

EUROPEAN OBSERVATORY ON
NATIONAL FAMILY POLICIES

DEVELOPMENTS IN
NATIONAL FAMILY POLICIES IN 1996

edited by

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CHAPTER TWELVE

Portugal: Issues Concerning the Family in 1996

by

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Introduction and Commentary

Portugal, in common with other Southern European countries, may be described as a country with a strong and explicit ideological commitment to the family, but a low profile as far as family policy is concerned. In the past, social policy measures have been introduced and improved later than in other member states, in the seventies and eighties, and usually in the context of severe economic constraints and a weak development of the welfare state. In this setting, the family has always been seen and taken largely for granted as the basic provider, carer and problem-solver for individuals, its capacities acting as a compensation for the uncertainties and weaknesses of social policies. This does not mean that there have been no changes affecting families. Over the last two decades, there have been major legislative changes relating to marriage and divorce, parental responsibilities, women's and children's rights, as well as a slow, irregular, build-up of financial support measures and services. Seen in a comparative perspective, however, social provision for families, especially where service provision and support for vulnerable families are concerned, has been sketchy and poor in Portugal. In the early nineties, family benefits were universal but extremely low; there was no minimum income guarantee or special support for needy families such as lone parents. Homes for the elderly were too few to meet demand, with long waiting lists and frequent loss of quality due to overcrowding, while domestic home-help services and day-centres, initiated in the late eighties, were only just beginning to have an effect on families. As for childcare services, although expanding rapidly thanks mainly to non-profitmaking social solidarity institutions, take-up rates were still lower than in many other European Union member states.

The general economic situation since 1991 has not been very favourable to families either (see previous reports)¹. However, in 1995 and 1996, the economic climate was slightly better than in the preceding years, with a GDP growth of 2.3 and 2.5² per cent (as compared to 0.7 per cent in 1994) and an inflation rate of 4.1 and 3.1 per

¹ For example, rate of growth in the total available income for families was 3.1% in 1992, -2.7% in 1993, -1.5% in 1994 and 0.7% in 1995). Cf. Banco de Portugal, Departamento de Estatística e Estudos Económicos, *Indicadores Económicos: 1993-1995, 1996*.

² The Bank of Portugal has forecast a rate between 2.25 and 2.75 for 1996

cent (5.2 per cent in 1994)¹. The unemployment rate, 7.2 in 1995 and 7.3 in 1996, has remained stable, although women and young people under age 24 continue to have higher unemployment rates (8.2 per cent and 16.7 per cent respectively in 1996). Long-term unemployment (12 months or more) has, on the other hand, increased over the last few years, affecting 46.5 per cent of the unemployed population in 1995². In this context poverty, due to problems of housing, unemployment, low salaries and the very low values of a high proportion of pensions, continues to affect a large number of families. A report published in December 1996 showed that 18.5 per cent of Portuguese families may be considered "poor" and, of these, 4.8 per cent as "very poor", with problems relating, first, to housing and payment of regular expenses such as water and electricity supplies and, secondly, to food, clothing and health costs³.

In spite of economic constraints in 1996, together with the overriding objective of meeting the Maastricht criteria on monetary union, the election of the new socialist government at the end of 1995, promising a renewed interest in social policy objectives and a strong commitment to supporting low income families, created high expectations in the field of social and family policies. The creation of the Ministry of Solidarity and Social Security (previously Ministry of Employment and Social Security) as well as the post of High Commissioner for the Promotion of Equality and the Family also promised to raise the profile of family policy. This was accompanied by a reshuffling of government services, with the closing down in 1996 of the Directorate General for the Family within the Ministry of Solidarity and the enhancing of the Directorate General for Social Action and the High Commissioner's office.

The reorganization of social protection, the costs of social security provision and reaching out to "poor" families, rather than families in general, remained central to political debate and action throughout 1996. The main actor in this process was the Ministry of Solidarity and Social Security, with four issues featuring permanently in the forefront of public debate and policy:

- a) the Guaranteed Minimum Income, which was introduced by the Ministry in July 1996, albeit still on an experimental basis.
- b) the scope of necessary reforms in social protection in both the short and long term, with an emphasis on the need to improve vertical redistribution, on the one hand, and to deal with the adverse financial situation of social security, in particular the rising costs of pensions, on the other hand.
- c) The problem of fraudulent claims for benefits (especially those relating to sickness benefits) and the measures taken to combat them.
- d) a new logic of partnership for the development of social assistance and the establishment of a Pact of Solidarity for Cooperation between the State and the private solidarity institutions.

The Pact, defining the areas and rules for cooperation in the development of a network of social support, was negotiated and signed in December 1996 between

¹ Banco de Portugal, op. cit., 1996 and Boletim Económico, September 1996.

² Labour Survey, National Institute for Statistics.

³ Departamento de Estatística do Ministério para a Qualificação e o Emprego, *Caracterização da pobreza em Portugal: Março/Abril 1995*, Lisboa, MQE, CICT, Coleção Estatísticas - Diversos nº 4, 1996.

the government and the leaders of the Unions representing social solidarity institutions. It led to a first agreement in January 1997 whereby the Ministry of Solidarity and Social Security, in exchange for more training and integration of voluntary workers, increased the subsidies for institutions giving support to elderly people, disabled people and children¹.

Other important issues have also been taken up by political parties, other ministries, and the media, as well as institutions and actors responsible for social assistance to families and children. Children's rights and problems have been constantly at the forefront of debates about child maltreatment and sexual abuse, emerging family forms and their impact on children, child labour and measures to combat it, the right to pre-school education, children's living and schooling conditions, drug and alcohol addiction in young people. A Commission on Children's Rights, with a monitoring role, was created at the end of 1996, within the High Commission for the Promotion of Equality and the Family, and the Interministerial Group for Combating Child Labour was created in March 1996². A vigorous discussion on women's rights and abortion has also been a feature of debate concerning proposed changes to legislation on abortion, introduced by the Young Socialists and the Communist party. The proposed legislation provided for abortion on demand before twelve weeks but failed to obtain a majority of votes in February 1997. A certain number of other issues which concern families and their living conditions have been frequently discussed or reported by the media during 1996. These include the problem of housing and rehousing, which continues to be the main problem of low income families; the problem of unemployment and training policies; and the politics of social integration, which in fact cut across different groups of socially excluded individuals and families, such as homeless people, low income and unemployed families with children, victims of domestic violence, HIV-infected individuals and couples, immigrant and minority families (especially gypsy families), families with problems of drug addiction, disabled individuals and their families and teenage mothers.

All in all, as the following chapters of the report show, the last year has witnessed a major development which may be described as a strengthening of government intervention in social provision, with the spotlight on the problems of social exclusion, and more widespread discussion, in society as a whole, of the aforementioned problems. Family policy has, in this context, remained rather in the shadow of social policy. The main instrument of support, family benefits, is being debated but has not been substantially altered, and the High Commissioner's office has, until now, only signalled its intention of raising the profile of family policy. It has done this mainly by reactivating institutions (the Council for Family Affairs, an amalgamation of two former bodies, has been reorganized and met in January 1997), by creating the Commission on Children's rights and by organising debates on the problems of the contemporary family³.

¹ Homes for the elderly and support centres for the disabled received the highest increases (6 per cent), which means that these institutions receive 40,831 escudos and 62,816 escudos, respectively, for every elderly or disabled person.

² Despacho Conjunto, 2 April 1996, Ministry of Justice, Ministry of Education, Ministry of Solidarity and Social Security, Ministry for Qualification and Employment.

³ Cf. "Família: que crise?", 15 May 1996 and "Família: que futuro?", 11 November 1996.

Taxes and benefits

Fiscal policies

The main change in taxation, as far as the family is concerned, was the change in the married couples coefficient from 1.9 to 1.95. This mainly benefits couples where one of the partners does not work. The structure of allowances and deductions has remained more or less the same. In 1996, single taxpayers had a tax-free allowance of 33,000 escudos and married taxpayers 50,000 escudos. Cohabitees are treated as two single persons. These amounts are increased by 60 per cent when either the taxpayer or their dependent child is disabled. Child dependant allowances were raised to 18,000 escudos in 1996 and "dependants" continue to be defined as those who are not wage-earners or who earn less than the national minimum salary, and are under 18 years of age (25 if they are students). Allowances for second, third, fourth and subsequent children were, however, increased, to 18,200 escudos for the second child, 18,400 escudos for the third child and 18,500 for the fourth and subsequent children. Social security contributions payable by employees (11.0 per cent) and by employers (23.25 per cent) have not been changed.

Family benefits

Changes in conditions of entitlement for family benefits were initially announced at the end of 1995 by the new Ministry of Solidarity and Social Security, the idea being that selectivity should be introduced, with the more vulnerable families receiving higher benefits. This targeting of benefits was not implemented in 1996 but there was a move in this direction by selective uprating of some benefits which target groups with higher risks of social exclusion¹.

Thus, within the main family benefit ("*Abono de Família*"), the amount paid for each child increased in line with inflation from 2,580 escudos in 1995 to 2,700 escudos in 1996 (4.7 per cent increase) but the means-tested allowance for the third child and subsequent children received an extra uprating (of 8 per cent), passing from 3,880 escudos in 1995 to 4,190 escudos in 1996. Families with a net income below 81,900 escudos (the minimum salary for 1996 multiplied by 1.5) are entitled to this benefit.

Benefits for families with disabled children were also increased by 8 per cent. The special allowance for disabled children increased from 5,750 escudos to 6,210 escudos for children under age 14, from 8,390 to 9,070 escudos for children aged 14 to 18 and from 11,210 to 12,110 escudos for children aged 18 to 24. The monthly life allowance for families with a disabled descendant over the age of 24 was, on the other hand, increased by 14.3 per cent, from 17,500 to 20,000 escudos. This brings the latter allowance up to the value of the social pension (a non-contributory benefit) but still well below the minimum amounts for invalidity and old-age pensions under the contributory scheme (29,000 escudos in 1996). Finally, the allowance for third party assistance, a benefit for carers with a dependent disabled descendant requiring permanent care by a third party, was increased from 9,650 escudos in 1995 to 10,100 escudos in 1996 (4.7 per cent increase).

