

Submission of the Portuguese Ombudsman to the
United Nations Committee on the Rights of Persons with Disabilities
15th Session (March / April 2016)

The Portuguese Ombudsman institution, in its capacity of national human rights institution fully in line with the Paris Principles and accredited with “A” status since 1999, devotes special attention to persons with disabilities and to the protection and promotion of their rights.

At the office of the Portuguese Ombudsman functions the Department on Children, Elderly Persons and Persons with Disabilities (N-CID) that takes into account the specific needs of these three particularly vulnerable groups of citizens.

Since 2011, the Portuguese Ombudsman maintains a toll-free telephone hotline to receive complaints regarding Persons with Disabilities and to disseminate information about their rights and specific legal benefits such as technical support, social support, health care, education and others, thereby contributing to a more inclusive and participatory society.

Equality and non-discrimination

The status of persons with disabilities, whether of physical or mental nature, is enshrined in the 1976 Constitution of the Portuguese Republic - which entitles them to the same legal rights and obligations as all other citizens, except to those they are objectively unable to enjoy or meet, respectively.

On the other hand, the Constitution requires the State to undertake a national policy of prevention, rehabilitation and integration of persons with disabilities. It is also noteworthy that the national policies implemented in this regard are coordinated by a public institute, the National Institute for Rehabilitation.

Within the national legal framework it is considered a person with disability a person that “by loss or anomaly, congenital or acquired, of body functions or body structures, including the psychological functions, present particular difficulties which may, in conjunction with environmental factors, hinder or limit their full and effective participation on an equal basis with others”.

Moreover, it is also worth mentioning that, in compliance with the principles contained in the United Nations Convention on the Rights of the Child and under the national Action Plan for the Integration of Persons with Disabilities or Incapacity 2006-2009, the National System of Early Childhood Intervention (SNIPI, in the Portuguese acronym) was established by Decree-Law 281/2009 of 6 October 2009.

SNIPI is aimed at children up to 6 years of age, with changes or risk for changes in the body structures or functions, taking into account its normal development. SNIPI works through the coordinated action of the Ministries of Solidarity, Employment and Social Security, of Education and Science, and of Health, together with the involvement of families and the community. Its mission is to ensure Early Childhood Intervention, understood as a set of integrated support measures focused on the child and his or her family, including actions of preventive and rehabilitative nature, namely in the education, health and social action spheres.

In this context, whenever a problem that affects the development of a child is perceived, it is incumbent on the health services to detect, signalize and refer the child concerned to an Early Childhood Intervention process. This means that an individual plan is set for this child (the so-called Early Intervention Individual Plan), considering the respective needs, and to be drafted by a multidisciplinary team, encompassing all the services involved in the process (the so-called Intervention Local Teams).

Violence against women and girls with disabilities

The Ombudsman has no significant register of complaints concerning violence against women and girls with disabilities, neither has he become aware of situations that would justify an own-initiative intervention. Also, no studies or research have thus far been conducted by the Ombudsman with a specific focus on this issue.

In any case, it should be noted that the scope of intervention of the Portuguese Ombudsman when dealing with cases of violence is generally delimited by the following aspects:

- the Ombudsman intervenes primarily pursuant to complaints and only more residually on his/her own initiative;
- as a rule, the Ombudsman cannot intervene directly with regard to the conduct of private entities;
- the Ombudsman is also not competent to investigate matters from a criminal law perspective (i.e. investigation/prosecution of criminal offences);

- the Ombudsman cannot intervene in a case to assess an issue which is pending in court, neither can he/she assess, review or modify the content of judicial decisions.

In light of this, if dealing with a complaint concerning violence against a woman or girl with disability, the action of the Portuguese Ombudsman is fundamentally focused on ensuring that the competent public authorities are aware of the case and that they exercise their competences in a timely and adequate manner, so as to prevent, halt or remedy the situation and to provide support and compensation to the victim. The Ombudsman will also strive to inform the complainants of existing remedies that they can resort to, e.g. the possibility to report the case to the police or Public Prosecutor. Additionally, if sufficient indication of criminal, disciplinary or regulatory offences arises in the course of the proceeding, the Ombudsman directly informs, as the case may be, the Public Prosecutor or the authority that is hierarchically competent to initiate disciplinary or regulatory proceedings.

