



NHRI STATEMENT

on the Implementation of the Convention on the Rights of the Child in the Process of Review of the Fifth and Sixth Periodic Report of Portugal

Pre-Session

4th February 2019

Distinguished members of the Committee,
Representatives from Portuguese NGO's,
Ladies and Gentlemen,

The Portuguese Ombudsman *welcomes the fifth and six periodic report of Portugal on the Convention on the Rights of the Child*. It reinforces the country's longstanding commitment towards the recognition of human rights and its efforts to be in line with international standards. During the reporting period, the Portuguese State has made an effort to address the issues raised over the last reporting cycle. The Ombudsman applauds in specific the creation of a National Strategy for the Rights of the Child and the laws enacted in 2015, which are deeply embedded with the philosophy of actively pursuing the best interest of the Child. However, it is our duty to point out some shortcomings that still persist.

Firstly, the Ombudsman considers that more efforts should be made to effectively guarantee that the *best interest of the child* is taken into account in all contexts. There is still a need to assure, namely by general laws and by professional training that, in all actions that may affect children, their best interests is always the primary consideration.

Some issues raise particular concerns, as they may affect with special accuracy the full enjoyment of the most fundamental rights of children.

First, although we welcome all efforts taken in order to *protect children from abuse*, we must point out the extremely high numbers of domestic violence. According to published data, in 2017 there were more than eight thousand seven hundred children exposed to domestic violence. The same can be said regarding the high number of convictions for sexual abuse of children, which may amount to more three hundred in case of dependent children.

This is a systemic issue that deserves one of the Ombudsman's priority concerns. But there are other systemic problems that worth to be highlighted, as *child poverty*, which remains as one of the main and most difficult challenges faced by Portugal. Poverty affects disproportionately children – especially those living with a single parent or in large families.

Besides those systemic issues, several rights are still not fully enjoyed. Following the Convention's structure, we may begin by mentioning the *right to maintain personal relations and direct contact with both parents*. Namely, this right is still challenged due to not enough measures aimed at conciliating work and family life. Although the Ombudsman acknowledges and welcomes all actions mentioned in the State's report, in practice satisfaction on this matter needs further improvement.

Secondly, the treatment of *children deprived of a family environment* also raises important concerns. In Portugal there is still not a culture of fostering children in families. In 2016 there were more than eight thousand children living in institutions, and thirty three per cent of them have been there for at least four years. The Ombudsman considers that more efforts must be made in order to enhance the creation and preference of family foster care, which would provide a better solution for a healthy and happier development.

Thirdly, the Ombudsman is also concerned with the enforcement of the rights of *children with disabilities*. Although we recognize the importance of all initiatives described by the State, we have been receiving several complaints relating to school integration of children with special educational needs, encompassing lack of human resources and therapies, conditions of facilities, and, occasionally, discrimination. There is a clear need for more specialized equipment, staff and training in this field.

Forth, rights to education and *health*, in general, are severely affected by structural problems. There are still more than one hundred thirty six thousands children without an assigned general practitioner doctor. Access to mental health is also a matter where systemic gaps persist. The number of child and adolescent psychiatrists is clearly insufficient. This situation is particularly urgent where children placed in foster care or in detention centers are concerned.

As for children's right to *education*, despite acknowledging the progress achieved in last decades, Portugal remains with high rates of premature school dropout and school failure, which hinders their present and jeopardizes their future.

Finally, some words must be given on special protection measures, namely on **migrant children**. The Portuguese Asylum Law was amended in 2014, enlarging the cases where asylum seekers can be detained. As a result, detention in the airports' international area has been systematically applied to asylum seekers and also to



foreigners who try to enter illegally in the country, including children when duly accompanied. The maximum detention period for children in the airports' centers decreased to seven days after a Government's decision dated of September 2018. Even though, the Ombudsman is deeply concerned with the lack of conditions offered by these centers to accommodate children and welcomes the efforts to build a new detention center in Sintra.

In closing, the Portuguese Ombudsman wishes to stress its strong commitment to keep working closely with the Portuguese authorities, civil society and with the international and regional mechanisms, in order to better promote and protect children's rights, reinforcing Portugal's accomplishments and answering to the challenges that are still present.