Other family benefits received a more modest uprating (4 per cent): the birth grant went up from 22,930 to 23,850 escudos; the marriage grant from 19,060 to 19,830

escudos; the nursing allowance, a monthly benefit covering children up to ten months, from 4,220 to 4,390 escudos in 1996; and the funeral grant from 26,670 to 27,740 escudos.

The issue of cash benefits for families, although it cannot be described as a highly charged political issue in 1996, has nevertheless been constantly in discussion during the year. The most controversial point in the debate - whether to maintain a universal family benefit or introduce selective family benefits - has arisen several times, but major changes have not been introduced as yet. Universal benefits are popular and seen as more politically acceptable but there is also a strong trend favouring more selectivity as well as a commitment on the part of the Minister of Solidarity and Social Security to a changing balance between the principles of universality and selectivity.

Problems and objections to selectivity have been raised by different sectors of society: by the fiscal authorities, who raise problems relating to the correct assessment of income and, also, by some sectors of society who do not favour moving away from a focus on families in general. For example, the CGTP (General Confederation of Portuguese Workers) declared in 1996 in its Programme for Action¹ that it is "frontally opposed" to selectivity in family benefits because it "defends social security as a right and a right for all". Nevertheless, it is in favour of a general improvement in the level of the family benefit for children and also agrees to "greater differentiation" in the amounts of benefit with a view to favouring large families and low income families; according to the CGTP, a policy of this type would not be contrary to the principle of universality. UGT, the other main trade union, also favours differentiation of family benefits according to family income.

Meanwhile, the Commission for the White Paper on Social Security, created by the Government in February 1996² to study and present recommendations on the situation and the future of social provision in Portugal, expressed the view that family benefits should be revised, with the introduction of more selectivity and an increase in the amounts of the main family benefit for children, whereas certain other benefits - the birth grant, the marriage grant, the nursing allowance - should be abolished, the money spent on the latter being used to fund the increase in the main family benefit. The Commission also recommended the retention of existing benefits for families with disabled children and the funeral allowance for families.

According to a report (MSSS, 1996) published in March 1996, the costs of the benefits to be abolished (marriage and birth grants; nursing allowance) have decreased over the last few years. On the other hand, expenditure on the main family benefit for children (as well as the allowance for third party assistance and for the education of disabled children) has increased only very slightly in real terms and still represents a low proportion - 4.7 per cent in 1994 - of total expenditure on social security benefits. Old age pensions for the same year represented 73.3 per cent, unemployment benefits 11.3 per cent, sickness benefits 6.6 per cent and other benefits 4 per cent (with the birth and marriage grants plus the nursing allowance representing together only 0.5 per cent of the total). The total expenditure on benefits

¹ Portaria n° 35/96, 10 February.

¹ Programa de Acção, 8º Congresso da CGTP, p. 49.

² Resolution of the Council of Ministers n° 22/96.

established for the 1996 and the 1997 budgets maintains a low proportion (4.4 per cent) for family benefits¹. Concern has therefore been expressed in particular concerning the costs of pensions, the increase in expenditure on unemployment benefits and sickness benefits but not in relation to family benefits.

During the last quarter of 1996, the Minister of Solidarity and Social Security repeatedly announced his intention to introduce the above-mentioned changes to family benefits in 1997, although he also mentioned possible administrative obstacles to the proposed solutions. In September 1996, at a conference on "Reforming social security: how and why?", he underlined the introduction, in 1997, of new rules of selectivity which, in the case of high income families, could mean a cut of 30 per cent in the family benefit for children (Rebello, 1996). In December 1996, it was also announced that not only new rules of selectivity but also new forms of application and registration for the family benefits would be introduced in July 1997. According to the new system, claimants will be required to apply for the benefit and submit a declaration of income, which will in turn determine whether the claimant has a right to a high or a low percentage of family benefit. The aim of these measures is "to improve the situation of the more vulnerable" and not the situation of middle class and richer families (Aguar, 1996), even if the Ministry emphasised that it will also try "to avoid people with medium incomes losing benefits". Three levels of income, which will differentiate access to benefits, have been proposed and are presently in discussion²: below 1.5 the minimum salary (56,700 in 1997), between 1.5 and 8 times the minimum salary and above eight times the minimum salary. One of the main problems in this income scale is the fact that many families with low per capita incomes, such as families with three or four members and a monthly income of 110,000 or 120,000 escudos will not have access to the highest amounts of benefit. For example, a family with two children where both parents earn the minimum salary usually has severe problems in making ends meet and cannot be regarded as a family with a "fair standard of living" even if income is above "average" income. The second level of income therefore tends to treat as equivalent the situation of households with very different standards of living and does not take into consideration neither the problems of families who, although not being "very poor", may be suffering economic hardship, nor the differentiation in living conditions according to the number of children in the household. Finally, it is also important to mention that the problems of lone parent families are not taken into account in the proposed measures.

According to the High Commissioner's office, the above-mentioned income scale is not considered adequate, and one of the possible changes would be to propose the first level of income at three times the national minimum salary. Disagreement has also been expressed in relation to the marriage benefit, the idea being that the marriage grant could be maintained for the first two levels of income. Although

¹ According to the State Secretariat for Social Security, expenditure on family benefits in 1996 (including all family benefits: the main family benefit for children, the marriage and birth grants, the nursing and the funeral allowances and benefits for families with disabled children) is expected to have been 67,650,000,000 escudos (4.37 per cent of total expenditure on benefits). This value is well below the 1994 value for expenditure on family benefits (73,326,000,000 escudos). The budget for family benefits in 1997 is 73,450,000,000 escudos (4.45 per cent of total expenditure on benefits).

² MSSS, *projecto de decreto-lei que formula o regime juridico das prestações familiares (3a versão)*.

recognizing the need to introduce more vertical distribution, the High Commissioner has expressed the opinion that horizontal family policy should not be totally sacrificed to a more vertical, socially-orientated, policy. In this context, other suggestions have been aired, such as introducing the means-tested family benefit from the second child onwards, to try to reinforce existing, rather timid demographic incentives.

Pending the approval of the new legislation, family benefits have been uprated temporarily in line with inflation¹.

Other social security benefits/minimum income

Unemployment benefits: Allowances for unemployed people in Portugal exist in two forms: unemployment benefit, based on insurance principles and granted for 10 months or more (up to a maximum of 30 months) depending on the age of the unemployed person, and unemployment social assistance, which is aimed at those without insurance entitlement and those who have exhausted their claim to the unemployment benefit. Unemployment social assistance is related to the number of dependent family members and average per capita monthly income in the family². The national minimum wage, which is used as a basis, was raised to 54,600 escudos in 1996. Claimants of unemployment social assistance are entitled to 100 per cent of this amount if there are four or more dependent members in the family; to 90 per cent if there are two, three or four members; and to 70 per cent if they are single.

In 1996 no changes were introduced to the structure of benefits but an alteration was made in the conditions of entitlement to the unemployment social assistance benefit, with a view to reinforcing social protection measures for unemployed people over 45 years of age. Unemployed claimants with no insurance entitlement and aged between 45 and 55 now have the same right as those over 55 to 30 months of unemployment social assistance (previously only 24 or 27 months)³. The Government also put forward legislation with a view to promoting the development of a "social market of employment", defined as "a series of solutions for the integration or reintegration of unemployed persons on the basis of activities directed at social needs which are not satisfied by the normal functioning of the market". The aim is not only to integrate the unemployed into society, but also to satisfy social needs such as helping in families and schools or contributing towards the improvement of the urban environment, cultural or natural heritage⁴. A Commission for the Social Market of Employment was created and the Ministries of Solidarity and Employment established the structure and conditions of entitlement to "occupational activity" programmes, promoted by social solidarity institutions, local authorities and public services in collaboration with the *IEFP* (Institute of Employment and Professional Training), and which target two types of unemployed persons: unemployed workers receiving benefit and unemployed workers with no benefit and in a situation of economic deficiency. The latter are entitled to an "occupational benefit", equivalent to the minimum salary, partly funded by the *IEFP* according to the following percentages: 100 per cent for the first six months,

¹ Cf. Portaria nº 54/97, 22 January 1997.

² See Decree-Law 79A/89, 13 March and Decree-Law 418/93, 24 December.

³ Decree-Law nº 57/96, 22 May.

⁴ Cf. Resolution of the Council of Ministers nº 104/96 and Portaria nº 192/96, 30 May.

80 per cent for the following six months, in the case of social solidarity institutions and local authorities; 80 per cent for the first six months and 60 per cent for subsequent months in the case of other non-profitmaking institutions. Unemployed workers receiving benefit are obliged to accept the work made available under the occupational programmes if it is compatible with their professional experience and preparation.

Three other developments concerning unemployment and work patterns may be mentioned. Decree-law n° 21/96 introduced the reduction of normal working hours to forty hours a week and legislation was introduced providing a legal framework for the financial support to firms which create jobs for young people looking for a first job or for the long-term unemployed¹. The issue of legal retirement age for women was also raised in parliament in April 1996 and the reduction in the retirement age for women to age 62 was approved by the opposition parties. The Ministry of Solidarity and Social Security expressed concern as to the costs of the change².

Minimum income guarantee: The Guaranteed Minimum Income, a non-contributory benefit accompanied by a social integration programme, was created by the MSSS in June 1996³ with "the aim of guaranteeing individuals and families the resources which contribute to satisfying their basic needs and to promoting a progressive social and professional integration". Adults over age 18, or below 18 if they have dependent children in their household, are entitled to the benefit if their economic resources, or those of their household, are below the income support level as defined by the GMI. An adult is entitled to 20,000 escudos, the equivalent of the social pension. The second adult of the household is entitled to the same amount, other adults to 70 per cent and children to 50 per cent of this amount. This means that a couple with one child and no means will be entitled to 50,000 escudos, a little less than the national minimum salary. Claimants must also be prepared to follow a social integration programme, defined by the MSSS and the MQE and implemented under the auspices of the Local Follow-Up Commission. Regional Social Security centres are responsible for the assessment of household income and payment of the benefit but the LFCs, made up of local representatives from educational, social security, health, municipal, trade-union or social solidarity institutions are responsible for approving, monitoring and assessing the social integration programmes.

