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**Committee on the Rights of the Child****Concluding observations on the combined fifth and sixth periodic report of Portugal\***

1. The Committee considered the combined fifth and sixth periodic reports of Portugal (CRC/C/PRT/5-6) at its 2418th and 2419th meetings (see CRC/C/SR. 2418 and 2419), held on 19 and 20 September 2019, and adopted, at its 2430th meeting (see CRC/C/SR. 2430), held on 27 September 2019, the following concluding observations.

**I. Introduction**

2. The Committee welcomes the submission of the combined fifth and sixth periodic reports of the State party and the written responses to the list of issues (CRC/C/PRT/Q/5-6/Add.1), which allowed for a better understanding of the situation of children in the State party. The Committee expresses appreciation for the constructive dialogue held with the multisectoral delegation.

**II. Follow-up measures taken and progress achieved by the State party**

3. The Committee welcomes the progress achieved by the State party in various areas. The Committee notes with appreciation also the legislative, institutional and policy measures adopted to implement the Convention, in particular the revision of legislation on the promotion and protection of children and youth at risk and the restructuring of the national mechanism in charge of planning, coordination, monitoring and evaluation of action to promote the rights and the protection of children and youngsters.

**III. Main areas of concern and recommendations**

4. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: comprehensive policy and

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\* Adopted by the Committee at its eighty-second session (9 – 27 September 2019).

strategy (para. 8) the best interests of the child (para. 18), sexual exploitation and abuse (para. 26), children deprived of a family environment (para. 31), standard of living (para. 39) and asylum-seeking, refugee and migrant children (para. 42).

5. **The Committee recommends that the State party ensure the realization of children's rights in accordance with the Convention and its Optional Protocol on the involvement of children in armed conflict and Optional Protocol on the sale of children, child prostitution and child pornography throughout the process of implementing the 2030 Agenda for Sustainable Development. It also urges the State party to ensure the meaningful participation of children in the design and implementation of policies and programmes aimed at achieving all 17 Sustainable Development Goals as far as they concern children.**

## **A. General measures of implementation (arts. 4, 42 and 44 (6))**

### **Legislation**

6. **The Committee recalls its previous recommendation (CRC/C/PRT/CO/3-4, para. 10) and recommends that the State party take all measures necessary for implementing its legislation in compliance with the Convention at the national, provincial and municipal levels, including the allocation of adequate human, technical and financial resources.**

### **Comprehensive policy and strategy**

7. The Committee notes the development of a National Strategy for the Rights of the Child 2019-2022 (NSRC). It expresses concern, however, at unnecessary delays in the approval of the national strategy. It is concerned that this situation prevents the effective monitoring of progress achieved in the implementation of the Convention, and that it results in insufficient guidance for the drafting of Local Action Plans for Children and Youth.

8. **The Committee recalls its previous recommendation (CRC/C/PRT/CO/3-4, para. 12) and recommends that the State party:**

(a) **Expedite the adoption of the NSRC and of the corresponding plans of action;**

(b) **Allocate adequate human, technical and financial resources to the National Commission for the Promotion of the Rights and Protection of Children and Youth for the monitoring and coordination of the implementation of this strategy;**

(c) **Expedite the adoption of local action plans, guaranteeing that they are in line with the Convention, and that they protect and promote the rights of all children.**

### **Coordination**

9. **Welcoming the creation of a National Commission for the Promotion of the Rights and Protection of Children and Youth, the Committee recommends that the State party increase the human, technical and financial resources allocated to this body and enhance its mandate and authority, at a interministerial level, to coordinate all activities related to the implementation of the Convention at cross-sectoral, national, regional and local levels.**

### **Allocation of resources**

10. **With reference to its general comment No. 19 (2016) on public budgeting for the realization of children's rights, the Committee recalls its previous**

recommendations (CRC/C/PRT/CO/3-4, para. 16) and recommends that the State party:

