015	2016	2017
Total of PPP send to Court	5 305	5 823	7 783	6 377	6 744
PPP send with Urgency Notice	95	130	151	160	160

As can be seen, in recent years there has been an increase the number of cases referred to a court, after an intervention, which is reflected in the cases referred to under Article 91 of the LPCJP.

It should be noted that this emergency procedure takes place whenever there is a present or imminent danger to life or a serious impairment of the physical or psychological integrity of the child or young person together with the absence of consent from the holders of parental responsibilities or of those who have custody.

In these circumstances, any of the competent organisations in matters of childhood and youth or the *Commission for Protection (CPCJ),* take the appropriate measures for the person's immediate protection and request the intervention of the court or police authorities, reporting the case to the Public Prosecutor's Office (or, when this is not possible, as soon as this impossibility ceases).

Specifically, and until an intervention by the court is possible, the police authorities remove the child or young person from the danger she/he is in and ensure her/his emergency protection in a foster family, in the premises of a specialist childhood and youth organisation or at another suitable place. On the other hand, the Public Prosecutor's Office, upon receipt of the communication made by any of the entities referred to above, immediately requires the competent court to proceed with an urgent legal action.

Protection of children against ill-treatment and abuse

It should be noted that, in addition to the amendments to Article 152 of the Criminal Code introduced with Law 59/2007, of September 4th, it was also Law 19/2013, of September 21st, that introduced significant changes.

Article 152 (domestic violence) states that, whoever repeatedly or not inflicts physical or psychological ill-treatment, including corporal punishment, deprivation of liberty and sexual offenses against the spouse or former spouse; the person of another or of the same sex with whom the agent maintains or has maintained an intimate relationship or similar to that of the spouses, even without cohabitation, the parent of common descendant in the 1st degree; or a particularly defenceless person, in particular on account of age, disability, illness, pregnancy or economic dependency, who cohabits with them; shall be punished with imprisonment from one to five years, if a more severe penalty is not imposed under another legal provision.

In this case, if the perpetrator acts against a minor, in the presence of a minor, in the common domicile of a minor or at the victim's home, they shall be punished by imprisonment of two to five years.

If, from the facts provided for in paragraph 1 of this article, serious physical offense is inflicted, the perpetrator shall be punished by imprisonment for two to eight years. If the offence results in death, the perpetrator shall be punished with imprisonment from three to ten years. The accused may be punished with additional penalties such as the ban on any direct contact with the victim, the prohibition to use and possess firearms for a period of six months to five years, and the obligation to attend specific domestic violence prevention programs.

The additional penalty of non-contact with the victim must include the removal of the perpetrator from the victim's home or place of work and compliance with the sentence must be supervised by remote control devices. Anyone who is convicted of a crime under this article may, given the specific gravity of the act and its connection with the function exercised by the agent, be disqualified from exercising parental responsibilities, guardianship or custody for a period of one to ten years.

Article 152-A (ill-treatment) defines these crimes as being committed by those who: take care of, have the responsibility for guiding or educating, or have working for them an underage or particularly defenceless person. A defenceless person is defined on the grounds of age, disability, illness or pregnancy. The crimes committed are defined as being committed repeatedly or not and as inflicting physical or mental ill-treatment, including corporal punishment and deprivation of liberty. The list also includes sexual offenses or cruel treatment; employing the victims in dangerous, inhumane or forbidden activities; or overburdening them with excessive work. Such crimes shall be punished with imprisonment from one to five years, if a more severe penalty is not imposed under another legal provision.

If these acts result in serious physical offense, the agent shall be punished with imprisonment for two to eight years; if it results in death the agent shall be punished with imprisonment from three to ten years.

Examples of application of the law - ill-treatment of minors

Decision of the Court of Appeal of Coimbra, dated 28 January 2009. Child ill-treatment- Power of correction - Corporal punishment applied by an education assistant - Upholding the sentencing decision of the lower court[28].

Decision of the Court of Appeal of Porto, 22 September 2010. Ill-treatment of minors - The teacher does not have the right to inflict corporal punishment on the student - Article 152-A (1) (a) of the Criminal Code[29].

[28] http://www.dgsi.pt/jtrc.nsf/0/4ebd8d4f6e59e4848025755c004e23db?OpenDocument

[29] http://www.dgsi.pt/jtrp.nsf/d1d5ce625d24df5380257583004ee7d7/74089283d393daa8802577d60040df9b

Replies to the European Committee of Social Rights

Paragraph 1 – Assistance, education and training

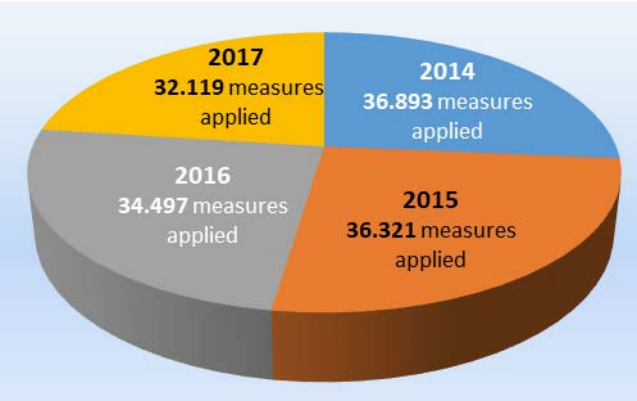
Children in public care

"The Committee asks what measures are taken to decrease institutionalisation."

Having described the promotion and protection measures in Article 7.10, we will present the statistical data on the application of these measures (by number and typology) by the CPCJs over the last few years, seeking to respond to the questions put by the Committee.

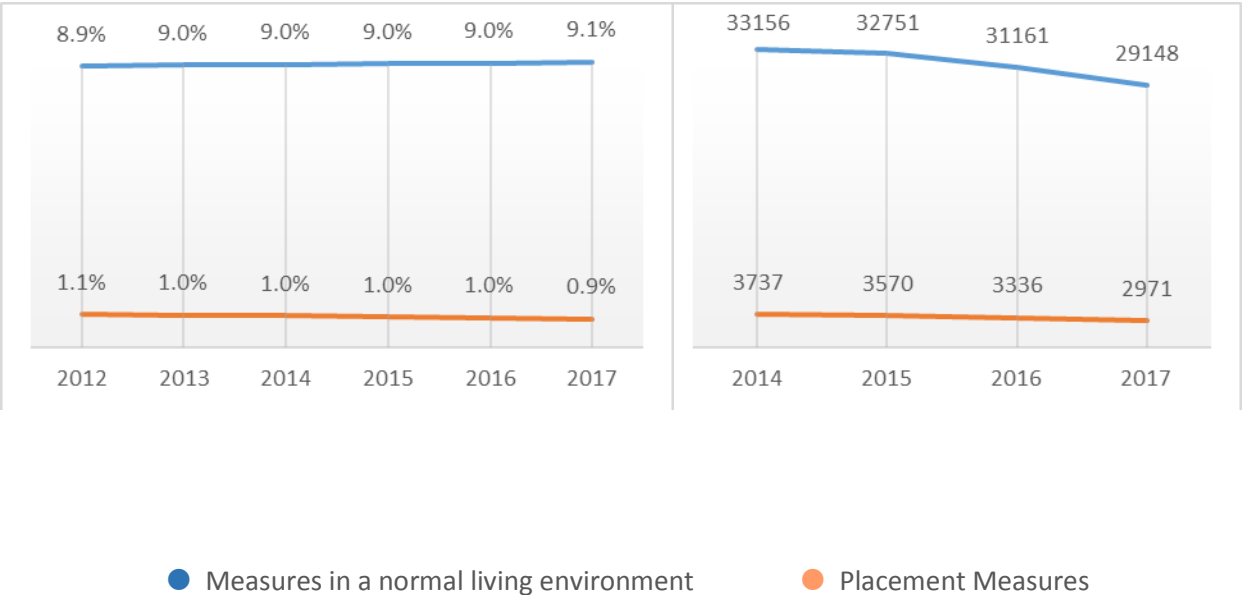
Considering the period from 2014 to 2017, we have seen a steep downward trend, especially in the last two years, in the total number of measures implemented by the CPJCs.

Figure 10 - Total number of Promotion and Protection Measures; 2014 - 2017



The vast majority of promotion and protection measures are carried out for those in **a normal day-to-day living environment,** between 80% and 90%; whilst the measures carried out based on a placement regime are only around 9% - 10%.

Figure 11 - Promotion and protection measures



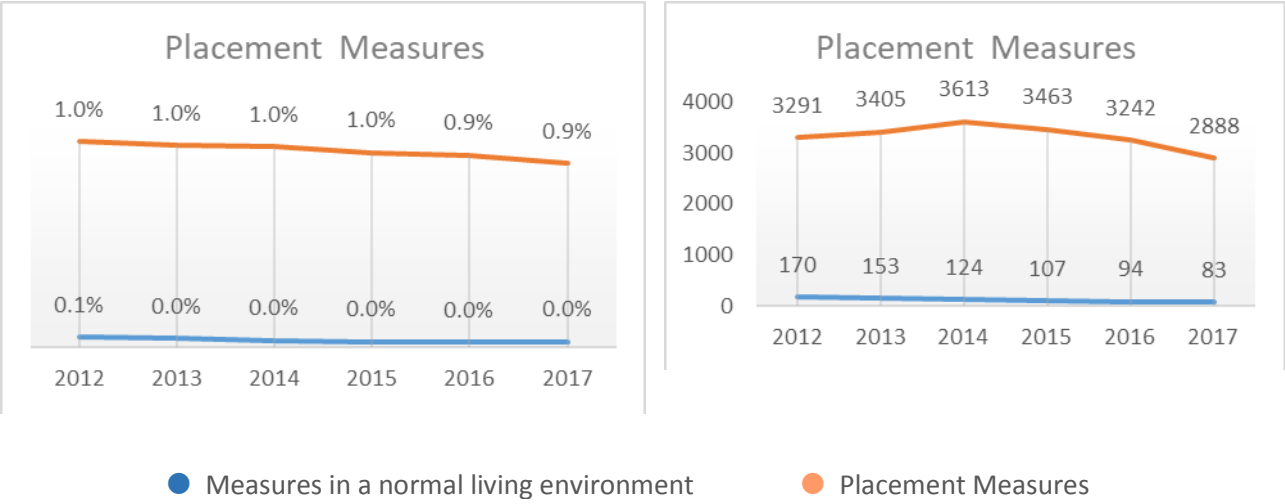
In terms of promotion and protection measures carried out in a **normal living environment,** the most applied measure over the last four years has been the **support measure for the parents,** followed by the **support for another relative;** the least implemented measures at this level were the measures of **entrusting to an ideal person** and the **support for autonomy of life** (see below).

Table 35 - Measures of Promotion and protection applied in Natural Environment (2014 - 2017)

	2014	2015	2016	2017
Support for autonomy of life	255	225	207	210
Entrusting to an ideal person	553	507	467	379
Support to another relative	3 797	3 714	3 427	3 101
Support to the parents	28 551	28 305	27 060	25 458

In the context of the implementation of measures under a placement scheme, which have a very low percentage of application, the highest incidence is in institutionalisation measures (ranging from 10.1% to 9.0%). Measures in a **foster care** scheme range from 0.5% to 0.3% of all placement measures applied.

Figure 12 - Promotion and Protection Measures on a Placement Scheme



"In its previous conclusion the Committee asked for information on the number of violations of the rights of children in care and whether there was a specific procedure for complaining about the care and treatment in institutions. The Committee notes that the report does not provide this information."

Residential Institutions Care Complaint Mechanism

In all public institutions, it is mandatory to make a c**omplaints book** available**,** which acts as a promoter of citizenship by allowing a complaint to be immediately submitted, while facilitating oversight because it ensures that all complaints arrive at the respective regulatory authority (in this case, although it needs to be confirmed, this regulator should be the ISS IP).

In view of its attributions (see Decree-Law 159/2015 of August 10th and Decree Law 139/2017 of November 10th), namely the coordination, monitoring and evaluation of the actions of public bodies and the community in the promotion of the rights and protection of children and youth, **the National Commission receives and reviews the complaints submitted by citizens for reasons related to the work of the Commission for the Protection of Children and Young People (CPCJ)**, forwarding them to the necessary organisations where necessary (read, Prosecution in the case of matters concerning procedural legality).

It should be noted that the rights of children and young people are included in the LPCJ, the exercise of which allows them to complain about their protection. They should enjoy positive treatment both

in their homes and in their host families, namely to be “actively heard and participate in all matters of interest to them, including those relating to the definition and execution of their promotion and protection project and to the functioning of the institution and the host family”. They also should have the right to “contacting, with a guarantee of confidentiality, the protection commission, the prosecutor’s office, the judge and their lawyer.

However, in Portugal, although both the mentioned entities as well as others are available (SOS Child Service, Ombudsman’s Office, Social Emergency Line of the Social Security Institute) to whom children and young people can appeal in case of complaint, the legislation also provides for the appointment of a case manager. The case manager is appointed by the CPCJ or Court to monitor the implementation of promotion and protection measures which, in the near future, should establish a relationship of trust with children and young people. These measures can create the necessary conditions for the case managers to be, amongst other duties, the external and impartial reference figures for any complaints and/or to be informed of other ways of reporting, as well as ensuring an integrated, coherent intervention and the mobilization of the necessary resources for satisfaction of the needs of each child/youth.

In this context, it should be noted that the state agencies responsible for monitoring these social responses have established a common mechanism called the Telematics Network for Common Information (RTIC), within the framework of Decree-Law 156/2015 and respective amendments introduced by Decree-Law 371/2007, of November 6th.

It is through this mechanism that it is possible to measure and respond to all of the complaints that have been filed with the social responses directed at children and young people in danger, which, together with the follow-up of the cooperation agreements carried out by these institutions, has promoted greater transparency in the follow-up of responses and in the promotion of safeguarding the rights of children and young people (see table below).

In the context of technical follow-up to cooperation agreements, it should be noted that there has been a gradual increase in technical assistance with the intervention and cooperation agreement in all areas of social response, especially in relation to children. Plus there has been a joint follow-up in the area of cooperation and the area of childhood and youth, which has promoted a change in the procedures and instruments in force under the ISS, IP and in the institutions that invigorate social responses.

It should also be remembered that the decision to apply a promotion and protection measure within the scope of the LPCJP is incumbent upon the Commission for the Protection of Children and Young People, provided that there is consent by the parents or by whoever has been given competence to represent the child, young person (Article 9 of the LPCJP) or by the Court (Article 11 of the LPCJP).

In the case of complaints registered in the Telematics Network of Common Information, the following is the summary of complaints filed in the period 2004-2017 related to social responses directed at children and young people in danger.

It is observed that in the foster homes, where the number of complaints is more significant, there is a downward trend in complaints over the four years under review.

Table 36 - Evolution of the number of complaints and denunciations in social responses addressed to children and young people in danger

Social Response	2014	2015	2016
	Claims/Reports	Claims/Reports	Claims/Reports
Street support team for children and young people	2	1	2
Shelters	22	21	10
Family shelter for children and young people	0	1	0

Whenever there are complaints or signs of ill-treatment within the scope of residential placement, these are reported to the Public Prosecutor's Office - Department of Investigation and Criminal Action.

Table 37 - The number of technical follow-up to social response cases (within the solidarity network and licensed establishments) registered within the SISS COOP computer application, aimed at children and young people in danger

	CAFAP			Casa de Acolhimento			Apartamento Autonomização		
C. Dist	2014	2015	2016	2014	2015	2016	2014	2015	2016
Aveiro	5		4	10	11	17			
Beja	1		1	1	4	1			
Braga	1				11	10			
Bragança				7	8	7	1	1	1
Castelo Branco				4	6	7			
Coimbra	2	1	2	12	20	4			
Évora	1			1	3	2			
Faro	1	1	2	10	12	13			
Guarda				8	6	3			
Leiria				26	30	26			
Lisboa		1	10	12	17	6			1
Portalegre		1		4	2	2			
Porto	5		3	4	3	4	1		2
Santarém	1	3	1	16	15	3			
Setúbal	1			17	13	5			
Viana do Castelo				7	2	2	1	1	
Vila Real				6					
Viseu				8	2	2			
TOTAL	18	7	23	153	165	114	3	2	4

Subtitles:
Casa de Acolhimento: **Shelters**
Apartamento Autonomização: **Flat Autonomization**

Source: DataMart, 07-17-2018

"The Committee asks what the criteria are for the restriction of custody or parental rights and what the extent is of such restrictions. It also asks what the procedural safeguards are to ensure that children are removed from their families only in exceptional circumstances. It further asks whether the national law provides for a possibility to lodge an appeal against a decision to restrict parental rights, to take a child into public care or to restrict the right of access from the child's closest family".

Legal criteria limiting the exercise of parental responsibility

Under the terms of the CC, the following are deemed to be automatically disqualified from the exercise of parental responsibilities: those definitively convicted of a crime to which the law assigns this effect[30], those who have been forbidden, those who have been incapacitated due to

[30] Anyone who is convicted of a crime against freedom or sexual self-determination/crimes of a sexual nature against children may be subject to an additional penalty of disqualification of parental responsibility, taking into account the

psychological anomaly and those absent since the appointment of the provisional guardianship. Minors who are not emancipated together with the prohibited and disqualified persons previously mentioned (Article 1913 of the CC) are considered to be ineligible to represent the child and to administer their property.

At the request of the Public Prosecutor's Office, of any of the minor's relatives or of his/her guardian, *de facto* or *de jure*, the court may order the disqualification of the exercise of parental responsibilities when any of the parents culpably infringes the duties towards the children, with serious prejudice to them, or when, due to inexperience, illness, absence or other reasons, she/he is not able to comply with those duties. It may be a full disqualification or limited to the representation and administration of the children's assets; it may cover either parents or only one and refer to all children or only one or some (Article 1915 of the CC).

The disqualification of the exercise of parental responsibilities in no case exempts parents from the obligation to feed their children (Article 1917 of the CC).

Where the safety, health, moral upbringing or education of a minor is in danger and does not entail a disqualification of the exercise of parental responsibilities, the court may, at the request of the Public Prosecutor's Office or of any of the persons referred to in Article 1915 (1), put in place the appropriate measures, namely to entrust the children to a third person or to an education or care institution (Article 1918 of the CC).

When any of the provisions referred to in Article 1918 of the CC have been enacted, parents shall exercise their responsibilities in all that is not irreconcilable with the law. If the minor has been

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seriousness of the act and its connection with the function required by the agent, for a period of 2 to 15 years (Article 179 of the Criminal Code).
The same can happen to those convicted of domestic violence (Article 152 (6)), for a period of 1 to 10 years.
Decision by the Lisbon Court of Appeal, 04-15-2008, Assumptions of the inhibition of the exercise of parental responsibility - Faulty violation of the duties towards the children and the seriousness of the injury resulting from this violation - Practice of acts of a sexual nature by the father with his own children - the disqualification of the exercise of parental power is Irrelevant of the sexual orientation of the father.
Available in: http://www.dgsi.pt/jtrl.nsf/33182fc732316039802565fa00497eec/0a704b2bcfa2a853802574420035682b?OpenDocument
Decision by the Lisbon Court of Appeal, 22-02-2007. Adoption - Inhibition of paternal responsibilities- Inability of the biological mother to provide care and affection appropriate to the child's needs, taking into account her age and situation - Permanence of the child in an institution only with a view to being placed in the custody of the candidate with a view to its adoption.
Available in: http://www.dgsi.pt/jtrl.nsf/33182fc732316039802565fa00497eec/be33be15c31025c3802572de00365a7d?OpenDocument

entrusted to a third person or to an education or care establishment, a system of parental visits shall be established, unless the child's best interests advise against it (Article 1919 of the CC).

Procedural safeguards to ensure that children are only removed from their families in exceptional situations

Reiterating the provisions in Article 36 of the Constitution, the CC provides that minors may not leave or be removed from their parental home or from the one that the parents assigned to them. If they leave or are removed, either parent or, in case of urgency, the persons to whom they have entrusted their child, may claim the child, using, if necessary, the court or competent authority (Article 1887 CC).

In 2015, a comprehensive reform of children and young people laws was carried out, and Law 141/2015, which established the general regime of the civil guardianship process, Law 142/2015, which makes the second amendment to the law on protection of children and young people in danger, and Law 143/2015, which defines the legal regime of the adoption process, were published simultaneously on September 8th.

Underlying all these legal texts are guiding intervention principles in order to consolidate the children's participation and hearing, the maintenance of deep psychological relations, the promotion of positive parenting and parental conflict management, and the predominance of family care in relation to residential care, especially for children up to 6 years of age, the legal representation of children and parents and the technical rigor and harmonization in adoption processes.

Focusing now on the Law on the Protection of Children and Young People in Danger (LPCJP)[31], approved by Law 147/99, of September 1st, in addition to the first amendment introduced by Law 31/2003, of August 22nd, it was again amended by Law 142/2015, of September 8th and by Law 23/2017, of May 23rd.

The LPCJ applies to all children and young people in danger who reside in or are present in national territory and by this last revision, a person is considered a child if they are under 18 years of age or if

[31]The LPCJP has structured social and administrative action and judicial intervention, this being subsidiary to the former, that is, the promotion of the rights and the protection of the child or young person in danger are primarily the responsibility of the public and private entities competent in matters of Children and Youth, of the Protection Committees and, ultimately, of the Courts, where the intervention of the Protection Commissions cannot take place due to lack of consent of the parents, legal representative or guardian of the child or young person or because it lacks the means to apply or to execute the adequate measure of promotion and protection.

they are under 21 years of age and they request the continuation of the intervention that began before reaching the age of 18. The LPCJ can also apply to someone up to 25 years of age when educational or vocational training processes are ongoing.

Legislative reviews have met the needs identified in the system for the promotion and protection of children and young people in danger, with special emphasis on family preservation and the right of the child to live and grow in an effective and responsive family. All stakeholders are thus alerted of the need for early detection and for a specialized intervention directed to families, of an integrated and regular nature and that privileges the promotion of positive parenting by increasing their participation and co-responsibility in the process, where the families (re)discover their strengths, improve their competencies and promote quality parental and/or family ties.

In this assistance and compromise action plan, which is already being developed by many competent bodies in the field of children and young people, the partnership and cooperation of the various community services is essential for the provision of the necessary and appropriate support to each family according to their individual strengths, the opportunities in the environment in which they interact and the very concrete needs of each child or young person.

These entities have the following legally mandated assignments:

- To promote primary and secondary prevention actions, in particular through the definition of local action plans for children and youth, aiming at the promotion, protection and realization of the rights of children and young people;
- To promote and integrate partnerships, resorting to them whenever isolated intervention is not adequate for the effective promotion of the rights and protection of the child or the youth.

By increasing and improving preventive actions, it is intended that potential risk situations do not evolve into dangerous situations.

The child or young person is considered to be in danger when she/he is in one of the following situations:

a) Abandoned or is left alone;

b) Suffers physical or psychological ill-treatment or is a victim of sexual abuse;

c) Does not receive the care or affection appropriate to her/his age and personal situation;

d) Is in the care of third persons, during a period of time in which s/he establishes a strong relation of connection but the parents did not exercise their parental responsibilities. This point resulted from the 2nd amendment to the LPCJP (article 3 (2));

e) Is obliged to carry out activities or work that are excessive or inappropriate to her/his age, dignity and personal situation or they are harmful to his/her education or development;

f) Is subject, directly or indirectly, to behaviours that seriously affect her/his safety or emotional balance;

g) Engages in behaviours, activities or consumption that seriously affect her/his health, safety, training, education or development and without parent, legal guardian or de facto guardian opposition or attempt in trying to stop the situation.

Children retain their right to grow up in a family unit, therefore the intervention plan to be developed, supported by an integrated and systemic approach, should continue to rely on the involvement and co-responsibility of their respective families, not understood as parts of the problem, but as parts of the intended solution.

Within a logic of tertiary prevention of dangerous situations, of physical or psychological rehabilitation and of the promotion of unrecognized rights, decision makers, such as Protection Commissions and Courts, may apply promotion and protection measures to children and young people that are to be carried out in their natural living environment or in a placement scheme.

In the decision-making process, the guiding principles of the intervention established in the LPCJP are present. These must be the ones related to the superior interest of the child[32], to the primacy of the family[33], to parental responsibility[34], to mandatory hearing and participation[35] and to the primacy of the continuity of profound psychological relations[36]. They call for the prioritization of

[32] Superior interest of the child and the young person - the intervention should take priority attention to the interests and rights of the child and the young person, namely to the continuity of quality and significant relations of affection, without prejudice to the consideration that is due to other legitimate interests in the scope of the plurality of the interests present in the specific case (Article 4 (a) of the LPCJP).

[33] Primacy of the family - in the promotion of rights and in the protection of children and young people, Primacy should be given to the measures that integrate them in the family, whether in their biological family or by promoting their adoption or other form of stable integration (article 4 (h) of the LPCJP).

[34] Parental responsibility - the intervention must be carried out in such a way that the parents perform their duties concerning the child and the youth (article 4 (f) of the LPCJP).

[35] Compulsory hearing and participation - the child and the young person, separately or in the company of the parents or of a person chosen by him/her, as well as the parents, legal representative or guardian, have the right to be heard and to participate in the acts and in the definition of the measure of promotion of rights and protection (Article 4 (j) of the LPCJP).

[36] Primacy of the continuity of the profound psychological relations - The intervention must respect the right of the child to the preservation of structuring effective relationships of great significance and reference for their healthy and

solutions that enable the child's right to remain in his or her nuclear or extended family, or in another family that proves to be suitable and has established a relationship of reciprocal affection, namely through an adoption project or sponsorship.

Solutions, at the right time for each child and young person, have to be very well monitored and evaluated by the multidisciplinary and cross-sector technical teams involved in the development of individual intervention plans.

It is from these evaluations, in applicable cases, that objective conclusions are drawn to guide the subsequent work, even more so when temporary family or residential placement becomes the inevitable proposal to be presented to the decision makers, the CPCJ or the courts, in view of new or persistent risk factors. They should, whenever possible, make sure that there is a planned integration scheme with the host family (Article 51 (2) of the LPCJP).

In the LPCJP in force, the foster family, is a promotion and protection measure[37] that consists in granting custody of the child or young person to a natural person or a family, enabled for that purpose, who will provide for their integration in a family environment and the provision of care and the education necessary for their integral development. This is clearly the preferential promotion and protection measure, especially for children up to 6 years of age, except when matters concerning the exceptional and specific situation of the child or young person without protection imposes the application of the institutional placement measure, or when it is found impossible to implement it.

It was also pointed out that residential homes should develop appropriate socio-educational intervention models for sheltered children and young people. They could be organized into specialized units, namely for emergency responses, within shelters to respond to specific problems and to address the educational and therapeutic needs of the sheltered children and young people and in empowering the support and promotion of the young people.

Moreover, institutions that develop residential responses, especially in the areas of special education and health care, have the responsibility of implementing residential care measures for

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harmonious development. Measures must be taken to ensure the continuity of a secure relationship (Article 4 (g) of the LPCJP).

[37] Measure of promotion and protection under the Law on the Protection of Children and Young People in Danger (Law 147/99, of September 1st, regulated by Decree-Law 11/2008 of 17 January 17th.

children or young people with permanent disabilities, serious chronic illnesses, psychiatric disorders or addictive behaviours.

This is the path that Portugal is going through in the qualification process of its shelter network, and it is also committed that this network is gradually balanced in the number and diversity of responses, in terms of territorial distribution, by district or region, in accordance with sheltering needs, case-types with a higher occurrence and with the background of children and young people.

Only in this way will it be possible to comply with the rights set forth in the LPCJP (Article 58), namely "to maintain, on a regular basis and in privacy, personal contacts with the family and with persons with whom they have a special affective relationship, without prejudice to the limitations imposed by a judicial decision or by the protection committee and to be welcomed whenever possible in a Foster Home or Family close to their family and social context of origin, unless their superior interests advise against it ", in addition to others:

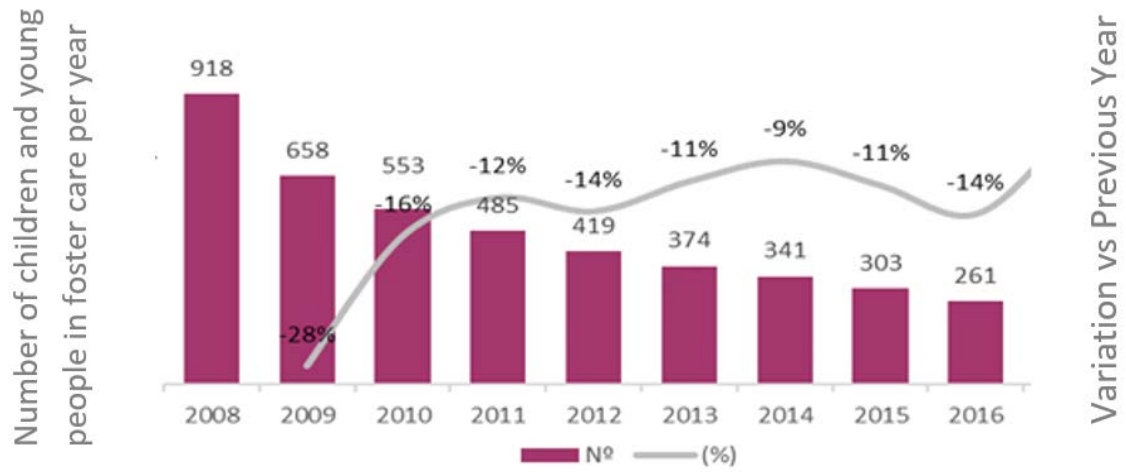
- Receive an education that guarantees the full development of their personality and potential, being assured of the provision of health care, school and professional training and participation in cultural, sports and recreational activities;
- Enjoy a space of privacy and a degree of autonomy in the conduct of their personal life suited to their age and personal situation;
- Be actively heard and participate in, according to their level of understanding, all matters of their interest, including those concerning the definition and execution of their promotion and protection project and the functioning of the foster home and family;
- Receive pocket money;
- The privacy of mail;
- Not be transferred from the foster home or family, unless this decision is in their interest;
- To be able to contact, with guarantee of confidentiality, the protection commission, the Public Prosecutor's Office, the judge and their lawyer;
- Not to be separated from foster siblings unless their superior interests advise against this.

Taking into account the Commission's 2009 report where there were 948 children in foster families, which would represent a significant decrease since 2008 in the number of children received in this social response, it should be noted that in 2008 there was a significant decrease in the number of foster families and children and young people in foster families. This is due to the termination of allowances to families who had ties of kinship with the sheltered children and young people, in

compliance with Decree-Law 11/2008, of January 17th , which regulated the implementation of the foster family measure.

In the previous report, possibly as an error, reference was made to the fact that in 2009 there were 948 children and young people in foster care but in reality there were 658, as shown in the following chart. We can still see this decrease over the years, with 72% fewer children and young people in 2016 compared to 2008.

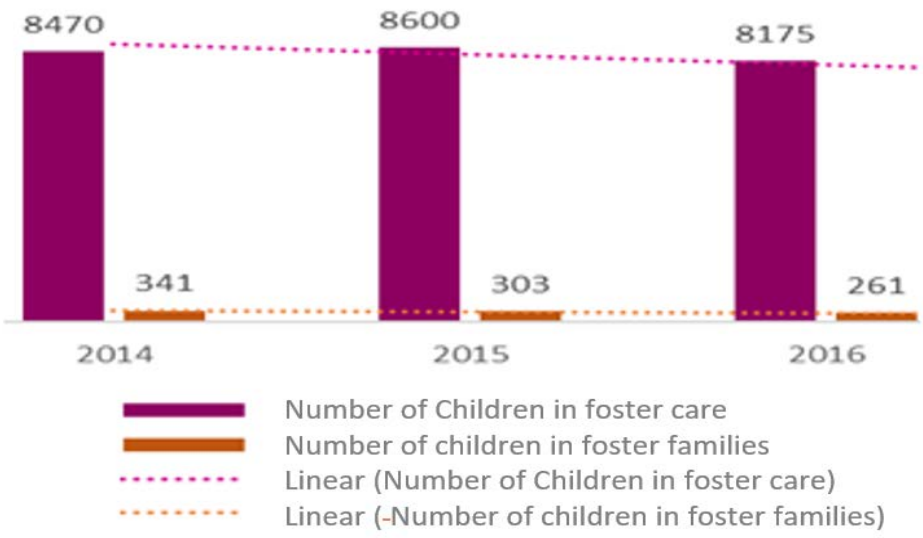
Figure 13 - The evolution of the number of children and young people in foster families between 2008 and 2016 [(No.), (%)].



Source: Report CASA 2016, ISS, I.P.

The 261 children and young people hosted by foster families in 2016 corresponded to 3% of the total number of children and youths in foster care (8,175), which means that 97% 7,914) were welcomed into the different types of foster care.

Figure 14 - Evolution of the number of children and young people in foster families, in relation to all children and youths in foster care between 2014 and 2016 [(No.), (%)]

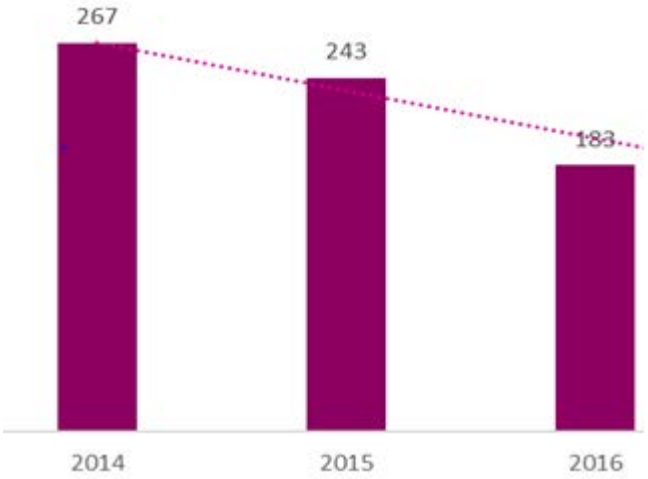


Source: Report CASA 2016, ISS, I.P.

The Committee recalls that the long-term care of children outside their homes should be ensured first of all in foster families appropriate to their education and only, if necessary, in institutions.

Also, the number of foster families has registered a strong decrease in the last few years, with only 183 in 2016.

Figure 15 - Evolution of the number of foster families, from 2014 to 2016 [(No.), (%)]



Source: Report CASA 2016, ISS, I.P.