The GMI legislation also provided for a National Commission for Minimum Income within the MSSS, responsible for implementing and evaluating the new legislation and measures, and for producing an annual report. 1996 was considered a trial period and the GMI was launched in the form of 90 experimental pilot projects of social assistance. The first report of the NCMI showed that 11,596 people were included in 2,948 households receiving GMI at the end of the year and underlined the high level of participation by local authorities, social solidarity institutions and *Misericórdias* in the Local Commissions (NCMI, 1997). It also mentions the need to involve other partners such as trade unions and employer Associations in order to

improve the local dynamics of social insertion. Until now a fairly low percentage, approximately 20 per cent of GMI beneficiaries, have been included in social integration programmes and 11 per cent have been exempted from participation in these programmes, mainly for health or age reasons. However, in relation to the criticism that the GMI would encourage the "inertia" of the excluded, the Commission seems optimistic about the results of the first six months: local commissions have reported to the effect that the GMI, together with the regular contacts and exchanges with the families that it implies, has contributed to reduced absenteeism of children from school and to problem-solving for families. The social integration programme imposed on claimants is regarded as a fundamental characteristic that must be developed and adapted. For example, the NCGI report indicates that many claimants need "pre-qualifying" training rather than professional training and that it will be necessary to work on the methodologies of training and integration.

Analysis of a sample of 2,606 households receiving GMI at the end of 1996 shows the predominance of the nuclear family (couples with no children represent 11.6 per cent of the total and couples with children 44.5 per cent), a high proportion of lone parents (22 per cent, mostly women) and a small proportion of multiple family households (8.7 per cent) and of individuals living alone (12.9 per cent, again mostly women). Total lack of resources thus cuts across all types of family forms, a conclusion which surprised the National Commission since studies on poverty had indicated that people living alone and couples over age 65 and, secondly, lone parents, were more vulnerable to poverty. The high proportion of lone parents was thus expected and the fact that the proportion of GMI lone parents is more than double the proportion of lone parents in the total number of Portuguese households was not a surprise. More elderly people and more people living alone had, however, been expected. Various explanations have been suggested by the President of the National Commission⁴: elderly people may have more difficulty in obtaining information or believe the benefit does not apply to them; social security officials and social workers may be considering families with dependent children to be more deserving of this type of income support and be appealing to these families in particular to claim the benefit.

The pilot projects have been carried out in different areas of all the main regions of the country and the national Commission hopes to cover the whole country by the end of 1997. On the basis of the first six months, it estimates that 3.5 per cent of the resident population (345,000 people) will eventually be on income support.

Pensions: Pensions were uprated differentially in November 1995. According to decree-law n°1417 (24 November 1995) the aim was to increase the purchasing power of pensioners, especially those receiving the lowest pensions. The social pension was uprated 14.3 per cent (to 20,000 escudos) and old age pensions under the contributory scheme were uprated differentially: 4.5 per cent for pensions under 125,000 escudos, 4 per cent for pensions between 125,000 and 250,000 escudos, and a fixed increase of 10,000 escudos for pensions over 250,000 escudos. Minimum amounts for invalidity and old age pensions under the contributory scheme were

¹ Decree-law n° 34/96, Ministry for Qualification and Employment.

² Cf. 16 milhões para reformar mulheres, in *Expresso*, 4 May 1996.

³ Law n° 19-A/96, 29 June and Portaria n° 237-A/96, 1 July.

⁴ Interview with Dr. Paulo Pedrosa, President of the National Commission for Minimum Income, January 1997.

uprated from 27,600 escudos in December 1994 to 29,000 escudos in December 1995. The allowance for care or assistance by a third party, a supplement paid to pensioners requiring constant attendance, went up from 9,650 escudos to 10,100 escudos for pensioners under the contributory scheme and from 8,150 to 8,550 for pensioners under the non-contributory scheme.

In December 1996, a differential uprating was once more put into effect¹: the social pension went up to 21,000 escudos (5 per cent increase) and old age pensions under the contributory scheme were uprated 3.3 per cent (for pensions below 250,000 escudos) or 2.5 per cent (for pensions above this amount). An extra bonus, with amounts varying between 1,500 and 10,000 escudos, was introduced for old age pensioners of the contributory scheme over age 75, with pensions below the national minimum salary and having a long contribution record (at least 24 years or more).

Housing. The main aim of the "Special Programme for Rehousing (1993²)" was to eradicate shanty-towns in the metropolitan areas of Porto and Lisbon. In order to accelerate the rehousing of families and to promote a more diversified integration of families into urban and rural settings, law n° 79/96, of 20 June, allows local authorities to buy houses on the open market, at a certain price, and grants subsidies to families from shanty-town areas who buy houses. It also establishes subsidies for families who want to repair a house they own in their home villages in order to return there.

Reconciling work and family life

Leave arrangements and the protection of workers

There were no substantial legislative changes relating to leave arrangements, flexible working or the protection of workers in 1996. Law n° 229/96 (26th June) specifies the dangers (chemical agents, work processes, etc.) from which pregnant women and nursing mothers must be protected in the workplace. Wage-earners (either parent) continue to be entitled to miss work up to 30 days per year to care for a sick dependent child under ten years of age (or 15 days to care for a sick child over ten years, a spouse or a relative in ascending line). They are entitled to a benefit equivalent to 65 per cent of their average daily wage when taking leave to care for a sick child under age 10³.

Child care

Debate and measures relating to childcare have centred on the three to six age group. Increasing the number of pre-school day nurseries, for this age group, was defined as a priority of the new Ministry of Education, which plans to include, by 1999, 90 per cent of five year olds, 75 per cent of four year olds and 60 per cent of three year olds⁴. A 1994 official report (Formosinho, 1994) on pre-school provision estimated that only 53 per cent of children in the three to six age-group were in formal arrangements: in nursery schools belonging to the official network of the Ministry of Education, nursery schools provided by the private non-profitmaking social solidarity institutions (accountable to and subsidised by the Ministry of Solidarity and Social Security) or directly by the MSSS, and private profit-making or

cooperative nursery schools. The nurseries run by non-profit institutions, open for 10 to 12 hours, with canteens and means-tested payment, are still the most prevalent form of pre-school formal child care. Nevertheless, the number of day nurseries belonging to the Ministry of Education network has been increasing slowly, from 2,141 schools and 49,820 users in 1985/86, 2,853 schools and 68,382 users in 1990/91, 3,153 schools and 66,448 users in 1994/95 and to 3,250 schools and 68,408 users in 1995/96⁵.

One of the first measures implemented by the new Ministry was the creation of 779 places for pre-school teachers in the different districts of the country, a measure which had been envisaged for several years, following an agreement under which local authorities provided the classrooms and the Ministry of Education the teachers⁶. The discussion, negotiation and approval, in Parliament, of a law on pre-school education in Portugal was another aim of the ME for 1996. Preceded by vigorous debates in 1996, where one of the most controversial issues was the extent of State involvement in promoting and paying for pre-school education, the law finally passed in parliament in December 1996⁷. Some actors, such as trade unions, strongly defended the creation of a public, free of charge, pre-school network. The resulting law is a compromise between this view and one, closer to initial proposals by the Ministry, more centred on an outlook where the family, the voluntary sectors and social solidarity linked to the church occupy the main ground. It defines pre-school education for the three to six age group as a first stage of basic education, sets out its principles of organization and main objectives and establishes the roles and obligations of the State, of families, local authorities and private and cooperative institutions. Pre-school education is defined as optional, on the basis that the family is, first and foremost, responsible for the education of these children. The State, on the other hand, has a duty to contribute towards making the supply of pre-school education universal. In this context, private and public (including in the latter all establishments dependent on central administration and local authorities) pre-school networks are considered as complementary but only the "educational" component of pre-school is defined as "free of charge". This means that the other components such as canteens, occupational activities, looking after children until parents come to fetch them and so on, may be subsidized by the State (namely by the MSSS) but with families contributing according to their means. The role of the State is thus fourfold, according to the new law: to create a public network of pre-school education; to support the creation of pre-school educational establishments by other entities (private and cooperative establishments, social solidarity institutions, other non-profit institutions); to define the general norms of pre-school education; and to give special support to the regions of the country which are more vulnerable in educational and cultural terms.

Picking its way carefully among the duties and obligations of the different partners involved, the new legislation also attempts to influence the care model of public pre-school institutions by establishing that "the timetable should be adapted to the

¹ Portaria n° 700/96, 3 December.

² Law n° 163, 7 May 1993.

³ Decree laws n°s 332 and 333, 23 December 1995.

⁴ Cf. *Grandes Opções do Plano para 1997*, Law n° 52-B/97.

⁵ *Sistema Educativo Português, Situação e Tendências 1991*, DEPGEE, 1994 and, for 1994/95 and 1995/96: DAP, *Educação Pré-escolar - Rede do ME, Continente*, 1997.

⁶ See Portaria n° 17-C/96, 26 January and Portaria n° 648/96, 12 November, which created another 227 places.

⁷ Law n° 5/97, 10 February, "Lei Quadro da Educação Pré-Escolar".

possibility of giving children meals" and take into account not only time for educational activities but also the needs of families (article 12). This is an attempt to try and solve the problem of public pre-school establishments which, until now, were only open five hours a day, closing for two hours during the lunch hour. The absence of canteens and these opening and closing times often make it difficult for parents to reconcile work and childcare responsibilities.

The extent of formal provision for children under three has continued to receive practically no attention in the debate on public policies and priorities concerning day-care provision. By focusing on pre-school education for the over threes, childcare has essentially been envisaged from the point of view of the child's educational career, rather than from the point of promoting the reconciliation of work and family life. Also, if there has been any expansion in childcare provision for the under threes, it is due to non-profitmaking social solidarity institutions. Within the formal sector, official arrangements provided directly by the Ministry of Solidarity and Social Security exist in the form of a small number of crèches and, since 1984, in the form of registered childminders and family crèches (a group of registered childminders linked to a crèche). Only the latter have increased slightly over the last few years: according to social security statistics, in 1991 there were 403 childminders, 33 family crèches and 51 crèches; in 1993 515 childminders, 52 family crèches and 47 crèches and, in 1994, 528 childminders, 50 family crèches and 48 crèches¹.