(a) Taking into consideration the Guiding principles on human rights impact assessments of economic reforms (A/HRC/40/57), assess the impact of the austerity policies implemented under its Economic Adjustment Programme (2011 – 2014) on the rights of children, as well as budget needs to address the disparities in indicators related to children's rights;

(b) Utilize a child-rights approach in the elaboration of the State budget, by implementing a tracking system for the allocation and the use of resources for children throughout the budget;

(c) Define sufficient budgetary lines for all children, with special attention to those in disadvantaged or vulnerable situations that may require affirmative social measures, and make sure that those budgetary lines are protected, even in situations of economic crisis, natural disasters or other emergencies;

(d) Provide disaggregated information on the proportion of the national budget allocated to the implementation of the rights of the child at the national and local levels in its next periodic report.

#### Data collection

11. With reference to its general comment No. 5 (2003) on general measures of implementation, the Committee recalls its previous recommendation (CRC/C/PRT/3-4, para. 18) and recommends that the State party:

(a) Expedite the reform of its data collection system in order to ensure the coordinated collection of data that is disaggregated by age, sex, disability, geographic location, ethnic origin, migration status and socioeconomic background and that covers the entire period of childhood up to the age of 18, as well as all areas of the Convention;

(b) Ensure that the data and indicators are shared among the ministries concerned and used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention;

(c) Implement the conceptual and methodological framework set out in the report of the Office of the United Nations High Commissioner for Human Rights (OHCHR) entitled *Human rights indicators: a guide to measurement and implementation* when defining, collecting and disseminating statistical information.

#### Independent monitoring

12. With reference to its general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child, the Committee recommends that the State party:

(a) Designate a specific mechanism within the Office of the Ombudsman for monitoring children's rights;

(b) Provide adequate human, technical and financial resources to the Office of the Ombudsman for the effective implementation of its mandated functions;

(c) Raise awareness among the general public, and children in particular, and support awareness-raising carried out by the Office of the Ombudsman on the right to file a complaint directly with the Ombudsman.

**Dissemination, awareness-raising and training**

13. Acknowledging the relevant changes in the National Curriculum concerning Citizenship Education, the Committee recommends that the State party:

(a) Develop mandatory and structured content and objectives for the “Citizenship and Development” curricular subject, including the rights of the child under the Convention, ensure that all teachers receive mandatory training on the content and objectives of the “Citizenship and Development” curricular subject and expand its implementation to all public and private schools in the State party;

(b) Reinforce awareness raising programmes, including campaigns, to disseminate the Convention, the Committee’s general comments, as well as its views among children, families and professionals working with and for children;

(c) Ensure that all professionals working with and for children, in particular social workers, law enforcement officials, health-care personnel, immigration and asylum officers, professionals and staff working in all forms of alternative care, as well as of the media, receive mandatory training on the rights of the child under the Convention and national law;

(d) Introduce a mandatory training for judges who are to enter Family and Children Courts and integrate modules on the rights of the child, child-friendly communication techniques and children’s stages of development into mandatory vocational training provided to judges, magistrates and prosecutors working with all Courts of the State party.

**Children’s rights and the business sector**

14. With reference to its general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children’s rights, the Committee recommends that the State party:

(a) Examine and adapt its legislative framework (civil, criminal and administrative) to ensure the legal accountability of business enterprises and their subsidiaries operating in or managed from the State party’s territory, especially in the tourism industry;

(b) Establish monitoring mechanisms for the investigation and redress of children’s rights violations, with a view to improving accountability and transparency;

(c) Undertake awareness-raising campaigns with the tourism industry and the public at large on the prevention of sexual exploitation of children in the context of travel and tourism and widely disseminate the World Tourism Organization global code of ethics for tourism among travel agents and in the tourism industry;

(d) Strengthen its international cooperation against sexual exploitation of children in the context of travel and tourism through multilateral, regional and bilateral arrangements for its prevention and elimination.