Awareness-raising

The Persons with Disabilities toll-free telephone hotline can be accessed either by landline or by mobile phone to the number 800 208 462 and runs every weekday from 9:30 to 17:30. There is a call recorder, which can be left messages, to which the line responds as soon as possible.

Until April 30 2015, the Persons with Disabilities hotline received 1834 calls, and there has been an increase in the number of calls per month from the time of its opening.

The issues that raise more questions are related to legislation regarding persons with disabilities, in particular its enforcement, to the degree of disability and the allocation of social benefits.

Accessibility

Most public services visited by the Ombudsman have accessibility difficulties, as they are installed in old buildings.

The relevant legislation in this regard (Decree-law 163/2006, of 8th August) establishes accessibility requirements mainly for new buildings. As for old buildings, it determines that in principle construction works should be carried out to ensure accessibility, but they are exempted from this obligation if it entails disproportionate difficulties, costs or if they noticeably affect cultural and historic patrimony whose morphologic, architectonic or environmental characteristics one wishes to preserve.

Portuguese law and policies promote accessibility to the built environment:

The Institute for Housing and Urban Rehabilitation is the Portuguese body responsible for the evaluation of the implementation of these standards. City councils shall elaborate annual reports of the current situation based on the evidence gathered in their respective supervisory actions (Article 22, 2).

- The National Plan of Promotion of the Accessibility, approved by the Council of Ministers' Resolution 9/2007, of 17 January, defines the strategy to ensure accessibility to buildings, transports and technologies of information and communications. The objective of this plan is to remove obstacles and barriers faced by citizens through an integrated and coordinated policy to promote accessibility in Portugal up to 2015. The National Institute for Rehabilitation is the Portuguese body responsible for monitoring the implementation of that plan.
- The National Strategy on Disability for 2011-2013, approved by the Council Ministers' Resolution 97/2010, sets out priority areas for action to improve the lives of people with disability, and one of them is «Accessibility and Universal Design».

Law 38/2004, of 18 August ensures participation of people with disabilities or respective representative organizations in the drafting of legislation on disability, its execution and evaluation, concerned with social participation (Article 40).

In 2012, the Portuguese Ombudsman conducted an investigation on the conditions of access to the entire network of the Lisbon Subway Stations for citizens with limited mobility and released the report "Accessibility conditions of Lisbon Subway".

Education

The 1976 Constitution of the Portuguese Republic guarantees, within the catalogue of fundamental rights, the freedom to learn and to teach (Article 43), as well as the right to education, with the guarantee of the right to equal opportunities in access to and success in schooling (Articles 73 and 74).

In this context and as laid down by the Constitution, the State has the task to promote the democratization of education and other conditions as well, so that education (through school and other formative means) may contribute namely to equal opportunities and the overcoming of economic, social and cultural inequalities, the development of the personality and the spirit of tolerance, mutual understanding, solidarity and responsibility, to social progress and to democratic participation in collective life (Article 73(2) of the Constitution).

Accordingly, in the implementation of the education policy, the State is charged, among other incumbencies, with that of promoting and supporting access of persons with disabilities to education as well as of supporting special education whenever necessary (Article 74(2-g), of the Constitution).