Care of elderly and/or disabled people

In Portugal, the family is the main entity responsible for meeting the needs of elderly and disabled people. Financial and service-based forms of support are still poorly developed, with the public and non-profitmaking sector aimed primarily at supporting the less well-off social groups. Families with elderly physically dependent or disabled persons often complain of lack of support in fundamental situations such as moving a disabled person without having to call an ambulance or removing architectural barriers in public buildings. A National Survey on Disabilities, Handicaps and Disadvantages in Portugal also showed that extremely low percentages of disabled people, between 17 and 27 per cent of those aged over 55, ever had access to rehabilitation (*Secretariado Nacional de Reabilitação*, 1996, p. 31). Present policies relating to disabled people were publicly debated in a meeting entitled the National Parliament of the Disabled in November 1996². It called attention to the fact that the Law for Rehabilitation passed in 1979 has still not been implemented and also called for policy measures concerning health, support, education, architectural barriers and problems related to accidents at work.

Concern about the situation, especially the care of the elderly, has nevertheless been a constant trend in public debate over the last few years and has led to some policy response. For example, an effort to increase home-based care services (up from 20,568 users in 1992 to 24,934 in 1994) and day care centres (up from 27,967 in 1992 to 30,224 in 1994), to assess systematically the quality of care in homes, to close down those designated as unfit and promote the creation of new homes³. The supply of residential care places is low. According to social security statistics, in 1994 there

were 26 homes belonging to the public social security network (25 in 1993) and 690 private establishments (657 in 1993); 28,802 people were on waiting lists for homes. The Programme for the Integrated Support of the Elderly (PAII), created in 1994⁴, has also continued to be developed and, in 1995/96, began setting up two types of services: the Telealarm Service, which allows elderly people living alone to be in immediate contact with an outside network of carers and health professionals when in need; and the SAD (*Serviço de Apoio Domiciliário*), a home-based 24-hour care service which includes medical and nursing care (46 projects and 1,574 users in 1995/96⁵).

In the chapter on policy measures relating to social protection and the family, the Government's policy options for 1997 mention the need not only to create and distribute services and social facilities for children, disabled persons, elderly people and the "highly dependent" equitably over the whole country, but also to promote the easier access of families to services and facilities. It also announces its intention to develop the legislation which protects the rights of disabled people. However, the specific measures to tackle and implement these aims have not yet been defined, even if an initial overall strategy has been outlined: it refers, on the one hand, to the writing up and implementation of a Social Map - which will identify existing facilities and support structures in the country, with the aim of promoting the infrastructure effort in the future in a rational and coherent form and, on the other hand, to the promotion of the "social employment market" and more intense cooperation with the private institutions of social solidarity⁶. Under the auspices of the Solidarity Pact signed in December 1996, the MSSS intends to promote the development of a Social Network of Integrated Support.

Regulation of marriage and relationships

There have been no changes in the regulation of marriage, cohabitation and divorce and no changes in legislation concerning parental responsibilities, children's rights or adoption. Children's rights and the problems of social exclusion, ill treatment and abuse of children were, however, frequently debated during 1996. Attention was also given to the problem of assessing and reporting on the implementation of the Convention on Children's Rights, especially after the first report, presented in 1995 to the UN Committee on Children's Rights, was considered inadequate⁷ and suggestions were made as to the creation of some sort of structure inside the government to monitor childhood policies. Proposals led to the decision, in December 1996, to create a National Commission on Children's Rights, within the High Commissioner's office for the Promotion of Equality and the Family. It will accompany legislative and administrative measures relating to the Convention on Children's rights, collect data and information concerning these measures and their application and present a report every five years to the Committee on Children's Rights. The Commission includes the coordinator, who is a public attorney, and representatives of different Ministries and of non-governmental institutions such as the Portuguese Unicef Committee, the Institute for the Support of Children (IAC) and the *Misericórdias*.

¹ Despacho Conjunto, 20 July 1994.

² Data provided by the *Direcção-Geral da Acção Social*, PAII, February 1997.

³ Law n° 52-B/96, 27 December, *Grandes Opções do Plano para 1997*, pp. 166 - 169.

⁴ See, for example, in *Expresso*, *Crianças Portuguesas na ONU*, 17 March 1996.

¹ Social Security Statistics 1991, 1993, 1994, Vol. II - "Acção Social".

² Cf. *Deficientes exigem direitos*, in *Diário de Notícias*, 27 November 1996.

³ Social Security Statistics, 1993 and 1994, Vol. II - "Acção Social".

The idea of appointing a Protector for children or even a High Commissioner for children was also suggested by parliament in the autumn of 1996 but has been dropped in the meantime. Several names were taken into consideration by the government and discussed in the media, and a draft law on the "Protector" of children was drawn up by the educational adviser to the parliament presidency¹.

Contraception, abortion, medically assisted fertility treatment

In April 1996, the prime-minister appointed L. Archer, a former member of the council and also a well-known biologist and a Jesuit priest, as president of the National Council of Ethics for the Sciences of Life. The report produced by the Council in 1993 proposed excluding reproduction with donors (of sperm and ovocytes) and surrogate motherhood and also defended the view that the surplus embryos from FIVETE and ZIFT should not be destroyed, given to other couples or used for research. The new president expressed the opinion that it is possible to carry out FIVETE without the existence of surplus embryos and, also, that reproduction with recourse to donors should not be ruled out without a public debate on the subject (Salema, 1996).

A vigorous debate on abortion took place in Portuguese society in 1996 and early 1997. Three drafts of new legislation were presented in Parliament, one by a Socialist party member, proposing to extend the delay for abortion to 24 weeks in cases of malformation of the foetus and two others, by the Communist party and the Young Socialists, introducing the availability of abortion on demand up to twelve weeks and also extending the delay for HIV infected mothers, in cases of rape and in cases of malformation of the foetus. The existing law (1984) provides for legal abortion in four situations: in cases of danger to life (no time limit); in cases of serious malformation of the foetus (up to 16 weeks); in cases of danger of permanent injury to the physical health of the mother (up to twelve weeks); when pregnancy results from rape (up to 12 weeks). The discussion of the proposed changes to legislation created renewed discussion on the right of women to abortion, with the Catholic church and a movement entitled "Together in the name of life" questioning the availability of abortion itself. Those who defended the proposed changes, a position which cut across political parties and society in general, pointed out that, in the context of the present legislation, legal abortion represents a small proportion of abortions (estimated at 0.5 per cent) and leads to a large number of underground abortions which endanger the health of women (estimates by the Association for Family Planning point to between 12 and 16 thousand per year, APF, 1993). It is also known that many women go to clinics in Spain or other European countries to carry out abortions. On 20 February, the three drafts were voted in parliament and the first draft, proposing alteration of delays for malformation of the foetus, obtained a majority of votes.

Families under stress

There were no legal developments in this area in 1996. More severe penalties for offences and the extension of sanctions against maltreatment were introduced in the 1995 alterations to the penal code (see 1995 report). The High Commissioner for the Promotion of Equality and the Family has also promised to implement the law

(nº 61/1991) which guarantees adequate protection to women victims of violence. In reaction to the death of three women, in March 1996, murdered by their husbands, one of whom had appealed for protection to the police, the High Commissioner pointed to the need to create specific measures which would make it easier to remove the aggressor from the victim's residence and to process complaints more rapidly (Ruela, 1996). The "Plan for Equality", in preparation at the Commission for the Equality and the Rights of Women, is expected to propose some of these measures in 1997.

The results, made public in 1996, of a study on violence against women in Portugal promoted by the Commission for the Equality and Rights of Women (CIDM) showed that 48 per cent of women had never been victims of violence, 16 per cent only once, 22 per cent between two to four times and 14 per cent five or more times (Lourenço and Lisboa, 1995).

Domestic violence, especially the ill-treatment and abuse of women and children, thus continues to be a matter of concern, and organisations with personal support services report a growing number of cases seeking their help. The Portuguese Association to Support Victims (APAV), for example, a social solidarity institution which began its activity in 1990 and now has six services, was able to help 1,238 victims, mostly adult women, in 1995 (only 443 in 1992) (APAV, 1996). Most of the cases reported continue to refer to domestic violence and, secondly, to bodily harm and sexual abuse. Battered women and children are now able to take shelter in some institutions. A women's refuge and SOS line was created in Coimbra by the Bissaya Barreto Foundation and several institutions, linked to the church, have broadened the criteria for acceptance and now take in battered women: this is the case of a refuge in Évora, supported by a programme of the Commission to Fight Poverty and two private institutions in Porto, the Catholic Association at the Service of Feminine Youth and the *Lúsa Canavarro* Home run by the Bom Pastor nuns, as well as a Centre for Temporary Shelter provided by a parish. Another shelter, the result of an agreement between the *Misericórdia*, who lent the house, the local authorities, who are subsidizing the repairs and the CIDM, is expected to open soon in Lisbon.

The 1995 and 1996 reports¹ on "Maltreated Children", a study commissioned by Parliament to the Centre for Legal Studies identified, at the local and national level, ten types of maltreatment of children: emotional negligence, emotional abuse, emotional and physical violence, negligence leading to accidents with or without injuries, rejection *in utero*, abandonment - street children, close confinement, sexual abuse, and physical abuse. The report also presents an overview of the capacity of official entities, private establishments, services and professionals in this field and reveals shortcomings at different levels. It confirms that service provision needs to be developed, especially in the case of neglected or abandoned children who require monitoring, shelter or foster care but it also refers to other basic problems: the need to promote the systematic collection and analysis of data and information, to promote the public discussion of problems as well as dialogue and coordination

¹ See *Diário de Notícias*, *Por um provedor da criança*, 10 September 1996, *Expresso*, *Lugar de provedor da criança envolve três primeiras damas*, December 1996.