**B. Definition of the child (art. 1)**

15. With reference to the joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women / general comment No. 18 of the Committee on the Rights of the Child on harmful practices (2014), the Committee urges the State party to amend its legislation to remove all exceptions that allow marriage under the age of 18 years.

## C. General principles (arts. 2, 3, 6 and 12)

### Non-discrimination

16. Welcoming the adoption of Act 93/2017 to prevent and combat discrimination on the grounds of racial and ethnic origin, colour, nationality, descent and country of origin and of the National Strategy for Equality and Non-discrimination (2018-2030), the Committee recalls its previous concluding observations (CRC/C/PRT/CO/3-4, para. 26) and recommends that the State party strengthen efforts to raise awareness among the public and civil servants, as well as law enforcement officials, on the importance of cultural diversity and inter-ethnic understanding in order to combat stereotyping, prejudice and discrimination against girls, children with disabilities, children in migration, those of ethnic, religious and racial minorities, including the Roma, people of African descent and Muslim children, as well as lesbian, gay, bisexual and transgender adolescents and intersex children.

### Best interests of the child

17. The Committee welcomes the translation into Portuguese and the dissemination of its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, as well as the integration of the best interests of the child into legislation on adoption, self-determination of gender identity and on custody in case of divorce. It is concerned, however, at the continued absence of legislation on and guidelines for the determination and application of the best interests of the child in justice, health care, child protection, care placement, immigration, asylum procedures and education. The Committee is moreover concerned that this lack of guidance may result in contradicting interpretations of the law and decisions by different instances.

18. With reference to its general comment No 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party:

(a) Ensure that the principle of the best interests of the child is incorporated in legislation and in all policies, programmes and projects that are relevant to and have a direct or indirect impact on children;

(b) Develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving it due weight as a primary consideration;

(c) Establish compulsory processes for *ex-ante* and *ex-post* impact assessments of all laws and policies relevant to children on the realization of the right of the child to have his or her best interests taken as primary consideration.

### Right to life, survival and development

19. The Committee recalls its previous concluding observations (CRC/C/PRT/CO/3-4, para. 30) and recommends that the State party:

(a) Expedite the adoption of the Plan of Action for Child Safety and allocate adequate human, technical and financial resources for its implementation;

(b) Address underlying determinants of infant and child mortality, including maltreatment, social and economic deprivation and inequality;

(c) Extend legal framework on safety of children in swimming pools, including the obligation to have a protective fence, to private swimming pools in apartment complexes, hotels and resorts, raise awareness on these standards and make their implementation mandatory;

(d) Enforce regulations regarding the use of safety belts to adequately protect children in public and private transport.

**Respect for the views of the child**

20. Welcoming the integration of the right of the child to be heard into legislation on the Civil Protection Process, including through law 141/2015, and the norms relating to health procedures, the Committee recommends, with reference to its general comment No. 12 (2009) on the right of the child to be heard, that the State party:

(a) Expand the right of the child to be heard in all civil, administrative and criminal judicial and administrative proceedings affecting the child;

(b) Ensure the effective and consistent implementation of legislation and regulations recognizing the right of the child to be heard in all legal proceedings directly or indirectly impacting them, including by establishing systems and/or procedures for social workers, health officials, educational professionals and courts to comply with the principle;

(c) Reinforce measures to ensure that professionals in the judicial, educational, social and health sectors dealing with children systematically receive appropriate training on hearing and taking into account children's views in all decisions affecting them (CRC/C/PRT/CO/3-4, para. 32(c));

(d) Develop toolkits for the consultation of children on national policy development that affects them to standardize such consultation at a high level of inclusiveness and participation.

**D. Civil rights and freedoms (arts. 7, 8, and 13-17)**

**Nationality**

21. Welcoming the adoption of Law No. 2/2018, which establishes that children born on Portuguese territory are considered Portuguese by origin, and of Law No. 26/2018, which provides that children of foreign nationality that are hosted in public institutions shall be granted resident status, the Committee recommends that the State party take all necessary measures to ensure implementation of these legal provisions.