Taking into account:

- The recent legislative review and the several international instruments which stipulate the right of children to live in a family environment (Convention on the Rights of the Child, United Nations General Assembly, 1989), World Report on Violence against Children (Council of Europe, 2006), General Comment 9 of the UN Committee on the Rights of the Child, Art. 67 of the CRP);
- The current commitment and political determination to enforce the legal norms in this area and, thus, to trigger a paradigm shift in the shelter system of children and young people, in which the family is included;

The proposal for a decree-law to regulate the family and foster care measures and, at the same time, the proposal for the implementation of a **National Integrated Family Shelter Program (PNAI-AF)** are already underway.

In the coming years, the aim is to reverse the situation described and guarantee a family home to children and young people who are in danger that:

- is available for the preferential placement needs of children and young people, especially until the age of 6;
- has the quality to meet the effective, protective, safety and educational needs of children whose parents or other family members are not, temporarily or permanently, capable of ensuring these;
- is translated into the inclusion of the child in a true family environment, allowing him or her to learn or relearn how to live in a family environment, providing an environment that is appropriate to his or her harmonious development;
- has quality and a diversified typology corresponding to the natural diversity of the life of modern societies;
- is based on solidarity, although the increased family responsibilities will be fairly compensated;
- is technically framed by a multidisciplinary team that provides the necessary training, monitoring and support in solving difficulties;
- is dignified by the recognition of the foundational social, educational and effective function of the welcoming families.

It is worth noticing that in Portugal the predominant promotion and protection measures have always been measures in the natural living environment (support for parents or other relatives),

which represent more than 80% of the total PPM applied in each year, as can be seen in particular in the CPCJ activity evaluation reports[38].

It is also worth noting that a significant investment was made during the last decade in the qualification of residential care, with visible results in the deinstitutionalization rates achieved.

Measures to support the qualification of the intervention and the interveners have been developed, and a set of measures for the continuous improvement of the intervention and of the interveners in the reception centres has been encouraged and supported[39], since these are the responses involving the largest number of children and young people in foster care.

It is intended that shelters be recognized as socially useful resources, capable of "contributing to the creation of conditions that guarantee the adequate satisfaction of the physical, psychological, emotional and social needs of children and young people and the effective exercise of their rights, promoting their integration in a secure socio-family context, and promoting their education, well-being and integral development" (Article 49 of the LPCJP).

However, due to the work that has been developed, it is worth noting that over the last decade it has been possible to achieve a reduction of 29% in the number of children and young people mentioned in the framework of the CASA Report, which is prepared annually.

For the year 2015, this decrease was 5%.

One of the measures that has contributed to the prevention of institutionalization through intervention in family preservation and to the support for family reunification following the sheltering of children and young people is the gradual expansion of the **Family Support Centres and**

[38]https://www.cnpdpcj.gov.pt/cpcj/relatorios-de-avaliacao-da-atividade-estatistica.aspx

[39] The initiative by the Security Institute for the development of the DOM Plan - Challenges, Opportunities and Social Change, IP, created by Order 8393/2007 of 10 May, 2007 and subsequently of the SERE + Plan - Educate, Involve, Renew, Hope More created, by Order 9016/2012, of 26 June of 2012, whose objectives were, respectively, "to encourage the continuous improvement of the promotion of rights and protection of children and young people in homes, namely with regard to the definition and implementation in good time of a project that promotes their deinstitutionalization, after a sheltering that, although prolonged, should guarantee them the acquisition of an education for citizenship and, as much as possible, a sense of identity, autonomy and security, promoting their integral development" and "the implementation of measures for the specialization of the shelter network for children and youth that will focus in the continuous improvement in the promotion of the rights and protection of children and young people, so that in the shortest possible time, their education for citizenship, a sense of identity, autonomy and security will result in their deinstitutionalization."

Parental Counselling Centres (CAFAP) network, with the number of these responses growing by 40% between 2014 and 2016.

These are specialized support services for families with children and young people, aimed at preventing and repairing situations of psychosocial risk through the development of the parental, personal and social skills of families and have the following objectives:

- Prevent risk and dangerous situations by promoting the exercise of positive parenting;
- Assess the dynamics of risk and protection of families and the possibilities of change;
- Develop parental, personal and social skills that allow the performance improvement of those with parental responsibilities and to empower families by promoting and reinforcing quality relational dynamics and daily routines;
- Enhance the improvement of family interactions;
- Mitigate the influence of risk factors in families, preventing situations of separation of children and young people from their natural living environment;
- Increase the capacity of family and individual resilience;
- Favour the reintegration of the child or young person in a family environment;
- Strengthen the quality of family relationships with the community, as well as identify resources and their respective forms of access.

In this way, CAFAP can be organized and developed through 3 intervention formats: (art. 8), trying to prevent children and young people from being removed from their families by improving their natural context of life and, in situations where this is impossible, work on the return of these children and young people to their families, if this is their will and the conditions are met:

1. Family preservation

- Aiming to prevent the removal of the child or young person from their natural environment.
- Focusing on parental education in individual and/or group programs, in the development of preservation programs, in the execution of measures in the natural living environment (MMNV) as well as in specialized intervention with the family within the framework of Social Integration Income contracts.

2. Family Reunification

- Aiming for the return of the child or young person to their family environment.

- Focusing on the implementation of measures in family or institutional placement (especially in the case of a foster or family home)

3. Family Gathering Point

- Aiming at maintaining or restoring family ties in cases of interruption or serious disturbance of family life, especially in situations of parental conflict or parental/marital collapse.

Table 38 - Evolution of the number cooperation agreements/beneficiaries covered

Social Response	2014		2015		2016	
	Cooperation Agreements	Beneficiaries Covered	Cooperation Agreements	Beneficiaries Covered	Cooperation Agreements	Beneficiaries Covered
CAFAP	45	3 132	59	3 237	63	3 463
Street support team for children and young people*	3	0	3	0	3	0
Family shelter for children and young people	3	25	3	75	3	75
Shelters	312	8 079	313	8 031	310	8 017
Empowerment apartment	7	37	8	42	10	50

*Approximated values

From the analysis of the above table, it is possible to conclude that the number of shelter placements which make up the social responses of Children and Youth Houses (LIJ), Temporary Shelter Centre (CAT) and Specialized Home for Children and Youth (LIJE) have been falling over the four-year period in question. These responses are developed in social action aimed at the urgent and temporary reception of children and young people in danger, based on the application of promotion and protection measures.

The Foster Home, according to Law 142/2015 of September 8th (Law on the Protection of Children and Young People in Danger), aims to contribute to the "creation of conditions that guarantee the adequate satisfaction of the physical, psychological, emotional and social aspects of children and young people and the effective exercise of their rights, favouring their integration in a secure socio-family context and promoting their education, well-being and integral development. "

Possibility of appeal against judicial decisions that restrict parental rights, institutionalize a child or restrict the right of access of the family closest to the child

Appeals may be brought against decisions that, definitively or provisionally, rule on the application, modification or termination of promotion and protection measures. The people who may file an appeal include the Public Prosecutor, the child or young person, the parents, the legal representative and the person with custody of the child or young person (Article 123 of the LPJC).

Resolutions that are issued according to criteria of opportunity, in the context of voluntary jurisdiction proceedings, cannot be appealed to the Supreme Court of Justice (Article 986 of the CPC).

Young offenders

On this point, the Committee recalls that it, in its previous conclusions, "*asked what was the maximum length of a prison sentence and of a pre-trial detention for young offenders. It repeats this question. The Committee reiterates its request for information concerning the closed education centres. The Committee holds that if this information is not provided in the next report, there will be nothing to establish that the situation is in conformity with the Charter. The Committee also asks whether young offenders serving a sentence have a statutory right to education*."

Institutionalisation

The Educational Guardianship Act, approved by Law 169/99, of September 1st, was amended by Law 4/2015, of January 15th.

The measure of institutionalisation in a closed educational centre can only be applied to the young person over 14 years of age and provided that certain legal conditions have been verified cumulatively. These include that the minor practiced an act which is qualified as a crime against people corresponding to a maximum penalty of imprisonment for more than 5 years, or, the minor committed 2 or more acts qualified as crimes against people corresponding to a maximum sentence

of more than 3 years, and that the minor is over the age of 14 at the date of the application of the measure.

The institutionalisation measure aims to provide the minor, through the temporary removal from his habitual environment and the use of pedagogical programs and methods, with the values conforming to the law and the acquisition of resources that allow him, in the future, to lead his life in a socially and legally responsible manner.

The measure of institutionalisation in a closed regime is put in place in an educational centre classified with the corresponding operating regime and degree of openness and it is applicable provided that the following cumulative requirements are met: the minor committed an act that is qualified as a crime with a maximum penalty, or has committed two or more acts against people qualified as crimes to which a maximum penalty applies, abstractly applicable, of imprisonment for more than three years; and the minor is aged 14 or over at the date of application of the measure (Article 17).

The educational centres are establishments organically and hierarchically dependent on social reintegration services. The intervention in an educational centre obeys general regulation and pedagogical guidelines established for all the educational centres, with a view to the uniform achievement of the principles established in the law on educational guardianship. The intervention is generally guided by the centre's educational intervention project and, in particular, by the minor's personal educational project (Article 144).

Educational Centres, in organic terms, are composed of the *Director* and the *Pedagogical Council,* with this Council being composed of the Director, team Coordinator, senior technicians and other personnel where warranted.

Regarding human resources, in addition to the Director and Coordinator, there is a social reintegration senior technician (designated technical tutor) for each residential unit, a senior technician responsible for the programs and a psychologist.

For each residential unit, there is also a team of 8 Social Reintegration Professional Technicians and one Supervisor, educational agents that monitor daily the activities of young people, and a team of two to three security guards (twenty-four hours a day) that are in charge of surveillance and security maintenance.

There are no police forces in the Educational Centres, and the Social Reintegration Professional Technicians, after being admitted, are subject to training regarding the structuring principles of intervention and the organization of the Educational Centres.

During their stay in a closed educational centre, the minors attend education, training and leisure activities exclusively within the establishment, and any leave, under supervision, is strictly limited to the fulfilment of judicial obligations, to health needs or to other equally strong and exceptional reasons. The court may authorize, by proposal of the social reintegration services, unaccompanied leave for limited periods (Article 169).

Young people complying with an institutionalisation measure, open, semi-open or closed, attend training, socio-cultural and sports activities, health and therapeutic education programs, as well as the programs related to specific educational needs associated with delinquent behaviour.

The Rights and duties of minors institutionalised in educational centres

Minors institutionalised in an educational centre are entitled to respect in regard to their personality, ideological and religious freedom and they are entitled for their legitimate rights and interests not to be affected by the content of the institutionalisation order. Placement in an educational institution may not imply the disqualification of the rights and guarantees that the law confers to the minor, unless the court expressly suspends or restricts them for the protection and defence of the minor's interests.

The minor has the right, in principle, to care for her/his life, physical integrity and health; to a personal educational project and to participate in its preparation, which shall take into account her/his particular training needs in matters of civic education, schooling, professional preparation and useful occupation of leisure. They also have the right to attend compulsory schooling; to the preservation of her/his dignity and intimacy, to be treated by her/his name, to ensure that her/his institutionalisation is strictly confidential from third parties; to the exercise of her/his civil, political, social, economic and cultural rights, unless they are incompatible with the end of the institutionalisation and to wear her/his own clothing whenever possible, or those provided by the establishment.

The minors also have the right to use her/his own authorized personal hygiene articles or those which, for the same purpose, are provided by the centre; to possess her/his own documents, money and authorized personal objects; to keep in a safe place, personal items and objects not prohibited

for security reasons that she/he does not want or may not have with her/him, and to have them returned to her/him at the date of the termination of the institutionalisation.

They have the right to contact, in private, with the judge, the Public Prosecutors office and the defence counsel; to keep other authorized contact with external people, in particular in writing, by telephone, by receiving or making visits, as well as by receiving and sending parcels; to be heard before any disciplinary sanction is imposed on her/him; to be informed, periodically, of her/his judicial situation and of the evolution of her/his personal educational project.

Furthermore, they have a right to make requests, file complaints or appeals; to be personally and properly informed, at the time of admission of her/his rights and duties of the regulations in force, of the disciplinary regime, and on how to make requests, filing complaints or appeals; and, being a mother, to have in her company children under 3 years old (Article 171).

The duties of the minor admitted in an educational centre are: the duty of respect for persons and goods; the duty to remain; the duty of obedience and the duties of correction, collaboration, attendance and punctuality (Article 172).

The parents, the legal guardian or the person who has custody of the minor shall, during their stay, keep all rights and duties relating to the minor which are not incompatible with the custodial measure, subject to the restrictions or prohibitions imposed by the court. They have the right, according to the applicable regulations, subject to the restrictions or prohibitions imposed by the court to: be informed immediately by the educational institution of the admission, transfer, unauthorized absence, granting or suspension of exit permissions, as well as illness, accident or other serious circumstance concerning the minor; be informed of the implementation of the detention measure and of the evolution of the minor's educational process, pursuant to Article 131 (2); and to be informed by the educational centre, in good time, of the termination of the institutionalisation measure (Article 173).

Minors will have hospital or other assistance whenever required, authorized by the director of the educational centre who will immediately inform the court (Article 174).

During her/his institutionalisation, the minor 's freedom of religion is respected, and the regulations should allow, whenever possible, the institutionalised minor to practice religious acts (Article 175).

Minors institutionalised in an educational centre have the right not to be photographed or filmed, as well as not to make statements or to give interviews to the media against their will. Before this

manifestation of will, the minors have the right to be unequivocally informed by a person responsible for the school, of the content, meaning and objectives of the interview request addressed to them.

Regardless of the minors' consent, the following are prohibited: interviews that focus on the facts that determined the guardianship intervention; the dissemination by any means of images or phonographic records that allow the minors' case identification of institutionalisation (Article 176).

During the institutionalisation, the parents or the legal representative retain all the rights and duties related to the minor which are not incompatible with the guardianship measure, subject to restrictions or prohibitions imposed by the court.

The educational centre, in accordance with the provisions of the general regulations and its internal regulations, may award prizes to a minor during her/his institutionalisation for the positive evolution of his educational process, for the demonstrated commitment to carry out the activities foreseen in the personal educational project, as well as their sense of responsibility and good individual or group behaviour (Article 177).

Right to education of detained juvenile offenders

The activity in the educational centres is subordinated to the principle that the institutionalised minor is a person with rights and duties and that s/he maintains all the personal and social rights whose exercise is not incompatible with the execution of the applied measure. Thus, in terms of schooling, institutionalised minors continue to be subject to compulsory schooling and should be encouraged to continue or complete their studies in an educational establishment outside the institution, provided that their institutionalisation regime allows it.

When the institutionalisation regime does not permit the attendance by the institutionalised minor of an educational establishment outside, the official school activity developed in the educational centres must be oriented so as to adapt to the particular needs of the minors and to facilitate their social integration (159 (1) and 160 of the LTE).

Maximum duration of the closed institutionalisation measure for juveniles in conflict with the law

The institutionalisation measure in a closed regime has a minimum duration of six months and a maximum of two years. It may, however, have a maximum duration of three years, when the minor has practiced a crime that corresponds to a maximum sentence, abstractly applicable, of

imprisonment for more than eight years, or two or more acts that are described as crimes against persons which corresponds to the maximum penalty, abstractly applicable, of imprisonment for more than five years (Article 18 (2) and (3)).

The institutionalisation measure in a closed regime must be reviewed six months after the beginning of the execution or of the previous review (Article 137 (4)).

There is a possibility of the institutionalisation being determined in a semi-open regime, when the measure is reviewed, based on article 136 (1) (e) and (f), in cases in which the reason that was the basis for the implementation of the original non-institutional measure admitted the application of a semi-open or closed institutionalisation measure, limited to a time equal to or less than the time left of the substituted measure (Article 138 (2) (d) and (3)).

Maximum period of protective custody for juvenile offenders

The *guardianship* measure in an educational centre has a maximum period of three months, extendable up to a maximum of three months in cases of special complexity duly substantiated (Article 60 (1) of the LTE).

Paragraph 2 - Free primary and secondary education - regular attendance at school

"The Committee asks whether effective access to education is guaranteed for Roma children and whether measures are taken to calculate the school enrolment and dropout rates for this group."

Measures targeting children and young people in Roma communities

In Portugal, as stated above, equal access to education is ensured for all students. Educational policy measures defined at central level are thus applied in a non-discriminatory way.

In fact, the education system is organized in such a way that schools can, within their autonomy, mobilize resources and develop strategies in order to ensure that all students achieve educational success, taking into account their learning and non-learning specificities into the constitution of homogeneous classes based on a student's origins, group or culture.

With regard to the Roma community, the educational system seeks to ensure them access to quality education, while respecting Roma culture, in dialogue with the other cultures present in the school environment.

In the context of public policies on the integration of Roma communities, and following on the European Commission Communication COM (2011), 173 of 5 April entitled “A European framework for national Roma integration strategies to 2020”, the National Strategy for the Integration of Roma Communities (ENICC) was approved by Resolution 25/2013 of March 27th of the Council of Ministers, published in the Official Gazette on April 17, 2013.

The Strategy, to be implemented between 2013 and 2020, is coordinated by the Office of the Commissioner for Migration (ACM), through the Support Office for Roma Communities (GACI), and is the result of contributions from various ministries, municipalities, experts, civil society organizations, associations and representatives of Roma communities, following the promotion of various sectoral meetings and a public consultation process, which took place from 28 December 2011 to 18 January 2012.

ENICC includes five central areas: Transversal, Education, Housing, Training and Employment and Health. The Transversal area is composed of the following dimensions: “Knowledge of Roma communities and monitoring of the Strategy”, “Discrimination”, “Education for Citizenship”, “Roma History and Culture”, “Gender Equality”, “Justice and Security“, ”Mediation“ and ”Social Security” and foresees a total of 40 Priorities, 105 Measures and the achievement of 148 Objectives.

The implementation of the priorities of each of the areas defines a partner or group of responsible partners that, taking into account the needs verified in each of the intervention areas, execute and evaluate the set of measures envisaged, reporting the results achieved to the ACM and the Consultative Group for the Integration of Roma Communities (CONCIG).

The priorities set out in the area of Education for pupils up to the age of 18 aim to increase school attendance for children and young people in Roma communities, prevent absenteeism & early school leaving and ensure the successful completion of compulsory education, with the following priorities being highlighted in this respect:

- Priority 18 - Improve knowledge concerning the schooling situation of Roma pupils and trainees;
- Priority 19 - Ensure access to pre-school education;
- Priority 20 - Increase enrolment rates, ensuring that all Roma children complete compulsory schooling;
- Priority 21 - Promote continuity of schooling at the secondary level, encouraging higher education;

- Priority 22 - Prevent early school leaving;
- Priority 23 - Ensure access to lifelong learning;
- Priority 24 - Promote the training of educational agents in the diversity of Roma culture, with the participation of parts of these communities as trainers and privileged interlocutors;
- Priority 25 - Promote the fight against illiteracy.

In order to monitor the measures defined in the ENICC within the area of Education, the DGE prepared and launched in September 2017 an electronic questionnaire addressed to all grouped/non-grouped schools. The results of this survey were published by the Directorate-General for Education and Science Statistics, DGEEC - School Profile of the Roma Community (2016/2017)[40].

However, a debate has started on a review of the **National Strategy for the Integration of Roma** (ENICC) in order to provide clearer and more effective measures and indicators, and in 2017 the representatives of the associations were consulted on the subject. As part of the ENICC review process, 15 local discussion groups were organized throughout the national territory, bringing together municipalities, local public services and base organizations such as Roma associations, Roma mediators and other Roma professionals. 232 women and 56 men (professionals working in these areas and the general public) participated in these activities. The decision to proceed with the review of the National Strategy was taken in August 2017, and its results are still expected to be submitted in 2018.

In order to increase academic success rates and reduce school drop-out, Portugal has been developing national education policies aimed at curriculum development in accordance with the local characteristics of each educational community.

Thus, the assumption that school drop-out is also a consequence of failure to learn and of educational underachievement, with a significant financial impact on the education system, has led, among other intervention needs, to the implementation of innovative action in the pedagogical, curricular and organizational areas, based on internal collaboration and articulation with the community, of which the following stand out:

- **The National Program for the Promotion of Educational Success,** which through local projects of pedagogical innovation, curriculum enrichment and valorisation and in its aspects of continuous training, seeks to promote quality education for all, to combat educational

[40] cf. http://www.dgeec.mec.pt/np4/906.html

underachievement, within a framework of opportunities and increase the efficiency and quality of the school.

- **Basic Tutoring Program** which is an additional resource aimed at reducing educational underachievement and early school leaving and, consequently, promoting educational success.

It should be noted that tutoring is a proximity measure, aimed at students attending lower secondary education who failed to pass an academic year two or more times throughout their school career, in order to increase the involvement of students in educational activities, namely through the planning and monitoring of their learning process.

- Increase support for School Social Aid, an essential tool in reducing the impact of inequalities among pupils, and broadening the allocation of free textbooks to pupils in the first years of secondary education and, gradually, to the remaining school years.
- Reinforcement of the mechanisms for inclusion of students with special educational needs, with the adoption of new guidelines in this area, which reinforce the presence of students in class activities, as well as the training of technicians and teachers in this field.
- The expansion of the pre-school education network, in view of the goal of effective global access from the age of 3 until the end of 2019.
- The expansion of vocational education, with a view to diversifying the training pathways in secondary education, ensuring dual certification, greater permeability between education/training tracks and the adjustment of supply to the regional and sectoral needs of the labour market.
- **The promotion of the Learning System,** as a platform par excellence for the dual certification training for young people, in the context of a global strategy to promote educational success and the employability of young people, in articulation with the labour market.

In 2010, the Ministry of Education (ME), through Order 100/2010, of January 5th, later amended by Order 13825/2011, of October 14th, launched the **More Educational Success Program** in order to support the development of school projects to improve school success in basic education, with the aim of reducing school-year repetition rates and raising the quality and success of students.

Considering that this is a response to combat educational underachievement levels developed by the schools themselves and that it effectively promotes pedagogical differentiation, focusing on the prevention of educational underachievement throughout primary education, a special reference is made to the principles of collaborative work and interaction with centres and universities, which support schools in building, monitoring and evaluating the development of this device.

This project is based on a school organizational model that allows a more personalized support to students who show learning difficulties in the Portuguese Language, Mathematics, or other subjects identified by the school according to success rate.

In brief, this model consists in the creation of **Phoenix Classes,** where students who need more support in their learning efforts are temporarily integrated into a nest, allowing more individualized teaching using different learning speeds, which has proved to be a successful educational strategy.

Nests operate at the same school time as the original class, which allows students not to be overloaded with extra educational support. Once the expected performance level is reached, the students return to their original class. In parallel, nests are also created for students with high success rates in order to allow for the development of excellence.

The aforementioned also includes **The Class Plus Project**, a project that is characterized by using differentiated pedagogies and diversified forms of group organization, allowing collaborative work through pedagogical partnerships. This can be seen as a preventive, intervening or compensatory measure, according to the typology of each involved student.

This typology system consists of creating a class without fixed students that temporarily aggregates students from different classes of the same year, with identical difficulties in a given discipline. In this kind of 'rotating platform', each group of students is subject to a work schedule similar to that of their original class, with the same workload and the same teacher per discipline. Each specific group of students continues to work on the programmatic content that their original class is developing, and can benefit from closer and individualized support, more harmonized in terms of learning pace and without overloading weekly hours for students. Throughout the year, students enter or leave the Plus Class, as they acquire a pace more like their peers who are in the "mother" class.

Subsequently, Decree-Law 139/2012, of July 5th, in its current wording, provides for a set of measures recommended in article 21 (1) and (2), with the objective of ensuring compliance of compulsory schooling and to combat social exclusion. It is therefore up to the administrative and management bodies of grouped and non-grouped schools, within the framework of their pedagogical and organizational autonomy, to develop the tools they deem appropriate in the management and application of the curriculum and the educational offer of each school, adapting them to the characteristics of the students, so they can overcome learning difficulties and develop skills (Article 20 (2)).

More recently, and in pursuit of the objective of promoting quality education for all and combating school failure, within a framework of enhancing equal opportunities and increasing the efficiency and quality of public institutions, the **National Program for the Promotion of Success (PNPSE)** has been put in place, created by the Resolution of the Council of Ministers 23/2016, of March 24th.

The PNPSE is based on the principle that it is the educational communities that best know their personal situation, difficulties and potentialities and are therefore better prepared to find local solutions and devise strategic plans of action, designed at the level of each school, with the objective of improving the educational practices and the learning of the students.

The intervention of the Governing Area of Education in the Program is carried out at three levels: a) Providing, in conjunction with the **Schools Association Training Centres,** ongoing training to support the design of the programs and, at a later time, taking into account the training needs resulting from the plan of each school; b) Provision of new resources that are necessary and indispensable to the achievement of these plans; (c) support for the implementation of the plans, contributing to their monitoring, evaluation and effectiveness.

With the Resolution of the Council of Ministers 23/2016, of April 11th, previously mentioned, the Government approved the principles of a national strategy for the promotion of school success, as well as the creation of a **Mission Structure for the Promotion of Educational Success**. This strategy integrated persons of recognized merit and competence in the area of education and its objective is to propose to the Government the development of guidelines and the identification of initiatives to be pursued under the National Program for Promoting Educational Success.

The PNPSE is currently in 663 Grouped/Non-grouped Schools in mainland Portugal.

Following the political commitment, in agreement with the social partners, to reduce early school leaving, as well as school failure, double certification offers were also valued and diversified.

With the extension of compulsory schooling established by Decree-Law 176/2012, of August 2nd, Portugal is committed to a quality education for all, as an essential means of valuing citizens, insofar as it promotes their knowledge, social and cultural enrichment and their capacity for initiative and creativity. These take into account the challenges of today's society and can respond to the demands of these times of unpredictability and rapid change.

In 2016 a wide public discussion began with a view to the construction of a 21st century curriculum and all those involved in the educational process were heard. This extended consultation

consubstantiated the publication of the **"Students' Profile when Exiting Compulsory Schooling"**, whose legal framework was provided for in Order 6478/2017, of July 26th, from the Ministry of Education and Science and that homologates the Students' Profile when Exiting Compulsory Schooling. The "Students' Profile when Exiting Compulsory Schooling" is a humanist document, structured in principles, vision, values and areas of competence, which is a common reference for all schools and educational offerings in the scope of Compulsory Schooling.

In this framework, in July 2017, with Order 5908/2017, of 5 July 5th, DR 128, from the Ministry of Education and Science, the pilot project of **Curricular Autonomy and Flexibility** was created and afterwards implemented in the school year 2017-2018. As a pedagogical experience, it allowed the schools to develop the national curriculum and the organization of the base curricular guidelines in a flexible way, shaping them to the local characteristics of their educational communities.

Accordingly, it was intended that all students, irrespective of the educational and training offer they attended, would reach the competences defined in the "Students' Profile when Exiting Compulsory Schooling". About 223 organic units were involved in this pedagogical experience at the national level.

In this way, all education and training offers fit the above principles and they are:

- **Vocational Courses,** whose legal framework is Ordinance 74-A / 2013, of 15 February, DR 33, series I, Ministry of Economy and Employment and Ministry of Education and Science, amended by Decree-Law 91/2013 of 10 July, DR 131, Series I, Ministry of Education and Science, and by Ordinance 165-B/2015, of 3 June, DR 107, Series I, Ministries of Education and Science and Solidarity, Employment and Social Security. The norms were established for the organization, operation, evaluation and certification of professional courses taught in public, private and cooperative educational establishments offering secondary education and in vocational schools.

The vocational courses are Level 4 qualification courses under the National Qualifications Framework (in force since October 2010) and the corresponding level under the European Qualifications Framework (EQF), which aim to provide young people, according to their interests, with diversified training and socio-cultural, scientific and technological training to enable them to acquire and develop the knowledge, skills, technical and relational skills that prepare young people to enter the labour market and/or continue their studies. These courses are intended for young

people who have completed their 9th year of schooling and are the responsibility of the Governing Area of Education.

In 2013, the curricular guidelines of vocational courses were changed, emphasizing the importance of practical training in a work environment, with an increase in practical training hours of the minimum being 600 hours and the maximum being 840 hours.

In 2015, vocational courses started to be linked to the National Qualifications Catalogue (CNQ), which has been implemented in different phases and has extended the number of courses and professional activities recognised by this instrument, according to the guidelines of the Agency for Qualification and Vocational Education (ANQEP). Created in 2012, the ANQEP, which has replaced the ANQ, is a body supervised by the Governing Area of Labour, Solidarity and Social Security (MTSSS) and the Governing Area of Education (ME) and develops its activities in articulation and coordination with social partners and other civil society organizations (members of the ANQEP General Council).

- **Education and training courses for young people** (initial qualifying training) are the responsibility of the Educational Governance Area and the MTSSS, and are preferably aimed at young people aged 15 or over, at risk of dropping out of school or who have already abandoned the education system, as well as those who, after completing 12 years of schooling, do not have a professional qualification and intend to acquire it to enter the labour market.

These courses are developed by the network of public schools, private schools, cooperatives, professional schools, direct and participative management centres of the Institute of Employment and Professional Training (IEFP) and other accredited training institutions. They are also developed in articulation with community bodies, namely municipalities, companies or business organizations, other social partners and local or regional associations. They are embodied in protocols signed by the entities involved with a view to capitalize on physical structures and the human & material resources.

- The **Education and Training Courses (CEF)** are flexible modular training courses with a variable duration, organized by training in stages and adjusted to the interests of the candidates and the needs of the local labour market, which allow the completion of the 6th, 9th or 12th years of schooling. They lead to professional certification, conferring the qualification level 1, 2 or 4 of the National Qualifications Framework and corresponding level of the EQF. Regardless of their typology, all courses have a socio-cultural, scientific, technological and practical training

component, the latter corresponding to the internship in a work context, whose objectives are identical to those of the respective components of the professional courses.

Since 2013, the technological training component of these courses follows the training references of the technological training component of the National Qualifications Catalogue, whose initial version was approved by Order 13456/2008, of May 14th.

- **Specialized Arts Education Courses** - In compliance with the principles, values and areas of competence provided for in the students' profile when exiting compulsory schooling, specialized arts courses in the fields of Dance, Music and Visual & Audio-Visual Arts aim to provide students with a general education, scientific and technical skills that allow them to acquire and develop learning, knowledge, skills, technical and relational skills, with a view to pursuing studies at a higher level and/or entering the labour market.

These courses can be of basic and secondary level (Dance and Music) or only secondary level (Visual Arts and Audio-visual) and are taught in public, private and cooperative educational establishments.

The completion of specialized artistic secondary courses in Dance and Visual & Audio-visual Arts confers a level 4 qualification of the QNQ and corresponding level of the EQF, and the completion of a specialized arts secondary course in Music (Music, Gregorian chant) gives a level 3 qualification of the QNQ and corresponding level of the QEQ.

The ongoing restructuring process of the new curricula for basic and secondary education, starting in 2017, has enabled the entry into force of new study plans for these specialized arts courses, replacing the previous ones in 2012 in order to allow their adaptation to the requirements of the new training schemes in view of the students' profile when exiting compulsory schooling.

In addition to the measures presented above, there are some initiatives to promote school success and to combat school drop-out:

- **Priority Intervention Educational Territories (TEIP) -** Intended for non-grouped/grouped schools with a high number of students at risk of social and school exclusion, identified and selected based on the analysis of educational system performance indicators and social indicators of territories in which the schools are located.

The second generation of the program (TEIP3), launched in 2012 through Legislative Order 20/2012, of October 3rd, assumes the following main objectives: (i) Improving the quality of learning reflected in the educational success of students; (ii) Combating early leaving of the school and the education system; (iii) The creation of conditions favouring educational orientation and the qualified transition from school to active life; (iv) The progressive coordination of the action of the school with that of the partners of the priority intervention educational territories.

This legislative order establishes guidelines for the constitution of second-generation priority intervention educational territories, as well as the rules for drawing up the program contract to be signed between educational establishments and the governing area of education for the promotion and support of the development of educational projects. In this context, they aim at improving the quality of education, promoting school success, improving the transition to active life and encouraging community integration.

The schools integrated into the TEIP program, with the support of the governing area of education, implement a multi-year improvement plan (PPM) with a duration of three academic years. The plan integrates four areas of intervention: improvement of teaching and learning (focused on the diversification of classroom strategies); prevention of school dropout, absenteeism and indiscipline; management and organization (of the school); and the relationship between school, family and community.

In order to implement the actions foreseen in the PPM, the Governing Area of Education assigns additional resources to schools and, depending on the objectives to be achieved and the actions to be implemented, may include the hiring of teaching staff and specialists such as psychologists, social service specialists, sociocultural assistants and mediators. In addition, the TEIP Program provides funding for the training of teachers and non-teachers and for the hiring of an external expert who supports the school group in the implementation, monitoring and evaluation of their improvement plan.

The TEIP Program is currently implemented in 137 schools'/school groups.

- **Pilot Project for Pedagogical Innovation** - Enforced by Order 3721/2017, of April 7th, which authorizes the implementation of pedagogical innovation pilot projects (PPIP) that, lasting during three school years, are oriented towards the adoption of measures that, by promoting quality of learning, allow an effective elimination of school dropout and failure at all levels of education.

Thus, the PPIP aims to promote the success and quality of learning for all students by strengthening the autonomy of schools in designing and adopting their own educational projects. These may involve introducing organizational and pedagogical changes, namely at a pedagogical and curricular management level, in order to respond to specific needs and, at the same time, promote a better alignment of educational practice with the dynamics of today's society.

Finally, it should be noted that in recent years measures have been developed that are considered to fall within the rights of children and adolescents:

- **Student participation in the educational process – The Voice of Students initiative -** The Governing Area of Education, through the Directorate General of Education (DGE), promoted the Voice of Students initiative, aiming to understand student perception of the curriculum, the content they learn, the skills they develop, the educational environments they attend, the methodologies used in the teaching-learning process and their respective contributions to the future. This initiative led to the **"Curriculum for the 21st Century - The Voice of Students"** of November 4th, 2016, which took place in the auditorium of the Higher School of Education and Social Sciences at the Polytechnic Institute of Leiria.

The results of this conference have shown that students have strong opinions on the usefulness of what they have learned, the role of the teacher, the school of the future, and the areas of knowledge that are considered essential for understanding the world and which are necessary for the making of students as human beings and citizens. Thanks to this conference, several schools have decided to create specific spaces and to replicate this initiative in 2016 and 2017.

