



**Convention on the Rights  
of Persons with Disabilities**

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**Committee on the Rights of Persons with Disabilities**

**Consideration of reports submitted by States  
parties under article 35 of the Convention**

**Initial reports of States parties due in 2011**

**Portugal\***

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## I. Introduction

1. Portugal considers that the Convention on the Rights of Persons with Disabilities (the Convention) constitutes a landmark instrument for the realization of the human rights of all persons, in particular persons with disabilities. It is fully in line with the broad outlines of State strategic policy with the view to building an all-inclusive society and combating all forms of discrimination.
2. Portugal fully supported the elaboration of this Convention and actively participated in the multilateral negotiations of this instrument.
3. Associations of persons with disabilities and their families also participated in these negotiations through their European and international representatives.
4. This report covers the period between the ratification of the Convention by Portugal (September 2009) and September 2011.

## II. Implementation of the general provisions of the Convention (arts. 1-4)

### Article 1 – Purpose

5. The purpose of the Convention is in line with the principles of universality of fundamental rights and duties, and of equality, as enshrined in Articles 12 and 13 of the Portuguese Constitution (CRP) and basic tenets of our Constitutional system. It is also in line with, inter alia, Article 71 CRP, which specifically guarantees, at the Constitutional level, the rights of persons with disabilities.

### Article 2 – Definition of disability

6. The national legal framework concerning persons with disabilities adopts the definition of “person with disabilities contained in Framework Act 38/2004 of 18 August – General Basis of the Legal System for Prevention, Habilitation, Rehabilitation and Participation of Persons with Disabilities.
7. A person with disability is considered 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 (Law 38/2004, of 18 August).
8. For statistical purposes, in Portugal, the Superior Council of Statistics adopted the use of ICF- International Classification of Functioning, Disability and Health, starting in a phased way in January 2003 (Deliberation 10/2003, published in the Official Gazette, 2nd series, No. 5 of 7 January) and has delegated the monitoring of the future ICF application to the Working Group on Disability and Rehabilitation Statistics, coordinated by the former SNRIPD, currently National Institute for Rehabilitation (INR) (*Instituto Nacional para a Reabilitação, I.P.*).

### **Article 3 – General principles**

9. The Constitution of the Portuguese Republic, in its Article 71, affirms the equal rights of persons with disabilities, requiring the State to carry out a national policy of prevention, rehabilitation and integration.

10. The national rehabilitation policy set by the Government is coordinated by the National Institute for Rehabilitation (INR).

11. INR is a public Institute within the Ministry of Solidarity and Social Security, with administrative autonomy and resources.

12. The principles that guide the action of the INR are the guarantee of equal opportunities, fight against discrimination and the empowerment of persons with disabilities.

13. According to Law 38/2004, of 18 August –Legal System for Prevention, Habilitation, Rehabilitation and Participation of the Disabled Person, all sectoral policies shall implement specific measures to address the needs of persons with disabilities.

14. In this sense, all sectoral policies include specific measures to ensure equal opportunities as established in the Constitution of the Portuguese Republic.

### **Article 4 – General obligations**

15. Following the ratification of the Convention, Council of Ministers Resolution 97/2010, published in the Official Gazette, 2nd series, No. 5 of 14 December approved the National Strategy on Disability (ENDEF) for 2011-2013 and established an interdepartmental group responsible for monitoring the implementation and adequacy of the 133 measures comprised therein, its objectives and indicators as well as main responsible entities.

16. This resolution determines that the INR is responsible for the permanent technical monitoring of ENDEF implementation and that each Ministry involved in the implementation of ENDEF actions and measures bears the costs resulting from such implementation.

17. The National Strategy on Disability stems from the Action Plan for the Integration of Disabled or Incapacitated Persons (PAIPDI) 2006-2009, as well as from the major planning options for 2010-2013, which are composed by a consistent set of multiannual measures, presented around five strategic axes:

- Axis 1 «Disability and Multiple Discrimination»;
- Axis 2 «Justice and Exercise of Rights»;
- Axis 3 «Autonomy and Quality of Life»;
- Axis 4 «Accessibility and Universal Design»;
- Axis 5 «Administrative Modernization and Information Systems».

18. The National Strategy on Disability is in full development process and is permanently monitored by the INR through the presentation of partial follow-up reports.

### III. Implementation of the specific provisions of the Convention

#### Article 5 – Equality and non-discrimination

19. The Constitution of the Portuguese Republic prohibits discrimination based on disability and on aggravated health risk (Law 46/2006, of 28 August – direct and indirect discrimination).

20. The enforcement of Law 46/2006 implies that every citizen should prevent and mend actions that can result in breach of any fundamental right or in denial or infringement of exercise of any economic, social, cultural or other, by any person, based on disability.

21. Sanctions can be applied to those who fail to respect this prohibition.

22. The INR receives complaints, forwards them to the concerned authorities and shall prepare a consolidated annual report on the enforcement of Law 46/2006.

23. In 2010, the Handbook for Parliamentarians on the Convention on the Rights of Persons with Disabilities, prepared by the Department of Economic and Social Affairs (UN-DESA), Office of the United Nations High Commissioner for Human Rights (OHCHR) and Inter-Parliamentary Union (IPU), was published by the INR in order to be used by all Members of Parliament and by municipal assemblies as a guide in the fight against discrimination based on disability and a useful tool for the promotion and protection of the rights of persons with disabilities.

24. The Handbook for Parliamentarians, officially presented in Parliament, is also a tool for improving the quality of public initiatives and aims at sensitizing Parliamentarians to the principles of the Convention, helping them to understand the mechanisms and structures necessary for effectively implementing it.

#### Article 6 – Women with disabilities

25. The principle of equality is constitutionally and legally recognized and thus women with disabilities are entitled to all human rights and fundamental freedoms.

26. In Central Administration, the Commission for Citizenship and Gender Equality, through the IV National Plan for Gender Equality, Gender, Citizenship and Non-Discrimination 2011-2013, intends to assert equality as a factor of competitiveness and development through the strengthening of the transversal character of the gender dimension.

27. These objectives are part of **Measure 61** of the plan – “universal access to information and communication media on what concerns educational opportunities, vocational training and employment for special vulnerable groups”.

28. The beneficiaries of this measure are women with disabilities. On the other hand, the IV National Action Plan against Domestic Violence 2011-2013 (the instrument to combat domestic violence) gives special attention to victims of domestic violence in a situation of particular vulnerability, e.g. persons with disabilities.

29. Thus, **Measure 23** of this plan refers to development of intervention strategies for particularly vulnerable victims of domestic violence, namely: elderly women, immigrants, persons with disabilities, youth and LGBT persons.

30. In 2010, the Study on the Impact of Discrimination based on Disability on Women was published and largely disseminated in its Portuguese and English version, with the

view to characterize and evaluate the participation and levels of discrimination against women with disabilities in Portugal.

31. These were the main areas of study: education and vocational training, labour market and employment, social protection and access to other essential goods and services, participation in cultural activities, leisure and sport, protection against violence and abuses.

32. In the conclusion of this study, it can be seen that, for instance, women with disabilities are generally considered as potentially less productive. They may, for the same function, have a lower income than most people, including men with disabilities. Their access to family planning, sexual education and motherhood is hindered by biases.

33. Considering that women with disabilities may be more dependent on others, they are more vulnerable and more at risk of violence and abuse within the family, in institutions and in society at large.

34. The aforementioned Study aimed at understanding the extent to which women with disabilities are subject to multiple discrimination and at proposing appropriate measures to ensure their fundamental rights and freedoms, in accordance relevant national, European and international standards on equality and non-discrimination, including the requirements laid down in Article 6 of the Convention on the Rights of Persons with Disabilities and the Council of Europe's Disability Action Plan 2006-2015.

### **Article 7 – Children with disabilities**

35. The general framework for the protection of child rights in Portugal is based on the provisions of the Portuguese Constitution, the Convention on the Rights of Child, as well as ordinary legislation, on what concerns the elimination of all forms of discrimination.

36. The Ombudsman has undertaken on-site inspections to shelters for children and youngsters, as well as to temporary halfway homes in the Autonomous Region of Madeira (RAM) with the purpose of assessing the conditions of those establishments in Madeira which ensure collective (temporary or permanent) institutionalization of children and young people.

37. Nine Long-Term Care Homes were inspected as well as three Temporary Care Homes, a Residence of Empowerment and the specific case of the Psycho-Pedagogical Rehabilitation Center of *Sagrada Família*. In all these establishments, the physical conditions – including accessibility for persons with disabilities – were inspected.

38. Surprisingly, and despite the fact that facilities were recent, only one of them could receive persons with disabilities.

39. Consequently, the Ombudsman recommended monitoring the various physical structures, the implementation of measures to facilitate access for persons with disabilities and the removal of architectural barriers.

### **Article 8 – Awareness-raising**

40. The Portuguese State is permanently developing information and awareness-raising activities on the rights of persons with disabilities, with a particular focus on their capacities, through the INR. High-impact training is undertaken for students, journalists, families and NGO leaders. Seminars and debates are held on the most problematic issues – accessibilities, sexual education, quality of life and self-representation of persons with intellectual disabilities.

41. A TV magazine, CONSIGO, focusing on positive life stories of persons with disabilities, is broadcasted weekly on public TV, as is news about innovative projects for inclusion in all sectors of life in society.
42. One of the most emblematic awareness-raising projects is the competition ESCOLA ALERTA, which aims at raising the awareness of children and young people about the rights of persons with disabilities and encouraging the presentation of proposals to combat discrimination and barriers.
43. The national commemorations of the International Day of Persons with Disabilities, coordinated by INR, seek to ensure the maximum possible visibility of the capacities and rights of persons with disabilities.
44. INR has made available through its website ([www.inr.pt](http://www.inr.pt)), comments on various articles of the Convention, prepared by renowned experts and practitioners.
45. In order to sensitize and involve children and youngsters in the implementation of the Convention, INR has published the book “You have the right”.
46. This book, officially presented on International Children’s Day, is a child-friendly version of the Convention, and aims at informing children of their rights and the means to exercise them, including the rights to dignity, non-discrimination, equal opportunities, access to justice, freedom and security of the person.
47. The book essentially aims at making the text of the Convention accessible, as well as at promoting the empowerment of children with disabilities to exercise their rights.
48. The book has been widely disseminated in schools and events targeting children and young people, especially school project fairs and vocational training activities, and there is a proposal for its integration into the National Plan for Reading of the Ministry of Education and Science.