**Right to privacy and access to appropriate information**

22. In the light of the conclusions of the day of general discussion on digital media and children's rights in 2014, and line with the right of the child to access appropriate information, the Committee recommends that the State party:

(a) Develop regulations to protect the privacy of children in digital environment and the media;

(b) Build the capacities of children, parents, legal guardians and teachers on the safe use of ICTs, in particular on how children can protect themselves from being exposed to information and material harmful to their well-being;

(c) Develop mechanisms to monitor and prosecute violations of the rights of the child in the digital environment.

## **E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)**

### **Corporal punishment**

23. Welcoming the launch of the “Adelia Project” to support positive parenting and prevent corporal punishment and with reference to its general comment No. 8 (2006) on corporal punishment, the Committee urges the State party to:

(a) Ensure the complete prohibition of corporal punishment, however light, in all settings, including in family settings, in law and in practice;

(b) Strengthen awareness-raising among children, parents, legal guardians and teachers, on the illegality of all forms of corporal punishment, without any distinction between the level of severity of the violence used, and on reporting procedures;

(c) Build the capacities of professionals that work with and for children, on positive, non-violent and participatory forms of child-rearing, and reinforce actions to promote these forms of child-rearing in society.

### **Abuse and neglect**

24. The Committee recommends, with reference to its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence and taking note of target 16.2 of the Sustainable Development Goals, that the State party:

(a) Collect data that is disaggregated by age, sex, disability, geographic location, ethnic origin, migration status and socioeconomic background on child victims of domestic violence, abuse and neglect in the State party, as well as on interventions of the Child Protection System, in order to monitor and assess its actions;

(b) Adopt an Action Plan for the early identification and protection of children, including those living in domestic violence environment, from neglect, abuse, violence and discrimination and allocate adequate human, technical and financial resources for its implementation;

(c) Integrate training on the Guidelines of the National Commission for the Promotion of Rights and Protection of Children into initial and vocational training of all staff working with such Commissions at national and local level, and reinforce the capacities of the National Commission to ensure adequate monitoring of the practice of local Commissions;

(d) Increase the number of shelters for child victims of domestic violence, abuse and neglect.

### **Sexual exploitation and abuse**

25. The Committee expresses concern at:

(a) The low level of awareness on and the absence of defined procedures for the professional response to child sexual abuse;

(b) Reporting rates on online grooming remaining low;

(c) Insufficient resources allocated to the timely and effective identification and investigation of sexual abuse of children, including in religious institutions and online;

(d) Insufficient data on sexual abuse of children and on the exploitation of children in prostitution.

26. The Committee recommends that the State party:

(a) Adopt a strategy to combat child sexual abuse, including the establishment of an independent mechanism of inquiry into the subject, a child-friendly and multiagency response system to avoid secondary victimisation and measures to provide appropriate support to victims;

(b) Raise the awareness of parents, children, teachers and other professionals working with and for children on referral procedures and ways of minimizing the risks to children in their online conduct;

(c) Increase the human, technical and financial resources allocated to the effective prevention, identification, investigation and prosecution of sexual abuse of children, including in religious institutions and online;

(d) Collect and publish data, disaggregated by age, sex, disability, geographic location, ethnic origin, migration status and socioeconomic background, on trafficking of children for sexual exploitation and on the exploitation of children in prostitution in the State party.

#### **Bullfighting**

27. The Committee recommends that the State party set the minimum age for participation in and assisting of bullfighting and bull-running events, including in bullfighting schools, at 18 years without exception and raise awareness amongst State officials, media and the general population about the negative effects on children, including as spectators, of the violence associated with bullfighting and running.