At the legislative level, the Education Act in force establishes the general framework or bases of the education system, asserting the special State responsibility to promote the democratization of education, so as to ensure the right to a fair and effective equality of opportunities in access to and success in schooling. As for pre-school education is specifically concerned, one of its objectives, according to the Education Act (Article 5(1-h)), is to identify at this stage inadequacies and deficiencies, and, accordingly, to promote the best action and orientation of the child concerned; with regard to primary education, the Education Act (Article 7(j)) refers, among other objectives, that of ensuring to children with specific educational needs (namely due to physical and mental disabilities), appropriate conditions for their development and full use of their skills. Moreover, the Education Act (Articles 20 and 21) includes special education among existing special schooling education modalities, as foreseen by the law, defining its scope, objectives and organisation. In addition, regarding school buildings, the same Act (Article 42(4)) establishes that the special needs of persons with disabilities are to be taken into account in building design and selection of equipment. It should also be mentioned that following the 2009 amendment to the Education Act, compulsory education (which is free of any fees or charges related to enrolment, attendance and certification) was extended up to 18 years of age (corresponding to 12 school years).

In this legal framework, the State is then charged to promote the democratization of education and to ensure that it effectively contributes to equal opportunities, overcoming inequalities and forbidding all forms of discriminatory education organization.

In this context and also with relevance to the protection and promotion of the right of persons with disabilities to social protection, concrete measures have been adopted, with highlight to the realms of special education needs of children with disabilities as well as to school social action.

Indeed, as for students with special education needs, the existing system provides for inclusive education as the best guarantee of educational equity, the law recognizing the right to the offer of the appropriate education responses, at all educational levels, to children with disabilities and other limitations. Thus, schools (including private schools with parallel teaching regime) cannot reject acceptance or enrolment of any child based on their special education needs. Failure to comply with this principle of non-discrimination leads to legal consequences.

In order to benefit from special educational support, the children concerned should have significant limitations at the level of activity and participation in one or more areas of life, due to functional and structural changes, of permanent character, resulting in continued difficulties in communication, learning, mobility, autonomy, interpersonal relationship and social participation.

For each student with permanent special education needs an Individual Education Plan (PEI, in the Portuguese acronym) is elaborated, also with the participation of the parents, and that encompasses the special educational measures to be implemented, such as: personalized educational support, individual curricular adjustments, adjustments in school registration process, adjustments in the evaluation process, individual specific curriculum and support technologies (except for the individual curricular adjustments and the specific individual curriculum, these measures may be cumulative with each other).

In addition to the possibility of delaying, for one year, the registration in the first year of compulsory education, children with permanent special education needs may benefit from being part of a class with limited number of students.

Moreover, in order to assure that they can access the most appropriate educational responses to their specific situation, deaf students, blind and with low vision students, students with autistic spectrum disorders and students with multi-disability and congenital deaf-blindness benefit from organizational school adjustments, corresponding, respectively, to the following specific types of education: reference schools for the bilingual education of deaf students, reference schools for the education of blind and with low vision students, structured teaching units for the education of students with autistic spectrum disorders and structured teaching units for the education of students with multi-disability and congenital deaf-blindness.

Complementarily to the technical assistance they benefit, students with permanent special education needs and with an established Individual Education Plan are also entitled to financial support within the school social action and according to their socio-economic condition, including the right to meals, transport, school textbooks and supplies, as well as financial aid in the acquisition of support technologies, as lay down by the law. As for transport, the socio-economic condition does not apply to those students with permanent special educational needs, who attend the above mentioned schools with specialized teaching (reference schools and structured teaching units).

As far as higher education is specifically concerned and according to Article 76(1) of the Constitution, the legal rules governing access to university and the other higher education institutions shall guarantee equal opportunities and the democratization of the education system. By others words (and this is also reflected in the Education

Act), the State is charged with creating the conditions that guarantee to everyone the opportunity to attend higher education.

Accordingly, within the framework of the national competition procedure for access to public higher education, special conditions for persons with disabilities are granted, meaning the existence of a special access quota, which is annually updated, for applicants with physical and sensory disabilities.

In addition, in the sphere of social action in higher education (both public and private), concession of a scholarship is dependent on the socio-economic situation of the applicant student. Flexibility of eligibility criteria can occur as for students with physical, sensory or other disabilities, in case their degree of disability is of 60% or more, which as to be duly attested by a medical board – this special status encompasses the possibility of taking into account the student's specific situation and expenses, in order to fix the value of his or her annual scholarship (with the limit of the reference value of scholarships), as well as the value of any financial support for accommodation and transport (in case it is needed); moreover, the possibly of a complement to the scholarship is likewise foreseen by the law, aimed at contributing for the purchase of support products that are essential for developing education activities.