¹ Ana Nunes de Almeida, Isabel Margarida André and Helena Nunes de Almeida, *Os Maus tratos às Crianças Em Portugal, Relatório - Fase I, 1996, Relatório - Fase II*, (preliminary version, 1997) and interview with the authors of the study, January 1997.

between institutions, and to overcome the feelings of impotence and discouragement revealed by professionals in relation to finding solutions or seeing the interest of the child defended above all other values (there are difficulties, for example, in cases where it is difficult to find accommodation for a child¹, in cases where there is a strong reticence in taking badly abused children from their biological kin or in solutions which do not take the child's interest into account, such as separating him/her from a brother or sister).

The assessment report produced in July 1996 by the Family and Child Support Project (known as the *PAFAC - Projecto de Apoio à Família e à Criança*), an inter-ministerial project created in 1992 to support abused or neglected children and now supervised by the High Commission for the Promotion of Equality and the Family², also points to specific problems and deficiencies, namely the fact that only 18 per cent of the families seen had their problems resolved (*PAFAC*, 1996). It also recommends more financial and administrative autonomy for the project, more articulation and better coordination of different groups working with abused children, the creation of multidisciplinary units of support to abused children and their families in all hospitals, the expansion of the Project, now operating in five areas (Lisbon, Porto, Coimbra, Évora, Faro), in order to cover the whole country, more research and the widespread publication of present experience and knowledge.

A further step taken in December 1996 was to appoint an interministerial work group to report on all the existing programmes involving children, assessing the present situation and establishing needs relating to the support of children and the family, analysing the recommendations proposed by the *PAFAC* report, proposing support measures (legislative and others) in answer to the global needs of each child and its family and preparing an integrated programme of support to children and the family³. The work group has three months to produce the report and is composed of a representative from each of five Ministries (Justice, Health, Education, Employment, Solidarity) and a representative of the High-Commissioner for the Promotion of Equality and the Family.

Other studies have shown that methodologies for dealing with socially excluded children such as street children have to be developed, the traditional collective institutional frameworks seeming to be often inadequate or even repressive or abusive in their turn (Gersão, 1988, 1990, Castro, 1997).

From an institutional point of view, more Commissions for the Protection of Minors have been created all over the country and, as a consequence, the number of cases referred to the Commissions has also been increasing, especially in areas more vulnerable to unemployment and poverty. In Setúbal, for example, in 1996 only, the Commission had to struggle with 265 proceedings concerning children under 18, mostly related to homosexual prostitution, truancy from school, petty theft, and guardianship of children at risk (Torres, 1997).

¹ In relation to this problem, see also, *Reportagem Recados das Crianças: Os "males menores" magoam e são uma injustiça*, in *Diário de Notícias*, 25 November 1996.

² The present National Commission of the *PAFAC* was appointed in March 1996, Despacho nº 67, 19 March 1996.

³ Despacho Conjunto, Presidência do Conselho de Ministros e Ministérios da Justiça, da Educação, da Saúde, para a Qualificação e o Emprego e da Solidariedade e Segurança Social, 3 Janeiro 1997.

Actors and agencies

There has been some change in the structure of the Ministry of Solidarity and Social Security: The Directorate-General of the Family has disappeared and its functions and services have been taken over by the Directorate-General for Social Action and the High Commissioner's office¹. Both entities are responsible for family policy. New agencies in the policy process, created within the Ministry of Solidarity and Social Security in 1996, were the Commission for the White Paper on Social Security and the National Commission for Guaranteed Income (see above).

The National Commission on Children's Rights and the National Council of the Family (*CNF*) were also created in 1996, within the jurisdiction of the High Commissioner for the Promotion of Equality and the Family. The *CNF*, a counselling body, replaces two former bodies - the Interministerial Council of the Family and the Consultative Commission for Family Affairs -, and has representatives from different Ministries, from the main municipal associations, from non-governmental organizations, as well as not more than ten experts in family policy. According to Decree-law nº163/96, the *CNF* must "produce advice and proposals with the aim of participating in the definition of family policy, of promoting family associations and increased support structures for families, of promoting less discrimination against lone parent families, of promoting the cooperation of families in relation to the education of their children, of supporting measures favourable to the reunification and integration of immigrant families, of promoting a fiscal policy more favourable to families with low income, of promoting the reconciliation of work and family life, of assessing projects relating to family problems, of promoting studies in order to develop legislation, of developing training programmes in family policy, of giving advice on problems relating to international cooperation, of assessing the implementation of measures and proposing alterations, of increasing public awareness of family problems². It must also prepare an annual report.

Special Report: Children in Portugal

with the co-operation of Vanessa Cunha

Introduction

Seen in historical perspective, the situation of children in Portugal has changed sharply in forty years. Infant mortality in 1950 was as high as 94.1 per thousand live births but had fallen to 20.4 in 1981 and 7.9 by 1994³. Until the mid-seventies compulsory schooling covered only four years primary schooling and a large proportion of children attended for only a short period or not at all. To many of those living in the Portuguese society of the forties and fifties, where almost half of the active population still worked in the primary sector, childhood was not the clear and distinct stage of life it is today (see, for example, Pereira, 1995; Almeida, A., 1993 and Wall K., 1994). Children started helping or working when they were seven or eight. In rural society, if they were lucky enough to belong to farming families or families with small businesses, they could stay at home and work.

¹ Cf. Decree-law nº 35/96, 2 May 1996.

² Decree-law nº 163/96, 5 September, articles 1 and 2.

³ INE, Estatísticas Demográficas.

Otherwise they were apprenticed out, sent away as servants to richer rural families or to the towns, or to work in small industries or commerce at age eight or nine. A more protected and longer period of childhood existed in the middle and upper urban classes but even there, as in society as a whole, the emphasis was very much on children's duties rather than their rights. Civil law underlined the duty of children to honour, obey and respect their parents, parents had usufruct rights over the child's property, illegitimate children had no rights, and the law stressed parents' power to punish. It is only with the 1977 alterations to the law that parents and children "mutually" owe each other respect and assistance and that the articles of the law referring to discrimination against illegitimate children, parents' usufruct rights and powers of punishment are abolished (Guibentif *et al*, 1993).

Social, economic and political changes and upheavals in the sixties and seventies strongly influenced the status and role of children. A more widespread investment in the education and care of children was accompanied by families' adoption of modern contraceptive methods in the seventies and eighties (despite the disapproval of the Catholic church), and led to a sharp decline in fertility rates, from 3.2 in 1960 to 1.5 in 1990 (INE, *Estatísticas Demográficas*).

This more child-centred society, it must be emphasized, is not one where all children experience an easy and protected childhood. Seen in comparative perspective, Portuguese families have one of the lowest per capita incomes in Europe, low educational levels amongst adults¹ which make it difficult to promote successful schooling strategies and which encourage an early entry into the labour market, lower levels of social protection and less developed health and child support services which, until the early nineties, were reflected in the highest infant mortality rate in the European Community (Eurostat, 1994). In spite of legislative changes, material improvements and better provision over the last twenty years, this environment still generates specific problems such as street children, high drop out rates at school, pockets of child labour and inadequate provision for dealing with neglected and abused children.

Official reports on children

There have been no official reports produced regularly over the years on children in Portugal. Single official reports, produced over the last few years, include a Report by the National Commission for Child Health/Health Ministry (*Comissão Nacional de Saúde Infantil, Relatório*, 1993), the 1995 official report to the UN Commission on Children's Rights, the 1996 Report on child labour by the Interministerial Group to Combat Child Labour, the Reports by PAFAC - the Project for support to children and the family - created in 1992. Other reports, ordered by official entities and/or carried out with the collaboration of official representatives, include the 1994 Report on Pre-school Education for the National Council of Education (see Formosinho, 1994), the Reports on the Maltreatment of Children for the Ministry of Justice (see Amaro, F., 1986 and Almeida, A., 1996 and 1997), and a 1996 Report on Child Labour in Portugal, which is a study coordinated by IAC (the Institute of Support to Children, a social solidarity institution created in 1983) and CNASTI (National

Confederation for Action in relation to Child Labour, another NGO). Other reports and studies have been carried out in the context of European Community networks, for example on childcare (Ramirez *et al*, 1988), or of research (mostly legal, medical, psychological, health and sociological studies on childhood, young people and the family)². Some statistical data is also produced regularly by official and private entities: for example, the National Institute of Statistics produces data on vaccination, types of traumatism and causes of death, the Ministry of Solidarity and Social Security on childcare services and numbers of users, the Ministry of Justice on minors under guardianship, the Ministry of Education on schools and pupils³, PAFAC presents statistics on activities in its reports and IAC keeps annual statistics concerning its confidential telephone line for children.

In the future reports should be produced regularly by the Commission for Children's Rights, appointed in December 1996 and responsible for monitoring and producing a report on the rights of children every five years, by the Interministerial Group to Combat Child Labour, created in March 1996 and charged with producing half-yearly reports to parliament, and by the PAFAC³ (annual report).

Policy for children

Legal framework and Rights of children

All parents have a legal duty to support their children, whether or not they are, or ever were, married. In this respect, the revised civil law (1977) introduced significant changes in terms of general principles and definitions of mutual obligations. Above all, more attention is paid to the child. In 1966, the law insisted on the duty of children to honour and to respect their parents. In the 1977 text, parents and children mutually owe each other respect, help and assistance. Among other alterations introduced, it is also important to mention the extension of parents' child support obligations beyond the coming of age (until age 25) if the child has not finished its professional training. On the other hand, parents' usufruct rights over the child's property were abolished, and so was the reference concerning parents' power to punish.

The 1966 civil law gave parental authority to both spouses but distinguished between the father's special authority, in his capacity as "head of the family", and the mother's authority. Symptomatic of the inequality between the parents was the father's right to emancipate the child without the mother's consent. The revised 1977 civil law sanctions the equality of the spouses in this respect. It also establishes the withdrawal of parental responsibility when the security, health or moral education of a child are in danger, whereas the 1966 law permitted this only in the case of persons with criminal convictions, disabled persons with mental deficiencies, missing persons or unemancipated minors.

The Portuguese Penal Code punishes physical violence in the family, lack of material assistance and the moral abandonment of children. Legal developments were introduced in 1995, mainly by establishing more severe penalties for offences.

¹In 1991, 7 per cent of the population aged between 15 and 64 could not read or write (25 per cent in 1970) and 12 per cent never completed primary school (23 per cent in 1970). National Institute for Statistics, Population Censuses 1970 and 1991.