#### **Harmful practices**

28. With reference to its joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices (2014) and taking note of target 5.3 of the Sustainable Development Goals, the Committee urges the State party to:

(a) Continue to provide preventive and protection measures, including the required social, psychological, medical and rehabilitative services and training of relevant professionals and awareness-raising programmes, to address female genital mutilation;

(b) Continue to implement measures, including legal and administrative, to guarantee that no child, including intersex, is subjected to unnecessary medical or surgical treatment, during infancy or childhood, in line with the rights of children to bodily integrity, autonomy and self-determination, and provide social, medical and psychological services, where necessary, as well as adequate counselling, support and reparations to families with intersex children.

### **F. Family environment and alternative care (arts. 5, 9-11, 18 (1) and (2), 20-21, 25 and 27 (4))**

#### **Family environment**

29. Noting the adoption of Law 24/2017 which repeals the shared exercise of parental responsibilities in cases deemed contrary to the best interests of the child, the Committee recommends that the State party:

(a) Guarantee that the child be protected at all times in the implementation of Law 24/2017, ensure speedy trials and that relations between the child and both

parents are facilitated, including during criminal and civil proceedings and after divorce, unless it is not in the best interests of the child;

(b) Monitor and enforce the respect of custody decisions and of arrangements regarding the share of parental responsibilities;

(c) Intensify efforts to render appropriate assistance to working parents and legal guardians in the performance of their child-rearing responsibilities, including by promoting flexible working arrangements, providing affordable and adequate childcare, further extending the length of parental leave, punishing discrimination against parents in the access to work and career progress and ensuring that mandatory parental leave is paid, independent of the duration of the contribution of the concerned parent to social security.

#### **Children deprived of a family environment**

30. The Committee notes the adoption of Law 142/2015, defining family foster care as the preferential measure for children up to 6 years. However, it expresses concern about:

(a) The still widespread use of institutionalization, including of children below the age of 3 years and for reasons attributable to poverty and disability;

(b) The persistent low number and geographical concentration of foster families;

(c) The continued absence of policies and action plans to guarantee coordinated and quality alternative care, whether in residential or family-based settings.

31. Drawing the State party's attention to the Guidelines for the Alternative Care of Children (see General Assembly resolution 64/142, annex), the Committee recommends that the State party:

(a) Ensure that policies and practices are guided by the principle that financial and material poverty — or conditions directly and uniquely attributable to such poverty — should never be the sole justification for removing a child from parental care, for receiving a child into alternative care or for preventing a child's social reintegration;

(b) Take all necessary measures to avoid out-of-home placement of all children, including children with disabilities, inter alia by granting adequate support to parents and vulnerable families and fully implementing Law 142/2015 to guarantee that children up to the age of 6 years are placed in family foster care rather than in institutions;

(c) Adopt an overall deinstitutionalization strategy, with precise goals and objectives, and guarantee adequate availability of foster families throughout its territory;

(d) Develop and implement policies and action plans to guarantee coordinated and quality alternative care, whether in residential or family-based settings, and monitor the quality of care, including by providing accessible channels for reporting, monitoring and remedying maltreatment of children.

#### **Adoption**

32. Welcoming the adoption of Law 143/2015 revising the adoption process, the Committee recommends that the State party:

(a) Raise awareness on the practice of adoption as an alternative to State care for children deprived of a family environment;

(b) Strengthen support and counselling provided to adoptive parents in preparation for the adoption and to help the integration of the adopted child into the adoptive family;

(c) Train professionals involved in adoption procedures on the adoption procedures manual to ensure timely decisions, as well as transparency in the assessment and review of the adoption process.