## **Article 9 – Accessibility**

49. According to the National Policy for Rehabilitation, accessibility is strategically considered a prerequisite for the full exercise of the rights of persons with disabilities and of all persons experiencing a situation of functional limitation throughout their lives.
50. Accessibility covers a wide range of issues from support products to access to buildings and transports.
51. Since accessibility is crucial to enable an autonomous life and the use of generally available goods and services, legislation and action plans requiring public and private entities to ensure accessibility in public spaces, collective and public facilities and buildings, transports, and information and communication, including new information technologies, have been adopted.
52. Thus, since 1977, Portugal has established as a top priority, the combat to physical, architectural and communication barriers, through a consolidated law on accessibility (Decree-Law 163/2006 of 8 August, which replaces Decree-Law 123/97 of 22 May).
53. The Council of Ministers resolution 9/2007 of 17 January, was enacted in order to regulate the 2006 Decree Law. It adopted the National Plan for the Promotion of Accessibility (PNPA) and provided for a number of measures to ensure that persons with disabilities or sensory difficulties enjoy the autonomy, equal opportunities and social participation to which they are entitled.

54. These are the most relevant points of PNPA:
- Structural document based on the Lisbon Strategy for the creation of accessibilities in physical structures and services, transports, information and communication technologies (ICTs) and technology support (TS) for all persons without exception;
  - It stems from Law 38/2004 of 18 August (General Basis of the Legal System for Prevention, Habilitation, Rehabilitation and Participation of Persons with Disabilities) and is a priority of the XVII Constitutional Government;
  - It integrates a set of measures which aim at building a coherent overall system and unifying accessibility in order to provide persons with mobility impairments or sensory difficulties with the conditions to enable them to have an autonomous life and to ensure their mobility on an equal basis with others, eliminating the risks of exclusion and discrimination;
  - This plan is being implemented in two phases: the first until 2010 and the second from 2011 to 2015;
  - INR is responsible for disseminating, monitoring and streamlining the implementation of the measures set forth in the plan.
55. Legislation in force establishes the obligations of various public bodies, as well as of business companies, whether in terms of licencing or authorisation requirements, competences and adequacy of premises.
56. Obligations incumbent upon local authorities are quite similar to those of central administration, apart from monitoring the achievement of the goals set forth in the Convention, which the governmental department responsible for national buildings and monuments is traditionally responsible for, in accordance with the provisions of Article 22 (1) of Decree-Law 163/2006 of 8 August.
57. This responsibility is now entrusted to the Institute for Habitation and Urban Rehabilitation (*Instituto da Habitação e da Reabilitação Urbana*).
58. As regards the application of the statutory scheme to local authorities, it should be noted that, due to the constitutional model in force, which enshrines the principle of local autonomy, the State may only intervene within the framework of its supervisory powers.
59. Thus, Decree-Law 163/2006, Article 22, paragraph 2, states that the city councils, as well as the General Inspection of Local Government (*Inspeção-Geral das Autarquias Locais*) (IGAL), shall elaborate annual reports of the current situation (based on the evidence gathered in their respective supervisory actions).
60. For IGAL, the issue of accessibilities is addressed within its inspection powers, along with other material issues.
61. The Ombudsman has also undertaken several initiatives with the basic purpose of standardizing conditions of accessibility to facilities and/or services.
62. The Ombudsman decided to assess, *ex officio*, the conditions for the parking of vehicles of persons with reduced mobility in urban areas of restricted access, in which, in general, parking places do not meet local demands, which led to the initiation of a process that is still ongoing.
63. A huge inspection is also ongoing, covering the entire Lisbon underground network. This inspection aims at assessing the conditions for the access to platforms and carriages of persons with mobility impairments.



## **Article 10 – Right to life**

64. The right to life is guaranteed by Article 24 of the Portuguese Constitution, which furthermore establishes that human life shall be inviolable and prohibits the death penalty in all circumstances.

65. There is legislation establishing the boundaries for voluntary termination of pregnancy.

## **Article 11 – Situations of risks and humanitarian emergencies**

66. The Portuguese State has been raising awareness of competent entities to the specific needs of persons with disabilities, in cases of serious or catastrophic accident.

67. The competent authority, the National Civil Protection Authority (*Autoridade Nacional de Proteção Civil*) (ANPC), as well as various civil protection agents, have organized seminars in which the question of providing assistance to persons with disabilities has been addressed, in particular regarding inclusive communication (in this case through the seminar “Seismic Risk: awakening consciousness, enabling behaviors”, organized by ANPC on October 12).

68. Fire safety national legislation (Decree-Law 220/2008 of 12 November), sets out a wide range of measures in an effort to achieve better outcomes for persons with disabilities. More burdensome requirements and restrictions for buildings and infrastructures intended to improve assistance to persons with mobility or sensory impairments (building risk classification D in legislation).

69. Civil Protection Emergency Plans, regulated by Resolution 25/2008 of 18 July, also provide for the establishment of measures and assistance actions, such as search and rescue, first aid, triage, evacuation and primary health care, special attention to persons with disabilities at various territorial levels.

70. A pilot experience of the Regional Association of the Deaf of Algarve is currently ongoing and has a 24-hour hotline by text message with the ANPC District Command for Relief Operations of Faro.

71. The purpose of this project is to provide assistance to deaf people by informing civil protection agents of the type of emergency, existence of wounded persons and location of the incident. We consider this to be a pioneer and relevant project, not only at the national level, but also among many EU countries.

## **Article 12 – Equal recognition before the law**

72. Recognition as a person before the law is automatically acquired upon complete birth of a living child (Article 66 of the Portuguese Civil Code), in accordance with, *inter alia*, Article 26 (1) of the Portuguese Constitution, which guarantees the rights to personal identity, development of personality, civil capacity, citizenship and legal protection against any form of discrimination.

73. The principle of equality is furthermore guaranteed by Article 13 of the Constitution.

## **Article 13 – Access to justice**

74. Article 20 of the Constitution of the Portuguese Republic establishes that all persons shall have effective access to justice and to courts, in order to defend their legally protected

rights and interests. Justice cannot be denied on the basis of financial constraints. Thus, the legal framework on access to justice and courts is enshrined in Law 34/2004 of 29 July, comprising legal information and legal protection which covers the modalities of legal advice and legal aid.

75. Legal protection is granted for specific issues or enforceable judicial causes in case the person fails to have financial means and his or her rights are directly harmed or threatened.

76. Nationals and EU citizens, as well as stateless persons with valid EU residence permit, that demonstrate insufficient financial means, are entitled to legal protection.

77. The legal framework on legal aid aims at facilitating and assisting citizens in their access to courts, so as to ensure that nobody is denied the right to either enforce or defend their rights in a court of law due to economic insufficiencies or by reason of their social or cultural status.

78. Legal aid shall be granted regardless of the applicant's procedural position and of legal aid already having been granted to the counterparty.

79. In terms of procedural adjustments, the Code of Civil Procedure allows people with impaired capacities to act in court through their legal representatives (ultimately, the Public Prosecutor's Office) or by themselves, if authorized by the public trustee in legal proceedings, except for acts that they can perform freely and personally (Articles 10 *et al*).

80. Article 141 establishes the rules for deaf, mute or deaf and dumb testimonies, foreseeing the possibility of intervention of a suitable interpreter or the formulation of written questions or answers, where relevant.

81. Finally, on what concerns enforcement actions, Article 930 – C 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%.

82. Pursuant to Article 64 (1) (c) of the Code of Criminal Procedure, the assistance of an attorney is mandatory at any procedural act in case the defendant is blind, deaf, mute, illiterate, unaware of the Portuguese language, under 21 years old, or if his or her criminal liability, or reduced criminal liability, is disputed.

83. Pursuant to Article 93 of the Code of Criminal Procedure, whenever a deaf or hearing-impaired person is to give testimony, at any procedural stage and regardless of his or her procedural position, a suitable sign language, lip-reading or written expression interpreter, as appropriate, shall be appointed; in the case of a mute person, if he or she is able to write, questions are formulated orally and answered in writing. Otherwise and when required, the nomination of appropriate interpreters is provided.

84. The accused is free to choose, free of charge, a different interpreter to translate conversations with his or her lawyer. In order to expedite matters, a cooperation agreement was signed between the Ministry of Justice, the (former) Ministry of Labor and Social Security and the Portuguese Association of the Deaf, in order to facilitate proper communication between different justice bodies and departments, and deaf citizens that can work as sign language interpreters in the justice system.

85. There is also an agreement between the Registries and Notaries Institute (*Instituto dos Registos e Notariado*) and the Portuguese Federation of Deaf Associations (*Federação Portuguesa das Associações de Surdos*) in order to ensure that sign language interpreters provide effective support to deaf persons in their relations with the Institute's services, free of charge.

86. Pursuant to Article 38 of Law 78/2001, in courts of peace, the parties must appear in person, and may be accompanied by a lawyer, trainee attorney or solicitor. This assistance is, however, mandatory in case the party is blind, deaf, mute, illiterate, unable to speak Portuguese, or apparently in an inferior position.