Lastly and within the exercise of their autonomous drawing up of own by-laws, it should also be mentioned the existence of regulations adopted at the level of higher education institutions (public and private), regarding the support measures aimed at students with special educational needs, as for their welcoming and accompanying, curriculum and evaluation adjustments, individualized / personalized support, specific support products, accessibility and mobility in the institution concerned.

As for the practice of the Portuguese Ombudsman in this realm, it should be mentioned that a part of the complaints on education issues refer to the situation of children with special education needs (mainly with regard to their school insertion and access to adequate education) and also to scholarships granting.

The Ombudsman works directly with education public administration with a view to correct illegal or unfair acts of public authorities and, where necessary, to recommend changes in administrative practices or regulations or even in the legislation.

In this framework, as examples of the Portuguese Ombudsman's action one can mention: acting towards the changing of the rule about the time/term of procedures for concession of special conditions in the secondary examinations and their correction and grading; mitigation of the reduction and insufficiency (for budget reasons) of special education teachers, therapists and operational assistants in schools; failure of the measures applied and approved in the individual plans of

those children; difficulties, and sometimes impossibility, of the application of the criterion established in the law on the reduced dimension of those classes with children with special education needs.

Health

As regards to the access to healthcare within the National Health Service (SNS in the Portuguese acronym), some legal benefits may vary depending on the nature, physical or mental, of the disability at stake.

In general terms, persons with disability, no matter the category is, could be exempted of health charges (so-called “moderating fees”) in all public healthcare services, irrespective of their socio-economic condition.

Eligibility for the exemption depends on the disability triggering incapacity of 60% or more. The relevant incapacity degree must be attested by a certificate (the so-called Medical Incapacity Multipurpose Certificate), issued by a medical board made up of three members and set up by the Health Authority.

The application process for the above referred exemption consists in presenting the said certificate before the Health Center (primary healthcare service) where it is verified and thereafter recorded in the Patients National Registration.

It should be stressed out that there are no legal criteria specifically approved as general parameter to the assessment of the incapacity of persons with disabilities for purposes of accessing different social protection programmes. Considering the loophole, it has been applied by analogy the National Table of Incapacities caused by Work Accidents and Occupational Diseases.

In addition, the Portuguese law sets forth a special protection regime to persons with mental illness. Regardless of having a permanent incapacity of 60% or more, persons with mental disabilities are automatically dispensed from “moderating fees” in all mental health-related public healthcare services (including medical appointments and diagnostic and therapeutic means).

This special measure is in line with the approval of a priority plan on mental health (the National Mental Health Plan, to be implemented from 2007 to 2016), based on the assumption that mental health is a major public health priority. The Plan’s main objectives are (i) to ensure equal access to quality care for everyone with mental health disorders in the country, (ii) to promote and protect human rights of persons with mental health problems, (iii) to promote the decentralization of mental health services (namely integrating them in primary health care) so as to enable health services closer to people and reduce the hospital burden, (iv) to facilitate greater

participation of communities, patients and their families, (v) to promote the deinstitutionalization of the mentally ill.

In order to achieve these goals, heed is given to inter-sectorial cooperation between several ministries (Ministry of Health, Ministry of Solidarity, Employment and Social Security, Ministry of Education and Science, and Ministry of Justice).

The scope of the right to health regarding persons with disabilities also encompasses the right to non-emergency transportation necessary to the attendance of health services free of charge insofar as the patients meet some criteria.

According to Implementing Order 142-B/2012 of 15 May 2012, the eligibility criteria that must be cumulatively met are the following: (i) the patient is in a situation of economic insufficiency (average monthly income equal or superior to € 628,83) and (ii) the patient has a clinical situation that justified it.