**G. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1)-(3) and 33)**

**Children with disabilities**

33. Welcoming legislative measures taken to improve the situation of persons with disabilities in the State party, including the adoption of Decree Law No. 54/2018 that introduces a shift towards inclusive education, the Committee, referring to its general comment No. 9 (2006) on the rights of children with disabilities, recommends that the State party:

(a) Collect data on children with disabilities, including on discrimination against them, and develop an efficient system for diagnosing disability, which is necessary for putting in place appropriate policies and programmes for children with disabilities;

(b) Adopt, in consultation with children with disabilities and their families, a new comprehensive strategy for the inclusion of children with disabilities in all areas of life and allocate adequate human, financial and technical resources for its monitoring and implementation;

(c) Reinforce training of teachers and professionals in integrated classes, including at lower primary education, and assign specialized staff providing individual support, in order to ensure the effective implementation of Individual Education Plans;

(d) Reinforce coordination between social security, educational and health authorities to ensure the effective implementation of the Social Inclusion Benefit.

**Health and health services**

34. With reference to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health and taking note of target 3.8 of the Sustainable Development Goals on universal health coverage, the Committee recalls its previous recommendation (CRC/C/PRT/CO/3-4, para. 48) and recommends that the State party enhance efforts to effectively implement legislation guaranteeing free access to healthcare to every child, including by:

(a) Increasing financial resources allocated to the health sector and ensuring the availability of quality health facilities, as well as of qualified and specialized health staff throughout its territory, particularly in rural areas;

(b) Taking measures to guarantee the assignment of a family doctor to every child, including to those born before 2016;

(c) Strengthening measures to address overweight among children and reinforcing action to promote a healthy lifestyle, which includes physical activity;

(d) Regularly monitoring and assessing the effectiveness of policies and programmes on child food security and nutrition, including school meal programmes and programmes addressing infants and young children;

(e) Reinforce action to address preventable diseases, including HIV/AIDS.

#### **Mental health**

35. Taking note of target 3.4 of the Sustainable Development Goals, the Committee welcomes plans to increase the number of mental health specialists in schools and the creation of the Source Mental Health Observatory (OSMS). It recommends that the State party:

(a) Allocate adequate resources to mental health services in order to ensure the availability of an adequate number of specialists and facilities for mental health services for children and adolescents, including outpatient services for psychosocial rehabilitation, and that those services are timely and child-appropriate, with a view to eliminating the prevalence of suicide and depression among children and adolescents;

(b) Collect data that is disaggregated by age, sex, disability, geographic location, ethnic origin, migration status and socioeconomic background on children and adolescents with mental health disorders, symptoms or difficulties, as well as on available facilities

(c) Address the increase in the number of children with behavioural problems that are diagnosed with ADHD and prescribed psychostimulant drugs, ensuring that parents are aware about negative effects of these medications and consulted regarding psychosocial and behavioural alternatives; consider holding meaningful public debates with various stakeholders that include medical professionals, social scientists, policy makers, teachers, parents and children.

#### **Adolescent health**

36. With reference to its general comment No. 4 (2003) on adolescent health and taking note of target 3.5 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Undertake studies to assess the causes of early pregnancy and develop a comprehensive plan of action based on this study with a view to reducing the incidence of teenage pregnancies;

(b) Ensure access to safe abortion and post-abortion care services for adolescent girls, making sure that their views are always heard and given due consideration as a part of the decision-making process;

(c) Address the incidence of drug use by children and adolescents by, inter alia, providing children and adolescents with accurate and objective information on preventing substance abuse, including of tobacco and alcohol, and developing accessible and youth-friendly drug dependence treatment and harm reduction services for children and adolescents.

#### **Breastfeeding**

37. The Committee recommends that the State party reinforce action for the promotion of optimum breastfeeding practices during the first six months of life and that it promote, protect and support breastfeeding in all employment sectors, including teaching.

**Standard of living**

38. The Committee welcomes the renewed increase of allowances for larger families and single parent families. It expresses concern, however, at:

(a) The persistence of income inequalities and high rates of children at-risk of poverty and in poverty;

(b) The recent decrease in the standard of living of children already living in poverty, including following the 2010 – 2014 financial crisis, and at the insufficient remedy current social welfare measures provide for children in poverty;

(c) The situation of children living in “non-conventional dwellings”, informal settlements and *Ilhas*, especially those of the Roma community, of African descent, children living with single parents and children with disabilities, facing inadequate living conditions.