87. There is also the action of the Alternative Dispute Settlement Office, which provides information to citizens about access to legal aid through social security structures; and undertakes education activities on alternative dispute settling means and on access to law. Protocols have also been signed with various entities, to ensure the proper implementation of actions and measures concerning the promotion of access to law and methods of alternative dispute settlement.

88. In terms of **reasonable adaptations**, an effort has been made towards overcoming existing barriers in buildings, as in most architectural features, including: adaptation of inquiry and interrogation rooms for persons with physical disabilities; acquisition of telescopic ramps and loading platforms; construction of specific health facilities for persons with disabilities; specific car parking spaces for persons with disabilities; creation of barrier-free service desks that can accommodate wheelchairs and other support devices; acquisition of ergonomic chairs for employees with disabilities; application of handrails, tactile command buttons inside and outside elevators, as well as alarm systems in elevator wells; adaptation of websites for use by persons with reduced accessibility, particularly the visually impaired.

89. The Registries and Notaries Institute provides various online services, which constitute, in fact, real advantages for persons with disabilities and has a registration telephone support hotline available to all citizens.

90. Services and bodies within the Ministry of Justice, such as the Judiciary Police School, the Center for Judicial Studies, the Directorate-General of Social Rehabilitation, the Registries and Notaries Institute or the prison guard corps regularly provide general training courses on human rights, as part of the initial and ongoing training of their staff.

91. A training action entitled “Awareness and dynamization of information on the rights of persons with disabilities” was organized in 2011 to the staff of the Directorate-General of Social Rehabilitation. On the other hand, the Registration and Notary Services Institute, in partnership with the Association of the Blind and Visually Impaired of Portugal (*Associação dos Cegos e Amblíopes de Portugal*) and the Portuguese Association of Cerebral Palsy (*Associação Portuguesa de Paralisia Cerebral*), this year organized about 20 training actions to staff of the Registration and Notary Services in order to address the needs of persons with disabilities or impairments, especially visual impairments and cerebral palsy.

## **Article 14 – Liberty and security of the person**

92. The Constitution of the Portuguese Republic recognizes the right of all citizens to liberty and security. No one shall be totally or partially deprived of liberty except as a consequence of a judicial conviction and sentence imposed for the practice of an act that is legally punishable by a prison term or the judicial imposition of a security measure. (Article 27 (1) and (2)).

93. The following cases of deprivation of freedom for the period and under the conditions laid down by law are exceptions to this principle: (a) Detention in *flagrante delicto*; (b) Detention or remand in custody due to strong indications of the wilful commission of a crime that is punishable by imprisonment for a maximum term of more than three years; (c) Imprisonment or detention of, or imposition of any other coercive measure subject to judicial control on, a person who improperly entered or improperly

remains in Portuguese territory, or who is currently the object of extradition or deportation proceedings; (d) Disciplinary imprisonment of military personnel, which is subject to the guarantee of appeal to the competent court; (e) Subjection of a minor to measures intended to protect, assist or educate him in a suitable establishment, when ordered by the competent court of law; (f) Detention by judicial decision for disobeying a court decision or to ensure appearance before a competent judicial authority; (g) Detention of suspects for identification purposes, in the cases that are and for the time that is strictly necessary; (h) Committal of a person suffering from a psychic anomaly to an appropriate therapeutic establishment, when ordered or confirmed by a competent judicial authority. The Constitution also guarantees the principles of *nullum crimen nulla poena sine lege* and *ne bis in idem*, as well as the principle of non-retroactivity of the criminal law (Article 29).

94. These principles are all enshrined in the Penal Code.

95. The deprivation of liberty in contravention to the Constitution and the law entails the State's duty to compensate the victim as prescribed by law (Article 27(5) 5 of the Portuguese Constitution).

96. Under the Portuguese criminal law framework, the application of sentences and security measures should never exceed the level of guilt and must be proportionate to the gravity of the offence and the perilousness of the agent. Only security measures can be applied to non-labile agents, incapable of guilt.

97. Children under 16 years are not criminally liable, nor are those who, due to psychic anomaly, at the time of committing the act, were unable to assess the lawfulness of such act or to conform themselves in accordance with such assessment.

98. The Penal Code privileges the application of non-custodial measures (Article 70). Concerning coercive measures, Article 193 of the Code of Criminal Procedure enshrines the principles of adequacy and proportionality. This provision states that pre-trial detention or home detention can only be applied when all other coercive measures prove to be inadequate or insufficient; it configures pre-trial detention a measure of last resort.

99. Pre-trial detention and home detention are automatically and regularly reviewed by a judge (Article 213). The Code of Criminal Procedure also establishes the maximum duration of measures involving deprivation of liberty (Articles 215 and 218 (3)), which vary, depending on the circumstances, from four to eighteen months (this duration may be extended for certain crimes, in cases of exceptional complexity, or if there is an appeal to the Constitutional Court or pending another court ruling on a prejudicial issue).

100. The Code for the Execution of Punishments and Measures involving Deprivation of Liberty was approved by Law 115/2009 of 12 October. This instrument reinforces the detainee's integration in society by his or her inclusion in the national health system and in national policies for education, training and social support; and the provision of social and economic support to the detainee and his or her household in order to strengthen and maintain family ties. It improves work in prison by reviewing the legal framework for working in productive units of entrepreneurial nature. It contains provisions on education, labour, vocational training and enrolment in specific programs which make the execution of the sentence more flexible.

101. Pursuant to Article 118 of the Code, if the sentenced prisoner has a serious disability or irreversible illness that implies his or her permanent dependence on a third person and whose maintenance in prison is incompatible, he or she can have the sentence modified, should this not be contrary to the strong demand for prevention, order and social peace.

102. Articles 126 *et seq.*, on the institutional care of persons with mental illness as a security measure, states that such measures shall be geared towards the patient's rehabilitation and his or her family and social reintegration.

103. In recent years, there have been special developments concerning the electronic surveillance system.

104. Law 33/2010 of 2 September regulates the use of electronic surveillance in order to ensure supervision as well as compliance with a coercive measure of home detention (Article 201 of the Code of Criminal Procedure). This system has allowed a more effective application of home detention, either as a coercive measure and as an effective penalty.

105. On the other hand, the Mental Health Law (Law 36/98 of 24 July, amended by Law 101/99 of 26 July) regulates the compulsory internment of persons with psychic anomalies, particularly persons with mental disorders.

106. Compulsory internment may only be determined when it is the only way to guarantee that the patient is submitted to treatment, and when is deemed proportional to the perilousness of the legally protected value in question. Restrictions on the patient's fundamental rights shall only be those strictly necessary and adequate for an effective treatment.

107. The following rights are recognized: right to be present during procedural acts which directly concern the inmate, unless reasons of health prevent it; right to be heard by a judge whenever a decision to be taken personally concerns him or her, unless one's health situation makes such court hearing useless or infeasible; right to have legal counsel in all acts the inmate participates in, and in the procedural acts that directly concern him or her and in which he or she may not be present, and the right to communicate in private with such counsel; right to produce evidence and to request the adoption of necessary measures; the right to be informed and clarified about his or her rights; the right to be informed about the reasons for his or her deprivation of liberty; the right to appeal against a decision to initiate or extend a measure of internment; the right to vote, in accordance with the law; and the right to send and receive correspondence.

### **Article 15 – Freedom from torture or cruel, inhuman or degrading treatment or punishment**

108. The Constitution of the Portuguese Republic recognizes in Article 25 the inviolability of the physical and moral integrity of persons and stipulates that no one shall be subjected to torture or to cruel, degrading or inhuman treatment.

109. The Penal Code criminalizes and punishes offenses against the physical integrity in Articles 143 *et seq.*, in particular torture and other cruel, inhuman or degrading treatment or punishment.

110. On the other hand, Article 126 of the Code of Criminal Procedure provides that any piece of evidence obtained through torture, coercion or, in general, offence to one's physical or moral integrity, shall be null and void, and thus may not be used in any criminal procedure.

111. In April 2010, the new Code of Execution of Punishments and Measures involving Deprivation of Liberty came into force – Law 115/2009 of 12 October.

112. This law proclaims the following as its guiding principles: respect for human dignity and other fundamental principles enshrined in the Constitution of the Portuguese Republic, in instruments of international law and in other instruments, as well as respect for the human personality of the prisoner and for his or her rights and legal interests to avoid that they are affected by the sentence or by the execution of a measure involving deprivation of liberty.

113. The institutionalization, by judicial decision, of inmates diagnosed with mental disorders in health-care centers for non-imputable persons aim at their social and familiar reintegration, preventing the practice of other crimes and serving the interests of society in general and of the victim in particular.

114. The same law furthermore states that medical or surgical interventions or treatments, as well as food, cannot be coercively imposed, except in cases of danger to life or serious danger to the body or health of the inmate or other persons and if his or her health status does not allow the evaluation of the sense and scope of the refusal. Coercive interventions, medical and surgical treatments, as well as feeding, are limited to the extent necessary and cannot represent any danger to life or serious danger to the inmate's body or health (Article 35).

115. This law clearly specifies the common and specific security means allowed in prisons for the maintenance of law and security, and has been complemented by the General Regulation for Prisons – Decree Law 51/2011 of 11 April – which contains more detailed provisions on the use of security means. This new legislation has improved mechanisms for the protection of inmates.

116. The Regulation on Conditions of Detention in Judiciary Police facilities and in places of detention in courts and Public Prosecution services establishes that every detainee shall be treated with humanity and respect for human dignity, without any discrimination, particularly on grounds of nationality, social condition, political, religious or other beliefs.

117. As regards scientific and medical experiments, see information provided in relation to Article 17.

118. The Observatory on Trafficking in Human Beings considers it important to highlight the issue of harnessing psychological disability or any situation of special vulnerability of victims of trafficking in human beings. Those situations are already covered in Article 160 of the Penal Code, which defines the crime of trafficking in persons (Title One, Book Two, Special Part, Crimes Against Persons, Chapter IV, crimes against individual freedom).