- **Student status and school ethics -** The right of students to participate in school life is provided for in Law 51/2012, of September 5th, which stipulates the rule of Student Statute and School Ethics. This rule states that all children in school have the right and the opportunity to freely express their views, to be heard and to contribute to decision-making on matters that concern them.

- The ***Choices Programme***[41] developed by the High Commission for Migration, promotes the social inclusion of children and young people from vulnerable socio-economic backgrounds, particularly descendants of immigrants and ethnic minorities. In this programme, local projects

[41] www.programaescolhas.pt

are designed to match the specific needs of the people to whom they are directed, with a strong emphasis on school support to increase academic success.

The programme focuses on five strategic areas:

I. Education and professional training, in order to contribute to school inclusion and to non-formal education, as well as to professional qualifications;

II. Employability and employment, in order to contribute to the promotion of employment and employability, supporting the transition to the labour market;

III. Citizenship and participation (civic rights and duties), in order to contribute to participation and citizenship, allowing a greater awareness of civic and community rights and duties;

IV. Digital inclusion;

V. Entrepreneurship and empowerment.

The programme supports local projects, designed and implemented by a consortium of local partners, whom in a convergence of resources develop an effective local dynamic based on a local diagnosis. They also define and implement various types of actions in line with the objectives identified.

Presently in its **6th generation (2016-2018), the Choices Programme is supporting 110 approved projects, involving around 85,000 participants** across the country as well as two pilot experiences elsewhere in Europe – Luxembourg and London. The action of each local project targets children and young people between 6 and 30 years of age, involving other people as well, such as family members and the community at large.

The action model created to work with these target groups is based on the definition of a theory of change, aiming to look at these children and young people and invest in their opportunities, their full development and in the realization of positive experiences and interactions. Furthermore, the action model concerns supporting the development of resilient children and young people.

A strong investment is made in the combat against a lack of school success and absenteeism, where among the projects in course, there are ninety-nine works under measure number one (Education and Professional Training). These aim at developing such diverse activities including study support, a personal and social skills programme and non-formal education activities to promote success in school. The work developed also involves the co-accountability of family members, often through mediation and training on parenting.

Non-formal education takes particular relevance in the Choices Programme since it allows the efficient and effective encouragement of children and young people participating in the projects towards structured and guided learning, with the acquisition of skills as the final objective. The articulation among pedagogical approaches, learning methodologies, as well as the investment in structured recreational and pedagogical activities which aim at encouraging motivation for learning, has made it possible to work with children and young people from disadvantaged backgrounds.

These projects focus mainly on the development of personal and social skills, provide school support, contribute toward social and school inclusion, promote equal opportunities, and the reduction of school failure and dropout rates. The activities of the projects include, amongst others: debates; information, awareness-raising and training sessions; community theatre; capacity building workshops (digital literacy, online safety, personal and social development); video production; psychological support and sports.

In the previous edition, the **5th generation (2013 – 2015)**, there were 85,160 children and young people from disadvantaged social backgrounds, many of whom are immigrant descendants or Roma children living in vulnerable places. - in the different "Choices" Programme projects, surpassing the 80,000 thousand initial goal. Over 2,400 children and young people were reintegrated into school, and 7,000 into employment and vocational training through the "Choices" Programme, with a rate of academic success of 76.5% for all participants. The fifth generation "Choices" Programme involved 2,871 different partners, both with local authorities and civil society organizations.

Table 39 - Students from the Roma Community enrolled in public schools, by education level (2017 - 2018)

N. of students	1945	5879	3078	1805	10762	256	12 963
% total	15.0%	45.4%	23.7%	13.9%	83.0%	2.0%	100.0%

Source: **DGEEC,** DGE - Questionnaire on the Portuguese National Roma Communities Integration Strategy Note: Data refers to schools answering the questionnaire and which have students from the Roma community.

Table 40 - Students from the Roma Community enrolled in public schools with school leaving numbers, by education level

Students with early school leaving	122	326	150	598	14	612
% total	2,2%	11,3%	8,8%	5,9%	5,6%	5,9%

Source: **DGEEC,** DGE - Questionnaire on the Portuguese National Roma Communities Integration Strategy Note: Data refers to schools answering the questionnaire and which have students from the Roma community.

Article 19 – Right of migrant workers and their families to protection and assistance

Paragraphs 1, 2 and 3 - *Migration trends*

Country of origin

There have been some changes in the country of origin of migrants. Although the four most representative nationalities remained unchanged (Brazil, Cape Verde, Ukraine and Romania), the number of registered citizens from France and Italy residing in Portugal raised significantly representing, in 2017, the 8th and the 10th biggest foreign communities.

Number of legal residents

After a sharp and continuous decrease of the number of foreign citizens residing in Portugal, falling from the 450,000 migrants (as referred to in the last report) to 388,000 between 2010 and 2015, in 2016 this tendency changed. In 2017, the number of legal residents was 421,000.

Change in policy and the legal framework

Portugal revised and updated its First Plan for the Integration of Immigrants, adopting 90 measures to be implemented during the period 2010-2013. The Second Plan for the Integration of Immigrants (Council of Ministers Resolution 74/2010 of August 12th) was implemented between 2010 and 2013. It represented continuity in relation to the First Plan, but adapted the measures to the new characteristics of the migratory flows.

Also in 2010, the National Plan Against the Trafficking of Persons was updated with forty-five measures to be implemented during the period 2011-2013.

The High Commission for Migration[42] is a public institute that, under the direct supervision of the Presidency of the Council of Ministers, is responsible for collaborating in the definition, implementation and evaluation of public policies regarding the attraction of migrants, the integration of immigrants and Roma communities, and the management and enhancement of the diversity of cultures, ethnicities and religions through the promotion of intercultural and interreligious dialogue.

[42] www.acm.gov.pt

Acknowledging the change in migration flows in Portugal over the past few years and the need to define a national integrated vision on migration through a whole-of-government approach, in 2014, the Portuguese government decided to expand the action plans focused only on the integration of immigrants. It started to define a national strategy for migration flows globally, including measures to target not only immigrants, but also Portuguese emigrants and refugees.

While enlarging its target group to a broader sense of migrants, this new strategy took into consideration the importance of reinforcing the variety of sectors where integration should occur (employment, health, education, justice, housing, culture and language, civic participation, human trafficking), as well as keeping crosscutting themes such as gender issues, racism and discrimination and also the promotion of diversity and intercultural dialogue.

The **Migration Strategic Plan 2015-2020**[43] reinforces the former Plans for the Integration of Immigrants and contains more than one hundred measures in five fundamental areas:

- Immigrant integration policies;
- Policies to promote the integration of the new Portuguese;
- Policies of migration flows coordination;
- Policies strengthening the migratory legality and quality of migration services;
- Incentive policies, monitoring and supporting the return of national emigrant citizens.

The plan follows the holistic approach and involves 13 ministries, being defined around practical measures and organized into thematic sections. The plan was publicly discussed, and civil society, including immigrant associations, was highly mobilized to contribute. Considering the complex nature of discrimination and the way it can manifest in different forms (as in the case of multiple or intersectional discrimination) and ways (as in the case of education, health, justice, security, housing), it is essential to take into consideration as many agents as possible for transformative change.

[43] The English version can be consulted in: http://www.acm.gov.pt/documents/10181/222357/PEM_ACM_final.pdf/9ffb3799-7389-4820-83ba-6dcfe22c13fb

Portugal, through the work of the High Commission for Migration, has been a pioneer in Europe by creating the **National Support Network for the Integration of Migrants** in 2003, as a response to the proximity of immigrant communities scattered throughout the country because integration takes place locally, in partnership with municipalities and civil society.

In July 2016, the Government redefined, through Ordinance 203/2016, the **National Support Network for the Integration of Migrants (CNAIM) composed by three National Centres and ninety-four Local Centres with the objective of developing a modern and integrated migration policy**, more appropriate to contemporary migration dynamics and current needs, making it more inclusive and comprehensive, including immigrants and refugees in its scope.

The initiative is currently composed of the National Support Centres for the Integration of Migrants (CNAIM) and the Local Support Centres for the Integration of Migrants (CLAIM) that, in close collaboration with ACM, provide integrated support in the hosting, resettlement, relocation and integration of refugees at a national and local level.

The CNAIMs aim to provide a step forward regarding the integration of Portugal's migrant community, including the refugee population, by offering competent, efficient and humane assistance in order to respond to the needs of migrants. Intercultural mediators, originating from the different immigrant communities, play a key role in all CNAIM services[44].

Each CNAIM provides a range of Government and non-Government services under one roof in a variety of languages (Arabic, Cape Verdean, English, Guinean Creole, Mandarin, Portuguese, Romanian and Russian). Services include, among others, the provision of information and direct assistance regarding legalization and visa issues, family reunification, the educational system, access to healthcare, professional and educational skill recognition, social security and welfare issues, employment concerns, legal aid and support for immigrant associations. All services are provided free of charge.

Since March 2004, there have been more than de 4.5 Million cases[45]. The CNAIM network (Lisbon, Porto and Faro) have a daily average of 1100 visits.

Complementary to the CNAIMs, since 2003 and until now, **Portugal had a network of 94 Local Support Centres for the Integration of Migrants (CLAIM)**, in partnership with municipalities and civil

[44] http://www.acm.gov.pt/-/cnai-centro-nacional-de-apoio-ao-imigrante
[45] https://www.youtube.com/watch?v=OaW_bDKwj4k&t=1s

society organisations, covering almost the entire territory of Portugal, which provide decentralized information, support and response to migrants` questions and problems[46].

Additionally, in 2014 Portugal challenged municipalities so that they would design plans for the integration of migrants, built from the ground up and based on follow-up and monitoring platforms. These plans have representation by the migrant communities themselves and by public and private entities with expertise in the area of migration. The first generation plans are dated 2015-2017 and the second generation plans are dated 2018-2020. There are a total of thirty-eight pioneering municipalities, on a local and multilevel basis.

In 2017, the GNR signed a protocol with the High Commissioner for Migration (ACM) that establishes and regulates the Migrant Support Program with a view to sharing knowledge, good practice and cooperation to improve care, information, protection and the monitoring of migrants and refugees.

In 2012, Portugal adopted and ratified the **Convention Relating to the Status of Stateless Persons.**

Collect and utilize accurate and disaggregated data as a basis for evidence based policies

The Observatory for Migration[47] publishes data as indicators of immigrant integration, following recommendations from the European Commission. However, they go further than the four dimensions and sixteen indicators considered in the Zaragoza declaration, assuming in the most recent edition of these annual statistical reports[48] fifteen dimensions of integration and more than two hundred indicators. They analysed data from twenty-eight statistical and administrative national sources together with fourteen international statistical sources.

This investigation of Portugal throughout the Observatory for Migration in monitoring and evaluating the integration of immigrants, in comparison with Portuguese population outcomes for the same indicators, was particularly highlighted in the report of the European Union Agency for Fundamental Rights called "Together in the EU. Promoting the Participation of Migrants and Their Descendants"[49]. This report placed Portugal (along with Germany) in the scarce group of countries that is going beyond European Commission recommendations on the collection of data on immigrant integration.

[46] http://www.acm.gov.pt/-/rede-claii-centros-locais-de-apoio-a-integracao-de-imigrant-3
[47] www.om.acm.gov.pt
[48] http://www.om.acm.gov.pt/publicacoes-om/colecao-imigracao-em-numeros/relatorios-anuais
[49] FRA, 2017: 37 - available at http://fra.europa.eu/en/publication/2017/migrant-participation

The annual report[50] on the indicators of immigrant integration by the Observatory for Migration is the most important publication of official data on immigration in Portugal.

Co-operation between the social services from countries of emigration and immigration

The Convention of 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.

Paragraphs 4 and 5

Equality regarding employment

The LC provides for the legal discipline of subordinate work of foreign citizens in Portugal.

The principle of equal treatment of foreign employees or stateless persons is guaranteed by Article 4 of the Labour Code (LC), which establishes that, without prejudice to the law applicable to the posting of workers, as well as to the LC itself in relation to the form and the contents of the employment contract with a foreign or stateless employee, a foreign or stateless person who is authorized to perform a subordinate professional activity in Portugal enjoys the same rights and is subject to the same obligations of the employee with a Portuguese nationality.

Article 24 (1) of the LC provides that the employee or jobseeker has the right to equal opportunities and treatment with regard to access to employment, training, promotion or career and working conditions. They cannot be privileged, benefited, harmed, deprived of any right or exempt from any duty due to ancestry, age, sex, sexual orientation, gender identity, economic situation, education, social origin or condition, genetic heritage, reduced working capacity, disability, chronic illness, nationality, ethnic origin or race, territory of origin, language, religion, political or ideological beliefs, and trade union membership. The state shall promote equal access to such rights.

The legal framework of entry, stay, exit and the removal of foreigners from Portugal, approved by Law 23/2007, of 4 July, defined, among other things: the types of stay and residence permits which could be granted to third-country nationals; the conditions for granting the permits; and the purpose, duration and status of long-term residents. These points, however, suffered five changes in the period covered by the report, the last of which was introduced by Law 102/2017, of August

[50] Available at http://www.om.acm.gov.pt/publicacoes-om/colecao-imigracao-em-numeros/relatorios-anuais

28th. Specifically, with regard to the exercise of subordinate professional activity, the following changes are highlighted:

- Adoption of the short-stay visa for seasonal work for a period equal to or less than 90 days;
- Adoption of a temporary stay visa for a period of more than 90 days, which may not exceed 9 months during a period of 12 months;
- A definition made of what is meant by seasonal work as an activity for which the signed employment contract does not exceed 9 months and which is included in the list of sectors published by the member of the government responsible for the area of employment (Order 745/2018, of January 17th, of the Secretary of State for Employment);
- Elimination of the visa for the exercise of subordinate professional activity of a temporary nature, whose duration does not exceed 6 months, as a rule;
- Maintenance of the residence visa for the exercise of a permanent subordinate professional activity, for which the IEFP is responsible for verifying compliance with the principle of priority, i.e. that the job offers communicated by the employer has not been filled by a national, a EU/EEA/Swiss citizen or a citizen of another state, resident in the national territory during the minimum period that the job vacancy has to be available in the IEFP.

In this case, all unemployed immigrant citizens or employees who intend to change their employment can still be registered for employment in the IEFP,I.P. provided that they have a valid title of stay or a residency qualifying them for the exercise of subordinate professional activity. Similarly, these citizens still have access to specialist interventions, including vocational guidance & training and employment measures (which the validity of their title entitles them to pursue) and integration into the labour market, on a par with national citizens.

The following tables illustrate the number of unemployed foreigners registered in Portuguese employment services, their number by region of origin and the number of responses from the Public Employment Service in terms of labour market placements and attendance of vocational training, employment and professional rehabilitation measures.

Table 41 - Registered unemployment of foreigners, by groups of countries of origin (at the end of the year)

	2010	2011	2012	2013	2014	2015	2016	2017
Total Unemployed Foreigners	36 496	38 803	41 516	34 968	27 815	25 165	21 448	18 248
Europe	12 829	13 961	15 069	12 927	9 980	8 964	7 619	6 553
European Union	5 292	6 028	6 736	6 171	5 100	4 770	4 208	3 944
Eastern Europe	7 490	7 878	8 269	6 697	4 825	4 137	3 371	2 563
Other European Countries	47	55	64	59	55	57	40	46
Africa	11 650	12 711	13 948	11 812	9 545	8 298	6 533	4 965
America	10 938	10 916	11 129	9 104	7 225	6 701	5 976	5 398
Other Countries	1 079	1 215	1 370	1 125	1 065	1 202	1 320	1 332

Source: IEFP, IP, PG-EP

Table 42 - Placement of foreigners by groups of countries of origin

	2010	2011	2012	2013	2014	2015	2016	2017
Europa	1 708	1 582	1 368	1853	1865	2117	1731	1 464
Africa	972	772	501	678	944	1053	1122	1 111
America	1 346	1 056	820	853	1048	1277	1211	1 166
Other Countries	131	147	87	125	165	201	184	251
Total	4 157	3 557	2 776	3509	4022	4648	4248	3 992

Source: IEFP, I.P., PG-EP

It should also be mentioned that nationals of European Union countries are also eligible for the Employment Measures, provided they meet the requirements.

Likewise, third-country nationals may gain access to this measure provided that they have a permit allowing their residence in Portugal and they have registration as a candidate for employment or a

valid receipt proving the request of renewal or extension of that permit issued by the Immigration and Borders Service (SEF) and that they fulfil other requirements to gain access to the measure.

Table 43 - Foreigners covered by employment, training and vocational rehabilitation measures (years 2015, 2016)

	2010	2011	2012	2013	2014	2015	2016	2017
Europe	4 464	4 479	5 335	6 787	8 556	8 047	4 467	4 267
Africa	10 397	9 247	12 129	13 732	14 274	11 668	6 518	5 555
America	4 849	5 061	6 364	7 297	8 600	8 028	4 984	4 516
Other Countries	559	929	1 129	1 209	1 101	1 216	1 363	3 418
Total	20 269	19 716	24 957	29 025	32 531	28 959	17 332	17 756

Source: IEFP, I.P., PG-EP

The ACT, within the scope of planning its inspection activities, controls the working relations and the conditions of non-national workers within the specific project of vulnerable groups.

Employment contracts with foreign workers or stateless persons are subject to be in written form and must be communicated to the ACT, by means of a form (see article 5 of the LC).

Table 44 - Foreign workers' employment contracts communicated to the ACT

	2010	2011	2012	2013	2014	2015	2016	2017
Foreign workers' employment contracts communicated to the ACT (signing and termination)	42,702*	44,785*	24,843*	18,554*	17,960*	6,160*	2,507*	54,412**

* Source: communications registry in the ACT information system.

** Source: ACT website. In 2017, a form for the communication of employment contracts for foreign workers was made available and this information is now automatic.

In view of the representation of immigrant workers in Portugal, it was considered necessary and a priority to adopt a set of policies and concrete measures to promote their better reception and integration in terms of employment, racism, discrimination, gender equality and citizenship issues.

The **II National Plan for the Integration of Immigrants 2010-2013 (II PII**), approved by the Resolution of the Council of Ministers 74/2010, of August 12th, was one of the reference instruments of the ACT inspection area.

Consequently, through the coordinated action of different ministries and the definition of their scope, the PII (II) identified a set of measures distributed across several vertical and transversal sectoral areas that have their main goal as the full integration of immigrant workers into Portuguese society and that are based on a set of guiding principles, including the following:

- Equal opportunities for all, with particular reference to the mitigation of disadvantages in access to employment, rejecting any discrimination based on ethnicity, nationality, language, religion or gender and combating legal or administrative dysfunction.
- Special attention to gender equality, recognizing the dual vulnerability of being a woman and an immigrant.
- Simultaneous and inseparable affirmation of the rights and duties of immigrants.
- The Strategic Plan for Migration 2015-2020, published by Resolution of the Council of Ministers 12-B/2015, March 20th, cited above, contains a set of measures/actions to be undertaken by various agencies with responsibility in the area of migration, including ACT, in the area of employment.
- In view of its attributions, ACT has developed in the aforementioned period the following action:
- Intensification of the fight against the use of illegal labour through the reinforcement of carrying out inspections of employers.
- Promoting awareness and information with employer and worker associations.
- Inspections in the workplace, promoting citizenship and gender equality through the integration of immigrants, combating the illegal use of labour (including undeclared work), racial discrimination and human trafficking.

The ACT has participated in the implementation of the various **National Plans against Human Trafficking (II Plan 2011-2013 and III Plan 2014-2017),** insofar as the crime of human trafficking can be perpetrated for the purpose of labour exploitation, with the labour inspectors having here a special role of flagging and reporting to the police authorities all the cases that they may detect within the inspected companies.

National Campaign against Undeclared Work

In 2014/15, the ACT and the institutional and social partners collaborated together and these partners included the High Commission for Migration (ACM), Employment and Vocational Training Institute (IEFP), Foreigners and Borders Service (SEF), Confederation of Portuguese Agriculture (CAP), Confederation of Portuguese Tourism (CTP), General Confederation of Portuguese Workers (CGTP) and the General Union of Workers (UGT).

They developed a National Campaign against Undeclared Labour with the objectives of detecting and combating totally and partially undeclared work, promoting the transformation of undeclared work into regular employment, promoting a culture of compliance with labour reporting obligations and enriching the regulatory framework to improve the efficiency and effectiveness of the fight against undeclared work (this campaign also targeted vulnerable workers, including foreign workers).

Several activities were carried out within the scope of this campaign:

1. In the area of awareness and information, 129 pieces of action were carried out targeting different audiences and public opinion: an advertising campaign (TV, written and spoken press, posters, ATM displays) and dissemination to specific target audiences with the distributed leaflets, posters, the ACT newsletters, the FAQs available on the ACT website and the campaign website.

2. In the area of education, the campaign was launched in primary and secondary schools: utilising appealing language, images and information sessions.

3. Proposals were made for the improvement of labour legislation, with the aim of optimizing the effectiveness and efficiency of the fight against undeclared work.

4. In the area of integration and inspection, there were 8,324 inspection visits to workplaces.

Table 45 - Specific visits - Immigrant workers

Specific visits	2010	2011	2012	2013	2014	2015	2016	2017
Immigrant workers	2682	2416	1087	875	794	532	347	231

Table 46 - Foreign workers benefiting from inspection

Form of employment	Year	Total
Foreigners' employment contract	2010	*
	2011	*
	2012	3,767
	2013	3,535
	2014	3,604
	2015	2,915
	2016	3,195
	2017	2,097

* Data not available

Table 47 - Non-coercive and coercive procedures concerning the employment of foreigners

Year	Warnings	Violations
2010	*	*
2011	14	234
2012	0	123
2013	5	63
2014	5	73
2015	3	28
2016	4	86
2017	6	48

* Data not available

Campaign "Work abroad": The 3rd edition was promoted by the **Directorate General of Consular Affairs and Portuguese Communities (DGACCP),** in partnership with other public bodies, namely ACT. It aimed to provide a set of practical information on important aspects with emphasis on the conditions of recruitment, work, health and taxes of people leaving Portugal to work abroad.

Posting of workers: Article 4 of Directive 96/71/EC, on the posting of workers within a provision of services, lays down clear obligations regarding cooperation between national authorities and it is the responsibility of the member states to create the necessary conditions for such cooperation. In order to achieve these objectives, the member states of the European Economic Area (EEA) have designated the liaison offices and the authorities responsible for monitoring the terms and conditions of work provided for in Article 4 of the Directive.

At national level, it is ACT's responsibility to take the necessary steps to cooperate with the liaison offices of the other member states. In order to facilitate and speed up collaboration between member states, the European Commission has developed the Internal Market Information System (IMI).

The IMI system is an internet-accessible electronic tool designed to assist the bodies of the European Economic Area that have to exchange information with their counterparts in other member states. The exchange of information with the entities of other member states through the IMI system began in May 2011, under the Posting of Workers Directive.

Table 48 - Inspection action in the field of the posting of workers within a provision of services

Posting in Portuguese territory	Visits	Warnings	Fines
2011	242	5	88
2012	161	5	50
2013	406	21	88
2014	255	6	96
2015	216	12	77
2016	213	12	106

2017	124	45	57

Membership of trade unions and enjoyment of the benefits of collective bargaining

Regarding this paragraph, there were no changes to the legislation during the period covered by the present Report. Notwithstanding, it is important to highlight certain aspects regarding the Portuguese legislation relevant to this provision.

It entails from the 6th Report, that Articles 4 and 24 of the LC guarantee equal treatment for Portuguese and foreign workers. Insofar foreign workers have an authorisation to exercise a subordinate professional activity in Portuguese territory, they enjoy the same rights and are bound by the same duties as Portuguese workers. Moreover, not only they have the right to equal opportunities and treatment in access to employment, training and professional promotion or career and to equal working conditions, but also they cannot be prejudiced, benefited or deprived of rights or exempted from duties for a set of reasons, *inter alia*, nationality. As a consequence, trade union freedom is granted to all workers without discrimination on the grounds of nationality. This freedom is twofold: the positive freedom to form a union or to join an existing one (Article 440 (1) and Article 444 (1) of the LC).

Having in mind that under the LC, trade unions are the bearers of the right to bargain collective agreements, a foreign worker member of a trade union can, thus, enjoy the benefits of collective bargaining [Article 443 (1) (a)]. Lastly, it should be mentioned that pursuant to Article 496, collective agreements are binding for signatory employers or employers' associations, as well as workers who are members of signatory trade unions. The personal scope of a collective agreement encompasses not only workers and employers affiliated in trade unions and employers' associations, but also workers and employers that later affiliate to their respective organisations during the period where the collective agreement is in force.

Replies to the European Committee of Social Rights

Paragraph 1 – Assistance and information on migration

Free services and information for migrant workers

"The Committee asks that the next report provides up-to-date information on free services and information for Portuguese national workers who are moving out of Portugal or wish to do so."

The Directorate-General for Consular Affairs and Portuguese Communities (DGACCP) is a central service of the state's direct administration and its mission is to ensure, within the framework of the powers of the Ministry of Foreign Affairs, coordination and implementation of the support policy to emigration and to the Portuguese communities abroad. It results from article 2 of Regulatory Decree no. 9/2012, of January 19th, which defines the mission, the attributions and the type of internal organization of the DGACCP.

Ordinance 30/2012, of January 31st, establishes the nuclear structure of the DGACCP with the identification of its four Service Directorates and their attributes. Ordinance 4480/2012, of March 29th, established the DGACCP organic structure.

In the development of its activity, the DGACCP plays a fundamental role of economic and social support for emigrants and their families, developing in collaboration with other entities, action aimed both to facilitate their integration into active life and action and information campaigns for citizens intending to live or work abroad. This action covers a wide range of initiatives ranging from vocational training to the assistance provided by specialists through various means (face-to-face, telephone, email, etc.), to migrants' guidance on various subjects (social security, employment, tax benefits and social, economic and legal issues, counselling in the "**Work Abroad - Find Out Before You Go"** campaign, etc.) or to promote the teaching of the Portuguese language and culture among migrant communities.

With the aim of supporting migrants who intend to return to Portugal and those who wish to work in foreign countries, the DGACCP has entered into agreements with city councils for setting up Emigrant Support Offices (GAE) in their municipalities, which are based on two basic principles: availability for care and proximity to the user. The GAE's aim is to inform all citizens of their rights in their host countries, to assist in their return and reintegration into Portugal, to contribute in solving the problems presented in a fast, free and personalized way, and to facilitate their contact and articulation with other services of the Portuguese Public Administration.

The GAE network has been continuously strengthened thanks to the joint efforts of the DGACCP and the Municipalities involved. By 2017, there were already 130 GAE protocols, of which 10 are second generation GAE offices with the integration of new information services for the citizen, namely in the area of promoting entrepreneurship, attraction of investment, tax issues and recognition of foreign diplomas. By the end of 2017, 116 GAE offices were fully operational.

A number of GAE office functionalities were also implemented in cities located in countries with significant emigrant communities, thus reinforcing the support provided by Portugal. Between 2016 and 2017, four cooperation protocols were signed with municipalities in France (Cenon, Soufflenheim and Pontault-Combault) and Germany (Osnabrück) in order to contribute to a better fulfilment of the needs of the Portuguese communities in those countries.

"Dialogues with Communities" were implemented with the aim of promoting a systematic dialogue with the emigrant community spread throughout the world. These sessions provide a unique opportunity for an open and frank dialogue to listen to the proposals and wishes of these communities in their relationship with the public authorities. Since 2016, sessions have been held in four countries: Belgium (Brussels), United Kingdom (London and Manchester), Luxembourg and Switzerland (Lausanne, Bern and Zurich).

Continuing the **"Work Abroad - Find Out Before You Go"** campaign (a joint partnership between DGACCP, the Institute for Employment and Vocational Training, the Authority for Working Conditions and the Institute for Social Security, originally launched in 2003, whose success led to two new editions in 2006 and 2012, with more updated and systematized information), specific leaflets were produced on the main destination countries of Portuguese emigration. A generic content brochure was also produced, revised in 2015, warning migrants of the importance of being acquainted with important issues including taxes, social security, health care, labour market, education, cost of living, etc. before they decide to go to live and work in another country.

In addition, all elements related to the "Work Abroad - Find Out Before You Go" campaign and other more specific information, such as travellers' advice, are available for consultation on the Portuguese Communities Portal[51].

With regard to measures to ensure equal treatment in social security matters, the DGACCP follows up on the negotiation and implementation procedures of the Bilateral Conventions on Social

[51] https://www.portaldascomunidades.mne.pt/pt/trabalhar-e-viver-no-estrangeiro

Security, and also ensures compliance with the legal formalities for the signing and entry into force of the Conventions.

For national workers wishing to travel to any of the 28 member states of the European Union (EU), as well as to Norway, Iceland, Liechtenstein or Switzerland, there is support available to them from the mainland public employment services and from those of the autonomous regions of the Azores and Madeira (namely, the IEFP, IP, the Regional Directorate for Employment and Professional Qualification and the Madeira Employment Institute). As EURES members, they can provide them with information, advice, placement support and even post-placement services. Specifically, national workers who are likely to migrate can benefit, free of charge, from the following information and services:

- information on the status and trends of the national and regional labour markets of the target country;
- information on living and working conditions in a country, including background information on social security, taxes, labour legislation and active employment measures;
- information on equivalence and professional recognition (particularly in the case of regulated professions), including referral to competent services;
- vocational guidance/career management;
- mobility-oriented job searches techniques;
- review of curricula and motivation letters;
- referral for tests and/or training in a foreign language;
- assistance in applying for financial support towards mobility;
- referral to specialized legal advice;
- space/means for remote interviews, in particular, with employers (video/web conferencing);
- referral to (or provision of) integration, technical and/or language training, in particularly in recruitment projects;
- support for change and integration (travel and rehousing in the host country, support for the integration of the partner and/or other family members).

With regard to free information services for migrants, in addition to the EURES Network, the IEFP provides information through the **National Reference Point for Qualifications - PNRQ.** This is a contact point in Portugal, where information on Education, Training and Professional Certification Systems can be found including, in particular, **information concerning qualification recognition processes,** in order to facilitate the citizens' mobility within the European Area.

It should be noted, however, that the PNRQ's scope and competences are only related to the provision of information and the referral of users to the bodies that, within the network, are the specialist authorities. This is carried out in accordance with the Directive 2005/36/EC, which implemented the general recognition framework, applicable to regulated professions, and the processes are the responsibility of the specialist authorities, defined for the various professions.

Measures against misleading propaganda relating to emigration and immigration

"The Committee asks that the next report provides full and up-to-date information on the political debate on immigration and the specific measures taken to fight against the tendency to equate immigration with crime and unemployment."

Eliminate all forms of discrimination and promote evidence-based public discourse to shape perceptions of migration

Apart from the criminal procedure, allegations of racial discrimination can also be the basis of an administrative procedure against any public authority, service or individual person and can be made to the Commission for Equality and Against Racial Discrimination[52]. The Commission is chaired by the High Commissioner for Migration and includes representatives elected by the Parliament, Government appointed representatives, representatives from the migrant and human rights associations, employer`s associations, trade unions, NGOs and civil society. This Commission is a specialized body formally created by Law number 134/99, August 28th and has been functioning since the year 2000.

In terms of enforcement measures and sanctions, Portuguese law enforces the above mentioned complaint procedure for cases of racial discrimination, which is dealt with by the Commission for Equality, Against Racial Discrimination.

[52] www.cicdr.pt

A new anti-discrimination law entered into force on the 1st September 2017[53] establishing the legal framework for the prevention, prohibition and combat of discrimination. In addition to the prohibition of discrimination based on race, colour, nationality and ethnic origin, new forms of discrimination are for the first time included, such as discrimination based on descent and place of origin, multiple discrimination and discrimination by association.

As a result of this new legal diploma, the High Commission for Migration, through the Commission for Equality, Against Racial Discrimination (CICDR)[54] is responsible for all phases of the administrative offences procedure within their areas of competence, together with the reception and analysis of complaints, instruction and decision, as well as the coordination of action in the prevention, inspection and combat of discriminatory practices. The scope of CICDR's intervention is in this manner increased with the mandate to manage the administrative offences processes, determining the fines and additional sanctions to be applied. With this new legislation, the concept of discriminatory practices has been reinforced as well as the composition of the Commission.

In addition, various activities have been developed by the High Commission in combating racism and discrimination, namely through the following campaigns:

- The internet campaign "Discover your colour!" launched in 2015, using a special website55 and Facebook. This campaign was very successful, having received 45,000 views on the first day.
- A national campaign launched in 2016 targeting children between 3 and 5 years old that attend the pre-school system. The concept of this campaign was to gather in a toolbox a set of 6 colour pencils with different skin tons and also a book with the story "The colours of the grey city" ("As cores da cidade cinzenta"). It invites children to colour the book and to listen and reflect about the main message of the story: the city welcomes new citizens, each bringing with them new colours, new ideas and perspectives56.
- In 2017, action at public schools in four cities across the country consisted of a theatre play, discussion and reflection among the students regarding combating discrimination and a collaboration between some artists and children in creating murals57.

[53] https://dre.pt/application/file/a/108039214
[54] www.cicdr.pt
[55] http://www.descobreatuacor.pt
[56] http://www.acm.gov.pt/documents/10181/167771/As+Cores+Da+Cidade+Cinzenta_BR.pdf/c740288d-4832-49ff-8cfc-75d14d9b5f9f
[57] http://www.acm.gov.pt/-/dia-internacional-para-a-eliminacao-da-discriminacao-racial-acm-promove-campanha-de-sensibilizacao-em-escolas-do-1-ciclo

- This year, the High Commission also promoted a national contest challenging children and youngsters to produce writing papers based on this theme. Up to now, 500 proposals have been submitted58.

The High Commission also has strongly invested in the promotion of interculturality in Portuguese society together with valuing cultural/religious diversity and the promotion of mutual understanding and positive interaction amongst all citizens and resident groups in national territory, namely by the Intercultural Dialogue Unit.

Integrated in this Unit is a network of around 20 trainers. The training network was established in 2006, as an available resource for all entities that intend to organise training sessions in the area of interculturality at a national level. For example, during 2017, one hundred and one awareness-raising sessions were conducted in the areas of interculturality and migration. These sessions had the participation of around 2,000 participants, through schools, municipalities, Social Security and immigrant associations.

Paragraph 2 – Departure, journey and reception

Departure, journey and reception of migrant workers

"The report does not provide information on services for health, medical attention and hygienic conditions during the journey. The Committee asks that the next report provide up-to-date information on this point."

Since 2016 the Directorate General of Health from the Ministry of Health has published several pieces, in several languages, regarding the right to health and access to health services in the country[59].