39. **The Committee draws attention to target 1.3 of the Sustainable Development Goals and recommends that the State party:**

(a) **Consider holding targeted consultations with families, children and children’s rights civil society organizations on the issue of child poverty, with a view to identifying priority actions and developing a rights-based strategic approach to eradicate child poverty;**

(b) **Expedite planned inclusive measures to protect the more vulnerable groups (Decree-Law 90/2017 and Ordinance 253/2017), focussing particularly on children, children of the Roma community and of African descent, single parents, large families and families of children with disabilities;**

(c) **Strengthen measures to ensure that families with children, including of the Roma community and of African descent, have access to adequate and affordable housing, including social housing, that provides physical safety, adequate space, protection against the threats to health and structural hazards, including cold, damp, heat and pollution, and accessibility for children with disabilities, as well as to safe drinking water, sanitation and electricity services.**

**H. Education, leisure and cultural activities (arts. 28, 29, 30 and 31)****Education, including vocational training and guidance**

40. **Welcoming the ongoing decentralization of the educational system, in line with Law No. 55/2018, and taking note of target 4.C of the Sustainable Development Goals on the supply of qualified teachers, the Committee recommends that the State party strengthen efforts to address the impact of austerity measures in the education sector, and that it:**

(a) **Increase the access of children of vulnerable groups, including Roma, children of African descent, children with disabilities, children living in poverty and those living in rural areas, to education, especially in secondary and tertiary education, and promote the hiring of teachers from these communities;**

(b) **Ensure that the rights of the child are incorporated into the school curricula on all levels of education;**

(c) **Introduce sexual and reproductive health education into the mandatory school curriculum for adolescent girls and boys that includes a human-rights based approach and focuses on sexual and reproductive rights, healthy sexuality, prevention of high-risk sexual behaviour and sexually transmitted diseases, as well as on non-**

discrimination, the prevention of violence in intimate relationships and the harmful effects of pornography;

(d) Continue to enhance human, technical and financial resources for the development and expansion of quality and affordable early childhood education, based on a comprehensive and holistic policy of early childhood care and development.

## **I. Special protection measures (arts. 22, 30, 32-33, 35-36, 37 (b)-(d), 38, 39 and 40)**

### **Asylum-seeking, refugee and migrant children**

41. The Committee welcomes the adoption of bilateral agreements aimed at receiving five unaccompanied children from Afghanistan and information provided by the State party about its availability to receive additional groups of unaccompanied children in the future. However, in spite of the decision However, in spite of the formal decision from the Minister of Home Affairs, taken on 24 July 2018, that no minor under 16 may be held in temporary accommodation for more than 7 days, the Committee expresses concern about:

(a) The practice of holding in temporary detention unaccompanied children and families with children requesting asylum or arriving irregularly at the borders of the State party, as well as of those staying irregularly in its territory;

(b) Inconsistent assessment of the best interests of the child in refugee status determination procedures, as well as in deportation procedures of migrant families with children;

(c) Weaknesses in policy and practice relating to unaccompanied and separated children, particularly in respect of legal representation and guardianship during refugee determination processes;

(d) The inadequate conditions for unaccompanied and asylum-seeking children and families in temporary detention, reception and care centres;

(e) Procedures to conduct age assessments.