## **Article 16 – Freedom from exploitation, violence and abuse**

119. The Constitution of the Portuguese Republic recognizes in its Article 25 the inviolability of physical and moral integrity of persons.

120. The Portuguese Penal Code autonomously criminalizes psychological or physical ill-treatment, including corporal punishment, deprivation of liberty and sexual offenses, particularly those suffered by defenseless persons on account of age, disability, illness, pregnancy or economic dependence, in cases of cohabitation with the aggressor (crime of domestic violence, provided for and punished by Article 152 of the Penal Code).

121. The Penal Code establishes and punishes any crime of ill-treatment of a child or particularly defenseless person due to age, disability, sickness or pregnancy (Article 152). It also establishes and punishes the crimes of slavery (Article 159), trafficking in persons (Article 160), abduction (Article 161) and crimes against sexual freedom and self-determination (Articles 163 to 177).

122. It should be noted that Law 112/2009 of 16 September establishes the legal framework applicable to the prevention of domestic violence, protection and assistance of victims, providing that all victims, irrespective of nationality, descent, social status, gender, ethnicity, language, age, religion, disability, political or ideological beliefs, sexual orientation, cultural and educational level, enjoy the fundamental rights inherent to the dignity of the human person, as well as equal opportunities to live without violence and maintain one's physical and mental health (Article 5).

123. This Law represents an important milestone, since it introduces the status of victim, the urgent nature of proceedings on domestic violence, the use of electronic means for the remote surveillance of aggressors, the possibility of arresting the perpetrator if caught *in flagrante*, the right of victims to compensation, as well as to judicial, medical, social and labour support measures.

124. There is also the IV National Plan against Domestic Violence, approved by Council of Ministers resolution 100/2010 of 17 December, which gives special attention to situations of domestic violence in which victims are in a particularly vulnerable situation: the elderly, immigrants, young people, persons with disabilities and LGBT.

125. Other important non-legislative measures:

- The National Forensics Institute promoted the celebration of protocols with multiple institutions and organizations with the view to facilitate and accelerate procedures available for victims of domestic violence;
- The Directorate-General of Social Rehabilitation provides technical advice to courts, by disseminating specific guidelines for assessing the risk posed by perpetrators of domestic violence. It is integrated into the process of European Scouting for the implementation of SARA (Spousal Assault Risk Assessment) and drew up a set of specific procedures to address victims. It is also implementing a set of specific initiatives for aggressors. Joint training actions are undertaken with the Center for Judicial Studies on domestic violence, targeting different professionals working with perpetrators or victims, comprising the presentation of SARA;
- Several spaces for the dissemination of information on violence against children have been promoted, including initiatives developed in partnership with the NGO Child Support Institute (*Instituto de Apoio à Criança*);
- The Directorate-General for Justice Policy (*Direção-Geral da Política de Justiça*) began processing data on the relationship between accused and victim in crimes of murder, in a sort of benchmarking of the statistical summary of the number of cases of marital violence;
- The Judicial Police has created adequate premises for the examination of victims of offences against sexual freedom and self-determination.

126. The National Republican Guard (GNR) developed the IAVE Project (*Investigação e Apoio a Vítimas Específicas*) (Research on and Support to Specific Victims) on the basis of another existing project (dedicated to women and children victims of violence in family settings), which ensures research on and support to specific victims, including persons with disabilities.

127. On the basis of a unique and personalized service, proper police, criminal procedure and psycho-social treatments are guaranteed to victims through the promotion of local networks to support those persons, thus strengthening synergies and trying to alleviate the consequences of victimization.

128. Currently, there are 282 Core Services and Teams (22 IAVE - Research and Support Centers for Specific Victims and 259 Investigation and Inquiry Teams), throughout the entire national territory, involving 344 militaries enabled with appropriate expertise.

## **Article 17 – Protecting the integrity of the person**

129. The Constitution of the Portuguese Republic recognizes in its Article 25 the inviolability of the physical and moral integrity of persons. This is a universal, personal and inalienable right.

130. The Penal Code establishes and punishes crimes against physical integrity in its Articles 143 *et seq.*, namely those regarding medical and surgical treatments. Articles 38, 39, 149, 150, 156 and 157 of the Penal Code impose the duty to make clear to the patient the diagnosis and the nature, scope, extent and possible consequences of intervention or treatment, as well as to obtain his or her free and clear consent before carrying out surgical interventions or medical treatments. Medical interventions performed without the patient's consent are punished as arbitrary medical and surgical interventions or treatments.

131. The law requires filling in a written consent form for certain medical interventions, such as voluntary termination of pregnancy, sterilization, prenatal diagnosis, participation in clinical trials or the practice of electroconvulsive therapy and psychosurgical interventions.

132. On the other hand, a judicial authorization is required for organ and tissue donation by living adults with mental disability and for the sterilization of incapacitated adults. (Source: ENTIDADE REGULADORA DA SAÚDE, *Consentimento Informado – Relatório final*, maio de 2009, available from <http://www.ers.pt/atividades/pareceres-e-recomendacoes/Estudo-CI.pdf>).

133. Portugal ratified the Council of Europe Convention on Human Rights and Biomedicine in 2001.

134. The Public Security Police, PSP, developed an integrated model of community policing which seeks to adapt policing methods in order to solve local problems –, both criminal and civility problems associated with social exclusion, which is directed towards specific key target audiences, including persons with disabilities and also seeks to improve a safety culture within the community and among such key audiences, trying to identify pockets of insecurity.

135. The experience of the Safe School (PSP) teams (*Programa Escola Segura*), aimed at preventing and investigating situations of violence at the local level, is seen as an example of good practices. In 2010-2011, Safe School teams undertook 4867 awareness-raising actions with school communities on the most varied topics, for instance alcohol, drug abuse, issues relating to discrimination and gender equality.

136. Community policing actions seek to promote awareness-raising actions at the school level. PSP undertakes numerous dissemination and awareness-raising action on the prevention of, and combat to, all forms of violence and discrimination.

137. In this context, PSP has promoted, in partnership with other public and private entities, training sessions for its officers on sexual and domestic violence against women, issues related to gender equality, issues related to social exclusion and integration difficulties. PSP has also equipped its units with special premises to receive and provide support to victims of violence, as well as other target audiences, with the view to ensure specialized assistance.

138. The National Republican Guard (GNR), within the framework of community policing and community safety, has allocated means and human resources, in exclusive, to the implementation of special community policing programs.

139. Community policing involves the population in efforts to solve its own problems, including the special needs of persons with disabilities and their families.

## **Article 18 – Liberty of movement and nationality**

140. The Constitution of the Portuguese Republic recalls, in its Article 4, that Portuguese citizens are those who are considered as such by law or by International Convention.



141. On the other hand, paragraph 1 of Article 44 states that every citizen shall be guaranteed the right to move freely and to settle anywhere in the national territory; pursuant to paragraph 2, citizens shall be guaranteed the right to emigrate or to leave Portuguese territory and the right to return thereto.

142. The Portuguese Nationality Law (Law 37/81 of 3 October, consolidated version as amended by Organic Law 2/2006 of 17 April) states that the following are Portuguese citizens by origin: (a) children of a Portuguese father or mother born in Portuguese territory; (b) children of a Portuguese father or mother born abroad if the Portuguese parent is there at the service of the Portuguese State; (c) children of a Portuguese father or mother born abroad if they have their birth registered at the Portuguese Civil Registry or if they declare that they want to be Portuguese; (d) persons born in Portuguese territory to foreign parents if at least one of the parents was also born in Portugal and resides therein, irrespective of title, at the time of birth; (e) persons born in Portuguese territory to foreign parents who are not at the service of their respective State, if they declare they want to be Portuguese and provided that one of the parents has legally resided in Portugal for at least five years at the time of birth; (f) persons born in Portuguese territory who have no other nationality.

143. Portuguese nationality may also be acquired by full adoption or by naturalization. Children or descendants with disabilities may also acquire it should one of his or her parents do so. A foreigner married to a Portuguese national may also acquire Portuguese nationality by means of a declaration made during the marriage.

144. Portuguese nationality is lost by any person who, being a national of another State, declares that he or she does not wish to be a Portuguese.

145. According to Article 96 of the Portuguese Civil Registry Code, every birth occurred in Portuguese territory must be verbally declared within 20 days of birth for registration purposes at the Portuguese Civil Registry or, if possible, in the health unit where the child was born, until the mother is released therefrom. This declaration allows a child to have a full name and to prove his or her identity.

146. If, within 20 days of birth or until the mother is released from the health unit, the birth is not declared, administrative and police authorities will report the fact to the Public Prosecution who must act to overcome such failure (Article 98, paragraph 1). Within 24 hours of birth, health units must introduce the birth record (data about the birth, date and time, child's sex and mother's name and address – Article 101-A, paragraph 1) in a platform (of exclusive access to health units) managed by the Institute of Notaries and by the Institute of Social Security.

147. Article 105 of the Portuguese Civil Registry Code determines the process applicable to the registration of abandoned children. For the purposes of this process, an abandoned child is every newborn of unknown parents who is found abandoned in any place, and every child apparently under 14 or mentally disturbed, whose parents, known or unknown, have removed themselves to an unknown place, forsaking their child.

148. Whoever finds a child in such a situation must take him or her within 24 hours to the competent authorities with all the objects and clothes that the child is carrying, for birth registration (Article 106, paragraph 1).

149. The civil registrar must give the child a full name, preferably a common name or derived from any particular characteristic or from the place where the child has been found, but always in order to avoid misleading designations or designations that may recall the child's abandoned condition (Article 108, paragraph 1).

150. With the creation of the service "Born Citizen" (*Nascer Cidadão*), a child can be registered immediately upon birth in health units that have joined this project. It is free of

charge and allows the official registration of the newborn in the hospital or maternity ward immediately upon birth, making it unnecessary to go to a Civil Registry office.