As for the clinical situation requirement, the right to non-emergency transportation, as lay down by the law, is granted when: (i) there is an incapacity of 60% or more, as attested by a Medical Incapacity Multipurpose Certificate; (ii) there is a disabling clinical situation derived from some of the pathologies specifically listed in the abovementioned Implementing Order.

It is worth noting that the said Implementing Order came into force on 1 June 2012 and, contrary to the previous law, it makes the access to free transportation always dependent on the income of patients, without considering, for instance, the additional expenses arising from the existence of a situation of disability, and thus preventing some of them from accessing to a needed highly differentiated healthcare. Patients that have failed to prove their economic insufficiency might nevertheless benefit from a partial co-funding in case they need continuous treatments that entail, at least, eight transportations each month.

In order to guarantee to the persons with disabilities full and effective participation in society on an equal basis with others, the State also affords some devices and assistive technologies able to improve their mobility and autonomy (e.g., wheel chairs). The entitlement to this benefit is granted regardless of the socio-economic condition of the applicant.

The Portuguese Ombudsman's activity has been addressing, on the basis of concrete cases, some of the topics raised above, with particular reference to (i) the evidence of compliance with the relevant eligibility criteria for access to health fees exemption and dispensation, (ii) the medical and administrative procedure for issuing the Medical Incapacity Multipurpose Certificate, (iii) the access to non-emergency transportation free of charge, particularly when the income of the person

with disability is slightly over to the legal limit defined for the economic insufficiency.

Housing

According to Law 38/2004, of 18 August (Article 32), the Government shall adopt by a national accessibility promotion plan, and taking into account the universal design:

- i) Specific measures necessary to ensure the right to housing of persons with disabilities, in conjunction with local authorities;
- ii) Specific measures necessary to ensure the access of persons with disabilities, especially the interior and exterior spaces, through the elimination of architectural barriers in the construction, expansion and renovation.

Portuguese law regards the special needs of persons with disabilities concerning to housing:

- Law 46/2006, of 28 August forbids the discrimination of persons with disabilities when renting or buying housing, and when accessing to housing loans. Sanctions can be applied to those who disrespect this prohibition (Article 4 (c)).
- Housing is economically more accessible to persons with disabilities which benefit of a special regime to contract housing loans (Law 64/2014, of 26 August).
- People with a disability degree of more than 60% have the right to receive a rent subsidy. This subsidy is also payable if the spouse - or the person with whom he or she lives under terms analogous to marriage - is disabled (Decree-Law 68/86, of 27 March, Article 3).
- Housing adaptation grants for disabled people was one of the measures established by the National Strategy on Disability for 2011-2013, approved by the Council Ministers' Resolution 97/2010, of 14 December (measure 72). Some municipalities have programs to support the costs of adapting (municipal or private) houses to make them suitable for persons with disabilities.
- The horizontal property regime, since 2012 allows owners with disabilities to promote actions and measures (ramps, lifts or other mechanical devices) that are necessary to ensure their accessibility to their houses (Article 1425, 3, of Civil Code amended by Law 32/2012, of 14 August). Recently, the Supreme Court of Justice admitted to apply the same regime to tenants.
- By the Decree-Law 308/2007, of 3 September the Portuguese Government created the Program "Door 65 – Youth" which supports the housing lease for permanent residence. The support consists of assigning a percentage of the value

of income as a monthly grant, with benefit applications covering young persons with disabilities and other situations.

- Disabilities are taken into account when allocating social housing. Persons with disabilities have preference when they are on equal conditions with other candidates.
- The New Urban Lease Regime confers special protection to disabled tenants. For instance, it provides for the possibility of deferring an eviction from rented housing property in case the evicted has a disability with a proven degree of incapacity exceeding 60%.

Adequate standard of living and social protection

Protection in the fields of disability is provided for in a social security framework law under the family protection subsystem of the social protection system of citizenship (regardless of insurance system), together with the family expenses. Specific legislation has not yet been adapted, and, in some cases, still depends on the protection situation of the applicants contributory.

