



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

List of issues in relation to the initial report of Portugal*

A. Purpose and general obligations (arts. 1-4)

General obligations (art. 4)

1. Please provide updated information on specific measures being taken by the State party to revise and harmonize the current legislation, in particular the Constitution, the Civil Code and the Penal Code, in accordance with the provisions contained in the Convention.
2. Please provide updated information on concrete results obtained through the implementation of the National Strategy on Disability, 2011-2013, and on new measures and budgets adopted by the State party after the completion of the strategy's implementation.
3. Please inform the Committee about measures taken to increase the degree of involvement of persons with disabilities and their representative organizations in processes of implementation, including follow-up and assessment, of the Convention, and to ensure their active participation in the drafting of the initial report of the State party.
4. What has been the impact of austerity measures on the funding and support of organizations of persons with disabilities in Portugal, and how have the related consequences affected the fulfilment by such organizations of their role in the development and implementation of legislation and policies and their participation in decision-making?

B. Specific rights

Equality and non-discrimination (art. 5)

5. Please provide information on measures being taken by the State party to protect persons with disabilities against multidimensional discrimination, especially on the grounds of age, sex and ethnic origin. What enforcement measures and sanctions are in place to uphold the prohibition of disability-based discrimination and what legal redress is available?
6. Please indicate how denial of reasonable accommodation is considered a specific form of discrimination in the legislation of the State party.

* Adopted by the pre-sessional working group at its fourth session (7-11 September 2015).



Women with disabilities (art. 6)

7. Please provide updated information on the mainstreaming of women and girls with disabilities in the implementation of the Fourth National Plan for Gender Equality, Citizenship and Non-Discrimination, 2011-2013, and on new measures and the budget planned in the Fifth National Plan for Gender Equality, Citizenship and Non-Discrimination, 2014-2017, in relation to women and girls with disabilities. Please provide further information on action being taken to protect women and girls with disabilities from violence, abuse and exploitation.

8. Women and girls with disabilities reportedly have lower levels of education and less access to employment and to social support and rehabilitation services. Please indicate what strategies have been adopted to address these problems.

Children with disabilities (art. 7)

9. Please explain the measures being taken by the State party to avoid the institutionalization and educational segregation of boys and girls with disabilities. Please also indicate action being taken to protect children with disabilities from abuse and neglect.

Accessibility (art. 9)

10. Please indicate the control mechanisms that have been established to ensure the fulfilment of the accessibility requirements set out in the National Plan for the Promotion of Accessibility. Please describe the legislation and the measures being implemented by the State party to ensure accessibility to the physical environment, transportation, information and communication, including emergency services. Please indicate whether there are any sanctions for non-compliance with accessibility measures.

Equal recognition before the law (art. 12)

11. Please indicate when the State party is planning to modify its current legislation in relation to guardianship, and describe the measures it intends to take to replace the substituted decision-making regime with safeguards and supported decision-making systems, particularly with respect to services for persons with intellectual and psychosocial disabilities.

Liberty and security of the person (art. 14)

12. Please specify when the State party plans to repeal the provisions in its current legislation referring to the internment of “persons with mental disabilities” as the only means of ensuring an efficient treatment and as a security measure and to harmonize the legislation with the Convention. Please also indicate the measures being taken to strengthen community-based support services for persons with disabilities, including those with intellectual and/or psychosocial disabilities.

Freedom from torture and cruel, inhuman or degrading treatment or punishment (art. 15)

13. Please provide information about mechanisms to prevent torture and other cruel, inhuman or degrading treatment or punishment of persons with disabilities, including those accommodated in institutions.

Freedom from violence and abuse (art. 16)

14. Please inform the Committee about current measures to prevent the subjection of persons with disabilities, in particular girls and women with disabilities, to violence, neglect

and deprivation of food and medicine, and measures to ensure their access to interventions and programmes for victims of gender violence.

15. Please provide detailed information on measures being implemented to prevent situations of abuse and trafficking of persons with disabilities, including persons with intellectual and/or psychosocial disabilities.