²Bibliographical references of some of these studies may be found in the bibliography at the end of this report.

³Ministério da Educação, DEPEF, Núcleo de Estatísticas de Educação.

³The present Commission was appointed in March 1996: Despacho nº 67, 19 March 1996.

The age of majority is eighteen. This entitles the person to vote, to obtain a driving license, or to become independent for the purposes of tax (in the latter case, on condition that they are not considered as dependent on parents, i.e. with income above the national minimum salary, even if still a student). Children can now work legally at the age of sixteen.

Portuguese law has no provisions which allow young children to challenge parental decisions. According to legal norms, children under 18 must obey their parents or their tutor in everything which is not illegal or immoral. Children cannot abandon the parental home or be taken from it and charges cannot be brought against them. Nevertheless, the child's incapacity diminishes as it approaches the age of legal independence. For example: acts of administration or disposal of assets which the child over 16 acquired through his own work are valid; children over 16 may decide about their religious education; in the case of adoption, the child's consent is necessary if he/she is over 14; and, if the child's parents do not agree on parental responsibility and the child is over 14, the court must hear the child before taking any decision. Finally, parents "must take into account the child's opinion in important family matters and grant them autonomy in the organisation of their lives".

A "Commission for the Reform of Child Law" was created in January 1996 by the Ministry of Justice and proposals will be under discussion in 1997. Sixteen is expected to be retained as the age limit for criminal responsibility, but a new distinction has been created between a "protective" model of intervention for children at risk and an "educational" model of intervention for children who have committed offences.

Institutional framework and policy actors

At the ministerial level, policy for children and young people is the responsibility of several ministries: the Ministry of Justice, the Ministry of Solidarity and Social Security, the Ministry of Education, the Ministry for Qualification and Employment, the Ministry of Health, the Secretary of State for Youth (reporting directly to the Presidency of the Council of Ministers). The High Commission for the Promotion of Equality and the Family, also reporting directly to the Presidency and responsible for developing awareness of family and child matters in all ministries as well as for preparing policies, recently created a Commission for Children's Rights (December 1996) to monitor the rights of children in Portugal. The Project of Support to Children and their families (PAFAC) also reports directly to the High Commissioner.

Traditionally, private non-profitmaking and social solidarity organisations have also had an important role to play in relation to child policy in Portugal. This is mainly because specialized services, such as institutional homes for abandoned and orphaned children, were mostly created in the first place by private non-profitmaking institutions linked to the church and by the *Misericórdias*. The latter have maintained their role as partners in social provision, although new non-governmental organisations, with a strong focus on children, such as the IAC (Institute for the Support of Children), the Association for Family and Minors Law (a private social solidarity organisation which has created three centres to receive a small number of neglected or abandoned children) have appeared on the scene more recently.

Children and households

There has been no debate or research concerning children living in different types of household structure in Portugal. Data obtained from the 1991 Population Census

(Table 1) shows that the majority of children (72.8 per cent) under 18 years of age live in households of families composed only of couples (married or cohabiting) with children. The other children live in households composed of couples, children and other persons (10.9 per cent), of couples with other persons (0.2 per cent), of lone parents (7.2 per cent, although some of these - 1.7 per cent - have other persons living with the lone parent family), of one or both grandparents with grandchildren (1.1 per cent), of households with no family nucleus (0.5 per cent) and of multiple family households (i.e., with two or more family nuclei: 7.3 per cent).

It is interesting to note that only 5.5 per cent of children live in a lone parent household and that when they are not living in simple family households of couples with children, children are more likely to live in extended family households (one family with other persons) or multiple family households (two or more families). According to Table 1, 13.2 per cent of children live in different types of extended family households and 7.3 per cent in multiple family households.

Table 1. Percentage of children living in different types of household (1991)

<i>Types of household</i>	<i>% of children*</i>
Households with no family nucleus	0.5
One-person households	0.1
Multi-person household, only kin	0.3
Multi-person household, kin and other persons	0.1
One-family households	92.2
Couples (cohabiting or married) without children of their own, with other persons	0.2
Couples (cohabiting or married) with children of their own, without other persons	72.8
Couples (cohabiting or married) with children of their own, with other persons	10.9
Lone fathers, without other persons	0.6
Lone fathers, with other persons	0.2
Lone mothers, without other persons	4.9
Lone mothers, with other persons	1.5
Grandparents with grandchildren, without other persons	0.8
Grandparents with grandchildren, with other persons	0.3
Households with two or more families	7.3
Total (N=2,628,919)	100.0

Source: INE, Data provided for the European Observatory on National Family Policy, Population Census 1991.

*Children were defined as single persons below the age of 18.

Children and Education

Education issues are a permanent feature of popular and political debate in Portugal. The beginning of the school year usually leads to vigorous debate on problems regarding the number of schools and teachers, curriculum reforms, deficient facilities such as lack of gymnasiums (30 per cent of schools did not have one, according to a 1995 survey), canteens, libraries, computers and laboratories in many schools, as

well as problems of insecurity, violence and drugs in schools and the need to make schools "more human" and attractive to children¹. School hours also feature in debate as many children only have school either in the morning or the afternoon due to the fact that schools may have two shifts to fit in more pupils. If access to leisure time centres or to informal child care services is difficult or too expensive, this means that children are left to themselves for many hours.

Six is the official age for starting full-time education and compulsory schooling was extended from six to nine years in the late eighties. This expansion of compulsory schooling, rarely accompanied by the necessary development of facilities needed to support changes not only in the number of pupils but also in the characteristics of new pupils (most of whom came from families with low levels of income and low educational levels), has increased the problems of exclusion from school. The Ministry of Education estimates that about 100,000 children drop out of school every year without completing compulsory education. Of those who remain at school, about one third have severe difficulties and the situation is at its worst during the last three years of compulsory schooling, where, in 1992/93, half of all the pupils passed from one level to the next with negative results in one or several subjects². Truancy from school and abandoning school have been mentioned by organisations providing confidential telephone lines for children as one of the main problems which they are asked to deal with³.

There continue to be sharp contrasts in the educational attainment of different social groups. For example, a survey on young people between age 14 and 29 showed that half of those belonging to high social status families had never failed at school, whereas only sixteen per cent of those belonging to low social status families had never failed (Almeida, J., 1996).

Pre-school education and the problem of exclusion from school were key issues raised by the Ministry of Education in 1996 and a subject of debate. Increasing the number of pre-school day nurseries was defined as a priority and new legislation on pre-school education was discussed, negotiated and approved in parliament in December 1996⁴. The problem of exclusion was also raised repeatedly. At the National Forum against Exclusion from School, 1,500 teachers assessed the projects which have been launched over the last five years in schools covered by the "Education for all" Programme, an interministerial programme reporting to the Ministry of Education and which will cover another 200 schools in 1996/9 (149 up to 1996). The aim is to make education and schools more attractive and to create an alternative curriculum⁵. Other entities have begun trying to tackle the problem of exclusion from school on the basis of local projects: for example, the local authorities in Lisbon, where 25 per cent of children belong to ethnic minorities which have problems of exclusion from school, have created socioeducational support programmes, involving special workshops on theatre, music, science etc. as well

¹ See, for example, *Abertura do Ano Lectivo*, *Diário de Notícias*, 16 September 1996, or the discussion, in 1995, on the facilities and the quality of schools, in Chitas, 1995.

² Data presented at the *Forum Nacional contra a Exclusão Escolar*, 9-11 September 1996.

³ *Diário de Notícias*, 20 May 1996.

⁴ Law n° 5/97, 10 February, "Lei Quadro da Educação Pré-escolar".

⁵ Cf. *Diário de Notícias*, *Em busca da nova escola*, 7 May 1996, Público, *A escola não está a dar respostas*, 27 June 1996, and *Diário de Notícias*, *Combate à exclusão escolar*, 10 September 1996.

as teacher training, for primary schools with a high proportion of children from ethnic minorities; and IAC, the Institute for the Support of Children, has small teams working with street children.

Research on parents' involvement in their children's education shows that between a third to two thirds of children have no help with school homework or problems with school work and that mothers are usually more involved in children's education (see, for example, Stoer, Costa Araújo, 1992; Gomes da Silva, 1995; Nazareth, 1994 and Figueiredo *et al*, 1994). For example, a national survey on the family showed that 43 per cent of children under age 14 had help with school homework and of these, 40 per cent were helped by their mother, 50 per cent by both parents and 10 per cent by their father (Nazareth, 1994). Involvement is higher in middle and upper classes and in families with a higher educational level.

Children and social exclusion

Debate regarding children and social exclusion has arisen mainly in the context of other issues such as exclusion from school, the social integration of poor families, the neglect and abuse of children, the rehousing of families living in shanty towns, and so on. The media has highlighted cases of children involved in prostitution and drug addiction, children and families living in dangerous housing conditions, children who were abused or who lost their lives, for instance in house fires and accidents on building sites.

Existing data and reports on poverty and social exclusion mostly present data on the number of households or families (with low incomes, by types of housing, etc.) and not the proportion of children living in such conditions. Research on inequality and poverty in Portugal in the early 90's showed that families with children were not highly vulnerable to poverty (see Wall, K., and Ferreira, L.V., 1993; Rodrigues, C. F., 1993; Bruto da Costa, A., 1992). Their incidence of poverty in 1990 was below the average incidence of poverty at a national level. On the contrary, this was very high in single person households of, particularly those over age 65, and in lone parent families. During the eighties, the situation of lone parent families worsened considerably.

This does not of course mean that there are not many children living in poverty-stricken households composed of couples with children. For example, the 1996 report on poverty in Portugal (Ministry for Qualification and Employment) showed that one third of "poor" families have three or more persons in the household and the National Commission for Minimum Income, in its first assessment report, showed that 45 per cent of households entitled to and receiving Guaranteed Minimum Income at the end of 1996 were couples with children (22 per cent were lone parent families)¹.