Thus, the family protection subsystem covers the following specific benefits for persons with disabilities, in order to compensate additional costs arising from the existence of a situation of disability in the household:

- Family allowance for children and young people with disabilities allowance, summed to the family allowance for children and young people (the age limit is extended in case of persons with disabilities), for descendants of beneficiaries, people with disabilities, under the age of 24 years and that: attend or are admitted to specialized establishment or rehabilitation; require individualized support pedagogical and/or specific therapeutic; or does not exercise professional activity covered by compulsory social protection scheme;
- Third person assistance allowance, assigned to the holders of the family allowance for children and young people with disabilities allowance or monthly life allowance that rely on and have effective assistance from a third person to ensure their basic needs;
- Allowance for special school attendance, assigned to persons with disabilities under 24 years of age, descendants of beneficiaries, who are in one of the following situations: need to attend a private school of special education or need individual expert support when the disability does not require a special school attendance;
- Monthly lifelong allowance (plus the extraordinary supplement of solidarity should the holders be over 70 years of age), for dependent descendants of beneficiaries, over 24 years, with physical, sensorial, organic, motor or mental disabilities, who cannot insure their livelihood through a professional activity.

The remaining protection is conferred at a different level, under the parental social protection:

- Benefit for the care of children with disabilities or chronically ill - either mother or father can take the leave to provide urgent or indispensable assistance children with disabilities or chronically ill with whom they live, if one of them is employed and may not take the leave. It is granted for a maximum period of 6 months, extendable to 4 years.
- Benefit for the care of grandchildren - grandparents or equivalent are entitled to take a paid leave to provide urgent or indispensable assistance to a minor grandchild or a grandchild with disability or chronically ill, if the child's parents or other equivalent family members are employed and may not take the leave.

At the same time, the Portuguese legislation also provides for the protection of the disabled under the social action subsystem. At this level, there are four types of social responses for children and young persons with disabilities, namely: early intervention; support homes; transportation; holiday and leisure centers.

For older people and adults with disabilities the following social responses are also available: foster care; home assistance; occupational and animation support centers; residential care; transportation; holiday and leisure centers.

Furthermore, the Social Security System provides incentives for the employment of persons with disabilities. It applies to workers with disabilities under labor contract, provided that their working capacity is less than 80% of the capacity generally required for the performance of similar tasks (the total contribution rate is 22.9%, of which the employer pays 11.9% and the employee 11%).

In applying the rules on the protection on disability, and notwithstanding the various Ombudsman's interventions, there is a great disparity of criteria of services on verification of conditions of assignment of benefits, in part by the legislation in force not be clear and be inadequate and obsolete.

The Ombudsman has therefore intervened with the Social Security Institute (ISS) in the sense that entity promoting correction of wrong procedures of some of its services.

This happened following a complaint about the annual renewal requirement of proof of disability for assignment of the rebate of the family allowance for children and young people to permanently handicapped.

The Ombudsman addressed a remark to the ISS to adopt measures as a matter of urgency, to overcome the issue and ensure that the beneficiaries were not harmed or see interrupted its subsidies. This remark was accepted, having ceased to be

required, by the services, the annual proof of disability whenever is attested that the disability is permanent and absolute.

In other situation, the case of a beneficiary of family allowance for children and young people with disabilities allowance, to whom the provision was terminated by the services due to the fact they consider that allowance not cumulated with the special education allowance, the Ombudsman request to the same Institute the correct application of the law. In this case, ISS recognized the position defended by the Ombudsman and issued a technical guidance (16/08) that harmonized procedures in this matter.

But relevant intervention of the Ombudsman in this subject has been the issue of the assignment of allowance for special school attendance.

In fact, over the past years, the Ombudsman has received a significant number of complaints concerning the allocation of the allowance for special school attendance. Those complaints reflect, on one hand, delays in the assessment of applications and the delay in payment of deferred benefits, and raise, in another hand, several issues concerning the appreciation of the applications as well as the grounds invoked for refusal decisions, in regard to the interpretation and application of law used by the departments concerned.