Since January 2014 a "guide" - Manual of Reception in the Access to the Health System of Foreign Citizens (Manual de Acolhimento no Acesso ao Sistema de Saúde de Cidadãos Estrangeiros) - was published online and divulged to every primary care unit in the country[60].

Every patient, including foreign patients, can benefit from healthcare in the country, in Europe and abroad; the Patient Mobility Portal (Portal da Mobilidade de Doentes) provides information and provides the necessary procedures to seek care.[61]

[58] https://www.cicdr.pt/-/77-palavras-contra-a-discriminacao-racial?inheritRedirect=true
[59] https://www.dgs.pt/directrizes-da-dgs/normas-e-circulares-normativas.aspx
[60] https://www.dgs.pt/em-destaque/manual-de-acolhimento-no-acesso-ao-sistema-de-saude-de-cidadaos-estrangeiros.aspx

The Decree-Law no. 117/2014, of August 5th, has exempted refugees and asylum seekers from the payment of moderating fees associated with healthcare (current version of the legislation[62]).

Regarding refugees and asylum seekers, one must also consider the information circulated that clarifies the documents needed and the rights in access to care.

As good practice, two guides were published for migrants and refugees: one on the nutritional needs of refugees and migrants and the other on the psychological needs of migrants and refugees.

Paragraph 3 - Co-operation between the social services of emigration and immigration states

"The Committee asks that the next report provides full and up-to-date information on the issue of services for emigration, as well as on the implementation of the relevant chapters of the 2007 "Plan for integration of foreigners", with respect to its impact on effective cooperation between social services."

Solidarity and Social Security

During the first **Plan for integration of foreigners** (PII), priority was given to the establishment of social security conventions, not yet implemented, with the countries of origin of the most representative immigrant communities and, under Measure 47, agreements were signed with Ukraine (2007), Moldova (2008) and Guinea-Bissau (2008). Since it was not possible to complete the negotiating process with Guinea-Bissau by the end of 2009, this measure is considered partially fulfilled. The conventions established with Brazil, Cape Verde, Romania and Tunisia are in force. Concerning social security agreements with Angola, S. Tomé and Príncipe and Guinea Bissau, Portugal has complied with the constitutional procedures necessary for their entry into force and is awaiting notification of compliance with the same procedures by the three countries in question.

With regard to the safeguarding of acquired rights and the rights under discussion of immigrant workers, on 31 December 2009, there were 379 297 foreigners actively registered with Social Security.

Specific information on the rights and duties of immigrants registered with Social Security was included in the brochure referred to in measure nine of the PII, "Integration of Immigrants - Rights

[61] Link: http://mobilidade.dgs.pt
[62] http://www.pgdlisboa.pt/leis/lei_mostra_articulado.php?nid=2035&tabela=leis&so_miolo

and Duties: Finance, Foreigners and Borders Service and Social Security", accomplishing one of the goals of Measure 48.

The PII includes a specific measure for all those who, for various reasons, find themselves in socio-economic situations of extreme vulnerability. It should be noted that the goal of supporting 1,200 immigrant citizens living in extreme poverty by 2009 was largely surpassed in 2008, with 47,818 foreign citizens benefiting from Social Aid and Social Integration Income.

On the other hand, the Foreigner Support Program (PADE), which results from a protocol signed by ACIDI, I.P. (now ACM) and ISS, I.P., is part of Measure 49.

At the time of the final evaluation of the 1st PII, the PADE had four working foster homes: Santa Maria Eufrásia Residence, Casa da Alegria, Casa Amiga and Casa Viva, in the Lisbon metropolitan area. These four houses offer about 45 beds and received 68 users in 2009, with an investment by ISS, I.P. of €164 761.

As regards the implementation of training action aimed at raising awareness among social security employees for the welcoming and integration of immigrants (Measure 50), two training courses took place. Each course lasted for a duration of 35 hours and was attended by 29 trainees, however, this fell short of the target of delivering 6 training courses of 96 hours each, involving 75 trainees per year, as foreseen in the plan.

Also included in Measure 50 is the production and distribution of the "Guide to Citizenship" by all district social security centres, in compliance with the goal defined in the plan. This guide is a result of the "Migrations and Development" project and is an important information tool intended for those responsible for attending to migrants.

It addresses key areas for their (re)integration into Portuguese society: Citizenship, Nationality, Voter Registration, Equality, Consumer Protection, Environment, Education, Recognition and Empowerment, Employment and Vocational Training, Work, Social Security, Health, Housing, Family and Inheritance law, Regrouping and Family Reunification, Denied and Disqualified Minors, Taxation, Military Service, Public Safety and Traffic.

Relations with countries of origin

The streamlining of relations between the countries of origin and the destination of immigrants is reflected not only in the added value of the host country but also in the development of the

countries of origin. This is particularly visible at the level of remittances, and in recognition of how important this is, the PII has integrated a measure to promote more efficient financial remittance systems. Two goals were established for its operation: an annual conference addressed to financial institutions and the production of information material on the various remittance services available.

Under measure 103, on 10 March 2009, the International Conference "**The Multiple Sides of Cape Verdean Migration"** was held in Praia, Cape Verde, an initiative organized by ACIDI, I.P., by the Portuguese Institute for Development Assistance (IPAD, IP) and the Institute of Cape-Verdean Communities, in the context of the first anniversary of the Centre for Migrant Support in the Origin Country (CAMPO). At the event, the study named "**The Importance and Impact of Remittance from Immigrants in Portugal on the Development of Cape Verde**", developed by Corsino Tolentino, Carlos Rocha and Nancy Tolentino within the Migration Observatory, was presented and discussed.

Similarly, in order to inform immigrants about the remittance services provided by banking institutions operating in Portugal, a specific field was introduced on the ACIDI website, more specifically in the FAQ, under the title of "remittances". This option had as its underlying principle the possibility of providing constantly updated information through the channel, which would not be possible with the production of a leaflet. This information was made available online in February 2008, and had 2 515 visits between June 2008 and May 2009. This change in strategy implies that this goal should be considered as partially fulfilled, since the information was made available, but in a format different from the one originally planned.

The existence of information in the countries of origin on the conditions of entry and residence, the rights and duties of immigrants and the proper functioning of the institutions of the countries of destination, allow a real image of the country of destination to be conveyed. It contributes to rebutting false expectations and preventing situations that are less clear at many levels. In this sense, coordinated efforts have been made between Portugal and some countries of origin, reflected in the goals of measure 104 of the PII.

The goal of opening a local support centre for immigrants in 3 countries of origin (Cape-Verde, Brazil and Ukraine) was not fully accomplished, since only a centre in Cape-Verde was opened. The **Migrant Support Centre in the Country of Origin (CAMPO),** inaugurated on January 24, 2008, resulted from a protocol signed between ACIDI, I.P., IPAD, I.P. and the Association of Immigrants of the Azores (AIPA) with a view to hosting, advising and providing information to Cape Verdean citizens who wish to immigrate to Portugal. Like the CLAII, the Campo consists of a decentralized

information space for migrants, aiming to provide articulated responses to the migrants' needs, having assisted 3 919 people in 2008 and 2009.

Under measure 105, ACIDI, I.P., in partnership with IPAD, I.P., produced informational material not only for the dissemination of the CAMPO but also an information leaflet with standardized answers to questions related to the documents and procedures necessary for the entry and stay in Portugal.

Likewise, and since students were the most frequent users of the CAMPO services, given the close articulation between them and the Portuguese consulate in the city of Praia concerning the granting of study visas, ACIDI, I.P. also produced a leaflet for foreign students with information about visas and the contact details of institutions that welcome these students in Portugal.

Under measure 104, with a view to informing potential migrants on the rights and duties of immigrants in Portugal, SEF submitted a project in 2008 to the Mission Structure for Community Funds Management (European Fund for the Integration of Third Country Nationals 2007) to develop an "Immigrant Citizen Support Guide". The project objective is to design, produce and distribute through the consular offices of Portugal in Angola, Brazil, Cape Verde, Guinea Bissau, Mozambique, Sao Tomé Príncipe, Ukraine, Russia and Senegal, a practical guide to support the citizens of a third country who have been issued with a long-stay visa.

ACIDI, I.P. also produced a brochure with information for potential Cape Verdean emigrants to Portugal who wish to study or work in Portugal.

In measure 104, at the level of the establishment of concrete forms of articulation and direct participation of the Liaison Officers (LO) of the Ministry of Internal Affairs, CAMPO refers to the LO placed in Cape Verde who have collaborated in terms of preliminary decisions for "study visas", in response to the request of the consular section of Praia. CAMPO centralizes the attendance of the applicants, the reception of the requests and the articulation with the Cape Verdean authorities.

The close articulation between Portugal and the countries of origin is also reflected in the creation of working groups on the integration of immigrants. Examples of this are the working group created under the Portugal/Cape Verde Joint Consultative Commission and the Joint Portuguese-Brazilian Sub-Commission on Consular Matters and Movement of Persons, thus accomplishing another goal of measure 104.

The Joint Consultative Commission on Cape-Verdean Immigration Issues, created in 2005, is composed of representatives of the Ministry of Foreign Affairs, Cooperation and Communities, the

Institute of Communities, the Ministry of Labour, Family and Solidarity, the Ministry of Internal Affairs, a representative of Civil Society and a representative of the Federation of Cape Verdean Associations in Portugal. On the Portuguese side, representatives of IPAD, I.P. and DGACCP (on behalf of the Ministry of Foreign Affairs), ACIDI, I.P. (ACM) (on behalf of the Presidency of the Council of Ministers) and the SEF (on behalf of the Ministry of Internal Affairs) are part of the commission.

With regard to the connection of foreign students to their countries of origin (measure 105), based on the available data, it is possible to present the number of foreign students present in Portugal but not the number of those who return to the country after completing the course, therefore it was not possible to provide an evaluation.

The available information, in terms of scholarships awarded by the Foundation for Science and Technology (FCT) in the years 2007 and 2008, shows that Brazil is the country with the highest number of granted scholarships. It should be noted that only in Brazil, India, China and Yugoslavia we see an increase in the number of scholarship holders in 2008 compared to 2007.

Table 49 - Foreign non-EU scholarship holders with scholarships awarded by FCT

Nationality	Year of the scholarship	
	2007	2008
Brazil	173	191
India	58	66
China	53	59
Russia	34	28
Belarus	19	15
Cape-Verde	19	17
Ukraine	17	15
Angola	14	9
Cuba	14	12

Yugoslavia	13	17

Source: FCT, Data from 7 May of 2009

The following table shows the increase in the number of doctoral and postdoctoral fellowships and the decrease in the number of masters' degrees.

Table 50 - Number of foreign fellowships not belonging to the EU by type of scholarship

Type of scholarship	**Year of the scholarship**	
	2007	**2008**
Doctoral scholarship	257	262
Postdoctoral scholarship	273	292
Masters scholarship	15	4
Others	8	10
Total	553	568

Source: FCT, Data from 7 May of 2009

Engineering and Health Sciences are the predominant scientific areas for scholarships, followed by Exact Sciences.

Table 51 - Number of non-EU foreign scholarship holders per scientific field

Scientific area	**Year of the scholarship**	
	2007	**2008**
1.a Exact Sciences	133	138
1.b Natural Sciences	50	52
2. Engineer and Technological Sciences	193	195
3. Health Sciences	38	37

4. Agrarian Sciences	17	20
5. Social Sciences	82	85
6. Humanities	40	41
Total	553	568

Source: FCT, Data from 7 May of 2009

With the aim to support return and circular migration, Measure 106, the SEF, in partnership with the IEFP, I.P., the Ministry of Labour of Ukraine, IOM and the World Bank, are running a project concerning the temporary and circular migration of Ukrainian citizens to Portugal, co-financed by community funds, and the project was extended for another year.

At the same time, the SEF is taking steps to conclude bilateral agreements with Tunisia and Cape Verde for the management of migratory flows, which include this particular type of immigration. Following a request from the Tunisian authorities to enter into a cooperation framework agreement on organized Migration (similar to that signed between Tunisia and France), a draft agreement on labour migration is under evaluation.

The SEF also participated in the preparation of a cooperation protocol with Cape Verde in the context of labour migration, under the jurisdiction of the Ministry of Labour and Social Solidarity which, after its completion, was presented to the Cape Verdean authorities for evaluation with a view to start the negotiation process in the fourth quarter of 2009.

With regard to the number of immigrants in circular migration, reference is made to the above-mentioned pilot project between Portugal and Ukraine in which 36 immigrants were selected, estimating that the expected number of 50 would soon be reached. A proposal for phase II of the project covering a total of 200 migrant workers for a period of two years (2011-2012) was submitted under the thematic program for cooperation with third countries in the area of migration and asylum for 2009-2010. Thus, given the information collected, the target of 1,000 immigrants in circular migration (measure 106) was not met.

Finally, under measure 106, it was not possible to collect information that would validate the implementation of the 10 business initiatives supported in the countries of origin and therefore it could not be evaluated.

Given the important role of immigrant associations in moving forward their countries of origin, the PII integrated a measure made for this purpose, measure 107, with four targets, all of which were not met because they related to Project 50/50.

Contacts were established with some organizations for the implementation of the targets but, despite some fears from some partners for various reasons, the project has not made any advances.

During the first PII period, the consular network was adapted so that, besides attending to the needs of national citizens and Portuguese organisations abroad, it also attends to the needs of immigrants, particularly in relation to family reunification processes. Thus, it cannot be said that there has been an overall reinforcement, but rather a readjustment of the existing consular network. For this reason, measure 108 is only considered partially accomplished.

Paragraph 6 – Family reunion

"The Committee asks what the level is of the means of subsistence and the accommodation necessary in order to be eligible for family reunion. It wishes to be informed about the possible requirement of a length of residence of the migrant worker before the family members can join him/her. Where applicable, it asks whether any application for family reunion has been rejected on this ground during the reference period."

There is no requirement regarding the length of residence prior to the exercise of the right to the family being reunited.

As for the means of subsistence, these are defined in a Ministerial Order from 2011. The criteria to assess the requirement is the minimum wage and based on this criteria, the following valuation is mandatory: the first adult is entitled to 100% of the minimum wage, the second adult or more are entitled to 50%, and children up to the age of eighteen years old are entitled to 30%.

During the reference period, there were 145 rejections of requests for family reunification. Data on the reason for rejection is not available.

Paragraph 7 – Equality regarding legal proceedings

"*The Committee refers to its interpretative statement in the General Introduction and asks for the next report to state whether domestic legislation makes provision for migrant workers who are involved in legal or administrative proceedings and who do not have counsel of their own choosing to be advised to appoint counsel. Furthermore, whenever the interests of justice so require, whether*

they are to be provided with counsel free of charge if they do not have sufficient means to pay the latter, and whether migrant workers may have the free assistance of an interpreter if they cannot properly understand or speak the national language used in the proceedings, together with having any necessary documents translated. Such legal assistance should be extended to obligatory pre-trial hearings".

Legal Aid is provided in the national law to both Portuguese nationals and foreign citizens in equal terms and it applies to legal and administrative proceedings.

Legal protection is a right of natural and legal non-profit persons, who do not have the economic conditions to access the law and the courts. It includes legal advice - consultation with a lawyer for technical clarification on the law applicable to specific questions or cases involving legitimate personal interests or rights being infringed or threatened and legal aid - appointment of lawyer and payment of his fees or payment of the fees of the public defender, waiver of legal costs or the possibility of paying them in instalments and assignment of an implementing agent.

Portuguese and EU nationals, foreign nationals and stateless persons with a valid residence permit in a member state of the European Union, and foreigners without a valid residence permit in a member state of the European Union are entitled to legal protection. This is if the law of their country of origin grants the same right to Portuguese people; people who are domiciled or people who are habitually resident in a member state of the European Union other than the member state in which the proceedings are to be held (cross-border disputes). Non-profit legal persons are only entitled to legal aid, in the form of: exemption from legal fees and other costs, appointment and payment of the patron's compensation, payment of the compensation of public defender and assignment of implementing agent.

The person who, having regard to the income, wealth and permanent expenditure of his household, has no objective conditions to support the costs of a case in a timely manner is considered to be in financial hardship.

There is wide diffusion on the regime, contained in official websites[63].

[63] http://www4.seg-social.pt/protecao-juridica que contempla um simulador e um guia jurídico
Citizens Portal: https://www.portaldocidadao.pt/PORTAL/entidades/MSSS/ISS/pt/SER_pedido+de+protecao+juridica.htm#Descrição
Ordem dos Advogados: http://www.oa.pt/CD/Conteudos/Artigos/detalhe_Artigo.aspx?sidc=32414&idc=32426&idsc=32430
Citius: http://www.citius.mj.pt/Portal/article.aspx?ArticleId=1368

The obligation of having assistance by an interpreter in legal proceedings is provided for in the Civil Proceedings Code.

The Portuguese language is used in all legal proceedings. However, when they are to be heard, foreigners may express themselves in a different language and an interpreter must be appointed when necessary. This intervention is limited to what is strictly necessary (Article 133 CPC).

When written documents in a foreign language are presented without translation, the judge, either officially or at the request of one of the parties, orders the translation to be included by the presenter. If there are serious doubts about the suitability of the translation, the judge orders the presenter to add a translation completed by a notary or authenticated by a diplomatic or consular official of the respective state. If it is not possible to obtain the translation or if the determination is not fulfilled within the established period, the court may order that the document be translated by an expert appointed by the court (article 134 CPC).

As for administrative proceedings, the Administrative Proceedings Code establishes that the proceedings are in Portuguese. It is silent on the use of interpreters.

The Immigration Law (Law no. 23/2007, of July 4th) provides for the assistance of an interpreter in the administrative return procedure.

Paragraph 8 – Guarantees concerning deportation

"The Committee concludes that the situation in Portugal is not in conformity with Article 19§8 of the Charter on the grounds that migrant workers may be expelled if they abusively interfere with the exercise of rights of political participation that are reserved to Portuguese citizens and 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, which as such go beyond what is permitted by the Charter."

The Committee's opinion is that paragraphs d) and f) of Article 134 of Law No. 23/2007, establishing the possibility to return third country nationals that interfere abusively in the exercise of the rights to political participation that are reserved to national citizens or in relation to whom there are strong reasons to believe that he/she has committed serious crimes or intends to commit such actions,

specifically in the European Union territory, infringe paragraphs 8 and 10 of Article 19 of the European Social Charter.

Portugal does not acknowledge such alleged non-conformity.

Indeed, as far as paragraph d) is concerned, it must be recalled that Article 15 of the Portuguese Constitution ensures foreigners and stateless persons residing in Portugal have the same right to equal treatment as Portuguese nationals.

However, paragraph 2 of Article 15 clarifies that the equal treatment provided for in paragraph 1 does not include the exercise of political rights, restricting this exercise to Portuguese citizens. A foreign citizen that abusively exercises political rights, the exercise of which is prohibited by the Constitution may endanger national security. This is to be assessed by a national Court.

Paragraph d) of Article 134 of Law 23/2007, reflects the legal consequence of the illegitimate exercise of political rights by a foreign citizen in violation of the Constitution.

It falls, thus, under the "*ratio legis*" of the European Social Charter to the extent that it allows for the expulsion of foreign citizens that endanger national security.

Furthermore, Portugal clarifies that, in such cases, **the expulsion may only be determined by a national court and there is the right to appeal from the decision with suspensory effect.**

Concerning paragraph f), it must be clarified that it transposes to the national legal framework of Article 96 of the Convention Implementing the Schengen Agreement[64] and in particular subparagraph b) of paragraph 2.

According to EU law, a threat to public policy, public security or to national security may arise in the case of an alien of whom there are serious grounds for believing that s/he has committed serious criminal offences or in respect of whom there is clear evidence of an intention to commit such offences in the territory of a contracting party of the agreement.

It is, therefore, on the grounds of the need to ensure public security (public interest) that the expulsion in such cases is allowed.

[64] Integrated in the EU legal framework

Again, in this situation, **the expulsion may only be determined by a national court and there is the right to appeal from the decision with suspensory effect.**

From all of the above, Portugal is of the view that there is non-conformity in its legal framework in relation to Article 19(8) and (10) of the European Social Chapter.

Paragraph 11 – The t*eaching language of host state*

"The Committee asks whether there are waiting lists for attendance on these courses. […] The Committee asks whether they are free of charge. […] It asks the next report to provide further information on the data supplied: does the data include persons receiving Portuguese language teaching within the educational system? If not, how many children benefitted from language teaching within the educational system? If so, how many children over the age of 15 years old benefitted from language teaching within the educational system, and are language classes open to those over 45 years old?"

Taking into account the work developed by the High Commission for Migration we would like to highlight the program named **Portuguese for All**[65], a specific program that engages language learning measures towards migrants, aiming to develop Portuguese language courses and technical language courses addressed to the migrant communities living in Portugal and which also target refugees.

In 2017, the program conducted 425 training sessions, with a total of 10,169 participants (59% men and 41% women), where 5,210 were certified.

The **Online Portuguese Platform**[66] provides resources for learning the Portuguese language, covering listening, writing and reading. It allows for adult speakers of other languages to practice and improve their vocabulary and grammar of the Portuguese language with useful day-to-day language. Until July 2018, the platform registered a total of 7 341 users from 161 nationalities.

The contents are organized in levels A and B according to the levels presented by the **Council of Europe's Common European Reference Framework for Languages (CEFR).** The platform is organized into 24 thematic modules and is available in Portuguese, English and Arabic.

[65] http://www.acm.gov.pt/-/como-posso-frequentar-um-curso-de-lingua-portuguesa-para-estrangeiros-
[66] https://pptonline.acm.gov.pt/

As the Committee is aware, under Ordinance 1262/2009 of October 15th, the IEFP has been developing Portuguese language courses for foreigners for several years. **The goal of the PPT (Portuguese for All Program) is to increase the ability to express and understand the Portuguese language and to provide knowledge on basic citizenship rights**, necessary for the integration of migrants into Portuguese society, with the implementation of training courses on Portuguese language and/or technical Portuguese. It aims, therefore, to contribute to the hosting and socio-professional integration of these sectors of the population.

Regarding the courses promoted by this institute, whether they are Portuguese or technical Portuguese training courses, none of them imply any costs for the trainees.

As for the existence of waiting lists, this is not the case. Sometimes there exists the opposite situation: the courses cannot start as planned, because it was impossible to have the minimum number of trainees required in the framework legislation.

The PPT is addressed to foreign citizens, employed or unemployed, aged 18 years or more, provided that they are present in the country duly regularized as residents. As for the training in the Portuguese language for under 18 year olds, this is of the responsibility of the Ministry of Education. The data below refers to adults and covers only the training provided in the IEFP Centre Network, either by the Direct Management Centres Network or by the Participated Management Centres.

Table 52 - Management Centers

Portugal Welcomes			
IEFP Direct Management Centres + Participated Management Centres.	**2010**	**2011**	**2012**
	1 674	1 820	1 042

Table 53 – Centers: Portuguese for All

Portuguese for All program	**2013**	**2014**	**2015**	**2016**	**2017**
North	146	190	309	358	275
Centre	227	258	340	312	379
Lisbon and Tagus Valley	730	886	859	194	265
Alentejo	140	252	302	53	90

Algarve	218	244	333	230	403
TOTAL IEFP Direct Management Centres (CGD)	1 461	1 830	2 143	1 147	1 412
Participated Management Centres (CGP)	317	518	446	758	848
TOTAL IEFP CGD + CGP	1 778	2 348	2 589	1 905	2 260

Source: Data taken from the PHYSICAL AND FINANCIAL EXECUTION MONTHLY REPORTS (refer to December from each of the years in question)

The Portuguese education system is inclusive, so that access to education by all students, including migrants or ethnic minorities, is supported by a set of specific educational policies aimed at facilitating not only their integration into the educational community but also their school success, of which the following are highlighted:

Portuguese as a Foreign Language (PFL) - In order to promote the educational success of the newly arrived migrant students to the Portuguese educational system, the Government Educational Area is implementing educational policies to support the learning of the Portuguese language, as an object of study and as a learning language, by providing Portuguese as a Foreign Language classes in primary education, as well as in the scientific-humanistic courses and in the specialized artistic courses in secondary education.

The offer of the PFL discipline in the basic and secondary education school curriculum is provided in articles 10 and 18, respectively, of Decree-Law 139/2012, of 5 July, in its current version.

This curricular offer aims to provide a quick and effective response to the urgent needs of students who have recently arrived in the education system, as they are at a disadvantage compared to students who are native speakers of Portuguese and who have followed the national curriculum.

The implementation of PFL can take place in all Portuguese schools and is based on a positioning process at the level of linguistic proficiency. These levels are: beginner (A1/A2); intermediate (B1); and (B2/C1). For the purpose of evaluating a student's level, a diagnostic evaluation is carried out at the students' school with the elaboration of their sociolinguistic profile and the application of the PFL diagnostic test.

In addition to following the PFL curriculum, through the development and implementation of an individual monitoring plan, students at the beginner (A1, A2) and intermediate (B1) levels may benefit from specific internal assessment criteria for PFL. At the same time, these students can

replace their national final tests of the Portuguese national curriculum taken during the 9th and 12th years with the PFL final tests/exams. PFL students at an advanced level (B2/C1) follow the Portuguese national curriculum, but can benefit from support classes, by decision of the school, as well as the use of dictionaries when taking their national exams.

Measures in the European Agenda for Migration - The European Agenda for Migration, presented by the European Commission on 13 May 2015, defines concrete measures to address the challenges posed to the European Union in the field of migration. To this end, an **Inter-Ministerial Working Group for the European Agency for Migration,** under the terms of Order 10041-A/2015, of September 3rd, was created to "prepare a plan of action and a response on resettlement, relocation and integration of immigrants, and shall report on the activities carried out, their conclusions, proposals and recommendations. "

In order to expedite the integration of the children and young people belonging to refugees who arrived into our country's educational system, it became urgent to guarantee the necessary measures for their reception in the grouped/ungrouped schools. In fact, because these are vulnerable citizens, in view of the backgrounds from which they come, extraordinary educational measures have been authorized in terms of granting equivalence, progressive integration into the Portuguese curriculum and in the teaching of the Portuguese language, as well as school social action.

To support schools/teachers in implementing these measures, DGE has created an electronic page[67] dedicated to the European Agenda for Migration. The DGE also prepared the **Welcome Guide - Pre-School Education, Basic Education and Secondary Education** that is published in this electronic page.

It should also be mentioned that migrant children and young people can benefit from the social support provided by the School Social Action in Ordinance 8452-A/2015, of 31 July 31st, class A, by request.

Paragraph 12 - Teaching the mother tongue of the migrant

"The Committee wishes to know many children actually benefit from mother tongue language teaching, and what are the languages taught."

[67] http://www.dge.mec.pt/agenda-europeia-para-migracoes

The Portuguese Education System does not offer the teaching of mother tongues to non-national children. The following is still to be noted:

The Second Plan for the Integration of Immigrants (2010-2013) with Resolution of the Council of Ministers 74/2010, of 17 September 17th, reinforced some intervention measures in the areas of culture and language in relation to the First Plan for the Integration of Immigrants.

With a total of 90 measures, several of which were oriented towards the learning of Portuguese as a foreign language in the context of the labour market (measure 7, 10), in the context of access to citizenship (measure 9) or in the context of social support (measure 11, 20), the *Second Plan for the Integration of Immigrants,* as regards mother tongues, in measure 12 has encouraged the reading of literary works in several languages in the context of the *Read + in various accents* initiative.

"Measure 12 - Reinforcing the expression of cultural diversity in all fields and activities, focusing on culture determines the reinforcement of the expression of cultural diversity, with particular focus on culture, by encouraging activities promoting intercultural dialogue and multiculturalism, as well as support for initiatives in cultural facilities that value the contribution of immigrants and their cultures. Encourage reading of literary works in many languages through the **'Read + in various accents'** initiative to be developed in schools.

Article 27 – The rights of workers with family responsibilities to equal opportunity and treatment

Paragraphs 1 and 2

Legal framework: Article 30 (3) of the Labour Code, article 31 (4) of the Labour Code, article 61 of the Labour Code, article 65 (1) and (2) of the Labour Code, article 55 (7) of the Labour Code and article 56 (5) of the Labour Code, article 166 (3) (4) of the Labour Code, Article 206 (4) (b) of the Labour Code, Article 208 B (3) (b) of the Labour Code, Article 252 and Article 255 (3) of the Labour Code, revised in 2009 (LC) for the private sector and Article 4 (1) (c) and (e), Article 114 and Article 114A, article 134 (2) (e) and (3) (i) and (4) (a) and (b) of the annex to Law 35/2014 of 20 June - General Labour Law in Public Functions (LLPF) - for the public sector, as amended by Law 120/2015, of 1 September and Law 84/2015, of 7 August.

Effects: Childcare leave and leave to care for a child with a disability or a chronic illness suspends the rights, duties and guarantees of the parties, if they imply effective work, in particular remuneration, but does not prejudice the complementary benefits of medical and treatment benefits to which the worker is entitled (Article 65 (6) of the LC).

The leaves due to: a clinical risk during pregnancy (Article 37 of the LC); the interruption of pregnancy (Article 38 of the LC); parental leaves, in any form (articles 39, 40, 41, 42 and 43 of the LC); adoption (Article 44 of the LC); additional parental leave, in any form (Article 51 of the LC), do not determine the loss of any rights, except for salary, and are considered as effective work hours (Article 65 (1) (a) to (e) of the labour code).

Exemption from the obligation to work at night (Article 60 of the LC), work by pregnant women, women who have recently given birth or who are breastfeeding, for reasons of protection of their health and safety (article 62 of the LC) do not determine loss of any rights, except for salary, and are considered as effective work hours (article 65 (1) (h) and (i) of the LC).

Leave for prenatal consultation (Article 46 of the LC), breastfeeding or nursing (Article 47 of the LC) does not result in the loss of any rights and is considered as effective work hours (Article 65 (2) of the LC).

Leave for evaluation for adoption does not determine the loss of any rights and is considered as effective work hours (article 65 (1) (j) of the LC).

Absences from work for childcare do not result in the loss of any rights and are considered as effective work hours (Article 65 (1) (f) and (g) of the LC).

Absences from work to assist a member of the household (spouse or unmarried partner who lives in joint economy with the worker, relative or similar in a direct ascending line or in the second degree in an indirect line) are considered as effective work hours.

For public workers, absences due to the need for outpatient treatment, medical consultations and complementary diagnostic tests that cannot be performed outside the normal working hours and only for the time strictly necessary, do not imply loss of salary.

Leaves, absences or time off work related to Parenting Support cannot justify differences in the salary of workers.

In the case of a part-time worker with family responsibilities, a worker who opts for part-time work under Article 55 of the LC cannot be penalized in terms of evaluation and career progression (amendment introduced by Law 120/2015, of September 1st).

Prior opinions concerning the refusal to provide **part-time work** issued by CITE, may be favourable or unfavourable to the refusal presented by the employer. The table below shows that the percentage of opinions in one or the other direction was more significant in the years 2012 and 2013 and more recently in 2015 and 2017.

Table 54 - Evolution of opinions of part-time work (2012 to 2017)

Part-time work	2012	2013	2014	2015	2016	2017
Unanimity	100%	100%	100%	89%	100%	65%
Majority	0%	0%	0%	11%	0%	35%
Favourable to the refusal of part-time work	100%	0%	50%	67%	50%	38%
Unfavourable to the refusal of part-time work	0%	100%	50%	33%	50%	58%

Opinions without voting orientation *	0%	0%	0%	0%	0%	4%

Men	0%	0%	25%	33%	10%	8%
Women	100%	100%	75%	67%	90%	92%

* As it is an opinion which concludes by way of clarification to the applicant.

In the case of flexible working hours and the work of employees with family responsibilities, the person who opts for flexible working hours, in accordance with Article 56 of the LC, cannot be penalized in terms of evaluation and progression (amendment introduced by Law 120/2015, of September 1st).

With regard to the issuing of prior opinions concerning the refusal to provide work under **flexible working hours**, there is a higher percentage of opinions unfavourable to the refusal submitted by the employer and a higher percentage of female applicants.

Table 55 - Evolution of opinions on flexible working hours (2012 to 2017)

Part-time work	**2012**	**2013**	**2014**	**2015**	**2016**	**2017**
Unanimity	86%	85%	87%	89%	74%	34%
Majority	14%	15%	13%	11%	26%	66%

Favourable to the refusal of part-time work	30%	14%	15%	16%	10%	10%
Unfavourable to the refusal of part-time work	70%	86%	85%	84%	90%	90%

Men	10%	20%	14%	10%	13%	12%
Women	90%	80%	86%	90%	87%	88%

The employee with a child up to 3 years of age has the right to exercise his activity in a teleworking scheme when it is compatible with the activity performed and the employer has the resources and means to that effect. The employer cannot oppose to the worker's request (article 166 (3) and (4) of the LC) - Law introduced by Law 120/2015, of September 1st.

The employee with a child under 3 years of age who does not express his/her agreement in writing is exempted from the application of the adaptability regime (Article 206 (4) b) of the LC).

The worker with a child under 3 years of age who does not express his/her agreement in writing shall not be subject to the established hour bank scheme (Article 208-B (3) (b) of the LC - Law introduced by Law 120/2015, of September 1st).

Absence for going to an educational establishment by the person responsible for the education of a minor due to his educational situation, for the strictly necessary time, up to four hours per quarter per minor (article 249 (2) (f) of the LC) does not affect any of the worker 's rights (article 255 (1) of the LC).

In the case of a **part-time worker** with family responsibilities, or in the case of a worker with flexible working hours with family responsibilities, that worker cannot be penalized in their evaluation and career progression (amendment introduced by Law 120/2015, of September 1st).

For public sector employees, there is equality of rights of workers with family responsibilities of both sexes, including in relation to the two changes related to the working hours that were created in the reference period of the continuous working day and the half-day. It should be noted that these two reference periods are not generally envisaged in the common working regime applicable to the private sector, and may be provided for in instruments of collective bargaining.

The continuous working day is defined as uninterrupted work hours, except for a rest period of no more than thirty minutes, which for all intents and purposes is considered working time. It is provided for in Article 114 of the LLPF and may be authorized in the following cases:

a) An employee with children up to the age of 12 or, irrespective of age, children with a disability or a chronic illness;

b) An employee who adopted a child, under the same conditions as employees who are parents;

c) An employee who, replacing the parents, is responsible for grandchildren under the age of 12;

d) An employee who adopted a child, who is a guardian or who has been granted the judicial or administrative trust of the minor, as well as the spouse or the unmarried partner of any of them or of the parent, provided that she/he lives in the same household as the minor.