According to the 1991 population census², 2.3 per cent of occupied family dwellings had no electricity, 11.5 per cent no indoor toilet, 11.4 per cent no mains water and 18.2 per cent no bathroom; in 1990, 40.1 per cent of households had a private car (54 per cent in 1994). More recent data, based on a sample of households, indicate that

¹ Departamento de Estatística do Ministério para a Qualificação e Emprego, *Caracterização da pobreza em Portugal: Março/Abril 1995*, Lisboa, Coleção Estatísticas - Diversos n° 4, 1996; see also main Report on Portugal: Issues concerning the Family in 1996, Minimum Income Guarantee.

² INE, Censos 91, III Recenseamento Geral da Habitação.

these living conditions have been improving gradually during the nineties¹. The 1991 census also showed that approximately one per cent of all accommodation (27,642 houses) was "non classical", i.e. shanty or similar housing, and, of these, only half had mains water or a bathroom. However, surveys carried out by local authorities to determine the number of shanties in the two main towns (Lisbon and Porto), established that at least 40,000 existed in the two towns in 1993. The white paper on housing in Portugal estimated that, in order to rehouse families living in shanty towns and those living in dilapidated houses, it would be necessary to provide approximately 500,000 houses for poor families, either by repairing old houses or building new ones (Fonseca Ferreira, 1993).

Families with children (below the age of 15) occupy, according to the 1991 census, 1,235,948 dwellings (39 per cent of all private family dwellings). Among these, 37 per cent (454,279) are overcrowded and 1.1 per cent (13,940) are shanty-type or improvised dwellings, of which 49.3 per cent had neither water nor electricity. It is also important to stress that families composed of adults with one or more children occupied half of all the shanty or improvised dwellings recorded in the census².

Apart from research on poverty and social exclusion in general (see, for instance, Carmo, 1996, Almeida *et al.*, 1992, Cardoso, 1993, Pimenta, 1992, Silva, 1989, Bruto da Costa, 1985), there has been some research on specific categories of socially excluded children, such as street children. The IAC report on 337 street children showed that they come from very poor, socially excluded families, many of whom are of African (46.2 per cent) or of rural origin (28 per cent), living in shanty dwellings (Espanha, 1992, Borelli, 1995). Other studies on the life course of Lisbon street children show that they are excluded from school early on and brought up in family and social contexts where the family has little to offer and the individual must try and fend for himself. Some leave home abruptly, to run away from abusive or difficult homes, but most "slide" gradually from life at home to life on the streets, having had to earn a living early on in life by begging, stealing, doing small jobs or helping to park cars (Castro, 1995, Sebastião, 1995).

The health of children

Reports and studies show that the health status of children, as measured by conventional indicators such as low birth weights, perinatal, infant and child mortality, cause of death and coverage in terms of health professionals, underwent significant improvement in the seventies and eighties. Nevertheless, in 1988/1990, the period covered by most reports, Portugal still had, compared to other European countries, a high level of early neonatal mortality, due to the fact that neonatal care facilities have only recently been developed (1980s). Regional differences were also very marked, with the North of the country, the Azores and Madeira, reporting infant mortality rates well above average and a relatively low proportion of obstetricians and paediatricians (the districts of the North of Portugal had 53 per cent of children aged under four but only 29.7 per cent of paediatricians (Carvalho, 1989)).

¹INE, *Indicadores de Conforto*. The sample is made up of 22,000 lodgings.

²INE, *Censos 1991, III Recenseamento Geral da População*, Table 4.12.

Immunisation rates of children below 12 months, in 1995, was estimated as follows: 94.6 per cent for DPT, 95 per cent for polio, 92.1 per cent for TB and 97 per cent for VASPR (measles, mumps and rubella)¹. Children from socially excluded groups or regions are sometimes not reached by the official free vaccination programmes. To counteract this situation, some institutions supporting children have created vaccination campaigns designed to reach children of very poor or socially excluded families who do not get vaccinated. Several issues were discussed by the media and in debate in 1996: the problems of children in hospitals², the need for more security in schools and in leisure places such as aquaparks in order to avoid fatal accidents, the increase in the number of children under 19 with AIDS (122 cases in 1996³) and the fact that adolescents are not unduly worried by AIDS⁴, the problem of drug addiction and the use of alcohol, the problem of infant and child mortality due to non-vaccination and to accidents⁵. Accidents continue to represent the primary cause of death of children between one and 14 years old. In 1995, accidents were responsible for 36.8 per cent of deaths in the one to four age group, 41.8 per cent in the 5 to 9 age group, 36.6 per cent in the 10 to 14 age group and 56.1 per cent in the 15 to 19 age group⁶. Analysis of accidents by type and according to age group and regions shows:

- the prevalence of road accidents in all age groups (65.4 per cent of deaths in 1995, in children aged from one to nineteen), followed by drowning, poisoning, and falls (see Cordeiro, 1996 and Honório, 1995)
- children between five and nine as the main victims of road accidents involving pedestrians below the age of 19.
- differences in the place of accidents according to the age of children: for those below the age of four, 60 per cent of accidents take place at home; for children between 5 and 14, only 17 per cent take place at home, 30 per cent take place at school and 42 per cent "outside" or during transport. Child mortality due to accidents below the age of 14 is highest in the rural interior regions and lowest in Lisbon and in Porto where, according to one study, families take more preventative measures.

An association – the Association for the Promotion of Child Safety – has been created to try and promote the prevention of accidents with children and young people. Measures to reduce accidents with children are one of the areas mentioned in the 1993 official report by the National Commission on Child Health which require more immediate and special intervention. Others are: the problem of genetic illness in children, the problem of oral hygiene (due to the high incidence of tooth decay in Portuguese children), emotional and behavioural problems in children, abused children, disabled children and, more generally, the health of adolescents⁷. An inquiry on disabled persons in Portugal showed that 13.6 per cent (123,376) are

¹ Cf. Direcção-Geral de Saúde, Divisão de Epidemiologia e Bioestatística, *Estimativa da percentagem de crianças vacinadas (até aos 12 meses) - 1995*.

² See in Público 18 January 1996, on the debate organized by IAC on the rights of children in hospitals.

³ See Público, 10 July 1996, on children with AIDS.

⁴ See Diário de Notícias, 31 October 1996, on the campaign to combat AIDS.

⁵ See, for example, the news on accidents in *Semanário*, 20 December 1996.

⁶ INE, *Estatísticas da Saúde*.

⁷ Comissão Nacional de Saúde Infantil, *Relatório*, Ministério da Saúde, 1993, pp. 119 - 170.

children and young people below the age of 25, and the national report on Child Health estimated that 10 to 12 per cent of children and young people suffer from moderate or severe disabilities¹.

Studies on the nutritional status of children show that it has improved substantially during the last two decades (Valagão, 1990). Marked differences between the nutritional status of rural and urban children also seem to have decreased (see Monteiro and Veríssimo, 1990). However, problems of malnutrition are frequently mentioned in schools with large proportions of children from poorer families and the regular distribution by public entities of milk and snacks to schools is still regarded as a positive measure to ensure the daily nutrition and improve the integration of the needier children in school (Figueiredo, 1994).

Case studies on the nutritional patterns of children between age eight and fourteen shows that most children (83 per cent in one study, 88 per cent in another) have four to six meals/snacks. Obesity was present, in one study, in 11.8 per cent of the children; it was more frequent in males and in urban areas and was associated to excess of "fast absorption" carbohydrate intake (Monteiro, R., *et al.*, op. cit., 1990).

Consumption of alcoholic drinks is also mentioned as a problem in some studies. In a study of 572 children from ages 8 to 14 in 1991 in the Viseu district children reported that 7.9 per cent drank alcoholic drinks at least once a day, 33.2 per cent occasionally and 48.2 per cent never (parents reported that 71.6 per cent never drank alcohol) (Figueiredo, 1994). 14.5 per cent of parents reported thinking that wine did not harm children but only 8.1 per cent of children shared this opinion. The study also shows consumption of alcohol usually takes place through the family and that schooling does not seem to have a deterrent effect on children who had already consumed wine (50 per cent) before starting school at age six.

Smoking habits are usually acquired and are more frequent in adolescents over the age of fourteen. A study on the smoking habits of adolescents in preparatory and secondary schools showed that only 3 per cent of those in preparatory schools (average age 12) smoked, but 32.4 per cent of adolescents (average age 16) in secondary schools smoked: 52.8 per cent less than ten cigarettes per week, 11.4 per cent between 10 and 20 and 35.7 per cent more than twenty per week (Luis, 1988, Lopes, 1996). There do not seem to be gender differences in adolescent smoking habits but those who smoke tend to consume more alcoholic drinks and to sleep less. Young people over age 14 also live in settings which bring them close to the use of illegal drugs. A study in 1993 on young people in Loures (an urban area, near Lisbon) showed that among 14 to 15 year olds, 24 per cent had been offered illegal drugs, 61 per cent had a friend who consumed illegal drugs and 64.9 per cent considered it easy to buy drugs; these percentages went up to 49.1 per cent, 75.4 per cent and 76.6 per cent in adolescents aged 16 to 17 years of age (Almeida, J., 1996). Boys are closer to this universe than girls and young people from higher socio-economic status families have easier access to illegal drugs. In a sample of 1,400 persons between age 14 and 29, 10 per cent had used illegal "hard" drugs, 28.8 per cent had smoked cannabis with friends occasionally and 57 per cent

¹1996 report of the National Secretariat for Rehabilitation concerning the National Inquiry on Handicaps and Disadvantages.

sometimes got drunk with friends (only 7 per cent often). Only half of the young people disapproved of "having a joint" but 96.7 per cent disapproved of the regular use of "hard" drugs.

Initiation to sexual relations happens with more frequency at age sixteen or seventeen (boys and young people with no religious affiliation in higher proportions). By age 29, in the Loures study, 72 per cent of the young people interviewed had had sexual relations and 80 per cent claimed to have felt no need for more information or technical help in relation to sexuality (84 per cent of boys, but only 75 per cent of girls). Friends, television, and magazines were the main sources of information on sex, contraceptives and AIDS; and a large proportion of adolescents reported never speaking to their parents about sexuality². The fear of pregnancy was greater, for both girls and boys, than the fear of sexually transmitted illnesses, and sheaths (55.2 per cent), the pill (44 per cent) and coitus interruptus (36.8 per cent) were the contraceptive methods most used. Among 14 to 15 year olds, only 9.7 per cent reported using sheaths, 4.5 per cent the pill and 7.1 per cent coitus interruptus; for the 16 to 17 year olds, these percentages went up to 50.5 per cent, 12.9 per cent and 25.9 per cent respectively.