151. This is accessible and convenient for the fulfillment of all formalities essential for safeguarding child rights and allows an early identification of children at risk.

152. On the basis of Article 113 (2) of Law 23/2007 of 4 July, Portugal, through the Foreigners and Borders Service (SEF) (*Serviço de Estrangeiros e Fronteiras*) allows the positive discrimination of persons with disabilities, by considering them persons with special needs in relation to the rights of the holders of residence permits issued to victims of trafficking in persons or smuggling.

153. In this regard, persons with disabilities with a residence permit issued under that legislation receive the necessary medical and social assistance.

154. It should also be noted that persons with disabilities are considered “particularly vulnerable persons” by national law, as specified in Article 2 (1) (r) of Law 27/2008 of 30 June, which prescribes the conditions and procedures for granting asylum or subsidiary protection, as well as the status of asylum seekers, refugees and beneficiaries of subsidiary protection. Persons with disabilities seeking asylum and subsidiary protection are also protected by special provisions, concerning pharmaceutical and medical assistance (Article 52 (5)), material conditions of reception and health care, in particular social support (Article 56 (2)) and the reduction or removal of reception requisites (Article 60 (6)).

155. Regarding to the status of refugee and subsidiary protection, persons with disabilities are guaranteed, not only adequate health care in the same conditions as nationals (Article 73 (2)), but also the adequate provision of material reception conditions for particularly vulnerable persons (art. 77).

156. The Ombudsman has undertaken a series of inspections of places of detention of foreign nationals who do not meet the legal conditions for entering Portugal or to stay in the country, given their vulnerable and fragile physical and psychological situation and the precariousness of their legal and economic condition.

157. Indeed, foreigners awaiting the fulfillment of an expulsion order are temporarily accommodated in a housing unit built from scratch, “Unidade Habitacional de Santo António” in Oporto. There are still some spaces in airports to accommodate those who are not authorized to enter the national territory.

158. At the end of this inspection, the Ombudsman made a number of suggestions to the Minister of Interior and to the Director of SEF, in order to improve accommodation conditions, having also referred the issue of accessibilities in general and access to adequate accommodation for persons with reduced mobility, in particular persons with physical disabilities.

## **Article 19 – Living independently and being included in the community**

159. From the perspective of autonomy and quality of life, some local communities are offering home support services. This allows persons with disabilities to remain at home, rather than in institutions.

160. Concerning persons with hearing impairments, a protocol signed between the Ministry of Justice and the Portuguese Federation of Associations of the Deaf ensures the presence of Portuguese sign language interpreters in the whole judicial system.

161. On the other hand, measures for strengthening social protection and combating poverty implemented by the Social Security Institute have taken into account the guarantee of economic, social and financial sustainability of the social security system, increasingly

based on the positive differentiation of benefits vis-à-vis various risk situations, adjusting social responses to this new reality.

162. Concerning this aspect, measures implemented have been essentially: improvement of the conditions of activation and socio-professional integration of persons with disabilities; enhancement and extension of the social services and facilities network, development and qualification of home support services, and improvement of access to public services.

163. In this sense, the National Strategic Reference Framework (QREN) – framing the operational program of human potential (POPH) (*Programa Operacional de Potencial Humano*) enabled the development of the Program to Enlarge the Social Facilities Network (PARES).

164. The implementation of social networking by the Social Security Institute has also encouraged the pooling of efforts of different public and private actors, and social solidarity, with the view to eradicate or alleviate poverty and social exclusion and promote social development.

## **Article 20 – Personal mobility**

165. Portugal implemented measures to facilitate personal mobility of persons with disabilities, including access ramps, elevators and information on public transport facilities.

166. In this sense, INR has kept contacts with transport companies in order to achieve the goal of full accessibility.

167. Concerning this issue, the national reality has evolved positively with the cooperation of NGOs and with particular emphasis on the commitment of city councils, through Municipal Plans of Accessibility for All.

## **Article 21 – Freedom of expression and opinion, and access to information**

168. According to the Constitution of the Portuguese Republic, “Everyone has the right to freely express and divulge his thoughts in words, images or by any other means, as well as the right to inform others, inform himself and be informed without hindrance or discrimination”.

169. To fulfill this constitutional imperative, INR has a DIRECT LINE working via e-mail, telephone or in person. This service has a team of experts who provide tailored support to persons with disabilities, their families, organizations and services intervening in this area, within the framework of their rights, duties and benefits and referring them to existing resources.

170. Within a culture of accessible information, the website of the National Institute for Rehabilitation was developed taking into account the Web Content Accessibility 1.0 of W3C Guidelines, in order to be usable by everyone regardless of ability or disability, and accessible despite the use of any browser or technology.

171. INR’s website presents an intuitive, simple and functional navigational structure, with hierarchically integrated navigation elements and organization.

172. Within a culture of proximity to persons with disabilities, information and mediation services for these persons (SIM-PD) are installed in local government services, providing

information on rights, benefits and existing resources concerning disability and rehabilitation.

173. This project, developed by the National Institute for Rehabilitation in partnership with local councils, seeks to ensure a quality service to persons with disabilities or impairments within their respective communities.

## **Article 22 – Respect for privacy**

174. Article 26 (1) of the Portuguese Constitution sets forth everyone's rights to personal identity, to the development of personality, to civil capacity, to citizenship, to a good name and reputation, to his or her image, to speak out, to protect the privacy of their personal and family life, and to legal protection against any form of discrimination..

175. Article 34 states that the individual's home and the privacy of his correspondence and other means of private communication are inviolable. A citizen's home may not be entered against his will, except by order of the competent judicial authority and in the cases and in compliance with the forms laid down by law.

176. Furthermore, Article 35 (3) states that information technology may not be used to treat data concerning philosophical or political convictions, party or trade union affiliations, religious faith, private life or ethnic origins, save with the express consent of the subject of the data, or with an authorisation provided for by law and with guarantees of non-discrimination, or for the purpose of processing statistical data that are not individually identifiable.

177. The Penal Code contains provisions against unlawful surveillance and interference with privacy (Articles 190 *et al* 192). Evidence obtained by any violation of privacy, including of the home, correspondence or telecommunications (Article 194) and violation of privilege (Articles 195 *et al* 196), without the consent of the interested party shall be null and void.

178. The Code of Criminal Procedure, in fulfillment of constitutional requirements, regulates the conditions and formalities of searches and wiretapping, which require judicial authorization (Articles 174 *et al* and 187 *et al*).

179. The Law on the Protection of Personal Data defines "personal data" as any information of any type, irrespective of the means involved, including sound and image, relating to an identified or identifiable singular person (data subject) and its general principle states that the processing of personal data shall be carried out transparently and in strict respect for privacy and for other fundamental rights, freedoms and guarantees.

180. Thus, the processing of personal data can only be effected if the holder has unambiguously given his or her consent or if the processing is necessary for situations expressly laid down by law, and it is prohibited for questions concerning political or philosophical beliefs, trade union or party affiliation, religious faith, private life and racial or ethnic origin as well as the processing of data concerning health or sex life, including genetic data, except in the cases provided for by law.

181. The law protects the rights of personality in Articles 70 *et al* of the Civil Code, expressly including the right to one's own image and the right to protection of privacy.

182. Article 484 of the Civil Code specifically deals with the offense against a person's credit or good name, implying responsibility for damage. The Penal Code also protects honor and reputation by providing for and punishing crimes of defamation and insult (Articles 180 and 181).

## Article 23 – Respect for home and the family

183. As stated above, Article 26 (1) of the Portuguese Constitution recognizes the right to the protection of privacy of one's personal and family life.

184. Article 36 of the Constitution guarantees to everyone the right to form a family and to marry under conditions of full equality, recognizing that parents have the right and the duty to educate and maintain their children, who shall not be separated from their parents, except if the latter fail to fulfill their fundamental duties towards them, and then always by judicial order.

185. Civil law, in particular Articles 1577 and following of the Civil Code, recognizes the right to marry. However it still prohibits or restricts its celebration to persons under 16, having clear mental illness, inhabilitated or disabled by psychological/illness reasons or persons whose previous marriage has not been dissolved. Pursuant to Law 9/2010 of 31 May, same sex persons can now enter into civil marriage.

186. Civil law also recognizes the right to form a family, namely pursuant to Articles 1874 and following of the Civil Code, which specify the reciprocal rights and duties within parenthood. The law states that parents, in the interest of children, shall ensure their safety and health, provide for their maintenance, guide their education, represent them and manage their property. Parents cannot waive parental responsibilities.

187. On the other hand, children cannot leave the parental home or the home that has been assigned to them, nor be withdrawn from it.

188. Parents with final condemnation for crime, interdicted or disabled for by psychological or mental illness or absent are considered inhibited for the exercise of parental responsibilities. Any parent who violates the duties towards his or her children, with serious injury, or when, by inexperience, infirmity, absence or other reasons, does not fulfill such duties, may be inhibited.

189. On the other hand, should there be no inhibition of parental responsibilities, but if the safety, health, morals or education of a child are at risk, the court shall impose appropriate measures; in particular, it can entrust the child to a third party or to an institution of education or assistance.

190. Civil law also regulates adoption, establishing in particular who can adopt and who can be adopted, and considering that only people with full capacity can adopt. Law 103/2009 of 11 September establishes the legal framework on child sponsorship.

191. Regarding forced sterilization of persons with disabilities, see Article 17.

## Article 24 – Education

192. The right to education is enshrined in the Constitution of the Portuguese Republic, of which Article 74 states that:

“Everyone has the right to education, with the guarantee of the right to equal opportunities in access to and success in schooling.”

193. The State shall create a network of public education institutions to cover the needs of the entire population, including special education needs of persons with disabilities.