The **half-day period** (instituted by Law 84/2015 of August 7th, which added Article 114-A to the LLPF), consists of the provision of work within a reduced period of half the normal full-time working hours, but with a full count of length of service for seniority and with payment of salary corresponding to 60% of the total amount received under full-time work arrangements.

Those who are 55 years of age or older at the time of the request for half-day work and have grandchildren under the age of 12 or have children under 12 or, irrespective of age, have children who are disabled or chronic disease, may apply for the half-day work scheme.

Working conditions, social security: Article 31 (4) of the Labour Code, Article 65 (3) and (4), Article 206 (4) (b) and Article 95 (b) Article 208 (3) of the Labour Code, Article 252 and Article 255 (3) of the Labour Code revised in 2009 (LC) for the private sector, and articles 4 (1) (c) and (e), 106, 107 and 114a (2) (e) and (2) and (3), article 134 (4) (a) and (b) of the annex to Law 35/2014 of 20 June - General Labour Law in Public Functions (LLPF), for the public sector - and in the scope of Social Security, Decree-Law 91/2009, of 9 and April and Decree-Law 89/2009, of 9 April that regulates Parenting Support, within the scope of the possibility of maternity, paternity and adoption, in the convergent social protection regime for workers with a public employment relationship covered by this diploma.

Effects: To the workers covered by Decree-Law 91/2009, of April 9th, which regulates protection during parenthood, in the event of maternity, paternity and adoption, of the social security system and the solidarity subsystem, allowances are granted for compensating the loss of pay; for clinical risk during pregnancy; for the termination of the pregnancy; for parental leave; for extended parental leave; for specific risks in adoption; for childcare; for assistance to children with disabilities or chronic illness; and for the care of grandchildren.

Pursuant to article 22 of Decree-Law 91/2009 of April 9th, recognition of entitlement to the foreseen allowances shall give rise to a payment scheme by equivalence to the contributions during the respective entitlement period and shall be considered as work effectively provided.

During the **part-time work periods of an employee with family responsibilities**, under the terms provided for in article 55 of the Labour Code, there is an additional amount of salary equal to the contributions to the salary registered for part-time work effectively provided, with the limit of the average salary for full-time work, upon notification of the facts by the worker to the social security institution that covers him, under the terms to be regulated in its own legislation.

Periods of childcare leave provided for in Article 52 of the Labour Code shall be taken into account for the calculation of disability and old-age pensions of the general social security scheme, by means of notice given by the employee to the social security institution that covers him.

The protection afforded to self-employed workers does not include compensatory cash benefits for holiday, Christmas or other similar allowances (Article 7 (4) of DL 91/2009, of April 9th).

To the public servants, covered by Decree-Law 89/2009, of April 9th, which regulates **Parenting Support in the event of maternity, paternity and adoption**, in the convergent social protection regime, is granted clinical risk allowance during pregnancy; allowance for termination of pregnancy; allowance for adoption; initial or extended parental allowance; specific risk allowance; allowance for child care in case of illness or accident; allowance for grandchildren care; allowance for assistance to children with disabilities or chronic illness.

Pursuant to article 5 of DL 89/20019 of April 9th, periods of temporary incapacity to work due to the occurrence of the situations envisaged are also eligible to receive the contributions as for the purposes of eventual disability, old age and death.

Periods of temporary incapacity to work are still equivalent to the exercise of functions equivalent to the contribution period for the purposes of illness and unemployment.

The periods corresponding to the entitlement for child care leave provided for in article 52 of the Labour Code are equivalent to contributions for the purposes of the disability, old-age and death pensions corresponding to the second instalment with the designation “P2”, under the terms of Law 60/2005, of December 29th, by means of notice given to the CGA by the employer.

During part-time work periods by the employee with family responsibilities, under the terms provided for in article 55 of the Labour Code, for the purposes of disability, old age and death, the salary corresponding to full-time work shall be considered, with his contributions being matched by the difference between the salary earned and that which he would receive if he were working full-time, by means of notice given to the CGA by the employer.

Leaves, absences or time off work related to parenting support cannot justify differences in the salary of workers.

Inspection activities: The ACT integrates the right of workers to maternity protection; and the right of workers with family responsibilities to equal opportunities and treatment; in the specific inspection projects developed in recent years looking at "Promoting the rights of vulnerable groups: equality and non-discrimination in access to employment and work".

In these areas, the ACT has been developing specific action in relation to the application and monitoring of labour equality, non-discrimination and parenting standards, as provided for in the LC, with the various changes introduced in the article of the European Social Charter provided for below.

The trend of the recent changes in labour legislation on equality and non-discrimination and parenting has been the strengthening of these rights, including through the Ninth Amendment operated by Law 120/2015, of September 1st, and respective diplomas of social protection.

The 4th National Plan for Equality, Gender, Citizenship and Non-Discrimination (2011-2013), published by the Council of Ministers Resolution 5/2011, of 18 January, is considered as a phase of development of the national policy on gender equality, fulfilling the commitments made at a national level. These national commitments are namely **the XIX Constitutional Government Program and the Major Planning Options (2011-2014).** Internationally, these are in particular the **Strategy for Equality between Men and Women 2010-2015** and the **European Union Strategy for Employment and Growth - Europe 2020**, which defines the European Union's new strategy for employment and sustainable, inclusive growth. The ACT has sought to reflect its concerns in its inspection activities plan.

In order to promote these and other related measures, the ACT has been identifying in their activity plans, either in a transversal approach to all sectors of activity, or focused on the phenomenon itself in response to requests for intervention, the concerns about the issues of equality and non-

discrimination that they inherently include in their annual activity in order to prevent and control discrimination and the working/employment conditions of vulnerable groups of workers.

The objectives in terms of equality and non-discrimination in which the protection of maternity is included in the plans of action are:

- Promote equality, non-discrimination and the dignity of working conditions.
- Identify, eliminate and/or reduce discrimination in hiring, remuneration systems, vocational training and performance evaluation.
- To value the gender dimension in inspection activities.
- Train and sensitize labour inspectors to acquire specific skills in the identification and characterization of discrimination cases in workplaces, including indirect discrimination.
- Implement instruments to support the inspection activity that allow for detecting discrimination and non-compliance with labour legislation on equality and non-discrimination.
- International benchmarks:
    - **ILO Decent Work Agenda - Policies and Strategies 2010-2015** which served as the basis for the ILO's 2016 plan.
    - **European Union Strategy for Employment and Growth - Europe 2020.**
- National benchmarks:
    - **V National Plan for Gender Equality, Citizenship and Non-Discrimination 2014-2017** (although specific measures for the ACT are not identified).
    - **Strategic Plan for Migration 2015-2020.**

The ACT prioritized in its inspective intervention the most serious and harmful situations concerning workers' rights and responded quickly to the requests for an inspection, in the scopes of equality, non-discrimination and of parenthood.

In terms of intervention methodology, the ACT is committed to the development of its **information function** and in the clarification of rights and obligations in the field of labour to: society in general, students, employers and employees. It does this in particular through a telephone service, face-to-face contact, written services, seminars, workshops, national actions and the return to school campaign developed in schools according to the data in the table below.

Information on gender equality, non-discrimination and protection of parenthood including the specific rights of pregnant employees, workers who have recently given birth or who are breastfeeding is also available on the website of the ACT, including through FAQs, checklists and specific legislation.

Table 56 - Information and awareness raising

Years	Information Service			Awareness Raising Actions		Total
	Face-to-face	Telephone	Other	No.	People	
2010	*	*	*	*	*	316,925
2011	*	*	*	*	*	469,838
2012	222,506	36,399	157,089	*	*	415,994
2013	218,445	45,866	2,904	1,417	109,868	377,083
2014	226,610	131,819	12,875	1,609	57,729	429,033
2015	164,914	211,758	10,303	2,392	92,217	479,192
2016	208,112	174,769	11,082	1,880	173,866	567,829
2017	186,057	188,369	14,570	2,858	122,521	511,517

* Non-disaggregated data

Of the total information provided in 2017, it is noteworthy that 933 of these were in the scope of equality and non-discrimination.

In terms of awareness raising actions, the ACT organized and participated in 2,858 awareness actions, with 122 521 participants in 2017. In 2017, there were 29 awareness-raising actions specifically in the scope of equality and non-discrimination, with 891 participants, without prejudice to the existence of other actions in which the issue may have been addressed even if it had not been the main theme.

Inspection control visits at the workplace in the context of the protection of equality and non-discrimination at work are set out in the following table:

Table 57 - Inspective activities in the field of vulnerable groups of workers

Thematic	2010	2011	2012	2013	2014	2015	2016	2017
Equality and non-discrimination in employment and access to employment (Total)	**858**	**684**	**935**	**1,667**	**510**	**256**	**518**	**517**
By gender	191	*	149	112	48	25	191	153
By nationality	17	*	183	144	86	25	17	28
By race	5	*	22	26	17	3	5	6
Fixed-term contracts	19	*	58	53	17	9	19	7
Other forms of discrimination	286	*	523	391	390	194	286	323

* Non-disaggregated data

In the context of the investigation activities, whether started by requests and complaints or by the ACT's initiative, along with the information and awareness actions carried out on the field, procedures were applied in the form of warnings and administrative infraction proceedings on gender, discrimination and parenting issues.

The subjects of parental leave, time-off for breastfeeding and childcare, flexibility of working hours, absences and time-off, protection of pregnant workers, workers who have recently given birth or are breastfeeding are included in the parenting theme.

Table 58 - Non-coercive procedures in the field of equality and non-discrimination and parenting

Thematic	Warnings							
	2010	**2011**	**2012**	**2013**	**2014**	**2015**	**2016**	**2017**
Equality and non-discrimination at work and access to employment	*	265	127	67	82	267	140	507
Equal access to employment and work	*	7	1	0	3	7	4	36
Display of rights and duties on equality and non-discrimination	*	258	126	62	77	255	134	467
Prohibition of discrimination	*	0	0	1	0	1	1	2
Moral/sexual harassment	*	0	0	0	1	3	0	1
Equal working conditions	*	0	0	0	1	1	1	1
Parenting	9	4	1	3	2	8	14	43

* Data not available

Table 59 - Coercive procedures in the field of equality and non-discrimination and parenting

Thematic	Proc. COL No. Infractions							
	2010	**2011**	**2012**	**2013**	**2014**	**2015**	**2016**	**2017**
Equality and non-discrimination at work and access to employment	**73**	**58**	**56**	**81**	**37**	**18**	**30**	**35**
Equal access to employment and work	13	7	8	7	3	2	2	4
Display of rights and duties on equality and non-discrimination	27	18	13	3	8	1	4	4
Prohibition of discrimination	9	8	13	7	9	3	5	3
Moral/sexual harassment	18	21	22	23	17	12	18	22

Equal working/other conditions	6	4	0	41	0	0	1	0
Parenting	**25**	**17**	**25**	**23**	**19**	**12**	**24**	**19**

Promoting social dialogue: Between 2016 and 2017 national action has been developed jointly with the ISCED on equality and non-discrimination. The national action was translated into a set of actions and measures based on an integrated approach, developed in three areas: awareness and information, training and education, and inspection activities.

Around 100 actions of awareness-raising and information were carried out at the national level, with schools, employers and employees focusing on four main themes: recruitment & selection, equal pay, reconciliation of personal & family life, and the prevention & fight against harassment.

Under this action, the ACT made specific inspection visits related to equality and non-discrimination to 86 bodies covering a total of 2 532 employees (men comprised of 1 185 of these employees and women comprised of 1 347).

Analysis of Collective Bargaining Instruments (IRCT) with discriminatory content: This was a project between CITE/ACT and social partners, which resulted in greater rigor in the verification of the suitability of negotiation clauses related to legal provisions on equality and non-discrimination by partners and in negotiation procedures.

Training of gender equality inspectors: The ACT, in collaboration with the CITE (Committee for Equality in Labour and Employment), provided the labour inspectors with specific training on gender equality and non-discrimination through the implementation of 5 training activities at a national level in 2014.

Participation in specific projects - "EEA GRANTS" Project: ACT participated in a project approved by the Financial Mechanism of the European Economic Area which carried out a study in Portugal on sexual and moral harassment. In addition to the social partners, other institutional partners also participated: The Bar Association, the Centre for Judicial Studies (CEJ), the Lisbon City Council, and others.

The ACT actively cooperates in the **Social Responsibility Network** (**RSO PT)**, having conducted 8 Workshops in 2015 that took place from the north to the south of the country, under the theme **"Promotion of Gender Equality - Good Practices"** promoted by Questão de Igualdade, within the

scope of the **EQUO Project - Gender Equality in Organizations of the Social and Solidarity Economy,** and integrated in the working group created for the promotion of the workshops.

Attribution of awards - **The Equality is Quality award ("PIQ")** is an award in which the ACT intervenes, whose objective is the public recognition of employers that, in addition to complying with the legal norms of gender equality and non-discrimination, are active in the promotion of equality practices at work, in employment and in vocational training, by adopting effective, positive, preventive or innovative principles and measures.

Paragraph 2 – Parental leave

Paternity and maternity are regarded by the **CRP** as eminent social values, and parents have the right to protection from society and the state in carrying out their actions in relation to their children, namely their education, with a guarantee of professional achievement.

For this purpose, social security guarantees the granting of monetary benefits that aim to replace the income lost due to incapacity or unavailability for work because of maternity, paternity and adoption. This is provided for in **Decree-Law 91/2009, of April 9th,** which established the parenting legal protection regime.

The parenting legal protection regime provides for granting a set of social benefits corresponding to cases of absences and leave for child care, provided for in the Labour Code, and some attribution rules were subject to change during the reference period.

Thus, **Decree-Law 70/2010, of June 16th,** as already mentioned, introduced changes to the parenting protection regime of the solidarity subsystem, provided for in Decree-Law 91/2009, of April 9th, in particular as regards to the means-tests.

Parenting support of the solidarity subsystem includes a social allowance for clinical risk during pregnancy, a social benefit for pregnancy termination, a parental social allowance, an adoption social allowance, and a social benefit for specific risks (see 6th National Report to understand these benefits). These specific risks include national citizens and foreign nationals, refugees and stateless persons who are not covered by any mandatory social protection scheme or who are foreseen in these schemes but are not entitled to the corresponding benefits.

For the purpose of entitlement to these social allowances, a new headage limit has been established when it is considered that the monthly income per person of the applicant's household cannot exceed 80% of the social support index (IAS), with the new headage limit of the household income

now being accounted for as follow: the applicant is calculated as 1; each individual of age is calculated as 0.7, and each minor is calculated is 0.5.

Thus, the monthly income per person of the household results from the sum of all the monthly income of the household of the applicant divided by the composition of the household, considering the new weighting for each person.

A greater effectiveness was also introduced in determining the total income to consider in the means-test, including in-kind support and social housing support.

Finally, only the applicants who, alone or together with other members of the household, have assets not exceeding 240 times the IAS (€421,32 in 2017) are entitled to parental social allowances.

On the other hand, **Decree-Law 133/2012, of June 27th,** amended some rules for the entitlement of benefits provided for in the parental protection scheme in the context of maternity, paternity and adoption provided for in Decree-Law 91/2009, of April 9th (see 6th previous National Report for a description of the benefits).

Thus, in order to increase social protection, it has been clarified in legal terms that termination or suspension of the employment contract does not affect the right to protection in the event of maternity, paternity and adoption, provided that the conditions for the award of benefits are met.

On the other hand, parenting support now includes the granting of compensatory cash benefits for holiday, Christmas or other similar subsidies, provided that the beneficiaries are not entitled to the payment of these subsidies, in whole or in part, by their respective employer.

However, in the calculation of the reference salary for the purpose of calculating the amount of social benefits in parenthood, the amounts relating to holiday, Christmas and other allowances of a similar nature are no longer considered.

Also on the grounds of the amendments introduced by **Law 120/2015, of September 1st,** paternity leave is now 15 working days (instead of the previous 10 working days), consecutive days or otherwise, which must be enjoyed within the 30 days after the birth, and 5 of those 15 working days must be taken consecutively and immediately after the child is born.

The above-mentioned legislative reforms have been carried out to contribute to the increase of birth rates, improving the reconciliation of family and working life, creating parity in the harmonization of

family and professional responsibilities, and gender equality, by strengthening the rights of the father and encouraging the sharing of parental leave.

Complementary parental leave: Pursuant to article 51 (1) of the Labour Code, the father and mother are entitled to supplementary parental leave for the care of a child or adopted child up to six years of age in any of the following forms:

a) Extended parental leave, for three months;

b) Part-time work for 12 months, with normal working hours equal to half the full-time hours;

c) Interim periods of extended parental leave and part-time work where the total duration of absence and reduction of working time is equal to the normal working hours of three months;

d) Non-consecutive absences from work with duration equal to the normal working hours of three months, provided they are foreseen in a collective bargain regulation instrument.

The father and mother may enjoy any of the forms referred to consecutively or up to three non-consecutive periods, and the leave cannot be accumulated by one of the parents (see Article 51 (2) of the LC).

If both parents wish to take leave at the same time and are employed by the same employer, the latter may refuse the license of one of them on the basis of overriding requirements relating to the operation of the company or service, provided that the reasoning is given in writing (see article 51 (3) of the LC).

During the period of supplementary parental leave in any of its forms, the employee may not engage in any other activity incompatible with its purpose, such as paid work or continued provision of services outside his/her habitual residence.

The exercise of the rights referred to in the previous list depends on communication about the intended right to be exercised and the beginning and end of each period, in writing, to the employer 30 days in advance of its beginning.

Violation of the provisions of article 51 (1), (2) and (3) of the Labour Code constitutes a serious administrative offence.

The additional parental leave in any of its forms does not determine the loss of any rights, except for salary, and is considered as effective work hours.

Pursuant to Articles 16 and 33 of Decree-Law 91/2009 of 9 April 9th, the extended parental allowance is granted for a period of up to three months to either one or both parents alternately who are taking extended parental leave to assistant a child who is integrated into the household, which can prevent the exercise of work activity, provided that it is taken immediately after the initial allowance period or the extended parental allowance of the other parent in the daily amount of 25% of the beneficiary's reference salary.

For public workers and under the terms of article 16 and article 23 (4) (b) of Decree-Law 89/2009, of April 9th, the extended parental allowance is granted for a period of up to three months to either or both parents or adopters, alternately, during the enjoyment of extended parental leave for childcare of a child integrated into the household, provided that it is taken immediately after the initial allowance period or the extended parental allowance of the other parent in the daily amount of 25% of the beneficiary's reference salary.

Paragraph 3 – Illegality of dismissal on the ground of family responsibilities

This matter is regulated in Articles 24, 28 and Articles 387 to 392 of the Labour Code for the private sector and Article 4 (1) (c) of the Annex to Law 35/2014, of June 20th - General Labour Law in Public Functions (LLPF) - for the public sector, with changes introduced to article 24 (1), of the Labour Code, the wording of which was given by Law 28/2015, of April 14th, and article 389 (2) of the Labour Code, which was drafted by Law 23/2012 of June 25th.

The most significant change to the information provided under the 6th National Report regards Article 144 of the LC. Pursuant to Article 144 (5), the infringement of the obligation contained in Article 144 (3) to notify the competent administrative entity in the area of equal opportunities for men and women in case of non-renewal of fixed-term contracts, whenever the employer is pregnant, has just given birth or is breastfeeding, is now considered as a serious administrative offence.

The employer or jobseeker has the right to equal opportunities and treatment with regard to access to employment, training, promotion, professional career and working conditions. They cannot be privileged, benefited, disadvantaged, deprived of any right or exempt of any duty for reasons in particular to ancestry, age, sex, sexual orientation, gender identity, marital status, family status, economic situation, education, social origin or condition, genetic heritage, ethnic origin or

race, language, religion, political or ideological beliefs and trade union membership, and the state shall promote equal access to such rights.

The practice of a discriminatory act adversely affecting an employee or job seeker confers the right to compensation for pecuniary or non-pecuniary damages, under the general terms of the law.

The regularity and lawfulness of dismissal can only be assessed by a court of law. The employee may object to the dismissal by filing a complaint using the appropriate form with the competent court within 60 days from the receipt of the notice of dismissal or the date of termination of the contract, if later, except in the case provided for in article 388 of the Labour Code.

In action for the judicial review of the dismissal, the employer can only invoke facts and grounds contained in the dismissal decision communicated to the employee.

In cases of a judicial review of the dismissal for a fact attributable to the employee, without prejudice to the assessment of procedural acts, the court must always rule on the verification and merits of the grounds for dismissal.

If the dismissal is declared unlawful, the employer shall be convicted:

a) To compensate the employer for all pecuniary or non-pecuniary damages caused;

b) The reinstatement of the employee in the same establishment of the company, without prejudice to its category and seniority, except in the cases provided for in articles 391 and 392 of the Labour Code.

In the case of a simple irregularity based on a procedural deficiency due to omission of the probative measures referred to in article 356 (1) and (3) of the Labour Code, the worker is only entitled to compensation corresponding to half of the amount that would result from the application of article 391 (1) if the grounds for dismissal are well founded.

Without prejudice to the compensation provided for in article 389 (1) (a) of the Labour Code, the employee is entitled to receive the remuneration that s/he failed to receive from dismissal until the final decision of the court declaring the dismissal as unlawful.

To the remuneration referred to in the preceding paragraph shall be deducted:

a) The amounts that the employee will receive with the termination of the contract and which he/she would not receive if it were not for his/her dismissal;

b) The remuneration related to the period between his dismissal and 30 days before the action was filed, if this is not offered within 30 days after the dismissal;

c) The unemployment benefit granted to the worker in the period referred to in paragraph 1, with the employer having to pay this amount to the social security.

In place of his/her reintegration, the employee may choose compensation until the end of the final judgment hearing, and the court will determine the amount of the compensation between 15 and 45 days of the basic salary and seniority payments for each full year or fraction of seniority, taking into account the value of the compensation and the degree of unlawfulness resulting from the legal framework established in article 381.

The court must take into account the time that has elapsed since the dismissal until the final court decision. The compensation provided shall not be less than three months of basic salary and seniority payments.

In the case of unlawful dismissal, and in substitution of his/her reinstatement, the employee or the employer may choose compensation in accordance with the provisions of Portuguese law and is calculated judicially, varying according to if it is the choice of the worker or the employer, and may include pecuniary and non-pecuniary damages.

In the case of a micro-company or an employee holding a management or administrative position, the employer may apply to the court to exclude his reinstatement, on the basis of facts and circumstances that make the reintegration of the employee seriously detrimental and disruptive of the company's operations. The provisions do not apply whenever the unlawfulness of the dismissal is based on a political, ideological, ethnic or religious motive, even if a different motive is presented, or when the basis of opposition to the worker's reinstatement is culpably created by the employer.

If the court excludes the reinstatement, the employee is entitled to compensation, determined by the court between 30 and 60 days of basic pay and seniorities for each full year or fraction of seniority, under the terms established in article 391, (1) and (2) of the Labour Code, and may not be less than the amount corresponding to six months of basic pay and seniorities.

Employees who enjoy rights related to the reconciliation of work and family life may claim discrimination in working conditions due to their family situation and on those grounds claim the unlawfulness of dismissal.

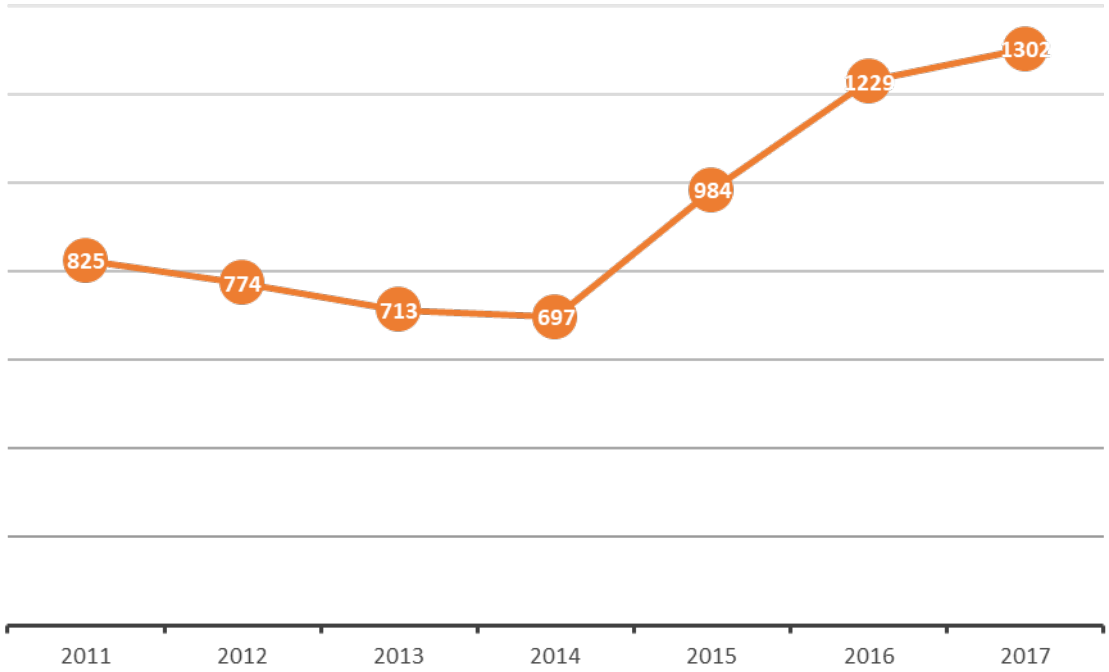
With regard to prior opinions to the **dismissal** of employees who are pregnant, who have recently given birth, are breastfeeding, or enjoying parental leave, the table below shows a variable evolution of the percentage of opinions favourable or unfavourable to dismissal. However, such opinions concern the dismissal of a very significant proportion of women compared to men.

Table 60 - Evolution of opinions on dismissals (2012-2017)

Dismissals	2012	2013	2014	2015	2016	2017
Unanimity	87%	73%	90%	67%	70%	76%
Majority	13%	27%	10%	33%	30%	24%
Favourable to dismissal	61%	64%	48%	38%	41%	54%
Against dismissal	39%	36%	51%	62%	59%	46%
Men	9%	2%	7%	4%	3%	6%
Women	91%	98%	93%	96%	97%	94%

With regard to the evolution of the number of notifications of non-renewal of fixed-term employment contracts, there has been an upward trend since 2014, as shown below:

Figure 16 - Evolution of the number of notifications of non-renewal of fixed-term employment contracts



Replies to the European Committee

Paragraph 1 – Participation in working life

Employment, vocational guidance and training

"The Committee asks if this includes specific programmes for workers with family responsibilities."

First of all, it should be emphasized that the LC establishes the right to equal opportunities and treatment in access to employment, training and professional promotion or career and to equal working conditions. Article 24 (1) also prohibits that employees and job seekers be prejudiced, benefited, deprived of rights or exempted from duties for a set of reasons, which include, among other things, their family situation.

Amendments introduced in 2015 by Law 120/2015, of September 1st to the LC in the area of maternity and paternity leave, have enhanced and reinforced the rights enshrined in this provision. Where a working mother or parent is entitled to work part-time (the child is under 12 years of age or, regardless of their age, has a disability or chronic illness, and lives in the same household), they may not suffer any detriment, including within career development, based on the fact that they

work part-time. This protection was also extended to working mothers or parents who work under flexible work schedules [Article 55 (7) and Article 56 (5)].

In addition to the training projects adapted to the needs and characteristics of different target groups referred to in the 2011 Committee Conclusions, please refer to the answer provided to Article 5 (2) regarding the support granted for looking after underage children, disabled children and dependant adults.

There are no specific programmes for employees with family responsibilities, rather there is financial support for subsidising expenses arising from having dependent family members (ascendants and descendants) while attending training.

As provided for in Ordinance 15, of March 2nd, pursuant to article 13 (1) (j) (as amended by Ordinances 242/2015, of 13 August 13th and 122/2016, of May 4th), the Host Allowance considers eligible expenses for the foster care of underage children, children with disabilities and adults' dependent on the trainee, up to the monthly maximum limit of 50% of the IAS, when they prove they need to entrust them to third parties in order to attend training.

However, there are no specific training schemes and/or programs for employees with family responsibilities.

Training for professional reintegration: The employer must provide the employee, after leave to assist their child (Article 52 of the LC) or to assist the person with a disability or chronic illness (Article 53 of the LC), with training and continuous professional development in order to promote their full reintegration into the profession.

In vocational training targeted at the professions predominantly carried out by employees of one gender, preference should be given to employees of the under-represented gender, as well as, if appropriate, those with less education, without qualification, in charge of a one-parent family, on parental leave or those in the case of adoption.

Article 30 of the Labour Code, specifically its paragraph 3, applies to Public Administration employees, pursuant to article 4 (1) (c) of the LLPF. But there are no financial support measures to fund the care of children or other dependents while employees attend training.

Child care facilities and other childcare arrangements

"The Committee asks what is the exact number of childcare places that are missing across the whole country and if any measures are envisaged to increase their provision.

It asks to what extent these childcare arrangements are used. It also wishes to know what forms of financial assistance are available for parents of children attending the various types of childcare facilities."

With regard to the questions raised by the Committee, it should be pointed out that, in order not only to qualify the whole System for the Promotion and Protection of Children and Young People, but also to promote a reconciliation of the work and family life of families with dependent children, it has been sought in recent years to update the specific model of cooperation between the state and social solidarity institutions in order to promote a financing and functioning model of social response which is more adequate to the new demands.

This new model, coupled with the reinforcement of funding, has fostered both an increase in the number of social responses available to children and young people in periods of absence from their families due to their professional activity and the qualification of these social responses, guaranteeing that the time they are absent from the care of their families is safe and promotes their regular development.

In the scope of the legislative changes in this matter, the obligations of the services of the Institute of Social Security, IP, regarding the signing of cooperation agreements, are set out in article 11 of Administrative Rule 196-A/2015, of July 1st. In this context, a cooperation agreement consists of a contribution by social security to the functioning of a social response developed by a social solidarity institution, which translates into regular co-financing for the operation of this response by the district centre.

The cooperation agreements' goals are to develop a social response aimed at supporting children and young people, people with disabilities, the elderly, the families and the community.

The principle of giving priority to socially and economically disadvantaged people and groups is the main underlying principle of the conclusion of a cooperation agreement.

The cooperation between the state and social solidarity private institutions is reflected in the establishment of protocols signed between the two parties, which may now take the following forms: typical cooperation agreements; atypical cooperation agreements; formalization of the transfer of the management of the integrated establishments through the conclusion of management agreements or management/lending contracts, and the conclusion of protocols.

The Portuguese case is characterized by the fact that most social responses are developed by social solidarity private institutions or similar. This can be demonstrated by the financial weight of this area in terms of the state budget.

The state's expenses with the maintenance and the regular functioning of social services and facilities administered by social solidarity private institutions and equivalent institutions represent more than 90% of the available budget for social action.

The model of cooperation currently in force is based on a series of premises, in which the institutions complement the responsibilities of the state in the social protection of citizens, namely:

- Institutions play an important role in social protection through the creation and management of a network of basic social services;
- The state, by strategic option, decided to "contract" the creation of a national network giving access to social responses through the institutions;
- Institutions, by their very nature, are closer to the community, which makes it possible to ensure a greater availability and speed of response, particularly in emergency situations;
- Institutions can implement a rational management of resources.

With regard to the social responses that foster a reconciliation between work and family life, the aim was not only to strengthen the network of responses addressed to these children, but also to qualify the intervention in each one of their cases.

Decree-Law 115/2015, of June 22nd, seeks to expand the nanny network and to strengthen their training, qualification and monitoring, allowing the integration of children into full paths of personal development and to ensure parents, or those who exercise parental responsibilities, a better balance between family life and work life.

The legal regime of the nanny activity was then revised, defining the requirements and the conditions for access to the nanny profession and for the exercise of the activity.

The nanny is the person who, for payment, takes care of children up to three years of age or up to the age of admission to pre-school establishments when their parents are working or are unable to care for them.

Ordinance 226/2015, of July 31st, defined the terms in which nannies shall enter into an insurance contract covering the risk of injury of the children, as foreseen in the said **Decree-Law 115/2015, of June 22nd,** and which covers the damages caused by events occurring at the home of the nanny and in places where the nanny goes with the child for play and recreational activities during the child's hours of care. It also covers damages on the way to and from the places mentioned, excluding interruptions or deviations from that route, except for reasons of force majeure or unforeseeable circumstances.

Ordinance 232/2015, of August 6th, regulates the exercise of the nanny activity when developed within a host institution (private institutions of social solidarity or legal assimilation, and Santa Casa da Misericórdia of Lisbon, provided that they have a day-care centre). In this case, it is called a day-care centre, taking into account that the care of children in such a centre entails the elaboration of a pedagogical project adequate to the stages of development and age of the children and that it is part of a systematic technical monitoring of an institution.

The day-care centre is a form of nursery organization that corresponds to one more solution intended for the care of children up to three years of age or until they reach the age of admission to a pre-school establishment, when the parents or person with parental responsibilities is working or are unable to care for them.

Thus, it was sought to qualify nannying as a fully-fledged profession for which it is necessary to assign a license to practice. Now it can be practiced within a host institution through family day-care centres or on a freelance basis through direct contract with the families of children up to the age of their admission to a pre-school establishment.

The nannies who establish themselves as a family day-care centre are accompanied by legally defined framework institutions for this purpose: Santa Casa da Misericórdia de Lisboa and Private Institutions of Social Solidarity (IPSS) or equivalent, through the conclusion of cooperation agreements such as the competent services of social security (ISS, I.P.)

Licensing of such activity is the responsibility of the Social Security Institute, I.P.

With the regulation of the nanny profession, the parents or those who carry out parental responsibilities have a social response with universal and essential quality criteria, such as:

- The guarantee that, as a rule, the service is provided by someone who has adequate and up-to-date professional training for the development of this activity and who is trustworthy, as well as everyone in the household;
- The activity can be exercised through the direct contracting between the parents and the nanny or within the framework of a framework institution;
- That the space where the activity is carried out has health and safety conditions legally provided for and verified;
- The existence of a sanctioning regime applicable to the activity, which is now considered illegal, if not duly authorized by the competent social security services;
- The parents or those who carry out the parental responsibilities, also have annually updated information about the professionals authorized to carry out the activity, through a list made public by Social Security, I.P.;
- The mandatory presence of the complaints book and the existence of personal accident insurance for children;
- The responsibilities of licensing, technical monitoring, regulation and inspection continue to be a responsibility of the state, through the ISS, I.P.