Protecting the integrity of the person (art. 17)

16. Please report on specific measures adopted by the State party to prohibit and prevent the subjection of persons with disabilities, especially those who have been declared legally incapacitated, to processes of termination of pregnancy, sterilization, scientific research, electroconvulsive therapy or psychosurgical interventions against their will, and to prohibit substituted decision-making in this regard.

Living independently and being included in the community (art. 19)

17. Please provide information on the measures being taken by the State party to invest in and provide community-based social services that facilitate independent living, to adopt a national deinstitutionalization plan with time-bound targets and to define indicators through close consultation with and participation of organizations of persons with disabilities. Please inform the Committee of the measures taken to facilitate access to personal assistance.

Freedom of expression and opinion and access to information and communication (art. 21)

18. Please provide information on the measures carried out to facilitate access to communication services, such as audio description and sign language interpretation.

Respect for home and the family (art. 23)

19. Please provide detailed information on measures being adopted by the State party to combat the discrimination of persons with disabilities in all issues related to marriage, family, maternity or paternity and personal relations. Please also provide information on how the State party guarantees the rights of persons with disabilities with regard to exercising parental rights, supervision and adoption of children.

Education (art. 24)

20. Please provide information on measures being taken to promote and invest in inclusive and quality education for all children and adults with disabilities and to meet the objectives set out in the Europe 2020 strategy, specifying indicators for monitoring the implementation of such education across all schools. Please also provide updated data on the number of persons with disabilities attending higher education.

Health (art. 25)

21. Please explain whether the legislative policies and all other measures being implemented by the State party with regard to health care and services related to sexual and reproductive health, HIV/AIDS and sexually transmitted infections are accessible to persons with disabilities.

Habilitation and rehabilitation (art. 26)

22. Please specify the annual budget dedicated to providing assistive devices and the average waiting time to receive them.

Work and employment (art. 27)

23. Please provide the Committee with information on the means, resources and programmes available to the Employment and Vocational Training Institute to improve the employability of persons with disabilities. Please also provide information on measures being developed to eliminate discrimination and inequality in the employment and conditions of work of persons with disabilities, in particular women with disabilities. Please explain the function of occupational activity centres and what working conditions apply there, including the average wage. Please provide information on data, disaggregated by sex, on the unemployment rate for persons with disabilities as compared with that for their non-disabled counterparts.

Adequate standard of living and social protection (art. 28)

24. Please provide information, including data on the budgetary cuts, on how the financial crisis and the austerity measures have affected the enjoyment by persons with disabilities of an adequate standard of living and how the consequences of the crisis and those measures have been dealt with.

25. Please provide information on the measures taken by the State party to monitor the impact of the financial crisis on children.

26. Please indicate the allowances and economic support benefits that are currently available for persons with disabilities, including those provided to cover additional disability-related expenses.

Participation in political and public life (art. 29)

27. Please provide information on the measures taken to maximize the opportunities for all persons with disabilities and to ensure their participation in all aspects of political life, including with respect to guaranteeing their right to vote. What legislative and policy environment is in place to guarantee access by persons with disabilities to electoral processes?

Participation in cultural life, recreation, leisure and sport (art. 30)

28. Please inform the Committee as to when the State party plans to sign and ratify the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled of the World Intellectual Property Organization. Please provide information on the accessibility of tourism, recreation and leisure.

C. Specific obligations**Statistics and data collection (art. 31)**

29. Please explain what measures are being implemented by the State party to collect statistics disaggregated by, among other things, sex and age, on persons with disabilities, in particular children, women and girls with disabilities, with reference to human rights-based indicators.

International cooperation (art. 32)

30. Please indicate how the State party ensures that its international cooperation policies, programmes and monitoring frameworks are inclusive of and accessible to persons with disabilities.

National implementation and monitoring (art. 33)

31. Please provide detailed information on the structure of the independent mechanisms provided for in article 33 (2) of the Convention, and on the date scheduled for their implementation. Please indicate whether the national human rights institution plays a role in monitoring the Convention.