194. The Directorate-General for Education (DGE) (*Direção-Geral da Educação*), within the Ministry of Education and Science, provides technical guidance to respond to special education needs.

195. Its specific mission consists in coordinating, developing and evaluating the pedagogical and didactic components at all levels of school education (pre-school, regular school, special needs, e-learning), as well as in developing specific programs and measures to reduce school drop-out and improve learning achievements, through the design, development and evaluation of several initiatives, namely those concerning pupils with special educational needs.

196. In 2008, the legal act defining the specialized support to be provided in pre-school, primary and secondary education (Decree-Law No. 3/2008) was published.

197. This law establishes a network for special education: special education schools for blind and visually impaired students, bilingual education for deaf students, structured teaching support units for students diagnosed with autism-related disorders and specialized support units for the education of pupils with multiple disabilities and congenital deaf-blindness, as well as reference groups for early childhood intervention.

198. The Bilingual Education of deaf students, also contemplates the teaching/learning of Portuguese sign language, recognized in the Constitution of the Portuguese Republic in 1997 as the mother-tongue language of deaf people.

199. In this regard, it should be noted that the higher education of Portuguese sign language interpreters is ensured by the Higher Education Schools of Polytechnic Institutes in Setúbal, Oporto and Coimbra.

200. There is a national network of 74 centers for educational inclusion and 25 resource centers for inclusion.

201. In 2010/2011, 43,708 individual educational programs were developed in public educational institutions, 2,320 of which related to pre-school education.

202. The number of students placed under special quota for persons with physical disabilities or sensory impairments was the following over the past five years:

<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>
129	143	160	147	120

## **Article 25 – Health**

203. The Constitution of the Portuguese Republic establishes that “everyone has the right to the protection of health and the duty to defend and promote health”. The right to health shall be implemented through a universal and general national health service which, taking into account the economic and social conditions of users, tends to be free of charge.

204. In fulfillment of this constitutional principle, the Basic Health Law establishes that the Portuguese health-care system should be based on universal coverage, providing health care to the entire population.

205. It also establishes equity as the general principle of the national health system, providing for effective equality in access to health care.

206. Finally, the fact that the means and activities of the health-care system are primarily geared to the promotion of health and the prevention of diseases is of particular relevance. This implies a comprehensive notion of health and enhances the challenge of health-care units to implement, within a framework of health promotion and disease prevention, strategies that should contribute to reduce inequalities in health and improve equity in access to health care, particularly for persons with disabilities.

207. In this context, the following actions have been developed with the view to promote and ensure the access of persons with disabilities to health care and to give all such persons and their families better living conditions, namely:

**A. National Mental Health Plan**

208. Within the framework of the implementation of the National Mental Health Plan, special attention is given to national and regional intervention by improving the local network of mental health services, rehabilitation measures and deinstitutionalization of patients with severe mental illness from regional mental health services and psychiatric hospitals.

209. Also, the National Mental Health Plan pays particular attention to mental health services for children and adolescents, to the relationship of mental health care with primary health care, and to the necessary articulation with expert provision of comprehensive mental health care to be ensured by the National Network for Integrated Continuous Care (RNCCISM) (*Rede Nacional de Cuidados Continuados Integrados de Saúde Mental*).

**B. National Program for Rare Diseases**

210. Portugal has adopted a National Program for Rare Diseases, with the following general objectives:

- (a) Improvement of national responses to unmet health needs of patients with rare diseases and their families; and
- (b) Improvement of the quality and equity of healthcare provided to patients with rare diseases.

211. Within the overall health policy, other projects are ongoing that have an impact on the health of persons with disabilities:

- National Immunization Program – free vaccination;
- National Health Promotion Program;
- Prevention of Violence against Elderly People;
- Promotion of Active Ageing.

212. Financial support is provided to the implementation of non-profit community projects concerning the promotion of health, prevention and treatment of diseases, rehabilitation, harm reduction and reintegration.

213. Finally, prevention of prenatal conditions and early prenatal diagnosis, pre-natal and perinatal units, in general, have a relatively high coverage in Portugal.

214. In Portugal, 98% of pregnant women have at least one pre-natal consultation during pregnancy. More than 80% of those women start medical surveillance before the 16th week of gestation, and more than 80% follow appropriate surveillance procedures.

215. More than 60% of puerperal patients have post-partum consultations.

216. More than 90% of mothers state that they use a post-partum contraception method.

217. The use of contraceptive methods is very popular among all reproductive age groups, especially adolescents.

218. Pre-conception consultations still have a low territorial coverage.

219. More than 90% of deliveries occur in National Health System units, with high rates of C-section deliveries (more than 20%).

220. The National System of Early Childhood Intervention (Decree-Law 281/2009) was created for the early detection of, and intervention in, risk situations in order to ensure a comprehensive support focused on the child and the family, including prevention and rehabilitation actions, particularly on matters related to health, education and social action.

### **Article 26 – Habilitation and rehabilitation**

221. Portugal has a network of rehabilitation services covering the entire national territory (including rural areas) and comprising public and private responses to early intervention programs, special education, professional training, occupational activities, residential support and assistance units.

222. Expert teams responsible for the development of rehabilitation projects are established in institutions of higher education, offering expertise on disability, especially in areas such as rehabilitation nursing, special education training, Portuguese sign language interpretation, occupational and speech therapy, orientation and mobility.

223. Protocols are signed between relevant non-governmental organizations and public departments for the development of rehabilitation and inclusion projects, in different areas.

224. There is a wide range of activities for the initial and ongoing training of all rehabilitation practitioners, in areas such as Portuguese sign language, Braille, accessibility, mobility, orientation and augmentative or alternative communication.

### **Article 27 – Work and employment**

225. The Employment and Vocational Training Institute (IEFP) (*Instituto do Emprego e Formação Profissional*) has instruments, resources and programs to enhance the employability of persons with disabilities.

226. Under the national reform plan 2008-2010, the situation of persons with disabilities has been covered by Field 5, concerning equal opportunities, in accordance with the Integration Plan for Persons with Disabilities or Impairments. The following measures are to be adopted:

(a) Reinforcement of the system of support to the creation of self-employment by persons with disabilities, through supporting the organization of projects for the first three years from the beginning of activity;

(b) Establishment of protocols with large national companies in order to increase employment opportunities for persons with disabilities, within the framework of corporate social responsibility;

(c) Support to the creation of small-scale business companies by or with the participation of persons with disabilities, with support provided in proportion to the number of persons with disabilities;

(d) Development of complementary training in entrepreneurship;

(e) Generalization of aid to employment, particularly with regard to adaptation to jobs, elimination of architectural barriers and all active employment measures, in order to ensure the equalization of opportunities for persons with disabilities;

(f) The accumulation of employment support measures and other measures;

(g) Redefinition of the rules governing protected employment and provision of financial and technical support.



227. IEFP runs an information and data management system on employment, which registers data on all persons (including persons with disabilities) that address the service desks of the IEFP employment centers are registered.

228. With this information system, it is possible to access updated information on the situation of officially registered unemployed persons.

## **Article 28 – Adequate standard of living and social protection**

229. One of the goals of the Social Security System, whose basic legal framework is approved by Law 4/2007 of 16 February, is to promote a sustainable improvement of living conditions, adequate social protection and strengthening of equity. These goals are achieved through its systems and subsystems.

230. Within the framework of this report, the “citizenship social protection system” must be highlighted. This system includes the social action subsystem, the solidarity subsystem and the family protection subsystem. Specific benefits are provided to improve the protection of persons with disabilities.

### **A. Family protection subsystem**

231. The family protection subsystem covers the following contingencies: family expenses; costs of disability; and costs of dependency. It comprises, in addition to general benefits (for example, family benefits for children and youngsters), 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:

#### **Dependency and Disability Benefits**

(a) The Childhood and Youth family allowance for children and youngsters with disabilities, with a majoration of 20% in single parent families, 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 who attend or are admitted to specialized establishment or rehabilitation or are capable of frequency or in-patient care and who require individualized support pedagogical and/or specific therapeutic;

(b) Third person assistance allowance, assigned to the holders of the family allowance for children and young people with disabilities allowance or monthly life allowance, who rely on and have effective assistance from a third person to ensure their basic needs;

(c) 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: attending special education institutions, whether private, public or cooperative, profit-making or non-profit-making, provided by the Ministry of the Education and entailing the payment of a tuition fee; need individualized educational support by a specialized entity; need to attend a private education institution, after having attended special schools; attend a regular nursery or kindergarten, in order to rapidly overcome disability and achieve faster social integration;

(d) Monthly life allowance (plus the extraordinary solidarity supplement if the holder is over 70 years of age) for dependent descendants of beneficiaries who are over 24 years, with physical, sensorial, organic, motor or mental disabilities, who cannot ensure their livelihood through a professional activity.

**B. Solidarity subsystem**

232. The solidarity subsystem provides people with disabilities with the following benefits: disability and old-age pension; extraordinary solidarity complement; complement for dependency; solidarity supplement for the elderly.

**Disability and old age pensions**

233. These benefits are subject to conditions and are designed to protect persons in situations of social and economic deprivation.

234. In this context, there is a measure that favors the maintenance of a professional activity by persons with disabilities: the payment of disability pensions is suspended should the beneficiary be in one of the following situations:

- Pursuing a professional activity and the income derived therefrom exceeds €167.69 (40% of the social support index) or, in the case of couples, €251.53 (60% of the social support index);
- Has begun a vocational training course which entitles him or her to a vocational training allowance, and the respective amount exceeds €167.69 (40% of the social support index) or, in the case of couples, €251.53 (60% of the social support index).

235. However, the payment of the suspended social pension can be immediately resumed, upon communication to the social security services, if:

- Professional activity ceases;
- Vocational training course is finished;
- Unemployment allowance ceases, and the amount of such allowance was more than €167.69 (40% of the social support index) or, in the case of couples, €251.53 (60% of the social support index).