On the other hand, and with the purpose of guaranteeing the exercise of this profession within previously established quality parameters, a specific monitoring model of this social response is being designed, regardless of how the service is provided. That may be within a family day-care centre with a cooperation agreement with the ISS, I.P., within the framework of the solidarity network, in a freelance regime with the direct contracting of the nanny by the families within the private network or within the public network, under the direct responsibility of this Institute.

The revision of the training plan for the legislation that provides for this activity was also elaborated in articulation with the **National Agency for Qualification and Professional Education, I.P. (ANQEP)** and integrated into the National Qualifications Catalogue. It provides a transversal training plan common throughout the whole country for the exercise of the activity. The publication of the ordinance that allows the training entities, duly certified by the ISS, I.P., to administer this training, thus allowing the adequate extension of the nannies and day-care centres network, is still pending.

The implementation of this social response has been decreasing because the need to adapt to the new legally demanding conditions that have been legally established led to the cancelation of some professional licenses. Plus the advanced age of some professionals, given the legislative changes, has led them to leave the profession (see tables below).

In relation to day-care centres, a formal response was made that intended to host children up to 3 years of age during the periods of absence of the parents or of those with parental responsibilities for work or other reasons. Legislative changes have also been made to qualify this response, as well as to promote the network of responses to these children (see table below).

With regard to this network, its work is done within 3 types of networks: solidary networks, public networks and private cooperative networks.

One particular feature of this response is the shared responsibility between the Ministry of Education, responsible for the pedagogical component of the response, and the Ministry of Labour, Solidarity and Social Security, responsible for the family support component, working on solidarity responses by establishing cooperation agreements (see table below).

Although the numbers of the solidarity network responses are decreasing, it does not imply a state disinvestment in this area. The Ministry of Education has begun an effort to expand the public network, which, through the concept of full-time school, has added a larger number of children in this age group, which is why the number of responses from the solidarity network has been declining in recent years (see tables below).

In the solidarity network and in the public network, the educational component is free for families and the family support component is reimbursed, according to the families' income.

In this way, it is possible for families to provide care for their children in the periods when they are absent due to professional or other reasons, ensuring a reconciliation of personal and professional life, according to the income of the families and the solidarity of the system.

Another response of this institute is that of the leisure centre, a social response that provides leisure activities to children and youngsters from the age of 6, in the available periods after school hours, developed through different intervention models, namely accompaniment/integration, practice of specific activities and multi-activities.

These responses have seen a decrease within the solidarity network (see table below), since the Ministry of Education, in conjunction with other organisations, namely municipalities and parents' associations, work to host the children during school breaks, thus ensuring that they are offered qualified responses in coordination with the school, enabling the reconciliation between the parents' professional life and their family life.

The responses of the solidarity network focus especially in communities where this integrated network is not yet operational, working so that all children and families find an appropriate response to their needs.

It is also important to mention the social response of **Centres for Family Support and Parental Counselling (CAFAP)**, with a focus on promoting positive parenting and in which the reconciliation of work and family life and the sharing of parental responsibilities are promoted.

The CAFAP objectives are:

- Prevent situations of risk and danger by promoting the exercise of positive parenting;
- Evaluate risk, the protection of families and the possibilities of change;
- Develop parental, personal and social skills that allow the improvement of parenting; to empower families by promoting and reinforcing quality relational dynamics and daily routines;
- Enhance the improvement of family interactions;
- Mitigate the influence of risk factors in families, preventing separation of children and young people from their natural environment;
- Increase the capacity of family and individual resilience;
- Encourage the reintegration of the child or young person into a family environment;
- Strengthen the quality of family relationships with the community, as well as identify resources and their respective forms of access.

According to the legislation in force, this response constitutes a specialized support service for families with children and young people, aimed at the **prevention and repair of cases of psychosocial risk through the development of parental, personal and social skills of families, organized around 3 intervention forms** (article 8):

1. **Family Preservation:** It aims to prevent the removal of the child or young person from their natural environment.

Focused on parental education in individual and/or group programs, in the development of preservation programs, in the execution of material acts of measures in the natural environment (MMNV) as well as in the specialized intervention with the family in contracts concluded in the framework of the integration income.

2. **Family Reunification**: It seeks the return of the child or young person to their family environment.

The intervention is focused on the implementation of family or institutional foster care measures.

3. **Family Meeting Point:** It seeks the maintenance or restoration of family ties in cases of interruption or serious disturbance of family life, especially in situations of parental conflict or parental/marital rupture.

Currently, there is a national network which has suffered in recent years a global increase in the amount of action available to children and their families (see attached table) and is being evaluated, with the objective of looking at the adequacy of its operation and the possible extension of the number of existing responses.

The National System for Early Intervention in Childhood (SNIPI) is one response that, despite not being its main objective, strengthens the reconciliation between family life and professional life.

This system is intended to ensure the developmental conditions of children up to the age of 6 who are dealing with changes in body functions or structures that limit personal and social growth. This system also intends to ensure their participation in activities typical for their age, as well as children at risk of severe under-development.

The SNIPI consists of an organized set of institutional entities with the mission of guaranteeing in an integrated way the **Early Intervention in Childhood (IPI)** through the coordinated action of the Ministries of Labour, Solidarity and Social Security (MTSSS), Health (MS) and Education (ME), with the involvement of families and the community, through the development **of Local Intervention Teams (ELI).**

These teams are the functional base of the SNIPI, being formed by at least five specialists from agencies and entities under the responsibility of the three ministries involved.

By creating a network of local intervention teams that seek to work with these children in the context in which they find themselves, maximizing the services and resources that the child needs in a complementary way, the goal is to make sure that children and their families have access to basic care and that families can more easily reconcile their professional and family responsibilities.

Currently this ELI network covers the entire country, with 154 ELI in operation involving 133 cooperation agreements with various social sector entities and 1,713 professionals with different backgrounds (social workers, psychologists, doctors, nurses, kindergarten teachers, speech therapists, occupational therapists, physiotherapists). They come from the different entities supervised by the ministries involved in the SNIPI, covering 21,331 children from 0 to 6 years of age in 2017.

The table below shows the evolution of the number of cooperation agreements and the number of users covered in social responses aimed at children and young people, without intervention in specific problems:

Table 61 - Cooperation agreements

Social Response	2014		2015		2016		2017	
	Cooperation Agreements	Beneficiaries Covered	Cooperation Agreements	Beneficiaries Covered	Cooperation Agreements	Beneficiaries Covered	Cooperation Agreements	Beneficiaries Covered
Nannies/Nurseries	62	2 707	59	2 605	59	2 453	58	2 409
Family Day-care	1 835	70 454	1 866	72 028	1 872	72 228	1 864	72 365
Preschool	1 144	84 521	1 449	84 505	1 431	81 994	1 412	81 533
Free times Centres	1 364	55 957	1 323	54 646	1 284	52 484	1 251	51 453

Source: SISS COOP, 2014 to 2017 (solidarity network)

Table 62 - Evolution of the number of cooperation agreements and number of users covered in social responses addressed to children and young people with disabilities

Social Response	2014		2015		2016		2017	
	Cooperation Agreements	Beneficiaries Covered	Cooperation Agreements	Beneficiaries Covered	Cooperation Agreements	Beneficiaries Covered	Cooperation Agreements	Beneficiaries Covered
Early Childhood intervention	113	6 051	122	6 749	25	6 949	133	7 539
Support Home	24	328	20	289	19	287	18	257
Transportation of persons with disabilities	5	333	5	333	5	333	2	300

Source: SISS COOP, 2014 to 2017 (solidarity network)

Through the tables above, it can be seen that the number of cooperation agreements and covered users decreased in the social responses made through the nanny/family day care unit, preschool education establishment and CATL.

The decrease in the number of nannies is related to the large legislative amendment verified in 2015 that necessarily implied a change in ISS, I.P procedures in terms of:

a) The activity licensing process, in which it became urgent to proceed with the development of procedures for issuing authorization for the exercise of activity by all active nannies and future candidates for the exercise of nannying activity;

b) From the follow-up of the nurses covered by the ISS, I.P. the current regulation determines that the ISS, I.P. will cease to be a regulatory entity, which is why the nannies that are regulated by this institute, besides having to adhere to these licensing regulations, will have to choose in which regime they intend to continue to exercise their activity.

Thus, during the transitional regime, the ISS, I.P. sought to ensure the continuity of the employability of these professionals integrated into family day care, through the conclusion of cooperation agreements with the regulatory institutions. However, the lack of interest on the part of the institutions in the integration of the Social Security nannies is creating some difficulties to this possibility, in part due to the expected contribution which is considered unappealing by the IPSS.

With regard to the pre-school social response, there has been an expansion of the public network under the responsibility of the Ministry of Education. In 2017, in parallel with the decrease in the number of children, there was an increase of about 100 rooms in the public network, increasing pre-school places by about 1 750 spaces mainly in the Lisbon and Tagus Valley region, which led to a decrease in demand in the solidarity network.

Table 63 - Number of cooperation agreements and number of users covered in the social response made in the form of pre-school education establishments in 2014 and 2017 by district

CDist	Estabelecimento Educação Pré-Escolar					
	2014		2017		variação	
	N.º acordos	N.º utentes	N.º acordos	N.º utentes	N.º acordos	N.º utentes
Aveiro	149	7.449	149	7.317	0	-132
Beja	23	1.286	23	1.244	0	-42
Braga	137	6.238	135	8.874	-2	2.636
Bragança	25	1.182	25	1.128	0	-54
Castelo Branco	40	1.835	39	1.713	-1	-122
Coimbra	89	4.347	86	4.095	-3	-252
Évora	36	1.540	38	1.514	2	-26
Faro	63	3.422	61	3.416	-2	-6
Guarda	37	1.588	35	1.442	-2	-146
Leiria	60	3.373	59	3.293	-1	-80
Lisboa	275	19.915	269	19.586	-6	-329
Portalegre	27	1.035	26	948	-1	-87
Porto	206	12.545	199	11.961	-7	-584
Santarém	47	2.994	46	2.906	-1	-88
Setúbal	113	7.096	110	7.047	-3	-49
Viana do Castelo	36	1.898	31	1.585	-5	-313
Vila Real	33	1.710	29	1.438	-4	-272
Viseu	53	2.126	52	2.026	-1	-100
TOTAL	1.449	81.579	1.412	81.533	-37	-46

Source: SISS COOP, 2014 to 2017 (solidarity network)
Subtitles:
Nº acordos: **Number agreements**
Nº utentes: **Number of beneficiaries**
Variação: **Variation**

With regard to the decrease in the number of CATLs, in parallel to the decrease in the number of children, protocols have been established between the municipalities and some IPSS for the supply of meals, the development of leisure activities and action in the area of family support, within the Inclusive School of the Ministry of Education.

Table 64 - No. of cooperation agreements and number of users covered by the CATL social response in 2014 and 2017 by district

CDist	Centro Atividades Tempos Livres (CATL)					
	2014		2017		variação	
	N.º acordos	N.º utentes	N.º acordos	N.º utentes	N.º acordos	N.º utentes
Aveiro	167	5.995	155	5.627	-12	-368
Beja	15	596	15	585	0	-11
Braga	227	8.641	180	7.482	-47	-1.159
Bragança	14	589	13	589	-1	0
Castelo Branco	20	634	17	578	-3	-56
Coimbra	139	5.919	134	5.765	-5	-154
Évora	26	883	20	581	-6	-302
Faro	48	3.019	29	1.533	-19	-1.486
Guarda	62	1.845	58	1.716	-4	-129
Leiria	51	1.742	47	1.684	-4	-58
Lisboa	185	10.423	151	8.626	-34	-1.797
Portalegre	25	702	24	662	-1	-40
Porto	174	7.119	157	6.321	-17	-798
Santarém	64	2.788	61	2.647	-3	-141
Setúbal	70	3.195	62	2.858	-8	-337
Viana do Castelo	31	1.118	28	1.030	-3	-88
Vila Real	9	240	9	220	0	-20
Viseu	49	1.592	44	1.346	-5	-246
TOTAL	1.376	57.040	1.204	49.850	-172	-7.190

Source: SISS COOP, 2014 to 2017 (solidarity network)
Subtitles:
Nº acordos: **Number agreements**
Nº utentes: **Number of beneficiaries**
Variação: **Variation**

In relation to day-care centres, there were an increase of 1 373 users included by the cooperation agreements in 12 of the 18 districts. The increase in the number of places is visible in the districts of Lisbon, Setúbal and Santarém, as shown in the table below.

Table 65 - Number of cooperation agreements and the number of users covered in the social response made in the form of day-care centers in 2014 and 2017 by district

CDist	Creche					
	2014		2017		variação	
	N.º acordos	N.º utentes	N.º acordos	N.º utentes	N.º acordos	N.º utentes
Aveiro	194	7.808	193	7.662	-1	-146
Beja	29	1.417	30	1.468	1	51
Braga	199	8.452	199	8.459	0	7
Bragança	24	880	24	887	0	7
Castelo Branco	49	1.724	48	1.643	-1	-81
Coimbra	121	3.880	120	3.862	-1	-18
Évora	46	1.524	46	1.518	0	-6
Faro	93	4.163	96	4.259	3	96
Guarda	49	1.555	49	1.494	0	-61
Leiria	85	3.082	86	3.193	1	111
Lisboa	305	13.288	312	14.162	7	874
Portalegre	39	1.215	42	1.278	3	63
Porto	239	8.166	238	8.261	-1	95
Santarém	75	2.702	77	2.885	2	183
Setúbal	128	5.158	131	5.469	3	311
Viana do Castelo	48	1.814	51	1.886	3	72
Vila Real	44	1.595	41	1.396	-3	-199
Viseu	80	2.569	81	2.583	1	14
TOTAL	1.847	70.992	1.864	72.365	17	1.373

Source: SISS COOP, 2014 and 2017 (solidarity network)
Subtitles:
Nº acordos: **Number agreements**
Nº utentes: **Number of beneficiaries**
Variação: **Variation**

In relation to the ELI network, and according to the data provided by the SNIPI Regional Subcommittees, it is possible to identify an evolution in the coverage of these teams at national level.

Table 66 - Cooperation Agreements - Local Intervention Teams (ELI).

	2011	2012	2013	2014	2015	2016	2017
Number of ELI	132	136	142	142	144	153	154
Children covered by the IPI	7 545	11 700	14 273	16 627	18 967	20 041	21 331
RH in ELI					1 597	1 690	1 713

Source: CAFAP

Table 67 - Evolution of the number of cooperation agreements and number of users covered in social responses aimed at children and young people in danger

Social Response	2014		2015		2016		2017	
	Cooperation Agreements	Beneficiaries Covered	Cooperation Agreements	Beneficiaries Covered	Cooperation Agreements	Beneficiaries Covered	Cooperation Agreements	Beneficiaries Covered
CAFAP*	45	3 132	59	3 237	63	3 463	64	2 562

Source: SISS COOP, 2014 to 2017
(*) approximate number of users covered by a cooperation agreement, due to the non-availability of data for some institutions ("open" answers).

"The report indicates that in 2007, new regulations were adopted concerning the licensing and inspection of social support services and establishments, with a view to ensuring the quality of the facilities. The licensing and operation of facilities has been simplified, in a context of cooperation between the state and the voluntary sector. The Committee recalls that staff working in nurseries should be suitably qualified (Conclusions 2006, Lithuania). It asks in this respect how the qualifications of personnel and the quality of child care services in general are monitored."

In this regard, it should be stressed that all the efforts made to qualify the social responses intended to accommodate children and to promote a reconciliation of the family and working life of their parents or those with parental responsibilities, have undergone the legislative changes mentioned above, as well as having received technical follow-up.

The existence of private social solidarity institutions (IPSS) or institutions treated as such by means of cooperation agreements requires, on the part of the district centres, monitoring and technical support with the objective of verifying whether there exist difficulties that can prevent an adequate fulfilment of what was stipulated between the state and the institutions. This technical support exists in case these organisations experience any difficulties in their work, which will then require a correct and timely diagnosis of the situation as well as an intervention plan.
This should be done in close coordination with the institution's management and technical staff.

The technical support available (see data in the tables below) includes a set of actions aiming to follow-up on the development of the planned activities resulting from the cooperation agreement and to introduce, if necessary, the changes that are essential for this compliance, with the goal of providing quality service to customers/users of these responses to their social needs.
The specialist support provided by the district centres does not have any subordinate or supervisory character either in relation to the institution or its specialist staff. Rather, it reflects the exercise of district centre action established in current law that aims, in particular, to help better diagnose existing difficulties and to find suitable solutions to correct possible deviations from action planned in the programme.
We can therefore consider that the concept of specialist support translates into the areas of administrative, financial, planning (construction) and legal support, which integrates guidance, monitoring and technical intervention activities, with variable regularity, defined according to the needs/requests from the institutions, aimed at informing, guiding and supporting them in the management and intervention of the response/social service to be provided, in accordance with what is stipulated in the applicable legislation in force, as well as in the norms/technical information issued.

Amount of specialist follow-up action as a response to social issues (solidarity network and licensed establishments) registered in the SISS COOP computer application, aimed at children and young people in general, without intervention in specific issues:

Table 68 - Solidarity Network

CDist	AMA (CRECHE FAMILIAR)				CRECHE				ESTABELECIMENTO DE EDUCAÇÃO PRÉ-ESCOLAR				CATL			
	2014	2015	2016	2017	2014	2015	2016	2017	2014	2015	2016	2017	2014	2015	2016	2017
Aveiro	2	1	1	2	121	123	137	108	84	86	95	78	109	95	107	94
Beja					20	20	18	15	19	12	16	13	9	11	11	10
Braga		2			97	86	68	72	65	60	39	52	104	101	81	70
Bragança	2	3	3	2	14	18	18	12	16	20	17	13	1	13	6	7
Castelo Branco					68	71	56	46	36	34	25	26	24	31	17	19
Coimbra			1		106	85	94	76	65	47	67	44	109	92	72	90
Évora					32	36	29	38	27	27	30	29	9	10	17	16
Faro	1	1		1	87	80	82	103	36	38	35	48	30	22	24	22
Guarda					30	29	32	19	15	25	25	16	44	29	33	31
Leiria					71	60	59	68	31	33	30	34	34	37	34	26
Lisboa	4	1	3	1	204	159	188	156	142	99	91	76	93	62	71	81
Portalegre					27	30	25	30	11	14	7	7	14	12	9	9
Porto				2	51	64	45	215	32	27	17	116	34	22	12	79
Santarém	8	8	5	5	40	54	44	44	30	27	29	20	30	34	33	29
Setúbal	17	5	14	3	142	60	71	122	89	25	7	44	71	37	39	44
Viana do Castelo					33	20	15	35	13	20	11	19	18	12	7	18
Vila Real					41	13	13	13	29	9	12	8	10	5	2	4
Viseu	1		1		61	48	44	39	35	32	19	17	31	29	17	24
Total	**35**	**21**	**28**	**16**	**1.245**	**1.056**	**1.038**	**1.211**	**775**	**635**	**572**	**660**	**774**	**654**	**592**	**673**

Source: DATAMART, 17th September 2017

Subtitles:

AMA (CRECHE FAMILIAR): **nannies**

CRECHE: D**aycare**

ESTABELECIMENTO DE EDUCAÇÃO PRÉ-ESCOLAR: E**stablishment of pre-school education**

CATL: **Free times centres**

Paragraph 3 – Illegality of dismissal on the ground of family responsibilities

Protection against dismissal

"The Committee asks if employees are also protected against dismissal with respect to caring for other members of the immediate family (elderly parents, for example)."

Pursuant to Article 252 of the LC, workers are entitled to be absent from work up to 15 days a year to provide urgent and indispensable assistance in the event of an illness or accident to their spouse, non-marital partner, father/mother, grandfather/grandmother, father-in-law/mother-in-law and brother/sister. In addition to this period, another 15 days per year will be added if there is a need to provide urgent and indispensable care to their spouse or non-marital partner with a disability or a chronic disease.

Any dismissal on the ground that the worker has benefited from this type of absence would amount to an unlawful dismissal, as the LC lays down a closed list of grounds for dismissal (Article 351) and under Article 331 (1) (d) any disciplinary measure would be deemed to be abusive where the worker exercises, intends to exercise, has exercised or invokes their rights.

Regarding compensation, please refer to the reply made to the Committee provided in Article 8 (3).

For public administration employees there is no specific protection against dismissal for this reason, except based on the grounds stated above.

Effective remedies

"The Committee asks whether there is a ceiling to the amount that can be awarded as compensation. If so, it asks whether this upper limit covers compensation for both pecuniary and non-pecuniary damage or whether unlimited compensation for non-pecuniary damage can also be sought by the victim through other legal avenues (e.g. anti-discrimination legislation). It also asks whether both types of compensation are awarded by the same courts, and how long it takes on average for courts to award compensation. Should the next report not provide the requested information, there will be nothing to establish that the situation is in conformity in this respect".

It is understood that the question is limited to cases concerning the dismissal of a pregnant employee, an employee who has recently given birth, is breastfeeding or is on parental leave.

As the dismissal is declared unlawful, the employer is condemned to compensate the worker for all **pecuniary and non-pecuniary damage** and in the reinstatement of the employee in the same establishment, without prejudice to their category and seniority, except in the cases provided for in Articles 391[68] and 392 of the Labour Code (CT). There is no limit to compensation for damages.

In the case of a simple irregularity based on a procedural deficiency due to omission of the measures referred to in Article 356 (1) and (3), if the reasons for the dismissal are declared as having been accepted, the employee is entitled only to compensation of half of the amount that would result from the application of Article 391 (1), according to Article 389 (2) of the LC.

The lawfulness of dismissal can only be assessed by a court of law (Article 387 (1) of the LC).

As a rule, dismissal of pregnant employees, employees who have recently given birth, employees who are breastfeeding or those on parental leave (Article 26 of the Labour Procedure Code) must be filed in the court of the defendant's domicile (Article 13, LPC).

[68] Clause 391. º Compensation for non-reintegration at the worker's request: "1 Instead of being reinstated, (...) the employee can opt for compensation until the end of the trial hearing, and is the court's duty to determine its amount, between 15 and 45 days of basic and daily pay for each full year or fraction of seniority payments, taking into consideration the value of the compensation and the degree of unlawfulness resulting from the ordination established in Article 381. The compensation provided for in paragraph 1 may not be less than three months of base salary and seniority payments (Article 391 (2)).

The actions of judicial challenge to the lawfulness of dismissal are a special process (following a procedure provided for in Articles 98-B et seq. of the LPC).

Currently, we do not have a disaggregated data record that allows us to assess the court's delay in granting favourable judgments to employees in these concrete cases of the award of compensation for pecuniary and non-pecuniary damages, a serious breach of contractual obligations or the practice of discriminatory acts. However, the Labour Court recorded in 2016 an average length of 11 months for the duration of the proceedings, one month less than the average recorded in 2007.[69]

[69] STATISTICAL INFORMATION BULLETIN 51. Statistics on Justice - Some statistical indicators on cases before the courts of first instance, 2007-2016

Article 31 – The Right to housing

Paragraphs 1, 2 and 3

The Portuguese Constitution (CRP) guarantees the "Right to Housing" in its article 65 (1) (Chapter II on Social Rights and Duties) which says as follows: "Everyone has the right, for themselves and for their family, to a house of adequate size with hygiene, comfort and which preserves personal intimacy and family privacy."

According to Article 65 (2) of the CRP, in order to guarantee the right to housing, the state (central, local and autonomous regions) is responsible for:

a) Scheduling and implementing a housing policy;

b) Promoting the construction of economic and social housing;

c) Stimulating private construction, subject to general interest, and access to owned or leased housing;

d) Encouraging and supporting local community initiatives to solve their housing problems and encouraging the creation of housing cooperatives and self-construction.

And also in paragraph three it states: "The state will adopt a policy aimed at establishing a rent system compatible with family income and access to housing".

The right to housing for young people and the elderly deserves a special reference in the Constitution, respectively in Articles 70 and 72.

Article 70 (1) (c) provides: "Young people enjoy special protection for the realization of their economic, social and cultural rights, including ... access to housing."

As regards the elderly, Article 72 (1) provides that "the elderly shall have the right to economic security, housing, family and community living conditions which respect their personal autonomy and prevent and overcome isolation or social marginalization."

<u>Legislative changes</u>

Free Tenancy System

Regarding the right to housing and the legal framework in force, since the previous report several revisions have been made to the urban lease regime, the first of which was made in 2012. **Law 31/2012, of August 14th** amended the urban leasing legal framework, amending the Civil Code, the

Civil Procedure Code and Law 6/2006, of 27 February. Law 31/2012 came into force on November 12th of 2012, which reviews the legal framework of urban leasing, introducing several measures aimed at boosting the rental market, which include:

1. Greater freedom in stipulating the duration of contracts by the parties

In the case of leases for housing purposes, there is no longer a minimum term for contracts, and if the parties do not stipulate a term, the contracts are considered to have been concluded for a fixed period of 2 years;

2. Greater emphasis on negotiation by the parties in updating old rental rates

In contracts for housing purposes concluded before 1990, an update is based on a rent negotiation mechanism involving both parties. However, a person is safeguarded if there is a case of economic shortage, if the tenant is 65 or more years of age or if they have a severe deficiency;

3. Reduction of the duration of the transition period from old contracts to the new scheme

After a period of 5 years the amount of rent in housing contracts can be updated, and it's the responsibility of Social Security to find a response in cases of economic distress;

Exceptions to this are the contracts of leases of 65 years of age or older or with a degree of incapacity of more than 60%, in which case there is no change in the terms of the contract or in the termination of the contract without their agreement and any update is subject to a special scheme.

4. New scheme to carry out improvements on leased buildings

Law 31/2012, of August 14th, on complaints related to demolition or large improvements works is based on negotiation between the parties, and in the absence of agreement there is a right for compensation;

The complaint framework for improvement works is completed and developed by Law 30/2012, of the same date, which reviews the legal regime of works on leased buildings and reinforces the link between this regime and that of urban rehabilitation.

5. Special eviction procedure

A procedure is foreseen that runs largely out of court, making it easier and less time consuming to vacate the leased premises due to non-compliance by the tenant, especially in cases of non-payment of rent, termination of the contract as opposed to renewal or termination.

Also in 2012, Decree-Law 266-C / 2012, of December 31st, was published, which adapts Law 6/2006, of February 27th in the wording granted to it by Law Decree-Law 158/2006, of August 8th, which establishes the regimes for determining the adjusted annual gross income and the granting of the rent subsidy, and Decree-Law 160/2006, of August 8th, which regulates the elements of the lease and the requirements to which it is due.

In 2014, **Law 79/2014 of December 19th,** which reviews the legal framework of urban leasing, amended the Civil Code and proceeded with the second amendment to Law 6/2006, of February 27th, the third amendment to Decree-Law 157/2006, of August 8th, and the second amendment to Decree-Law 158/2006, of August 8th. In particular, there were changes related to non-housing/commercial leases and also some changes related to the updating of old housing rent amounts. Among the changes, it is not mandatory for tenants to present annually their proof of income whenever they invoke a situation of financial distress when discussing the updating of the old amounts of rent.

Decree-Law 156/2015 of August 10th, established the rent subsidy scheme to be granted to tenants with lease agreements for housing, prior to November 18th of 1990, that are having their rent updated, and it established the regime for determining the adjusted gross annual income.

On June 14 of 2017, Law no. 43/2017 was published, which introduces significant changes to the **New Urban Lease Regime (NRAU),** to the Legal Framework of Leased Property Improvement works and to the Civil Code (concerning lease contracts). In general terms, this law profoundly changes the transitional periods of legal limitation on the amount of the monthly rent paid by the lessee and the transition from the "old" lease agreements to the NRAU.

In particular, as part of the process of extraordinary updating of rent and transition of the referred lease agreements to the NRAU, the following changes were introduced:

- If the lessee invokes and proves that the **Adjusted Annual Gross Income (RABC)** of his or her household is less than 5 Annual National Minimum Salary (RMNA), the contract is only submitted to the NRAU by agreement between the parties or, failing that, within a period of

eight years (up to five years from the date of receipt by the owner of the lessee's reply in the context of that procedure;

- There are three new income limits to be paid by the tenant during the said eight-year period, determined according to the RABC of his household (and with an annual ceiling corresponding to 1/15 of the appraised value of the lease under the terms of the Code of Municipal Tax over Real Estate), namely: (i) more than 15% where the income is less than €1000 monthly; (ii) a maximum of 13% in cases where the income is less than €750 a month; and (iii) a maximum of 10% in cases where the income is less than €500.

Supported Tenancy System

The supported tenancy is the regime applicable to houses held, in any capacity, by direct and indirect public bodies, among which is the Institute of Housing and Urban Rehabilitation, I.P., autonomous regions, local authorities, the business public sector and the regional, intermunicipal and municipal business sectors that are leased or sub-leased by them with incomes calculated according to the income of the households for which they are intended.

Thus, Decree-Law 70/2010, of 16 June, established the rules for determining the means-tests to be taken into account for the granting and maintenance of the benefits under the family protection subsystem and the solidarity subsystem. It also makes changes in the granting of the social integration income, working to increase the integration chances of its beneficiaries, making the first amendment to Decree-Law 164/99, of 13 May, the second amendment to Law 13/2003, of 21 May, the fifth amendment to Decree-Law 176/2003, of 2 August, the second amendment to Decree-Law 283/2003 of 8 November, and the first amendment to Decree-Law 91/2009, of 9 April.

In 2014, Law 81/2014, of 19 December, was published, which establishes the new urban lease regime and repeals Law 21/2009, of 20 May, and Decree-Laws the 608/73, of 14 November, and 166/93 of 7 May. This new regime would later be amended by Law 32/2016 of 24 August.

From the application of this legislation, the following changes are highlighted:

- The definition of a "dependent", now understood as the person of the household that is underage or, if under the age of 26, has a monthly income lower than the social support index;
- A new concept has been made for the "single-parent family", according to Article 3 (1) (g) (vi);

- The formula for calculating the income shall take into account the net monthly income, which shall be a twelfth of the sum of the net annual income of all members of the household and obtained in accordance with subparagraphs (i) and (ii) (f) of Article 3 (1);
- The percentage of deduction for persons aged 65 years or over, according to Article 3 (1) (g) (v), shall be increased to 10%;
- There is now a maximum effort ratio of 23% under the new Article 21-A.

Porta 65 Youth Program - Housing for Youth

The Porta 65 Youth Program created by Decree-Law 308/2007, of 3 September, was amended in 2017 with the publication of Law 87/2017, of 18 August 18, including:

a) The extension of the age for access to the housing for youth program, Porta 65, in the following terms:

- Young people aged 18 or over, but under 35 years of age;
- Young couples not legally separated from persons and property or in an unmarried partnership, with residence in the leased house, aged 18 years or over but under 35 years of age, with one member of the couple allowed to be 37 years of age or less.
- Young people living in cohabitation, aged 18 or over but less than 35 years old, sharing a house for their permanent residence.

b) The percentage of the monthly subsidy applicable may be increased by 15% if any of the young people or members of the young household have a dependent or if there is a person with a permanent disability that confers a degree of incapacity equal to or greater than 60%. It may be increased by 20% if any of the young people or members of the young household have two or more dependents. Furthermore, there is also the possibility of an additional increase of 10% or 5%, respectively, if the young household is a single-parent household.

This legislation, which entered into force with the approval of the State Budget for 2018, was complemented by the necessary publication of the respective regulations.

Policy Measures

The main instruments of national policy in force for the housing sector are organized in three main areas of action, namely:

1. Replacement;

2. Rental and Social Housing;
3. Urban Rehabilitation;

1. Rehousing

Within the scope of the national rehabilitation programs, the following points are included:

Special Rehousing Program (Plano Especial de Realojamento, PER): Regarding PER, a Special Rehousing Program created in 1993, it should be noted that this program aimed at the eradication of shacks in the Metropolitan Areas of Lisbon and Porto. To this end, the municipalities and central government agencies entered into an agreement with the commitment to carry out a census of all precarious housing units in their respective territories and households. They were also committed to relocate these families and demolish the houses in which they lived.

The Metropolitan Areas of Lisbon and Porto included 19 municipalities in the south and 9 municipalities in the north, in a total of 27 municipalities. All municipalities joined this program and formalized the membership agreements necessary for the implementation of the program in their municipalities.

The following tables show the execution of the PER in the two metropolitan areas of Lisbon and Porto.

Table 69 - Special Rehousing Program – PER

PER								National Survey of Rehousing Needs	
Municipalities (A. M. Lisbon)	**Adherence agreement**	**Foreseen houses**	**Houses completed**	**% execution**	**Exits and withdrawals**	**Families to rehouse**		**Families to rehouse**	**Difference Lev Nec - PER**
						No.	**%**		
Alcochete	Concluded	44	38	86.4	6	0	0	56	56
Almada *	% in execution	2,156	1,095	50.8	301	760	35.3	2,735	1,975
Amadora	% in execution	5,419	2,442	45.1	2,336	641	11.8	2,839	2,198
Azambuja	Concluded	80	79	98.8	1	0	0	6	6
Barreiro	Concluded	461	190	41.2	271	0	0	376	376
Cascais	Concluded	2,051	1,537	74.9	514	0	0	764	764
Lisbon	Concluded	11,129	9,135	82.1	1,994	0	0	2,867	2,867

Loures	% in execution	3,376	2,253	66.7	937	186	5,5	2,673	2,487
Mafra	Concluded	87	87	100	0	0	0	18	18
Moita	Concluded	160	159	99,4	1	0	0	92	92
Montijo**	Concluded	307	307	100	0	0	0	0	0
Odivelas	% in execution	528	219	41.5	232	77	14.6	156	79
Oeiras	Concluded	3,165	2,319	73.3	846	0	0	221	221
Palmela **	Concluded	61	27	44.3	34	0	0	0	0
Seixal	% in execution	635	286	45.0	274	75	11.8	526	451
Sesimbra	Concluded	128	128	100	0	0	0	20	20
Setúbal	Concluded	1,272	887	69.7	385	0	0	203	203
Sintra	Concluded	1,591	1,069	67.2	522	0	0	238	238
Vila Franca de Xira	Concluded	765	678	88.6	87	0	0	44	44
TOTAL		**33,415**	**22,935**	**68.6**	**8,741**	**1,739**	**5.2**	**13,834**	**12,095**

Table 70 - Special Rehousing Program - PER

Municipalities (A. M. Oporto)	Adherence agreement	Foreseen houses	Houses completed	% execution	Exits and withdrawals	Families to rehouse		Families to rehouse	Difference Lev Nec - PER
						No.	%		
Espinho *	% in execution	458	367	80.1	71	20	4,4	84	64
Gondomar	Concluded	1,964	1,964	100	0	0	0	502	502
Maia *	% in execution	1,517	1,142	75.3	0	375	24,7	794	419
Matosinhos	% in execution	3,982	2,616	65.7	972	394	9.9	190	-204
Oporto	Concluded	1,356	1,356	100	0	0	0	2,094	2,094
Oporto (SCM)	Concluded	97	97	100	0	0	0	n/a	n/a
Póvoa de Varzim	% in execution	470	281	59,8	186	3	0	11	8
Valongo	Concluded	629	629	100	0	0	0	363	363
Vila do Conde**	Concluded	909	770	84.7	139	0	0	0	0

Vila Nova de Gaia	Concluded	3,619	2,602	71.9	1,017	0	0	824	824
TOTAL		**15,001**	**11,824**	**78.8**	**2,385**	**792**	**5.3**	**4,862**	**4,070**
TOTAL (A. M. Lisbon + A.M. Oporto)		**48,416**	**34,759**	**71.8**	**11,126**	**2,531**	**5.2**	**18,696**	**16,165**

*The situation as of May 2013

**Municipalities that did not report serious housing problems

n/a - no inquiry was sent to this entity

In 1993/94, there were 48 416 families to be rehoused in the 27 municipalities adhering to the PER, 33,415 residing in the Greater Lisbon Area and the remaining 15,001 in the Greater Porto Area.
With 11,129 families, the Municipality of Lisbon was the most representative.