This situation has prompted to different interventions of the Ombudsman, culminating in the formulation of Recommendation No. 15-B/2012, addressed to the Secretary of State for Solidarity and Social Security and the Secretary of State for Education and School Administration, aiming the revision of the legal framework of the allowance for special school attendance (special education allowance). The mentioned Recommendation was accepted, and the Secretary of State for Solidarity and Social Security informed the Ombudsman in August 2014, that intended to review and update the regulatory framework of the allowance for special school attendance (special education allowance).

Participation

The Constitution of the Portuguese Republic devotes an article to organizations of people with disabilities. It's the article 71, in which the Portuguese State undertakes to support organizations of disabled citizens.

In ordinary law, the legal system was approved by Law No. 38/2004, of 18 August, which defines the general bases of the prevention, habilitation, rehabilitation and participation of disabled people.

The right to participate in the drafting of legislation to ensure the involvement of people with disabilities in the life of the community and in society in general is expressly provided for in Article 40.

On the other hand, Law No. 127/99, of 20 August, regulates the representation of persons with disabilities before government and local and regional authorities. That law provides that national organizations have a very broad representation (article 3). According to the mentioned law, organizations representing people with disabilities competence is held in political, social and economic level. Taking into account their specific scope, organizations representing people with disabilities participate in the rehabilitation and social integration of people with disabilities policy-making.

Organizations with broad representation also have the status of national social partners.

Other legislation makes reference to the right of organizations representing people with disabilities to participate in decisions affecting them.

For instance, Decree-Law No. 163/2006, of 8 August, approved the legal regime of accessibility on public roads, buildings and establishments open to the public and private houses. Under this law, organizations have legitimacy to propose and intervene in legal actions relating to accessibility technical standards compliance. And, with regard to discrimination of persons with disabilities, the organizations representing people with disabilities have legal standing in criminal proceedings, namely when crimes are committed against disabled person on the grounds of disability, under the law against discrimination (Law No. 46/2006, of 28 August).

In Portugal, there are plenty organizations that participate in the decision-making process involving people with disabilities. Whenever the consultation process concerns children with disabilities, the National Commission of Children and Youth at Risk is always heard. But, as far as we know, in Portugal there are no organizations whose object is exclusively disable children.

According to the general bases of the prevention, habilitation, rehabilitation and participation of disabled people the participation is embodied by specific measures necessary to ensure the participation of persons with disabilities, or their representative organizations, in particular in the preparation of legislation on disability, implementation and evaluation of the policies referred to in this law, in order to ensure their involvement in all situations of life and society in general.

There are several examples of organizations that are consulted and involved in the decision-making process. Once the different organizations are organized in a single confederation, this confederation plays the main role in the consultations and participation in the decision-making process.

The Disabled People's National Confederation (CNOD) represents 36 organizations, of all types of disability (mental, motor, sensory and organic). CNOD is a non-profit organization aiming the full social integration of disabled persons that coordinates the activities of the different organizations. CNOD represents in Portugal the European Disability Forum and is a member of the Economic and Social Council and of the Advisory Council of the Portuguese public television.

The Portuguese Ombudsman's main concerns

- The key challenge faced by persons with disabilities is full inclusion in society, in general, and in particular in the labor market; without economic independence it is very difficult to achieve social independence.
- Accessibility is still a major challenge, although some improvements in this field have to be acknowledged.
- With regard to families and caregivers, it would be important to ensure support for the family caregivers to persons with disabilities, especially for mothers.
- For persons with disabilities who are taken care by their parents, or other family members, the issue of support is very relevant, particularly as they grow older. It is an intergenerational problem and a matter of moral comfort for families.
- The parity and political participation of women with disabilities is a relevant issue upon which society and the legislator should reflect.
- Domestic violence against persons with disabilities is an issue requiring special attention from authorities, especially considering its silent dimension.