236. The other benefits are complementary to the social pension:

- **Extraordinary Solidarity Complement**, in addition to the social pension (under the conditions referred to in relation to monthly life allowance);
- **Complement for Dependency**, assigned to social security pensioners that are in a situation of dependence and cannot independently perform the acts necessary for the satisfaction of their basic daily needs.
- **Solidarity Supplement for the Elderly**, subject to certain conditions, which covers old-age pensioners and supplements monthly life allowance for persons over 65 years of age. Beneficiaries receive additional support for health care and energy consumption (electricity and gas).

**C. Social Action Subsystem**

237. The social action subsystem aims at preventing and remedying situations of social and economic deprivation, dependence, dysfunction, exclusion or social vulnerability, as well as at promoting community integration and capacity-building. It also seeks to provide special protection to the most vulnerable groups, namely children, youngsters, persons with disabilities and elderly persons, as well as others in situation of economic or social deprivation, social exclusion or dysfunction.

238. The protection afforded under the social action subsystem is made effective through an eventual and exceptional granting of cash benefits; benefits in kind; access to the national network of social services and facilities, as well as to programs aimed at fighting poverty, social exclusion, marginalization and dysfunction.

239. There are four types of social responses for children and young persons with disabilities, namely: early intervention; support homes; transportation; holiday and leisure centers.

240. 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.

#### **D. Parental Social Protection**

241. Under the parental social protection scheme (possibly maternity, paternity and adoption) the following benefits are available:

(a) **Benefit for the care of children** - either mother or father can take leave to provide urgent or indispensable assistance to children, in case of illness or accident. It is granted for 30 days per calendar year or during the period of hospitalization, in case of children under the age of 12, or without age limit, in case of children with disabilities or who are chronically ill.

(b) **Benefit for the care of children with disabilities or chronically ill** - either mother or father can take leave to provide urgent or indispensable assistance for children with disabilities or who are chronically ill with whom they live, if one parent is employed and cannot take leave. It is granted for a maximum period of 6 months, and extendable to 4 years.

(c) **Benefit for the care of grandchildren** - grandparents or equivalent are entitled to take paid leave to provide urgent or indispensable assistance to a minor grandchild or a grandchild with a disability or who is chronically ill, if the child's parents or other equivalent family members are employed and cannot take leave.

242. It should also be noted that the Social Security System provides incentives for the employment of persons with disabilities. It applies to workers with disabilities under labour 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%).

243. The **Special Rent Allowance** is a monthly cash benefit paid to protect the economically disadvantaged, especially older persons whose rents have increased due to the New Law on Urban Renting (*Novo Regime de Arrendamento Urbano*).

244. Furthermore, in relation to Article 28 of the Convention, a general principle of non-discrimination applies to users of water supply services, in order to ensure equal access to appropriate and affordable services for the satisfaction of disability-related needs.

### **Article 29 – Participation in political and public life**

245. The Constitution guarantees all citizens without discrimination the rights to vote and to be elected, except in the case of incapacities established by law.

246. Thus, the Constitution of the Portuguese Republic enshrines, in paragraph 1 of Article 49, that “Every citizen who has attained the age of 18 years has the right to vote, subject to the incapacities provided for in the general law.”

247. In paragraph 1 of Article 50, the Constitution states:

“Every citizen has the right of access to public office under equal and free conditions.”

248. These constitutional norms are contained in the different legal texts that govern the various electoral and referendum acts in Portugal for the President of the Republic, Parliament, the autonomous regions of Azores and Madeira, local authorities and the referendum system.

249. Concerning citizens with intellectual disabilities, such electoral laws state that “Persons who are clearly acknowledged to be demented, even if they are not barred by a sentence, when they are committed to a psychiatric establishment or are declared to be demented by a board of three doctors, do not enjoy electoral capacity”.

250. However, citizens affected by illness or clear physical disability do enjoy active and passive electoral capacity.

251. Electoral and referendum laws specify that a person in such conditions can vote if accompanied by another elector of his or her choice, if he or she is unable to autonomously perform those acts which are inherent to the personal right of suffrage.

252. There have been several initiatives concerning the exercise of the right to vote by blind persons in order to legally establish a voting system that provides blind citizens with an array of options for those who master Braille.

253. On that issue, Parliamentary resolution 72/2009 of 14 August recommends that the Government identify those diseases and disabilities which pose particular difficulties in access to voting, as well as find the best solutions to guarantee the full exercise of the right to vote, with autonomy and in secrecy.

254. Regarding the accessibility of polling stations, the National Elections Commission has made efforts towards finding accessible buildings.

255. The Mayor of a city has the competence to decide on which locations polling stations are to operate. Polling stations shall be organized in public buildings, preferably schools or seats of municipal councils or parish councils that offer the necessary conditions, in terms of capacity, access and security.

256. In the absence of suitable public buildings, private buildings shall be requested for such purpose.

257. With regard to the right to vote and to stand as a candidate there are still no official indicators that assess the exercise of such rights by persons with disabilities.

258. In 2010, the INR, within its editorial policy on the rights of persons with disabilities, published an easy language booklet on the election of President of the Republic, which provides voters with disabilities with information on these elections.

259. The booklet, which was prepared in collaboration with the National Elections Commission, provides information through pictograms and accessible text, for readers with special needs.

260. This information project of wide national coverage is aimed at raising the awareness of Portuguese society to the principle of equality that is enshrined in the Constitution of the Portuguese Republic, as well as at promoting greater participation of persons with disabilities in public life, including elections and referendums.

### **Article 30 – Participation in cultural life, recreation, leisure and sport**

261. The Constitution of the Portuguese Republic enshrines, in Article 79, the right of everyone to physical education and sports. This was emphasized by Law 5/2007 of 21 July (Basic Law on Physical Activity and Sports), in which sports is considered a critical factor

in one's personal development (whether or not the person has a disability) and for the development of society.

262. The Basic Law on the Sports System, introduced by Law 1/90 of 13 January, is the first to enhance physical activity and sports for persons with disabilities within the sports system.

263. Between 2009 and 2011, specific support provided for sports performed by persons with disabilities was limited to the Portuguese Paralympic Committee (CPP), the Portuguese Federation of Sports for Persons with Disabilities (FPDD) and Special Olympics – Portugal (SOP).

264. It should also be noted that in 2009 and 2010, as part of the Paralympic Preparation Program (London 2012), which included scholarships to support athletes and trainers and allowances for the preparation of activities, the following federations were supported: Equestrian Federation of Portugal: €24,396 in 2009 and €16,985 in 2010; Portuguese Federation of Rowing: €!Syntax Error, , in 2010. In addition to the above legal provisions concerning sports for persons with disabilities, there are specific provisions on high performance matters.

265. In addition to the above-mentioned instruments, there are legal provisions relating to sports for people with disabilities (High Yield Sports legislation).

266. Thus, the legislator, within the framework of support measures for high-yield sports, as provided for under Decree-Law 272/2009 of 1 October (regulated by Administrative Regulation 325/2010 of 16 June), recognizes the specificity of this area and establishes criteria for the integration of athletes in the national register of high-performance athletes.

267. Moreover, Decree-Law 272/2009 specifies post-career measures for high-yield athletes, making no distinction between those who develop their sporting activity within the Olympic Movement and those who develop it within the Paralympic Movement.

268. An administrative regulation on sport awards for high-yield athletes with disabilities entered into force on 17 June 1997 (No. 393/97). This administrative regulation recognizes the Paralympic Games competition program for prize award purposes.

269. Since 2009, a total of €250,000 have been granted for prize awards within the framework of this administrative regulation.

270. As stated above, the Portuguese Sports Institute (IDP) supports CPP, FPDD and SOP in various programs: Development of Sports Practice, Technical Framework, High Yield and National teams, Human Resources Training, Regular Activities (only CPP and SOP), Missions and Multi Sports Games.

271. On 24 September 2009, a quadrennial contract-program was signed between IDP, INR and the Portuguese Paralympic Committee, to establish the framework on the Paralympic Preparation Project, London 2012, with the view to:

(a) Ensuring the best possible conditions for the preparation of athletes and national for participation at the Paralympic Games;

(b) Providing athletes participating at the London 2012 Paralympic Project with the necessary conditions to prepare themselves for participation at the Paralympic Games, in order to achieve the following goals:

(i) Improvement of the overall sports results in London 2012 Paralympic Games;

(ii) Increase in the overall number of national representatives, with particular emphasis on females;

(iii) Participation of new athletes and reduction of the age level of participants.

272. To achieve these goals, the program supports athletes and trainers; the preparation of activities; and the respective administrative structures:

(a) Grants are given directly to athletes and trainers through scholarships, the amount of which is established in the rules of the program. The amount depends on the level of integration of athletes, which also takes into account sports results achieved at the international level;

(b) Support for preparation activities is given through the provision of funds to sports federations, in order to cover preparation expenses; Portugal is currently considering the organization of a deaflympic preparatory project similar to the preparations for the paralympics.

273. Concerning participation in cultural life, some departments within the Secretariat of State for Culture (SEC) provide special services designed for persons with disabilities, both as an audience and as artists. For instance, the production of Braille and audio books, audio guides and video guides (in sign language), as well as facilities for artists with disabilities through contracts with artistic structures that compete for funding.

### **Article 31 – Statistics and data collection**

274. Portugal is considering a system for the effective harmonization of terminologies used in health systems, education, vocational training, employment, transport, culture, tourism, sport and leisure, in order to develop coherent, coordinated and comprehensive statistical indicators.

275. Data available is collected at different times by different entities and according to different perspectives, such as:

- The National Health Interview Survey on disabilities, handicaps and disadvantages (1995), set up by the former National Secretariat for Rehabilitation (presently National Institute for Rehabilitation);
- Data collected by the National Statistics Institute (Census 2001).