Approximately 25 years after the creation of the PER, it can be seen that the physical implementation of the program reached about 72% of the houses provided for in the adherence agreements, with the AMLP having an implementation rate of 78.8% and the AML a rate of 68.6%. Were rehoused 34 759 families and 11 126 families choose not to be housed, for various reasons.

Nonetheless, available information indicates that 2 531 families registered under the PER are waiting to be rehoused, accounting for 5.2% of the total of the program. Of the 27 municipalities that joined the PER, 20 concluded the signed agreement and 7 are still in the conclusion phase.

The **National Survey of Rehousing Needs** made it possible to assess the position of the municipalities adhering to the PER, due to the needs that, at the present time, have been recorded.

Of the 27 municipalities surveyed, which comprised the former AML and AMP, three responded saying that there were no housing cases in their county that met the criteria stated in the survey. These were the municipalities of Montijo and Palmela of the AML (all on the south bank of the Tagus) and the municipality of Vila do Conde of the AMP.

The AML identified 13,834 cases of families to be rehoused, in which the municipalities of Almada, Amadora, Lisbon and Loures, each with more than 2,600 families, are included. The AMP signalled 4,862 families to be rehoused, the Municipality of Porto being the one with the highest number of cases (2,094 families). In total, 18,696 families were registered as in need of rehousing. Of these, 16,165 will be new cases in relation to the PER.

The difference between the households to be rehoused according to the survey results and the families that remain to be rehoused under the PER is based on the one hand by the broader survey criteria that cover other housing cases that were not in the PER and, on the other hand, due to the time interval in which the persistence of severe housing shortages in these territories was made clear. In any case, it can be mentioned that, in the vast majority of the

Metropolitan Areas of Lisbon and Porto, there was an increase in the construction of shacks or similar, in areas not fit for construction, although it is clear that the cases of housing without proper conditions are not limited to this type of housing.

Some cases are found that reflect the sensitivity of municipalities to the precarious housing conditions of families living in pre-fabricated municipal houses, in private houses identified in high-risk areas, AMP islands or annexes not licensed in private homes patios.

"PROHABITA" Program

The **PROHABITA goal is the global resolution of cases of severe precarious housing** and is accomplished through the conclusion of collaboration agreements between municipalities or associations of municipalities and the Institute of Housing and Urban Rehabilitation.

Cases of serious precarious housing are considered to be those of households permanently residing in buildings, parts of buildings or temporary structures characterized by serious deficiencies in structure, safety, health or overcrowding, as well as situations of urgent, definitive housing needs or temporary residence. They also include cases of people without a place to live because of the total or partial destruction of their dwellings or the demolition of the temporary structures in which they lived.

PROHABITA also allows the granting of support for new construction or the rehabilitation of owner-occupied and permanent housing, when it is totally or partially destroyed by calamities, weather or other natural disasters. It also allows the payment of rent or the price of a stay in hotel establishments or the like, due to the need for urgent and temporary accommodation because of the inexistence of a place to live. In relation to households that are not included in the surveys carried out for the purpose of the PER and dislodged by means of demolition carried out in execution of this program, it will not be necessary to conclude a collaboration agreement.

Conditions of access

The following may benefit from funding under the collaboration agreements concluded under PROHABITA:

- Autonomous regions, associations of municipalities and municipalities that sign the collaboration agreements;

- Services of the direct administration of the state, public institutes and public limited companies controlled exclusively by the state with responsibilities in the territorial scope of the autonomous regions and responsibility for the promotion and management of social housing;
- Regional and municipal public companies, by themselves or in representation of the respective region or municipality, provided that they hold, under legal or statutory terms, the necessary powers to contract the financing, including the practice of all related acts;
- IPSSs and cooperatives, provided they establish a protocol with the municipality.

A household may have access to a house within the scope of PROHABITA if it fulfils cumulatively the following conditions:

- To be considered an underprivileged household under the terms of Decree-Law 135/2004, of 3 June, in the drafting by Decree-Law 54/2007, of 12 March;
- In no case shall any of its members hold any other home in the metropolitan area of the house or in a neighbouring municipality, nor have another permanent residence registered for tax and social security in the country;
- None of its members are receiving public financial support for housing purposes.

Financing conditions

Financing conditions in the PROHABITA are set out in articles 15 to 16C of DL 135/2004, of 3 June, in the wording given by DL 54/2007, of 12 March, varying according to the solution adopted for the accomplishment of the collaboration agreement.

According to article 12 of DL 54/07, under Prohabita, financing may be granted for the following purposes:

- Acquisition of houses and annexes;
- Acquisition of controlled rent housing projects;
- Acquisition and modification of their infrastructure of land and/or construction of controlled rent houses;
- Acquisition of buildings and improvement works;
- Rental of buildings or fractions of urban buildings, intended for housing.

Notes on implementation

In the implementation of this program, funds were allocated to the housing recovery process following the storms that hit in Madeira in 2010. PROHABITA currently allows for the possibility of financing leases for a period of 12 years.

In 2017 two more rehousing operations took place within this program. The first operation concerned the rehousing of families who lost their homes following the fires of August 2016 in Madeira. The other one related to the families that lost their homes due to urgent environmental interventions, namely in the Ria Formosa.

During the last few years, the IHRU, I.P.'s initiatives in providing support to municipalities and regional governments for the development of family resettlement operations have been the following:

Table 71 - IHRU, I.P initiatives

Operation	No. Of families involved
Madeira Fires (2012)	145
Gypsy community camp in Bagaúste (Peso da Régua)	11
Santo António House in Pontinha (Odivelas)	52
Bairro do Nicolau (Porto)	9
Ria Formosa (Olhão and Faro)	95
Slums of São Sebastião (Campo Maior)	53
Madeira Fires (2016)	218
Pedrógão Grande fires (data being collected)	155

The IHRU, I.P. has been making significant efforts in the area of qualifying its assets with a view to improving the living conditions of its tenants, including Roma families. The IHRU, I.P. was involved in the Peso da Régua and Campo Maior Rehousing operation.

2. Leasing and Social Housing

Social housing

Characterization of the social housing stock - In Portugal, according to the **Survey on the Characterization of Social Housing in 2015**, there are approximately 120,000 social houses in stock, based in 26,000 buildings. This represents a proportion of 1,157 social houses for every 100,000 people. The same survey concludes that social housing in our country represents about 2% of the national housing stock, with an average monthly rent of €56 per house.

The IHRU, I.P., as the managing entity of approximately 15,000 houses, most of which have been allocated to social housing, have been able to provide housing for approximately 1,000 families over the last four years.

In Portugal, the entitlement to social housing is extended to all persons, regardless of race, ethnicity, gender or nationality, taking into account only the household income.

Table 72 - Survey on the Characterization of Social Housing in 2015

ICHS 2015	National numbers
Total number of buildings	26,195
Total number of houses	119,691
Average rent	56 €
Amount of social housing per 100,000 people	1,157
Weight of social housing in the total housing stock (houses)	2%

Source: National Statistics Institute (INE) - Survey on the Characterization of Social Housing (ICHS), 2015

Supported Tenancy System - Portugal currently has one of the most generous leasing schemes, particularly with regard to income calculation formulas. On March 1, 2015, Law 81/2014, of 19 December 19th, entered into force, which established the new system of supported tenancy.

Supported tenancy is the scheme applicable to houses held in any capacity by entities of the direct and indirect administrations of the state, among which is the Institute of Housing and Urban Rehabilitation, I.P., autonomous regions, local authorities, the business public sector and the regional, intermunicipal and municipal business sectors that are leased or sub-leased by them with incomes calculated according to the income of the beneficiary households.

This legislation also applies to the rental of houses financed with the support of the state which, under the terms of special law, are subject to rent schemes fixed according to the tenants' income.

From the application of this scheme, the following changes stand out:

- The **definition of "income"** becomes that contained in the law covering means-tests (Decree-Law 70/2010, of 16 June, in the current version);
- In the case of tenants who are paying the supported rent in a phased manner, on March 1, 2015:
    - If the amount of the rent calculated under the terms of the supported rent is less than the amount of the rent being paid, the new rent is applicable;
    - If the value of the rent under the supported lease agreement exceeds the amount of the rent being paid, it is only applicable at the end of the phasing process;
    - If the expected rent value for the end of the phasing process is higher than the rent calculated under the terms of the supported lease agreement, there is a recalculation of the phasing.

Law 32/2016, of August 24th, made the first amendment to Law 81/2014, of December 19th, the following changes include the following:

- The definition of "dependent", is now understood as the element of the household that is underage or, if under the age of 26, does not receive a monthly net income higher than the social support index;
- A new concept of single-parent family;
- The formula for calculating the amount of rent takes into consideration the net monthly income, which is understood as a twelfth of the sum of the net annual income of all members of the household;
- The percentage of deduction for people aged 65 and over is now 10%;
- The maximum effort rate is 23%.

Examples Social Housing Rent - In order to illustrate the application of the social tenancy system in force in Portugal, let us proceed with a simulation of four rent totals corresponding to various income levels of families. For simulation purposes, we present a family with four members, a salaried couple and two dependents.

We considered **five levels of household monthly income**, ranging from €233.08 per month, if both adults receive only the Integration Social Income, up to a maximum in which each member of the couple receives the equivalent to three times the monthly minimum wage. We also associate the reference tax amount of IHRU, I.P. housing for this exercise, that is, €35,000. The data is revealed in the table below.

Table 73 - Examples of Social Housing Rent

Type of income	Household income	Rent	Effort rate
Integration Social Income (average)	€233.08	€4.19	2%
Social Support Index	€838.44	€74.48	9%
Minimum wage	€1,060.00	€131.21	12%
Average Net Income	€1,676.00	€195.42	12%

Social Rental Market - The Social Rental Market (MSA) initiative, created in 2012, translates into a list of affordable housing for rent, with a rent of about 30% lower than those of the free market. The MSA has available a list of real estate on a computer platform accessible to all through the internet portal[70].

The tenants of the properties are selected according to the rules defined in the program's regulations. The houses are intended for permanent housing, preferably for middle-income families who do not meet conditions or who have difficulties in accessing the free housing market and who meet the criteria defined in this initiative.

[70] www.mercadosocialarrendamento.msss.pt.

The Institute of Housing and Urban Rehabilitation, I.P., as an entity of the central administration responsible for the area of housing and urban rehabilitation, has been actively involved in this project. It is a mechanism to stimulate the rental market with the provision of houses to the disadvantaged segment, and simultaneously it allows a return on the assets of the IHRU, I.P, in particular, the amounts received voluntarily or by judicial process.

Since the beginning of the initiative, the IHRU, I.P. has allocated to this market segment more than 1,725 houses.

Youth Rental Incentive: Porta 65 –Youth Program

Program Description - The objective of the Porta 65 - Youth Program is to regulate the incentives to be granted to young tenants, who can benefit from them up to a maximum of 36 consecutive or non-consecutive months.

The Porta 65 – Youth Program supports the rental of housing for permanent residence, assigning a percentage of the amount of the rent as a monthly subsidy, benefiting applications that include minors and people with disabilities and who are in special locations.

Young people aged 18 or over and under 30 years old; young people in cohabitation; young couples or unmarried couples (one of the members can be up to 32 years old) can apply if they meet the following criteria:

- Hold a lease contract or promissory contract entered into under the NRAU (Law 6/2006, of 27 February) or the transitional regime provided for in Title II of Chapter I;
- Neither of the young people can benefit from other forms of public support for housing, nor can they have debts arising from previous leasing support;
- None of the young members of the household is owner or tenant for housing purposes of another building or housing fraction;
- None of the young members of the household are related to the landlord;
- Monthly income of the young household may not exceed four times the maximum income allowed for each zone;
- Fixed income of the young household cannot exceed four times the value of the Minimum Monthly Guaranteed Remuneration (RMMG);
- The value of the rent must be equal to or less than 60% of the gross income of the young household;

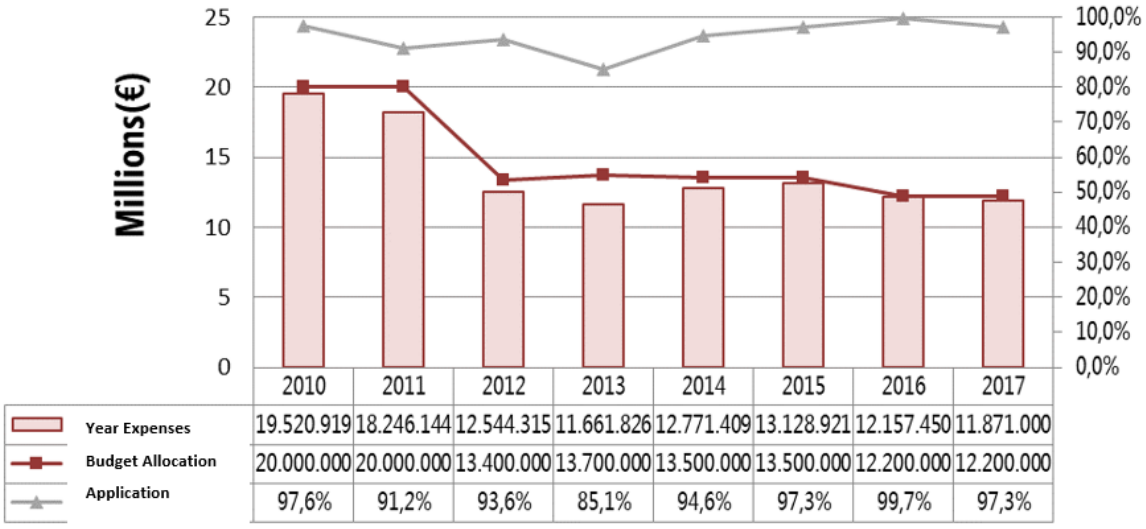
- Rents are allowed up to the limit of the maximum defined in the ordinance.

Notes on implementation

Since its creation, the Porta 65 - Youth Program has already supported approximately 73,670 young households, totalling 104,176 young beneficiaries. The average allowance of the program is around €150.

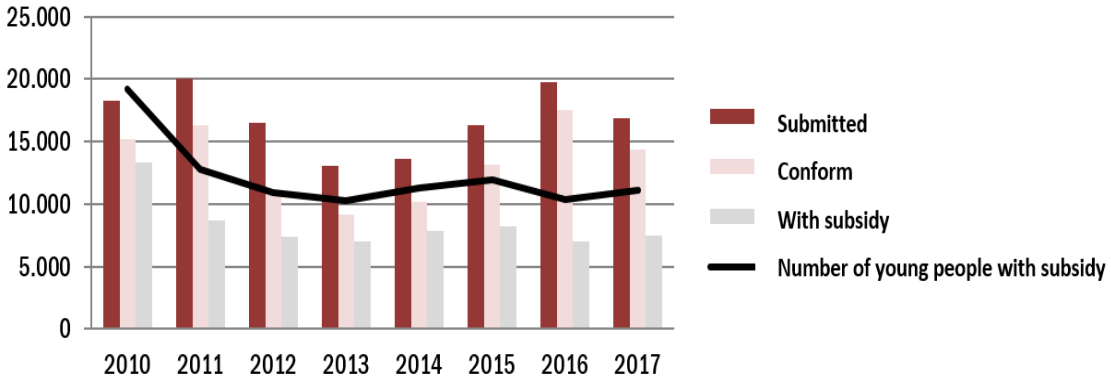
Already in 2017, 11,619 applications were supported covering 13,756 young people with around €157 per month, which made up a total investment of the Portuguese state of around €12.2 million.

Figure 17 - Changes in budget allocation and annual expenditure



	2010	2011	2012	2013	2014	2015	2016	2017
Year Expenses	19.520.919	18.246.144	12.544.315	11.661.826	12.771.409	13.128.921	12.157.450	11.871.000
Budget Allocation	20.000.000	20.000.000	13.400.000	13.700.000	13.500.000	13.500.000	12.200.000	12.200.000
Application	97,6%	91,2%	93,6%	85,1%	94,6%	97,3%	99,7%	97,3%

Figure 18 - Number of applications and young people



Rent Support: New Urban Lease Regime: For much of the twentieth century, there have been no rent increase in Portugal. Thus, rents that have never been updated still persist, which, combined with inflation and the socioeconomic development of the country, mean that they have an almost symbolic value.

In order to allow the gradual increase of rents, it was necessary to reform the urban lease regime, approved by Law 6/2006, of 27 February, known as the New Urban Lease Regime (NRAU).

However, in order to guarantee the financial capacity of the most vulnerable households (in particular the elderly) to continue to pay their rent after an increase, the allocation of a rent subsidy was established to tenants with leases for housing purposes prior to November 18 of 1990, and that were, at that date, in a process of the gradual update of rent.

This rent subsidy regime was regulated by Decree-Law 158/2006, of 8 August, amended by Decree-Law 266 – C/2012, of 31 December, which provided, from the outset, that the terms and conditions of the social response to be attributed by the state to housing tenants, who entered into the process of rent increase under the 2012 lease reform, after the transitional period of five years, would be defined in a specific instrument.

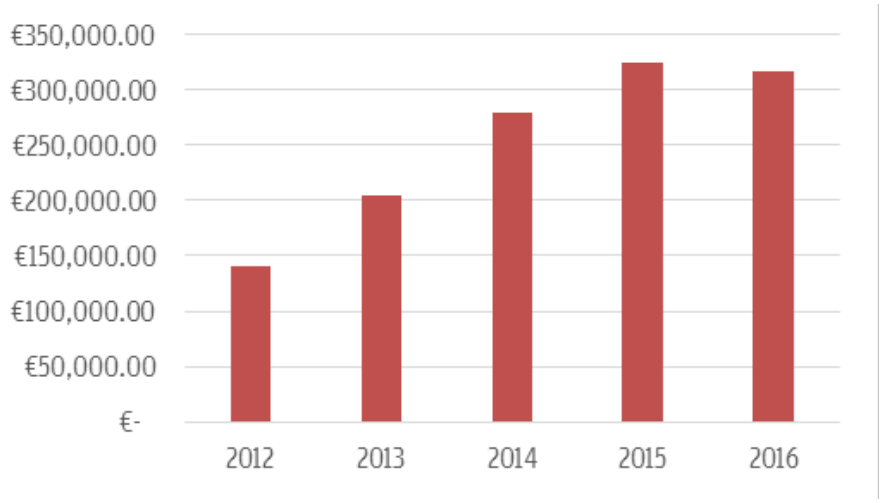
It was also established that this social response, in the case of lessees of 65 years of age or older or with a disability with a proven degree of incapacity equal to or greater than 60%, would be effected, preferably through the allocation of a rent subsidy corresponding to the difference between the amount of rent due in relation to the adjusted annual gross income of the household and the amount of the updated rent after the end of the transitional period.

Notes on implementation

From January 2012 to November 2016, the Portuguese state invested about €1,265,618 in rent subsidy payments, which safeguarded the right to housing for hundreds of households that would otherwise have to abandon their homes.

At the end of 2017, there were 151 households with a rent allowance, which amounted to €380,594.95.

Figure 19 - Total amount paid in income subsidies under the NRAU



3. Urban Rehabilitation

Urban rehabilitation, besides its importance as an urban policy, has a strong impact on the conditions of existing housing in urban centres. In addition to the value added to degraded and empty houses and increasing the number of housing solutions available in the market, urban rehabilitation allows the restoring and/or the maintaining of living conditions of a house, increasing the comfort and dignity of those who live there. Thus, there are two programs, managed by the IHRU, I.P., which deserve special mention by the association they allow between the promotion of urban rehabilitation and the promotion of access to adequate housing for families:

Rehabilitate to Lease ("Reabilitar para Arrendar") Program – Municipalities: This program has a budget of €50 million from a European investment bank loan and is open to applications from municipalities, municipal companies and urban rehabilitation societies. Each application may include several interventions, and these should be located in areas of urban rehabilitation approved or in the process of delimitation.

The following types of interventions are contemplated:

- Rehabilitation or reconstruction of buildings whose use is mostly residential and whose houses are available to rent with supported rent or conditional rent;
- Rehabilitation or building of spaces in the municipal area for public use, provided that they occur within the framework of a systematic urban rehabilitation operation, in accordance

with Decree-Law 307/2009, of October 23rd, in the wording given by Law 32/2012 of August 14th;

- Rehabilitation or reconstruction of buildings intended for public use, including student residence;
- Construction of buildings whose use is mostly residential and whose houses are available to rent with supported rent or conditional rent, provided that they are relevant interventions to fill the previous urban gap.

After the rehabilitation process, the houses should be allocated to a social lease or conditional rent, and non-housing facilities may be leased to non-governmental entities and associations.

Table 74 - Rehabilitations Processes

No. of municipalities and SRU involved.	**19**
Amount financed	€21,219,921
Amount invested	€39,472,325

By interventions type, we had 90% of rehabilitation, 5% are exterior arrangements and the final 5% are for construction.

"**Rehabilitate to Rent - Affordable Housing" Program (Reabilitar para Arrendar - Habitação Acessível):** In 2015, this program was created, the goal was the financing of rehabilitation operations for buildings 30 years old or more, which, after rehabilitation, should be assigned predominantly for housing. These houses are to be leased under conditional rent.

This program had an initial funding of €50 million, with financial support from the European Investment Bank (EIB) and the Council of Europe Development Bank (CEB). Natural or legal persons, whether private or public, who are owners of buildings or parts of buildings to be rehabilitated, or who demonstrate that they have rights and powers over these properties and the money to maintain them, may apply for this program and act as contractors in the scope of building contracts.

- The table below presents the overall data of the operations in progress by the promoter.

Notes on implementation

- The program has been implemented and up to this moment, about 50 houses have been contracted, with a value of approximately 3 million euros.

Table 75 - Rehabilitate to Rent - Affordable Housing Program

	Number of Procedures	Financed Amount	Investment Amount	Number of existing fractions		Number of fractions proposed	
				Houses	Non Houses	Houses	Non Houses
Private	81	€8 354 165,24	€9 860 981,19	213	41	249	42
IPSS	14	€3 220 343,70	€3 697 863,61	41	8	55	8
Businesses	15	€7 238 299,06	€8 557 734,33	78	12	165	9
Real Estates	2	€685 109,46	€860 184,49	6	3	8	9
Total (National)	112	€19 497 917,46	€22 976 763, 62	338	64	477	61

In terms of support for the acquisition of owner-occupied and permanent housing, Decree-Law 349/98, of November 11th, with the wording given by Decree-Law 320/2000, of December 15th, regulates the subsidized credit and youth subsidized credit schemes for the acquisition, construction and improvement work of permanent housing projects.

It establishes an interest subsidy by the state based on the household's income for a maximum period of 25 years. The new means of access to this scheme was closed as of September 30, 2002, thus, the program is in a downward stage. Because if this, it is the responsibility of the DGTF to pay the subsidies demanded by the financial system for the contracts that remain in force, which at the end of 2017 amounted to around 250,000 involving an annual expenditure on subsidies in the amount of about €4 million.

Law 64/2014, of August 26th, approved the subsidised system for house purchases to people with disabilities, consolidating the previous legislation that provided for this type of support. It established the interest subsidy for the permanent housing of a person with a disability of a degree of incapacity equal to or greater than 60%, for the acquisition, expansion, and/or construction of permanent home. In this case, it is also the responsibility of the DGTF to pay the subsidies claimed by the financial system under the eligible contracts, which at the end of 2017 amounted to around 16,200, involving an annual expenditure of around €28 million.

Paragraph 2 – Reduction of homelessness

Although there are many initiatives by the state, non-governmental institutions and some municipalities concerning homeless people in Portugal, the intervention was not always carried out in an articulated way and there was no defined national strategy.

There was a real ignorance of the situation. The concepts used by some entities, in the characterization studies carried out, were not uniform and there were a lot of instruments, preventing a real understanding of the situation.

The growing size of the homeless population in some cities such as Lisbon and Porto led to the affirmation of a need to better understand this problem, to characterize this demographic and identify the type of support that organizations can provide.

In 2009, the **National Strategy for the Integration of Homeless People was designed and Prevention, Intervention and Monitoring 2009-2015 (ENIPSA)** was created. It has the objective of creating conditions that would guarantee the autonomy of homeless people through the mobilization of all resources available according to diagnosis and individual needs, with a view to the full exercise of their citizenship.

The ENIPSA 2009-2015 was in force until 2013 and at that time the work at the central level was interrupted, only resuming in 2016 following the Resolution of the National Assembly 45/2016, of 11 March, and the order of the Secretary of State for Social Security, where the collaboration of the entities that were part of the inter-ministerial group was requested. They were requested under the respective body responsible, for the presentation of an assessment report of ENIPSA 2009-2015, which should include recommendations for strategic measures to be adopted with the respective schedule proposals and resources needed.

The evaluation report concluded that:

- ENIPSA represented an important social laboratory role since it was the first national strategy around the homeless issue and also the first strategy in the so-called "southern Europe" countries also focusing on the involvement of several entities, public and private, in its design. It has been the subject of extensive discussion among partners, and in its implementation and monitoring.

- Their role was equally relevant at the level of proximity services, since it has stimulated the creation of Centres for Planning and Homeless Intervention that, even without redefining a new strategic cycle, continue to be active at the local level.

It was considered that fundamental changes should not be made to the defined strategic plan, but rather to enhance the work done in order to facilitate its implementation. It was on the basis of this premise that the National Strategy for the Integration of Homeless People 2017-2023 (ENIPSSA 2017-2023) was defined, seeking to fill in the weaknesses of the previous strategy and to strengthen the strengths, adapting to the now existing reality.

On July 25, 2017, through the Resolution of the Council of Ministers 107, **the National Strategy for the Integration of Homeless People 2017-2023 (ENIPSSA)** was created, based on three areas that are developed in several strategic objectives and actions:

- Area 1 - promoting awareness of the homelessness phenomenon, information, awareness raising and education;

- Area 2 - reinforcement of an intervention promoting the integration homeless of people;

- Area 3 - coordination, monitoring and evaluation of ENIPSSA 2017-2023.

The defined intervention model is based on the premise of making the most of human and financial resources, the need to avoid the duplication of responses, qualifying intervention in the prevention of homeless situations and promoting the follow-up of beneficiaries, focusing the lines of action on the individual, the family and the community.

An Interministerial Commission has been created to ensure the definition, articulation and execution of the ENIPSSA 2017-2023, through the convergence of objectives, resources and strategies among different organizations. These are the organisations with direct responsibilities in the implementation of policy measures and have intervention targeted at homeless people, in conjunction with the inter-agency group called GIMAE, which aims to promote and monitor the development of the strategy. GIMAE ensures the mobilization of all stakeholders in order to ensure both the implementation of the strategy and the monitoring/evaluation of the whole process.

Biennial action plans have been defined, which must contain the areas, strategic objectives and actions defined in the strategy associated with the respective activities, goals, indicators, budget, schedule and responsible entities and partners for their execution. These have been proposed by GIMAE, approved by the Interministerial Commission and are approved by the member of government responsible for the area of social security plus there has been the creation of annual evaluation reports.

The IEFP, I.P. is part of the **Strategy Implementation, Monitoring and Evaluation Group (GIMAE)**, composed of 34 public and private entities, whose objective is to implement, monitor and evaluate the strategic plan, as well as to define the biennial action plans.

Under the 2017-2018 Action Plan, within the scope of Strategic Objective 4, "Ensuring the permanent updating of knowledge with a view to preventing and combating discrimination", of Area 1, in partnership with entities working with this population, IEFP, I.P., promotes action to raise the awareness of employers on the importance of the reintegration of homeless people.

These actions are a relevant measure to affirm the importance of promoting the development of personal, social and professional skills and the employability of people in situations of social exclusion for the construction of successful life paths and for smart, sustainable and integrated growth.

Within the scope of its responsibilities and competences, the IEFP, I.P., with a view to pursuing the objectives and goals set forth in the 2017-2018 action plan, committed to articulate, through employment centres and employment and vocational training centres, with the entities responsible for the initial intervention with homeless persons (centres for planning and intervention with the homeless and interlocutors of local councils for social action) and case managers, mobilizing all available resources according to diagnostic and individual needs.

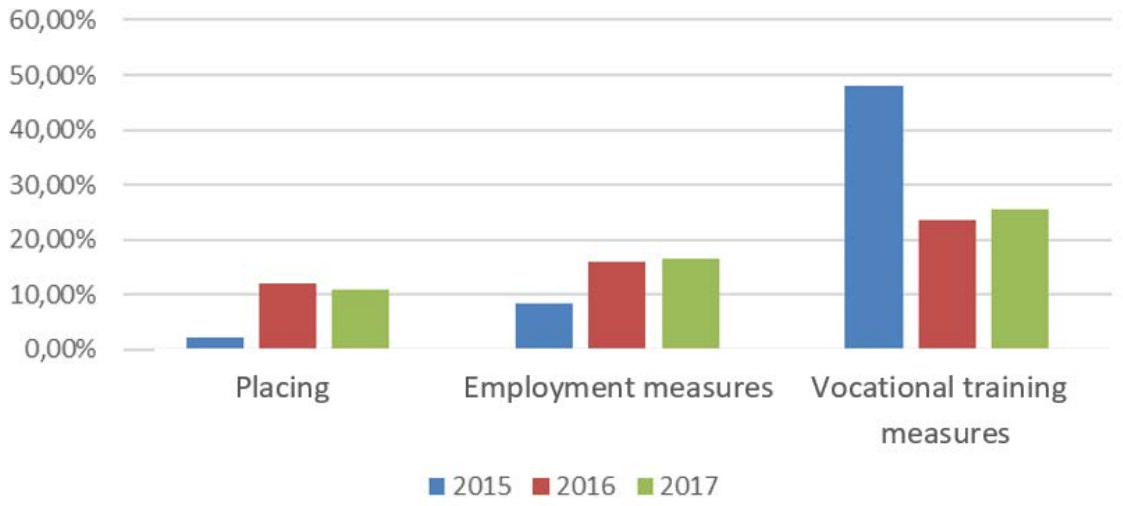
The local services of the IEFP, I.P., are particularly relevant in monitoring the itinerary of support to the homeless, such as defining the action in each individual intervention plan, the registration of people into an employment service when they are flagged with an employability profile, the assignment of a personal manager and the referral and integration into the various employment and training measures.

Within the scope of the strategic objective "to provide solutions for training, education, vocational training and professional integration" of Area 2, the IEFP, I.P. Is committed to provide adequate employment and training solutions, mobilizing in an integrated and supplementary manner the various employment technical support services, with particular relevance to technical vocational training interventions and active employment and training measures.

The aim of IEFP, I.P. is to increase the effectiveness and agility of the responses according to the profile and specific needs of the homeless, by strengthening the general programs and measures that target unemployed people as well as by creating specific methodologies for the persons in question.

As can be seen in the graph below, most people have been referred to training action, adjusted to their unique profile and concrete needs in the scope of the **Adult Education and Training Courses, Active Life Measure and the Basic Competencies Training Program.** This allows the obtaining of knowledge, personal, social and professional competences with a view to their (re)integration into active life.

Figure 20 - Percentage of integration taking into account the number of candidates registered in 2015/16/17 at national level



The employment measures considered to be in line with the employability profile of this target group have been the **Contratos Emprego Inserção+, Estágios Profissionais e Contrato-Emprego** (Employment Contracts +Integration, Professional Internships and Contract-Employment) which have ended successfully, that is, there are few records of drop-outs or

exclusion of the beneficiaries. The accomplishment of socially necessary work of a temporary nature is a relevant contribution to the acquisition of personal and socio-professional skills, being considered a valid instrument in the intervention with these candidates.

Table 76 - Employment Measures

	Regional delegation			Integrations Numbers								
				Placing			Employment Measures			Vocational Training Measures		
	2015	2016	2017	2015	2016	2017	2015	2016	2017	2015	2016	2017
Norte	45	119	107	1	19	19	10	27	16	18	26	18
Centro	35	2	8	0	0	0	0	0	0	35	1	8
Lisboa e Vale do Tejo	55	117	97	2	10	2	1	11	19	7	29	28
Alentejo	2			0			0			1		
Algarve	7	1	0	0	0	2	1	0	08	0	0	
Total	144	239	212	3	29	23	12	38	35	69	56	54

As shown in the table above, the number of candidates registered in the last two years has more than doubled compared to 2015. The successful completion rate of the Modular Training and Active Life training courses has been high compared to 2015.

Replies to the European Committee of Social Rights

Paragraph 1 - Adequate housing

"The Committee asks whether discrimination on other grounds (such as those mentioned in Article E of the Charter) is also forbidden with respect to the right to housing in general."

Access to social housing is dependent on the household's socio-economic conditions and these conditions establish the order of housing priorities. Thus, without prejudice to particular cases such as those resulting from calamities or the protection from domestic violence, access to state-supported housing promoted by the municipalities is based exclusively on criteria of insufficient household income.

It's based on a non-discrimination principle, guaranteeing the universal right of access to housing programs, on an equal footing by all social groups, communities and ethnic groups.

