**Questionnaire on the right of persons with disabilities**

**to participation in decision-making**

**1. Please provide information on the legislative and policy framework in place in your country related to the status, establishment, resourcing, and functioning of representative organizations of persons with disabilities at the national, regional and local levels.**

The Constitution of the Portuguese Republic devotes an article (article 71) to organizations of persons with disabilities, in which the Portuguese State undertakes to support organizations of disabled citizens.

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

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

On the other hand, Law No. 127/99, of 20th August, regulates the representation of persons with disabilities before government and local and regional authorities. That law provides that national organizations have a very broad representation (article 3).

According to the mentioned law, organizations representing persons with disabilities competence is held in political, social and economic level.

Taking into account their specific scope, organizations representing persons with disabilities participate in the rehabilitation and social integration of people with disabilities policy-making.

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

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

For example, Decree-Law No. 163/2006, of 8th August, approved the legal regime of accessibility on public roads, buildings, public establishments and private houses. Under this law, organizations have legitimacy to propose and intervene in legal actions relating to accessibility technical standards compliance.

And, with regard to discrimination of persons with disabilities, the organizations representing people with disabilities have legal standing in criminal proceedings, namely when crimes are committed against disabled person on the grounds of disability, under the law against discrimination (Law No. 46/2006, of 28th August).

**2. Please provide information on existing legislation and policies aimed at ensuring that persons with disabilities and their representative organizations, including children with disabilities, are consulted and involved in decision-making processes that directly or indirectly concern them.**

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

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

There are several examples of organizations that are consulted and involved in the decision-making process. Once the different organizations are organized in a single confederation, this confederation plays the main role in the consultations and participation in the decision-making process. The Disabled People's National Confederation (CNOD) represents 36 organizations, of all types of disability (mental, motor, sensory and organic). CNOD is a non-profit organization aiming the full social integration of disabled persons that coordinates the activities of the different organizations. CNOD represents in Portugal the European Disability Forum and is a member of the Economic and Social Council and of the Advisory Council of the Portuguese public television.

**3. Please provide information on any consultative body or mechanism established to consult and engage with representative organizations of persons with disabilities, including information about their composition, criteria for membership (nomination, appointment, election, etc.) and functioning.**

The National Institute for Rehabilitation (INR) acts to ensure equal opportunities, combating discrimination and promoting the fundamental rights of people with disabilities. INR is a public institute which is part of the Ministry of Solidarity, Employment and Social Security.

One of the main objectives of the INR is the promotion of cooperation with the organizations that defend the rights and interests of persons with disabilities and their families and with all the members of society, promoting their active participation in all areas of society.

**4. Please provide information on the efforts undertaken at national, regional and/or local levels to strengthen the capacity of representative organizations of persons with disabilities, in order to facilitate their participation in legislative, policy and other decision-making processes.**

As stated above, in certain matters is mandatory participation of representative organizations of persons with disabilities, and even persons with disabilities themselves – see Law No. 127/99, of 20th August. The right of participation and intervention can be exercised through other rights, such as the right to information and consultation (article 5), the right to get support from the State and local authorities (article 6) and the right to get support from central, regional and local administration (article 7).

**5. Please explain whether and how persons with disabilities participate in monitoring the implementation of the United Nations Convention on the Rights of Persons with Disabilities (art. 33, para. 3), and in the nomination of experts to the Committee on the Rights of Persons with Disabilities (art. 34, para. 3).**

The Portuguese Government established a mechanism that includes public bodies’ representatives and organizations representing civil society in each area of disability, designated national monitoring mechanism for implementation of the Convention.

As part of its monitoring functions of the implementation of the Convention, it is up to the mechanism to monitor and observe the actions to implement the Convention, carried out by the competent authorities and may make suggestions or proposals for a better and more effective implementation of the Convention.

The mechanism consists of 10 elements, representing the Parliament, the Portuguese Ombudsman, the National Commission for Human Rights and the organizations representing civil society in each area of disability (physical, sight, intellectual, hearing and organic) and a personality of recognized merit.

**6. Please identify the main challenges faced by the diversity of persons with disabilities in participating in mainstream and disability-specific decision-making processes at the national, regional and local levels, including challenges faced by persons who experience multiple discrimination (e.g., on the basis of disability, age, gender, ethnic origin, geographical location).**

The main challenge faced by persons with disabilities may only be full inclusion in society in general and in particular in the labor market (since without economic independence is very difficult to achieve social independence).

It is also very important the fight against discrimination.

Another major challenge still is the accessibility.

With regard to families and caregivers, it would be important to ensure support for the rest of the family caregivers, especially for mothers.

For almost all persons with disabilities it is very important to know who – if it will be need – will care for their parents, particularly as they grow older. It is an intergenerational problem and a matter of moral comfort for families.

Another relevant issue is the parity and political participation of women with disabilities.

The problem of domestic violence against persons with disabilities is also a relevant issue to them.