42. **With reference to joint general comments No. 3 and No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families / No. 22 and No. 23 (2017) of the Committee on the Rights of the Child on the human rights of children in the context of international migration, the Committee recommends that the State party:**

(a) **Revise Law no. 23/2007 to ensure that any form of detention of migrants and asylum seekers under the age of 18 years, of unaccompanied children and families with children is avoided, and guarantee the implementation of alternatives to detention;**

(b) **Assess and determine the best interests of the child at the different stages of migration and asylum procedures that could result in the detention or deportation due to their migration status;**

(c) **Strengthen policies and practices to improve the identification and registration of unaccompanied and separated children, including through ensuring that they are provided, immediately after they have been identified, with effective legal representation and an independent guardian;**

(d) **Prioritize the immediate transfer of asylum-seeking children and their families out of temporary detention, reception and care centres, and adopt permanent and sustainable resettlement options for refugees, particularly children and their**

families, to ensure that they are given lawful stay and reasonable access to employment and other opportunities;

(e) Continue to enforce multidisciplinary and transparent procedures for age assessments that are in line with international standards and continue to adequately train staff to ensure that the psychological aspects and personal circumstances of the person under assessment are taken into account.

#### **Sale, trafficking and abduction**

43. Taking note of target 8.7 of the Sustainable Development Goals, the Committee recommends that the State party improve its mechanism and procedures for the identification and care of child victims of sale, sex trafficking and forced labour and adequately train professionals on these procedure to ensure that victims receive the support they are entitled to under the law.

#### **Administration of child justice**

44. With reference to its general comment No. 24 (2019) on children's rights in the child justice system, the Committee urges the State party to bring its child justice system fully into line with the Convention and other relevant standards. In particular, the Committee urges the State party to:

(a) Review existing custodial precautionary measures to ensure that child detention is used only in exceptional circumstances;

(b) Introduce mandatory training on relevant international standards for all professionals working with the child justice system such as judges, police officers, defence lawyers and prosecutors;

(c) Prohibit and abolish the use of solitary confinement to punish children, and immediately remove all children held in solitary confinement (CRC/C/PRT/CO/3-4, para. 66 (c));

(d) Reinforce coordination between all actors involved in the child justice system, including courts, local commissions, social, educational and health services and reintegration services.

#### **Child victims and witnesses of crime**

45. The Committee recommends that the State party ensure that laws and practices take fully into account the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20, annex).

#### **Follow-up to the Committee's previous concluding observations on the Optional Protocol on the sale of children, child prostitution and child pornography**

46. Recalling its previous recommendations (CRC/C/OPSC/PRT/CO/1, paras. 8 and 32), the Committee recommends that the State party:

(a) Establish a comprehensive and systematic mechanism for collecting duly disaggregated data on all areas of the Optional Protocol and analyse it, in order to monitor and assess the impact of actions taken;

(b) Revise its legislation to allow for the exercise of extraterritorial jurisdiction over all the crimes covered by the Optional Protocol, revoking related conditions and adding reference to article 160 (human trafficking) to article 5-1 (c) of the Penal Code (extraterritorial jurisdiction).

Follow-up to the Committee's previous concluding observations on the Optional Protocol on children in armed conflict

47. Recalling its previous recommendations (CRC/C/OPAC/PRT/CO/1, paras. 6 and 21), the Committee recommends that the State party:

(a) Take all necessary measures to ensure effective coordination in the implementation of the Optional Protocol at the national, provincial and district levels, and provide sufficient human, technical and financial resources to the coordination mechanism;

(b) Review the provisions of domestic legislation to ensure that the recruitment of children by the Armed Forces and armed groups is criminalized both during peacetime and wartime, and that recruitment and use of children by private security companies is criminalized.

## **K. Ratification of international human rights instruments**

48. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, to which it is not yet a State party.

## **L. Cooperation with regional bodies**

49. The Committee recommends that the State party cooperate with the Council of Europe on the implementation of the Convention and other human rights instruments, both in the State party and in other Council of Europe Member States.

## **V. Implementation and reporting**

### **A. Follow-up and dissemination**

50. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the combined seventh and eighth periodic reports, the written replies to the list of issues and the present concluding observations be made widely available in the languages of the country.

### **B. Next report**

51. The Committee invites the State party to submit its combined seventh and eighth periodic reports by 20 March 2025 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

52. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document contained in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I) and paragraph 16 of General Assembly resolution 68/268.

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