Criteria for adequate housing

"The Committee asks whether Article 65(1) of the Constitution has been interpreted as including all the above recalled characteristics of adequate housing. The Committee notes that the report does not contain any figures or statistics on the adequacy of housing. It therefore recalls that the requirement to maintain statistics is particularly important in the case of the right to housing because of the range of policy responses involved, the interaction between them and the unwanted side-effects that may occur as a result of this complexity. […] The Committee asks the Government to provide relevant figures and statistics; to explain what measures have been taken and are planned to improve the situation of inadequately housed persons."

With regard to the adequacy of housing, this concept has been interpreted as the house or building for housing that is capable of adequately satisfying the housing needs of a particular person or household, taking into account, in particular, its composition, the typology of housing and the habitability and safety conditions thereof. (Recently published in the New Generation of Housing Policies - Council of Ministers Resolution 50-A / 2018, of 2 May).

Rehousing Operations

Rehousing Campo Maior: The rehousing project resulted in the construction of the São Sebastião district, consisting of 53 housing complexes of which about 220 Roma people were housed in, with a total investment of approximately €1 million financed by community funds, of which the municipality of Campo Maior ensured 15 percent, totalling about €150,000. Entities such as the Institute of Housing and Urban Rehabilitation, I.P., the GNR, the Regional Directorate of Culture of Alentejo, the Institute of Social Security, the Office of the High Commissioner for Migration, among others, accompanied and supported the municipality in

the rehousing scheme, giving shape to a project with “unique characteristics” at a national level.

Rehousing in Peso da Régua*:* In November 2015, 12 Roma families living in a camp near the Bagaúste Dam in the municipality of Peso da Régua were rehoused in houses in the Alagoas district (located in the city of Peso da Régua). These homes were owned by the Housing Institute and Urban Rehabilitation, I.P., and the respective shacks were demolished, solving an environmental and social problem that existed on the banks of the Douro River for more than 30 years.

The Institute of Housing and Urban Rehabilitation (IHRU), the Municipality of Peso da Régua, Tourism of Porto and Northern Portugal (TPnP), the Portuguese Environmental Agency (APA) and the Northern Regional Coordination and Development Commission (CCDRN) contributed to this operation.

The improvement works of the 12 houses in the Alagoas district, for the rehousing of the families of the Bagaúste dam, were initiated by the Municipality of Peso da Régua, using the services of the municipality, and were concluded by the IHRU, namely in kitchen furniture, installation of the water supply network and its heating equipment, and some finishes. The IHRU invested about €30,000 on these homes. The IHRU also rehabilitated 11 other vacant houses, re-establishing them to habitable conditions with an investment of around €110,000 with an equal number of households being rehoused.

Large Social Housing District Rehabilitation Operations

Contumil District in Oporto: The rehabilitation work recently carried out by the IHRU in the Contumil District in Oporto (completed in 2014) involved the total reconstruction of 14 existing houses, which had been built illegally 30 years ago and which did not have suitable living conditions. With a total investment of €2,370,088, this district with 30 buildings now has 262 homes.

This district was built in 1975 and had never been the target of major interventions. It now sees the living conditions of its inhabitants being improved as a result of a strong investment. Of all the 250 households that live in the neighbourhood, 29 of them are from the Roma community.

Cabo Mor District in Gaia: Also in 2014, the rehabilitation of the Cabo Mor District in Gaia was completed with the rehabilitation of 4 buildings. This operation had a total investment of €898,033 and resulted in 84 rehabilitated houses, of which 34 are inhabited by Roma households.

Paranhos District in Oporto: The District of Paranhos is located in Rua Arquiteto Lobão Vital, a parish of Paranhos and a municipality of Oporto. The housing complex consists of 4 buildings (blocks 1, 2, 3 and 4), with a total of 20 entrances and 160 houses, several of which are inhabited by Roma groups. The value of this work exceeds €1 million and is financed by the IHRU, I.P., completed on July 15th, 2016.

Responsibility for adequate housing

"It is not clear from the report whether the IHRU may impose sanctions on those who disregard construction and/or maintenance obligations. The Committee asks the next report to clarify this matter. It also asks the next report to indicate what guarantees exist with respect to the provision of the essential services mentioned above."

It is not legally foreseen that the IHRU, I.P. may exercise sanctioning power against owners and/or landlords who do not comply with the construction and/or maintenance obligations of the houses.

Concerning the provision of utilities and in particular with regard to support to the most disadvantaged families, there are social tariffs for water, electricity and gas in order to guarantee support to families in cases of socioeconomic vulnerability. In addition to these, there is still a pecuniary support from Social Security for this purpose.

Measures in favour of vulnerable groups

"The Committee requests the next report to supply detailed information on the steps taken to improve this situation. Meanwhile, it holds that the housing conditions of many Roma fall short from being respectful of the requirements of Article 31§1. The Committee concludes that the situation in Portugal is not in conformity with Article 31§1 of the Charter on the grounds that the measures taken by public authorities to improve the substandard housing conditions of most Roma people in Portugal are inadequate."

Access to social housing depends on the socioeconomic condition of the households, and these conditions establish the order of housing priorities. Thus, without prejudice to particular cases such as those resulting from calamities or from the protection from domestic violence, access to state-supported housing promoted by municipalities is based exclusively on a criteria of insufficient household income.

This is based on a non-discrimination principle, guaranteeing the universal right of access to housing programs, on an equal footing by all social groups, communities and ethnic groups. The role of the IHRU, I.P. in this area has been focused, amongst other areas, in the development of three types of initiatives, namely: financial support to municipalities for the promotion of rehousing, establishment of partnerships with other public entities for the provision of adequate housing solutions for different population groups (victims of domestic violence, Roma communities, homeless people, disabled people, immigrants, the elderly, etc.) as well as in the promotion of studies that aim at the identification and characterization of those cases in order to implement initiatives that promote access to decent housing.

It was in this context that the IHRU, I.P., accepted the invitation of the then High Commission for Immigration and Intercultural Dialogue, I.P. to join the working group to elaborate the National Strategy for the Integration of Roma Communities (ENICC).

Participation in the preparation of the **National Strategy for the Integration of Roma Communities (ENICC)**, coordinated by the current High Commission for Migration, I.P. (ACM, I.P.) was an opportunity for the Institute of Housing and Urban Rehabilitation, I.P., to contribute to the improvement of the living conditions of these communities. ENICC, approved by the Council of Ministers Resolution 25/2013, of April 17th, establishes in the area of housing a set of priorities to which the IHRU, I.P., has been trying to address and of which the following stand out:

- Improve knowledge of the housing situation of Roma communities (priority 26);
- Strengthening, within the framework of housing policies, the practices promoting the integration of Roma communities (priority 27);
- Adapt housing responses and qualify rehousing spaces (priority 28);
- Promote access to the lease/private property market (Priority 29).

In addition, in association with the then High Commission for Immigration and Intercultural Dialogue, I.P. (ACIDI, I.P.), a study on the housing conditions of that community was carried out in 2013, in compliance with the ENICC (2013-2020), and in the perspective of knowing in detail the situations of precarious housing among the Portuguese community of that ethnic group. It should be noted that, within the ENICC, the time period set for the study was the year 2020.

The Survey on the Characterization of Housing Conditions of Roma Residents in Portugal

The research related to the Roma housing conditions was performed by means of the application of a questionnaire in all Portuguese municipalities in order to get a complete and representative picture of how this community was geographically distributed and the respective residence status.

The collection of information from the municipalities in order to characterize the housing conditions of the Roma community in Portugal took place in two phases that were divided by the years 2013 and 2014.

1st Phase: Year 2013

- On June 20, 2013, the ACIDI High Commissioner, I.P. (today, known as the ACM) and the President of the Board of Directors of the IHRU, I.P., sent a joint letter to the municipalities to contextualize the initiative and raise awareness of the importance of participation, mentioning how the inquiry would be available, namely by email to be sent at a later date.
- In response to this letter, eight municipalities informed the Institute of Housing and Urban Rehabilitation, I.P., that there were no Roma communities residing in their municipality (Ansião, Calheta in the Azores, Machico, Nordeste, Ribeira Grande, São Roque do Pico and São Vicente), thus omitting the invitation to access the online questionnaire.
- The contact information of 20 specialists, employees of the municipalities directly involved in the activity with Roma communities (i.e. municipal or other mediators) were made available by the then ACIDI, I.P.
- The questionnaire was made available online on July 12, staying online until August 30, 15 days after the date initially scheduled, given the need to receive information from the specialists. During this period, some contacts were made mainly through telephone but also by email, with the technicians from the municipalities to clarify methodological doubts.
- At the closing date (30 August) 148 municipalities had submitted the survey. By this date, 152 inquiries were missing.

- After the survey was completed, further attempts were made to contact the municipalities, the office of the presidency and the previously identified technicians, and it was possible to collect additional information from 44 other municipalities.

- In total, and in the first phase, it was possible to obtain information concerning the housing conditions of Roma communities from 192 municipalities.

2nd Phase: Year 2014

- On July 1, 2014, the President of the Board of Directors of the IHRU, I.P. sent a second letter contextualizing the initiative and restating the importance of the participation of the municipalities that did not participate in the first phase. The letter mentioned how the inquiry would be available, namely by email to be sent later.

- All municipalities responded to our request, however, some did not present quantitative data, namely: Almada, Cascais, Loures, Porto and Setúbal. With regard to the data analysis for these municipalities, it was decided to use estimates based on the data from 190 municipalities with Roma communities that had already provided information.

- After the collection of information and estimates already mentioned, the report was produced between the end of 2014 and the beginning of 2015. This report was the study/publication titled "The characterization of housing conditions of Roma communities residing in Portugal".

- This study resulted in several findings, including the existence of more than 7,456 houses occupied by Roma families, with more than 1,900 shacks among them.

- After completing the study, the document was sent to the then Secretariat of Spatial Planning and Energy (SEOTE) as well as to the current High Commission of Migration. The study "The characterization of Housing Conditions of Roma Residents in Portugal" is also available on the Housing Portal71.

In the scope of Priorities 28 and 29, financial support was made available to municipalities for the promotion of rehousing action, in particular the one in 2014 and 2015, and was made available in the municipality of Campo Maior and in the Municipality of Peso da Régua. In both cases it was possible to eliminate situations of precarious housing in the resident Roma community. These two operations are described in more detail below.

[71] http://www.portaldahabitacao.pt/opencms/export/sites/portal/pt/portal/publicacoes/documentos/caraterizacao_condicoes_habitacao.pdf)

Victims of domestic violence

The protocol signed on 14th December 2013 between the IHRU and the IGC aims to establish institutional cooperation between the signatory organizations in supporting the automatizations process of victims of domestic violence at the time of their departure from shelters by establishing a list of nationally available houses.

It also makes these homes available for rent at a reduced cost and to ensure the normal conditions of habitability. In 2014, 23 requests for housing for victims of domestic violence were presented, of which 21 applications were accepted and 2 were withdrawn. In 2015, 20 requests for social housing for victims of domestic violence were approved (18 of them under the Protocol with the IGC). In 2016, 46 requests for housing for victims of domestic violence were received by the IHRU, I.P., with 4 being withdrawn subsequently.

Refugees

In the specific case of refugees, the central authorities have established a public housing list where housing prices are lower than market prices and they can be rented out by associations to support and coordinate the integration of refugees and their families. Of this list, in October 2015, there were about 206 houses: 13 type 1 houses; 81 type 2 houses, 88 type 3 houses and 24 type 4 houses. The type of housing made available demonstrates the importance that central government agencies attach to guaranteeing appropriate and adequate housing to accommodate these families.

These houses are located in different parts of the country, in order to promote a better integration of refugee families. Most of these houses are new and became public property following the bankruptcy of construction companies whose loans were in favour of public entities.

Paragraph 2 – Reduction of homelessness

Preventing homelessness

"The Committee notes the numerous ambitious objectives of the strategy and asks that the next report updates it on the results achieved in the first phases of the strategy's implementation."

The **National Strategy for the Integration of Homeless People 2009-2015 (ENIPSA)**, which was publicly presented on March 14, 2009, aimed to create conditions so that no one had to live on the street and, above all, to ensure the existence of conditions that guarantee the promotion of autonomy through the mobilization of all available resources according to diagnosis and individual needs, with a view to the full exercise of citizenship.

Regarding the measures adopted, based on the strategy drawn up in 2009 and referring to the **"Evaluation Report of the National Strategy for the Integration of Homeless People 2009-2015: Prevention, Intervention and Monitoring "[72],** dated July 2017, observing the activities carried out in the reference interval to which this report refers, the following aspects are highlighted. In 2014, two instruments were developed:

1. **Local Activity Questionnaire (QAL)**, which aimed to obtain an overview, a diagnosis and a list of interventions carried out in the area of homelessness in Portugal;

2. **Characterization Questionnaire for Homeless People (QCSA)**, which is information collected by the Centres for Planning and Homeless Intervention (NPISA);

- In January 2017, the **Strategy Implementation, Monitoring and Evaluation Group (GIMAE)** was reactivated with a collection of contributions from the entities that make up the inter-ministerial group, in order to complement the evaluation made by ISS, I.P. and to collect proposals for future actions.

- The information on the number of homeless people in each district was collected with the District Centres of ISS, I.P., and this participation was made official during the meeting of NPISA structures in Lisbon, where the internal evaluation of ISS, I.P. was presented and experiences and proposals for future actions were discussed.

- Subsequently, in February 2017, a meeting was held with many of the entities that make up GIMAE. The main results highlighting constraints and positive aspects arising from the implementation of ENIPSA were presented at this meeting, and also an agreement was reached concerning the main lines of action together with a timetable for its implementation.

- The ENIPSA evaluation report 2009-2015 was prepared and presented at the National Assembly, along with the new strategy's main components and guidelines.

[72] http://www.seg-social.pt/documents/10152/15112386/RA_ENIPSA/f9a37599-3334-4ad3-861e-d3c165349c68

- The action plan for the first biennium of the strategy implementation, 2017-2018, was prepared in 2017.

- The **Local Activities Questionnaire (QAL)** was carried out in 2014, aiming to obtain an overview of homelessness with regard to the knowledge of ENIPSA 2009-2015 and the concept of homelessness. It was observed that of the 180 municipalities that responded to the questionnaire, the majority reported having knowledge of the National Strategy for the Integration of Homeless People (79.4%) and of the concept of homelessness (87.7%). To highlight the importance of this result, it is important to take into account that before 2009 there was no uniform definition of this concept in Portugal.73

- In the second half of 2016, the methodology to be used in the development of the evaluation report started to be created. The instruments for collecting contributions from the entities that make up the inter-ministerial group were created. The collection and processing of information at the ISS, I.P. District Centres was underway regarding the implementation of NPISA, namely in what concerns the identification of existing responses and the number of homeless people accompanied by the ISS, I.P.

A first stock-take was prepared by the ISS, I.P. in January of 2017, and was made available to the GIMAE institutions when collecting contributions for the first meeting to reactivate the work of the inter-ministerial group held in February 2017.

The **following GIMAE entities contributed to the ENIPSA evaluation report 2009 -2015:**

- High Commissioner for Migration (ACM);

- Centre for Studies on Social Intervention (CESIS);

- Commission for Citizenship and Gender Equality (IGC);

- Directorate-General for Reintegration and Prison Services (DGRSP); National Mental Health Program (PNSM) of the General Directorate of Health (DGS);

- General Directorate of Social Security (DGSS);

- European Anti-Poverty Network (EAPN Portugal);

- National Federation Rehabilitation Entities for the Mentally Ill (FNERDM);

- Institute of Employment and Vocational Training (IEFP);

- Institute of Housing and Urban Rehabilitation (IHRU, IP);

[73] Source: QAL, 2014 / ISS, IP 2015 - p. 15 e p. 44

- Intervention Service in Additives Behaviours and Dependencies (SICAD);
- Republican National Guard (GNR) and Police (PSP).

The conclusions of the Report highlight the fact that it has contributed positively to the discussion of this issue as a social laboratory since it was the first national strategy around the homeless issue. It was also the first strategy in the so-called "southern Europe" countries, also focusing on the involvement of several entities, public and private, in its design because it has been the subject of extensive discussion among partners, and in its implementation and monitoring.

Its role was equally relevant at the level of proximity services, since it has stimulated the creation of Centres for Planning and Homeless Intervention (NPISA) that continue to be active at a local level.

The ENIPSA 2009-2015 evaluation shows that, although there was a deficit in operationalization, the assumptions that were at its foundation were, however, considered adequate by all the entities that comprise the GIMAE. It was recommended that the strategy defined for the 2017-2023 cycle should focus on the strengthening of the work already done, on reinforcing the measures to be implemented in each strategic objective and on creating the necessary conditions for its implementation.

The objectives, targets and results presented in the report, based on the above-mentioned areas, were the following:

E1.OE 1 - Promote the use of a single concept of "homeless person" at the national level
Goal

The use of the concept of "homeless person" by all public and private entities working in this area by the end of 2009.

Result: ENIPSA has defined the concept of "homeless person" in order to measure the phenomenon on a concrete and objective basis based on the operational categories of the typology proposed by FEANTSA which is used by other European countries in order to facilitate its application and operationalization.

The dissemination of the approved concept was carried out through meetings held internally and externally by each of the entities represented in the GIMAE.
At the ISS, I.P., the internal dissemination of the concept and a strategy was translated into several dissemination measures such as meetings, technical guidelines, regulatory memos, internal communication plans and publication/dissemination in articles in the institute's magazines, newsletters and also on each entities' website.
Internally at the IHRU, I.P., the dissemination of the strategy was made via news published in in-house publications, namely the "Entre Nós" magazine and a newsletter. Also, the

publication of all documents and news related to the homeless was made on the intranet (as well as the document on the national strategy).

- The **security forces** disseminated the strategy to their agents and adopted the homeless concept.
- In terms of external communication, the dissemination of the homeless concept was carried out by several entities and in several ways:
- the ISS, I.P. disseminated it in several seminars and events dedicated to homelessness, at supra-council platform meetings, and at working meetings with social networks, as well as with other entities;
- the **DGS** promoted the seminar "Mental Health and Homelessness: Where, How and Why?" in Lisbon in 2012, which brought together all the institutions providing mental health care (public and social sector) to take stock of the action by the local mental health services with this particularly disadvantaged population group;
- the **EAPN Portugal** presented ENIPSA in various seminars and at national and international meetings and has integrated the NIPSA Faro, Porto and Setúbal;
- the **IHRU, I.P.** carried out several activities developed within the framework of ENIPSA, namely: the "FAMILIHRU" exhibition, where all IHRU programs in the area of housing are presented in a fun way; dissemination of housing programs through the distribution of pamphlets; and participation and dissemination of the European Research Project CSEYHP - Combating social exclusion among young homeless populations.

The IHRU, I.P. also refers, within its communication activities, to carrying out a query to the Data National Commission where it presented a solution to obtain the systems to process information on homeless people in relation to the IHRU, I.P. programs, but without success.

The **ACM** worked on the concepts of "homeless," "immigrant", "foreigner", "refugee" and "citizen of the European Union", to assess the relevance of the statute to support and to harmonize the language used by the different services and even in the strategy.

Regarding the use of the concept of "homelessness", the SICAD refers to its use by the professionals of the Integrated Response Centres/Alcohollogy Units of the Regional Health Administrations, I.P.

E1. SO2 - Ensure the monitoring of the phenomenon and access to information

Goal: Ensure the collection of information on the phenomenon and ensure its dissemination.

Result: As regards to the gathering of information on the phenomenon, SICAD reported the following numbers living in a homeless situation: 562 people in 2013; 418 people in 2014 and 243 people in 2015 (the decrease this year may be justified by changes in the information system).

The ISS, I.P. under the CLAS and the NPISA, prepared a questionnaire that was applied in 2009 and 2011, and carried out a new questionnaire in 2014 for the characterization of the

homeless population. Of the questionnaire applied in 2009 in areas where this phenomenon is more severe, such as Lisbon, Porto, Santarém and Setúbal, it resulted in the identification of 2,133 cases, 63% of which were registered in Lisbon and Porto.

In 2011, due to the reduced number of responses, it was not possible to collect reliable data. However, in 2011, and under the European regulation on population censuses, the characterization of the homeless population was included for the first time in the CENSOS 2011, identifying 696 homeless individuals.

In 2014, with the application of the questionnaire, which was not answered in a timely and complete manner by the municipalities where the problem of homelessness is most pronounced, namely Lisbon and Porto, 904 homeless people were identified in 11 municipalities (of the 14) where the NPISA is operating. However, as of December 31, 2013, there were 4,420 beneficiaries with active processes of homelessness registered by Social Security. From the application of this questionnaire, it was concluded that there was no consistent data that would allow us to gauge the evolution of the number of homeless people in Portugal or the possible change of their profile.

In 2016, 4,003 beneficiaries with active processes of homelessness were registered by Social Security[74].

E1. SO3 - Ensure that Social Network Diagnostics and Social Development Plans (PDS) include indicators related to the homeless phenomenon

Goal: The use of homeless indicators including risk indicators by all district social networks until the end of 2015, in their products (the Diagnosis and Social Development Plans).

Result: According to the Strategy, the NPISAs are made up of all entities working in the area that wish to establish articulated and integrated work and whose expertise is recognized by all stakeholders.

The centres must be created whenever the dimension of the homeless phenomenon justifies it, in the context of municipal social networks or cross-council platforms, by means of the conclusion of a protocol and legitimized in plenary session of the Local Council of Social Action (CLAS).
Up to 2015, 14 NPISAs have been set up, but not all of them include risk indicators in social development diagnoses and plans. In the 14 NPISAs set up and in operation, 13% of the municipalities have a homelessness diagnosis system, of which 29% use risk indicators and 9% have action plans that integrate activities in this area.
In 2016, due to the working group created within the scope of the Social Network and the need to maximize resources, the Espinho NPISA was created.

[74] Source: Monitoring Reports on Reintegration Interventions 2013, 2014 and 2015, SICAD

Currently, at the national level, a total of 15 NPISAs have been set up and have been developing articulated work in the area of municipal social networks or cross-council platforms.

E1. SO4 - Ensuring the Permanent Update of Knowledge and the Fight against

Discrimination

Goal: Encourage the study of homelessness in schools by the end of 2015.

Result: Increased number of non-stigmatizing references in the media on the "homeless" issue.

Surveys, dissemination and the production of studies and scientific work on the phenomenon.

E2. SO4 - Ensure that there are answers guaranteeing that no one is de-institutionalized without all the measures necessary to ensure that they have adequate places to live and the necessary support, where appropriate.

Goal: Promote the housing of signalled persons at risk when they leave an institution.

Create, by 2015, conditions for all ex-prisoners at risk to be housed.

Result: Within the scope of this objective, a registration database for homelessness monitoring activities was also built in 2014 and implemented in 2015 at Prison Establishments (PE). During the year of the methodology implementation there was a housing rate of 70% for the flagged inmates who, at the time of their release, had a need for housing. There was a total of 33 flagged inmates and a total of 23 inmates housed. These numbers were taken into account in the indicators required for the DGRSP in Goal 1 of the EO 4.

E2. SO5 - Ensure no one has to stay on the street for more than 24 hours.

Goal: Create emergency housing conditions for all new cases within 24 hours.

Result: Within the scope of the present objective, the support provided by the National Social Emergency Line (LNES - 144) stands out, since it is a social emergency service that responds immediately to people who are in the absence of minimum survival conditions, including homeless people.

E2. SO6 - Ensure specialist support when leaving temporary accommodation (TA).

Goal: All cases in temporary housing have a case manager assigned to them and an Individual Insertion Plan (IIP) is contractualized upon leaving the temporary housing.

Result: Under the Local Activity Questionnaire conducted in 2014, it was found that 41.8% of the people identified as being homeless or without a home have an Individual Insertion Plan and 45.3% have a Case Manager assigned

E2. SO7 - Ensure the existence of conditions that guarantee the promotion of autonomy by mobilizing and contracting all available resources according to the diagnosis and needs.

OE7. A - Create housing solutions providing public and private housing for direct or mediated lease

Goals:

1. Use of the IHRU housing stock to provide houses for the homeless population, in the same circumstances as other citizens.
2. Use of the PROHABITA program for housing homeless people by the local authorities that have identified this need.

Results: Under the strategic objective 7.A, the **IHRU. I.P.** states that there were no requests by NPISA, during the ENIPSA period, for the provision of houses owned by the IHRU I.P. to the homeless population.

Regarding the number of applications submitted to the PROHABITA Program, they report that there were no applications concerning homelessness identified by municipalities. However, it cannot be understood from this that no one in this condition benefited from the rehousing processes operated by the Municipalities. ENIPSA's results may not meet expectations (given that a set of assumptions were not in place for its implementation), however, IHRU, I.P., as the owner of social housing, rehoused about 300 families with a view to preventing situations of extreme vulnerability that, among other causes, could come under the conditions of homelessness.

The **IHRU I.P.** has developed the National Strategy for Housing 2015-2020 (ENH), which provides for several measures, including **Measure 3.1.4. Encourage the increase of housing solutions for the homeless**, which contribute to this strategic objective. The measure mentioned aims to increase the number of houses to be made available in the social housing stock to permanently house homeless people or those at risk of losing access to housing. ENH also contemplates the extension of the number of housing units for homeless persons under the management of private social solidarity institutions.

OE7. B - Provide vocational training and employment solutions

Goals:

1. Adjust the intervention procedures of employment centres and employment and vocational training centres, together with NPISAs or CLAS interlocutors.

2. Evaluate the employability profile and register 100% of homeless people who meet the minimum conditions of access, in the active employment measures signalled by NPISA or CLAS interlocutors and referred by Case Managers.
3. Prepare a Personal Employment Plan for 100% of the homeless people flagged by the NPISA or by the Local Social Action Councils interlocutors, referred by the case managers and registered with the Employment Services.
4. Integrate into active employment measures 60% of the homeless people flagged by the NPISA or by Local Social Action Council interlocutors, referred by the case managers and registered in the employment services.

Results: In 2014, there were 64 registered applicants from homeless people covered by IEFP, I.P. measures. There were 6 applicants integrated into employment measures and 38 into vocational training measures.

According to the last statistics provided by the IEFP, I.P., until the 3rd quarter of 2015, there were 75 registered candidates, 1 person integrated into a placement, 11 people integrated into employment measures and 37 people integrated into vocational training measures.

OE7. C. Ensure access to all appropriate social protection measures

Goal: Streamline processes for benefit applications and social protection rights.

Results: It is important to mention, within the scope of this strategic objective, the preparation and dissemination of guidelines for changing procedures regarding the Integration Social Income applications of homeless people in temporary housing situations. The conditions of access to this benefit were generally changed in the period under review, with no information regarding the direct impact on this population.

OE7. Ensuring access to health care

Goals:

1. Refer to the Referral/Articulation Network structures, within the scope of addictive behaviour and dependencies of homeless people with problems of consumption of psychoactive substances.
2. All homeless people, national or immigrant, in an irregular situation, with mental health problems in general, must be registered in the national health system.
3. Maintenance of the protocol for the treatment of homeless people in medical facilities in the area where they live.

Result: Concerning the referral of homeless people to local services of the ARS, I.P. (IRC, UA), the SICAD states that in 2015 the number of new homeless beneficiaries represented 1.5% of the total. These results refer exclusively to the second half of 2015, considering that it was

necessary to make changes to the data recording methods of the beneficiaries of the local units of the ARS, I.P. to adequately measure the concept of "homeless person".

To achieve the goal of maintaining a protocol for the treatment of homeless people, the DGS signed a protocol in 2010 with the Lisbon Psychiatric Hospital Centre for the "Development of a Pilot Project for the Treatment of Homeless People." Based on this protocol, the number of persons registered, up to September 30, 2016, was 59 (49 men and 10 women). Apart from Lisbon, the National Program for Mental Health from the Directorate General of Health has been following the intervention by the Department of Psychiatry of the Hospital of the University of Coimbra, which in 2014 registered a total of 91 people, of whom 8 were women and 18 were men registered for long-term care.

Forced eviction

"In the absence of specific information in the report concerning the legal protection of persons threatened by eviction as well as of the rules governing the procedures of eviction, the Committee asks that this be included in the next report bearing in mind the requirements recalled above. The Committee also asks that the next report include figures concerning evictions, rehousing or financial assistance provided following eviction."

With regard to the questions raised by the Committee, reference is made to the above information on the **Special Rehousing Program** and to the data on rehousing operations contained in the reply to the questions referred to in paragraph 1.

In *Conclusions 2011 (PORTUGAL), the Committee recalls that in order to comply with Article 31§2 of the Charter, legal protection for persons threatened by eviction must include:*

- *an obligation to consult the parties affected in order to find alternative solutions to eviction;*
- *an obligation to fix a reasonable notice period before eviction;*
- *a prohibition of evictions at night or during the winter period;*
- *accessibility to legal remedies;*
- *accessibility to legal aid;*
- *compensation in the case of illegal eviction.*
- *Furthermore, when evictions do take place, they must be:*
- *carried out under conditions which respect the dignity of the persons concerned;*
- *governed by rules of procedure sufficiently protective of the rights of the persons.*
- *The Committee also recalls that when an eviction is justified by the public interest, authorities must adopt measures to re-house or financially assist the persons concerned.*

The right to shelter

"The report indicates that the local authorities provide various services to shelter the homeless. No further detail is included in the report. In the light of the principles recalled below, the Committee asks the next report to provide more information. […]
The Committee asks for the next report to clarify whether:

- *shelters/emergency accommodation satisfy security requirements (including within the immediate surroundings) and health and hygiene standards (in particular whether they are equipped with basic amenities such as access to water, heating and sufficient lighting);*
- *shelter/emergency accommodation is provided regardless of residence status;*
- *the law prohibits eviction from shelters or emergency accommodation."*

There is a need to ensure a solution to respond to the shortage of emergency accommodation provided to unprotected individuals and families, promoting a greater participation by social institutions.

As a result, protocols for emergency social housing (known as the ESA) were concluded which, despite not complying with the existing rules on cooperation, were assessed by comparison with Temporary Housing Centres.

Taking into account the year 2016 (noting that we do not have data for other years), almost 900 people were housed for a period of less than 72 hours, and about 700 people were housed for a period of up to 6 months, in a total of 8 Protocols for the ESA.
Currently there are 7 protocols for emergency social housing in the Districts of Braga, Leiria, Lisbon and Porto, covering 197 vacancies with a cost of €591,000 (€250 per vacancy per month).

There are two social responses made in the publication called "Social Responses: Classifications/Concepts" (MTSSS, 2006), whose objective is to welcome homeless people and other population groups. These responses are the Temporary Accommodation Centre and the Integration Community.

The Temporary Accommodation Centre is defined as a social response, developed in a facility which aims to house adults in need for a limited period of time until they are referred to the most appropriate social response. Its objectives are to provide temporary housing, guarantee the basic necessities of survival and to support the definition of a life project

The beneficiaries are elderly people in need, namely the floating population, homeless people and other groups in social emergency situations.

The Integration Community is a social response developed in a facility with or without accommodation, which comprises a set of integrated actions aimed at the social integration of

several target groups that, due to certain factors, are in a situation of social exclusion or marginalisation.

Its objectives are to guarantee the satisfaction of basic needs, to promote the structural development of people/families and the acquisition of basic and relational skills, to contribute to the development of the capacities and potential of the people/families in order to favour their progressive social and professional integration.

The beneficiaries of the integration community may be persons and families in vulnerable situations that need to be supported in the process of their social integration, namely, single mothers, ex-prisoners, and the homeless.

There are cooperation agreements for these two social responses, the number and users covered being characterized in the table below, with no significant evolution of its variables (the number of agreements and the number of users) throughout the four years under review.

Table 77 - Evolution of the number of cooperation agreements and the number of users covered in the social responses Temporary Accommodation and Insertion Community Centre

Social Response	2014		2015		2016		2017	
	Cooperation Agreements	Beneficiaries	Cooperation Agreements	Beneficiaries	Cooperation Agreements	Beneficiaries	Cooperation Agreements	Beneficiaries
Temporary accommodation centre	29	900	31	928	31	932	31	932
Insertion community centre	44	2 287	44	2 347	42	2 262	42	2 627

Source: SISS COOP, 2014 and 2017

With regard to the questions raised by the Committee, it should be noted that emergency accommodation is provided irrespective of the citizen's legal situation in Portugal.

Portuguese law does not prohibit expulsions from emergency houses.

Paragraph 3 - Affordable housing

"The Committee asks that the next report provides figures about the shortage of housing. […] The Committee asks the next report to contain information on the impact of the support granted within the context of these programmes on the most vulnerable groups. […] In any event the report does not indicate whether there are any remedies with respect to excessive waiting periods for the allocation of housing. The Committee therefore asks that the next report contains the requisite information in this regard."

According to the National Housing Needs Survey[75], carried out in the second half of 2017, there are 25,762 families in Portugal living in housing of non-habitable condition needing to be demolished, such as "shacks and precarious constructions" and "degraded consolidated urban houses".

With regard to the impact of the support given to vulnerable groups, we would like to recall the importance, for example, of rehousing operations directed at Roma communities that took place during the period under review, especially Campo Maior and Peso da Régua, cited above.

With regard to the issue raised on excessive waiting periods, it is reported that, given the inability to respond in a timely manner to all situations that reach the IHRU, this institute always seeks to inform citizens of other public measures of affordable housing. From then on, families are referred to the municipalities and other entities with houses under a supported lease regime, who inform them of other existing housing support, such as the Porta 65-Jovem, the rent subsidy (social security), the NRAU subsidy and the social rental market, offering alternative solutions to address the needs of families or at least support them during the time of awaiting the assignment of a house.

Housing benefits

"The Committee asks that the next report provide figures about the number of beneficiaries of housing support. […]
It therefore asks the next report to clarify, indicating in particular, whether remedies are available for those who are refused housing support. […]
It notes that the report is silent concerning the equality of treatment as regards to affordable housing for non-nationals together with housing benefits for non-nationals provided by the Government. It therefore asks that this information be provided in the next report."

Existing housing support, as well as the number of beneficiaries, are already broken down above, so we will limit ourselves to making this reference.

As mentioned above, when the support is denied because the conditions for the benefit are not met, the IHRU informs citizens of other public offers of affordable housing. From then on, families are referred to the municipalities and other entities with houses under a supported lease regime and informs them of other existing housing support, such as the Porta 65-Jovem, the rent subsidy (social security), the NRAU subsidy, and the social rental market, offering alternative solutions to address the needs of families.

In Portugal, the entitlement to social housing is extended to all persons, regardless of race, ethnicity, gender or nationality, taking into account only the household income.

[75] http://www.portaldahabitacao.pt/opencms/export/sites/portal/pt/portal/habitacao/levantamento_necessidades_habitacionais/Relatorio_Final_Necessidades_Realojamento.pdf