276. Replies on disability and incapacity obtained in Census 2001 resulted mainly from self-evaluation by each respondent in relation to the types of disabilities listed in the questionnaires. Even when forms were filled by interviewers or parties other than the respondent, replies were based on the perception each person had of his or her own individual characteristics or of the characteristics of the family they were providing information about.

277. As at 12 March 2001, there were 634,408 persons with disabilities in Portugal, including 333,911 men and 300,497 women, representing 6.1% of the resident population (6.7% of the male population and 5.6% of the female population).

278. Data disaggregated by types of disability show that the rate of prevalence of visual impairments was the highest, representing 1.6% of the total population, with a similar proportion in men and women. Hearing impairments had a lower prevalence (0.8%), and very similar rates in both sexes: 0.9% for men and 0.8% for women.

279. Larger gender gaps were observed in physical disabilities: 1.3% for women and 1.8% for men. In the total population, the proportion of individuals with such disabilities was 1.5%.

280. The percentage of persons with mental disabilities was 0.7%: 0.8% male and 0.6% female.

281. Cerebral palsy was the type of disability with lower recorded prevalence among the population, slightly higher among males.
282. Disability rates among males are higher than among females in all regions of the country, with the sharpest difference in Central Portugal (7.4% of males; 6.0% of females) and the lowest in the Autonomous Region of Azores (4.4% of males and 4.1% of females).
283. Higher disability rates in males are evident for almost all types of disabilities, especially physical disabilities (in Portugal, the female/male ratio was 100/131.7). However, females were predominant among the population with vision impairments (90.7 males for every 100 females).
284. Visual, physical and other disabilities showed the highest prevalence rates in all regions of the country. The rates of incidence of cerebral palsy were identical in all NUTS II (between 0.1% and 0.2%).
285. The percentage distribution of the total number of persons with disabilities by type and age shows that the relative incidence of cerebral palsy is significantly higher among young people than among older people.
286. For example, among the population with disabilities under 16 years of age, the relative incidence of individuals with cerebral palsy was 17.5%, 11.4 percentage points higher than the overall percentage of persons with disabilities in the same age group (6.1%); on the other hand, for those aged 65 and above, cerebral palsy represented 6.0 percentage points.
287. On the other hand, the relative incidence of hearing and physical impairments increases with age, and is very significant among older people.
288. Up until 64 years of age, the prevalence of disability is higher among males, particularly in younger age groups. However, among the older population, females featured as the highest percentage of persons with disabilities. This is a result of the age structure of the resident population; elderly women have greater longevity than men.
289. The highest rates in the 0-15 age group were of visual impairments (which varied between 0.4% in the Autonomous Region of Azores and 0.8% in Central Portugal) and other disabilities, with 0.5% in practically all NUTS II.
290. Gender variations are more prominent in persons with mental disabilities (151.8 men per 100 women) and “other disabilities” (147.3 men per 100 women). Females have slightly higher ratios of visual impairment in most regions of the country.
291. In the 16-24 age group, visual impairments have the highest prevalence in all regions, followed by mental disabilities and “other disabilities”.
292. In the same age group, the proportion of males with disabilities is higher than in the preceding age group (0-15 years), except in the Autonomous Region of Azores.
293. At the national level, the largest gender differences can be observed among persons with physical impairments and other disabilities (189.9 men per 100 women for physical impairments; and 174.1 percentage points for other disabilities). In the Autonomous Region of Azores and Northern Portugal, masculinity ratios observed were higher than 200 as it concerns persons with physical disabilities.
294. In the 25-54 age group, the incidence rate of disability was approximately 1% in all NUTS II (significantly higher than that for the age groups Center).
295. In this age group (25-54 years), there is a similar proportion of persons with visual impairments and other types of disabilities, ranging from 0.8% to 1.5% in the different regions.

296. This age group has the highest ratio of males among the total population with disabilities: 138 men per 100 women. There are gender disparities among persons with physical disabilities, with male ratios of more than 200 in most regions, except Lisbon and Tagus Valley (187.6). The male ratio is also high among persons with mental disabilities, especially in the Algarve (171.3).

297. In the 55-64 age group, the highest incidence rate was of persons with “other disabilities” (ranging from 1.7% in the Autonomous Region of Azores and 3.1% in Central Portugal), followed by persons with physical disabilities (from 1.9% to 2.9% in those regions respectively). Visual impairments also featured significant incidence rates: between 1.8% in the Autonomous Regions and 2.4% in the Alentejo.

298. The elderly population shows the highest rates of disability, as previously pointed out, in particular physical disabilities (ranging from 3.0% in the Autonomous Region of Azores and 4.5% in Central Portugal). There are also very high rates of persons with visual impairment, hearing impairment and other disabilities.

299. The 55-64 age group has the highest incidence rates for all types of disabilities, except mental disability, for which, rates are similar in all age groups.

300. Among the elderly population, the male disabilities ratio is almost always less than 100, reflecting the larger number of women, both in the total population and in the population of persons with disabilities.

301. Nonetheless, when comparing the structure of the total elderly female population with the elderly population with disabilities, men with disabilities are proportionately higher in number than women. The largest gender gap can be observed among persons with mental disabilities (ratios vary between 41.6 for men in the Azores and 68.0 in Central Portugal). The population with cerebral palsy in Alentejo and Algarve is the exception, with 116.7 and 165.8 male ratios, respectively.

302. Among persons with disabilities, the ageing index (ratio between the number of the persons over 65 years and the number of persons under 15) is around 5.5 that of the overall population. While the ratio between the elderly and the young in the overall population is 95, among elderly and young people with disabilities it is 547. In regions with the most aged population, the ageing indexes of persons with disabilities are higher: Alentejo (981 elderly persons with disabilities per 100 young persons), Algarve (792) and Central Portugal (697).

303. The ageing indexes for the population under analysis are higher among persons with physical disabilities (1356), while the highest values are present in Central Portugal (2061) and Alentejo (1940), and the lowest in Azores (605) and Madeira (860).

304. In Portugal, more than half of the population with disabilities (53.5%) had not been assigned any degree of disability (only the degree of incapacity determined by a health authority established for that purpose has been considered). The proportion of persons with disabilities with a degree of incapacity exceeding 80% was 11.6%.

305. In 2011, Portuguese population censuses were conducted by the National Statistics Institute (INE) and the official publication of results concerning persons with disabilities is still pending.

306. The National Road Safety Authority (ANSR) (*Autoridade Nacional de Segurança Rodoviária*), within its mandate, in all external and internal manifestations of social intervention, respects and requires strict compliance with the legal requirements and measures imposed by the Convention on the Rights of Persons with Disabilities.

307. With regard to road safety, ANSR, as the entity responsible for national statistics on road traffic accidents (Statistical Bulletin of Road Traffic Accidents), registered last year in



Continental Portugal, a total of 514 persons with disabilities who were victims of road traffic accidents.

308. Victims are divided into three different categories, namely:

	<i>Death</i>	<i>Severe Injury</i>	<i>Light Injury</i>	<i>Total Victims</i>
With hearing impairments	4	8	84	96
With physical impairments	8	25	298	331
With vision impairments	0	14	73	87
<b>Total Pedestrian Victims with disabilities</b>	<b>12</b>	<b>47</b>	<b>455</b>	<b>514</b>
% of pedestrians	11.0%	9.5%	8.5%	8.6%

309. The total number of victims with disabilities was 514, which represents 8.6% of the total number of pedestrian-victims of road traffic accidents.

310. Complete data relating to 2011 is not yet available, since the only validated numbers refer to the first three quarters of the year.

311. Finally, it should be noted that there is no data concerning disability for driver and passenger casualties.

## **Article 32 – International cooperation**

312. Portugal has always attached great importance to international cooperation on the rights of persons with disabilities, in order to promote universal awareness of such rights and their full enjoyment everywhere.

313. In this sense, the National Institute for Rehabilitation (INR) is competent to propose and define measures in this regard and to promote the development of community, European and international cooperation on matters concerning the rights of persons with disabilities.

314. INR can represent Portugal before the European Union, the Council of Europe, the United Nations, the Intergovernmental Ibero-American Technical Cooperation Network (RIICOTEC), the Community of Portuguese Language Countries (CPLP) and other international organizations.

315. RIICOTEC aims to promote the development of policies for seniors and persons with disabilities in all Latin American countries, through technical cooperation and information sharing between public bodies with expertise in such areas operating in the following 21 countries: Argentina; Bolivia; Brazil; Colombia; Costa Rica; Cuba; Chile; Dominican Republic; Ecuador; El Salvador; ; Guatemala; Honduras; Mexico; Nicaragua; Panama; Paraguay; Peru; Portugal; Spain; Uruguay, and Venezuela. Portugal joined the Network in 1998.

316. Important efforts for information and best practice sharing have also been undertaken within the Community of Portuguese Language Countries (CPLP). The use of Portuguese as a common language facilitates awareness raising of the rights of persons with disabilities.

317. INR participation in the activities of such regional and international bodies has enhanced the visibility of good practices adopted in Portugal for the prevention of disability and the habilitation, rehabilitation and participation of persons with disabilities, and has also enabled the collection of information on innovative and quality responses in these areas.

### **Article 33 – National implementation and monitoring**

318. Article 33, paragraph 1, of the Convention on the Rights of Persons with Disabilities provides for the designation of one or more focal points within government for matters relating to the implementation of the Convention, as well as for the creation of a governmental coordination mechanism to facilitate related action in different sectors and at different levels.

319. The Directorate-General of Foreign Policy (within the Ministry of Foreign Affairs) and the Office of Strategy and Planning (within the Ministry of Solidarity and Social Security) have been appointed in this regard.

320. The definition of the structure of the independent mechanisms provided for in paragraph 2 of Article 33 of the Convention, whose mission will be to promote, protect and monitor the implementation of the Convention, is in its final phase.

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