The problem of teenage pregnancies has been raised frequently in current debates on adolescence and by the media³. In 1994, the proportion of live births to mothers below the age of nineteen was 7.8 per cent (8.6 per cent in 1990)⁴. The fertility rate of women aged between 15 and 19 (number of live births per thousand women) increased between 1960 and 1981, from 19.5 in 1960, to 24.8 in 1970 and 40.0 in 1981, and decreased in the eighties, to 24.2 in 1991⁵. A report on recent fertility patterns in Portugal explains the increase in the 1970's on the basis of the emergence of new values and a liberalization of sexuality which was only later accompanied by an increase in the use of contraceptive methods. Studies on teenage mothers in some health centres show that approximately two thirds are pregnancies which were not planned (Simões, 1989, Belo, 1996). Outcomes differ according to the economic and social situation of the mothers: in rural settings or where adolescent mothers have left school to be at home or to work, pregnancy often leads to marriage and to easier acceptance of the new status.

Work and labour market issues

Statistics from the 1991 Population Census show that 53 per cent of children live in families where all adults are employed⁶. Only 8 per cent live in families where adults (parents or grandparents) are either unemployed or do not work. Of course some of these children, especially those from lone parent families where there are high proportions of families in extended households, may be living in households where some members, but not their parents, are employed.

²See also Loureiro, F., "Informação sexual dos adolescentes - grau de conhecimentos, relação comportamentos e opiniões", in *Revista Portuguesa de Saúde Pública*, 2, 1990, where 54.2 per cent of young people aged 13 to 20 in the Aveiro district never talked to their parents about sexuality.

³See, for example, *Diário de Notícias*, 2 July 1996, on the high proportion of adolescent mothers in the region of the Baixo Alentejo; and *Expresso*, 15 February 1997, on the number of teenage pregnancies.

⁴INE, *Estatísticas Demográficas*, 1994.

⁵INE, *Estatísticas Demográficas*, *Recenseamentos da População*, and Almeida, Ana Nunes de, *et al.* *Os Padrões recentes da fecundidade em Portugal*, Comissão para a Igualdade e para os Direitos das Mulheres.

⁶INE, *XIII Recenseamento da População, Núcleos familiares, segundo o número de crianças por tipo de núcleo e condição perante a actividade económica dos membros do núcleo*.

Children are usually expected to help with domestic tasks but there are gender differences. In the past, boys were never expected to help with domestic tasks and, according to a survey in 1993, 44 per cent did not help at all with domestic tasks (Nazareth, 1993). Boys tend to participate more in running errands, shopping, cleaning shoes and making their beds. By contrast, only 25 per cent of girls never helped with domestic tasks. Girls also help with different tasks such as cleaning the house, ironing and washing up.

Sixteen is the legal age for children to take part in paid work but younger children are sometimes found working, especially in labour-intensive industries, such as textile and shoe factories, in the North and Centre of Portugal. Some child labour has also been found in the building industry and in hotels. Child prostitution, begging and working in the streets parking cars are other forms of child labour, more characteristic of street children or children from very poor families in large towns.

There are no reliable statistics on the total number of children in illegal forms of work. Data produced by the General Work Inspection (Ministry for Qualification and Employment) show 1,434 cases of child labour detected between 1990 and 1995. In 84 per cent of cases children were 13 and 14 years old. Trade Unions have warned, however, that employment in the formal sector only accounts for part of child labour activities and that many children work at home, on the basis of a "putting-out" system of work often used by small textile and shoe businesses.

In traditional rural Portuguese society, and until the 1960's, children's earnings were expected to make an important contribution to household finances. While living at home, children were expected to hand over all their earnings and often at least part of them when they were living away from home but unmarried. Nowadays, children who live at home are still expected, in rural society and in working class homes, to contribute some of their earnings to the "household" (Wall, 1994). Children belonging to families with small businesses and farms were also expected to start working with the family early on in life. Working in the family business or helping on the farm was part and parcel of education and is still considered an important learning strategy for young children (Guerreiro, 1996). In a context where small businesses and farms are an important part of the social fabric, as in the north and centre of Portugal, children continue to be involved in assisting their parents. In the seventies and eighties, many parents involved their children in helping after school hours and often allowed them little or no time to do their homework. This has been changing gradually over the last two decades (Wall, K., 1994).

Problems have arisen systematically and continue to arise with children who have poor results or are poorly integrated at school. Exclusion from school leads to strategies of early integration on the labour market and, for the most part, both the children and their families wish for this participation.

The report produced by the Interministerial Commission for Combating Child Labour (1996) makes recommendations for a concerted and integrated strategy to combat child labour, involving several Ministries and different sectors of society¹.

¹ *Relatório do Grupo de Trabalho Interministerial para o Combate ao Trabalho Infantil*, May 1996.

Independence and safety

There has been some debate on the problem of violence and safety in schools but no research on how children feel about safety in schools, in their neighbourhoods or in their homes. Many children report "bullying" and "being robbed" at school and the University of Porto is carrying out a survey to assess this problem¹.

Some children in primary school and many of those over age ten, travel to school alone, using public transport or school transport, or will walk. Much depends on the distance and types of transport to schools, the safety of the neighbourhood, and the time which families have available to accompany their children (upper and middle class families all have cars but many households depend on public transport to get children to school).

Differences also exist between families in relation to allowing children to stay in the house alone. Social and economic differences, types of families, help from informal caregivers such as grandparents, may be expected to influence the specific patterns of children's daily lives. Families often have difficulty in looking after children after school hours, as parents' working hours are usually much longer than children's school hours. The solution varies according to economic means, access to leisure time centres or to informal caregivers. Some children under age ten spend the week with their grandparents and go home at week-ends (Wall, 1996), have domestic help at home or a member of their family living nearby; others stay alone or go to a leisure time centre. A 1994 demographic survey on family life showed that 57 per cent of families used crèches or nursery schools, 8 per cent childminders, 38 per cent grandparents, 27 per cent the mothers, 3 per cent the brothers and sisters of the pre-school child, 2 per cent domestic employees, 2 per cent neighbours and 12 per cent other family members (Mendes, 1995).

Children, crime and violence

The Ministry of Justice collects statistics on the number of cases received by the courts in relation to the legal protection of children (12,977 cases in 1994), on the number and demographic characteristics of the children who are under the care and supervision of the relevant department, on the type and frequency of situations which led to the intervention of the courts and on the measures which were applied. The most recent data² show the following:

- 818 children were under care and supervision in December 1994. Of the 418 children who were interned at that time, 2.9 per cent were below age 12, 28.7 per cent between 12 and 14 and 68.5 per cent were age 15 or over.
- Of the 2,851 situations which came to trial, 50 per cent concerned penal offences, 21 per cent cases of child abuse or neglect, 20 per cent cases of begging, prostitution and vagrancy, 6 per cent cases of inadaptation to a normal social life and 3 per cent cases of inadaptation to discipline in the family or in educational institutions. Penal offences concern, first and foremost, robbery (69 per cent of penal infractions), damage (11 per cent), bodily harm (9 per cent), driving without a license (5 per cent), breaking in to a house (2 per cent) and other offences (4 per cent). Among the children who

¹ *Diário de Notícias*, 25 March 1997: *Muito álcool nas escolas*.

² Ministry of Justice, *Estatísticas da Justiça 1994*, Gabinete de estudos e Planeamento.

committed penal offences, the majority (50 per cent) were over age 14 in 1994, 30.7 per cent were age 13 or 14 and 19.4 per cent were below age 13.

- Supervisory measures applied in 1994 concerned: reprimanding and handing back to parents or the tutor of the child (55.9 per cent); educational follow-up (6.4 per cent); placement in a qualified family (1.8 per cent); placement in an educational establishment or in apprenticeship (3.3 per cent); placement in a home as a semi-boarder or internment in a re-educational institution (9.9 per cent); other measures (22.5 per cent).

The country's philosophy and legal framework with respect to crimes committed by children/of which children are victims have been and continue to be in debate. Proposals by the Commission for the Reform of Child Law, created in January 1996, do not change the age of criminal responsibility but draw up differences between the measures to be taken in relation to abused and neglected children and the measures to be taken to punish young offenders, who are currently placed in the same reeducational homes; separate institutions are expected to be created. Other issues under debate include the lack of service provision both for the reeducation of young offenders and for the reception of neglected or abused children, and the current law on adoption. New policy and service provision measures concerning child abuse and neglect began to be taken in the late eighties: confidential telephone lines were created (first by IAC, then also by PAFAC and the Public Prosecutor (*Procuradoria Geral da República*)); the law on the creation of Commissions for the Protection of Minors was set out in 1991¹; PAFAC (Family and Child Support Project) was created in 1992 and the programme "*Ser criança*" in 1995². New policy and service provision measures have created a more direct awareness of the volume and nature of child neglect and abuse as well as gaps in provision, leading to a need for correct assessment and improvement of overall strategies and measures in this area of child policy. The interministerial work group (created in January 1997) to report on all the existing programmes involving children and assessing the present situation concerning the support of children and their families, is expected to propose new support measures (legislative and others) in 1997.

Finally, in relation to the law on adoption, new legislation is expected in 1997. The existing law has been in debate due to the long waiting period and to long waiting lists of adopting persons, a situation which seems to be contradictory, in the light of the hundreds of children who are waiting to be adopted, have been abandoned by their families or have been removed from their parents³. New legislation is expected to accelerate adoption processes and to clarify the concept of "*de facto care*", which represents a transitional stage in the adopting process.

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¹ Decree-law nº 189/91, 17 May.

² The Programme "Being a Child" ("*Ser Criança*") of the Directorate-General for Social Action/MSSS will subsidize, in 1997, special support projects which target needy or neglected children, including educational projects for handicapped children. See Despacho 26/MESS/95, 17 May.

³ *Diário de Notícias*, 17 March 1997, *Governo acelera a adopção*.

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