

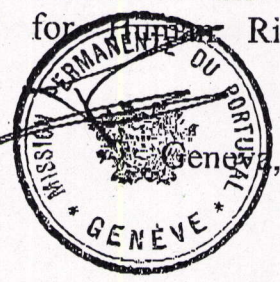


PERMANENT MISSION OF PORTUGAL
GENEVA

No. 440
HR

The Permanent Mission of Portugal to the United Nations Office and other International Organisations presents its compliments to the Office of the United Nations High Commissioner for Human Rights and referring to note GVA 0616, dated 28 September 2011, has the honour to enclose herewith the contribution of Portugal to the Questionnaire of the Independent Expert on Cultural Rights on the Right to Enjoy the Benefits of Scientific Progress and its Applications.

The Permanent Mission of Portugal avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.



Geneva, 28 December 2011

Office of the High Commissioner for
Human Rights
Fax: 0229170123
Geneva

OHCHR REGISTRY

29 DEC 2011

Recipients: SPD
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**Contribution of Portugal to the
Questionnaire of the Independent Expert on Cultural Rights
on the Right to Enjoy the Benefits of Scientific Progress and
Its Applications**

Accessing the benefits of science and its applications

Portugal created a network of cultural equipments such as public libraries, museums (there are actually 321 museums in the Country), theatres, cultural centres and polyvalent pavilions, of which the most advanced model at local collectivities' level, is the network of public libraries (of which 186 were inaugurated), aimed to lending cultural works and encouraging reading. This model of cultural intervention is being reproduced at the secondary schools level, with the network of school libraries.

Public archives are also important. There are 28 public archives in the whole territory plus the central one, Torre do Tombo in Lisbon. The number of lectors in Torre do Tombo (realizing historic research, for example) is steadily growing. In 2008 there were 20 472 lectors registered in Torre do Tombo and in the District archives of Porto and Aveiro, the number of lectors has doubled from 2000 to 2008. In the same time period the National Network of Public Libraries made available more works, in a growth of 144% of available books.

Some Initiatives, which may be seen as symbolic but which are emblematic are the reduction in 50% of the price of the cinema tickets on Mondays, the free access or at reduced prices to museums and exhibitions, in certain periods of the year or for specific groups of the population such as the young. Since 2004, however, at cinema, spectators and receipts are diminishing in spite of the raise in the offer. This diminution is homogeneous over all the national territory. From 2005 onwards, the number of free entrances in museums grows, surpassing the paid access (in 2008, 62% of the visits were free).

The realisation of initiatives such as the *Festa da Música* at the Belém Cultural Centre, the cultural itinerances (theatral exhibitions, arts expositions) supported by the State and the local collectivities are also integrated in the kind of measures aimed at making it affordable to citizens to accede culture. The offer of cultural and educative initiatives such as *INOV Culture* promoted by the General Directorate for Arts are also integrated here. In scene arts, there is a trend to the increase in the numbers of spectators and events, along with the growth of available cultural equipments.

Although, since 2005, in what concerns the Budget for Culture, the importance of culture has been decreasing, the visits to Monuments raised to 2.942.856 in 2008, the visits to museums raised to 1.218.718 in 2008. The visits to palaces raised to 1.070.819 in 2008. In the National Library (Biblioteca Nacional) the number of received lectors has diminished but the number of active lectors has increased. 2008 registered 42,453 lectors. The enlarged extension of the Public Network increased considerably the number of lectors. Thus, in 2008, there were 522.898 Public Libraries Network Cards among the public. This increase is also reflected in the number of works lent to the public, which tripled between 2000 and 2008. Still on the subject of facilitating the access of general public to the cultural works, the Portuguese Government has exempted of the payment of a special tax on the loan for use of works from public and university libraries of the National, Regional and Local Administration and schools, in accordance with the no 3 of art. 6th, of the Decree Law no 332/97, of 27th of November.

The same applies to the great development of books editing, among which a great increase in the offer of translated books is to be recorded, as well as to the regular realisation of book fairs in all the country at reduced prices, as a means for encouraging reading. The growth of internet sites, portals, electronic works in the field of culture is also an aspect which favours the information and the dissemination of goods and cultural initiatives.

a. Ensure that marginalized groups benefit from science

i. "Programa Escolhas" (Programme Choices)

The *Programme Choices* is a governmental programme, managed and coordinated by the High Commission for Immigration and Intercultural Dialogue, which targets children and young people between the ages of 6 and 24 from disadvantaged social backgrounds, many of which are immigrant descendants and members of ethnic minorities (Roma Communities) living in vulnerable places, in order to promote their social integration.

The Programme has been in existence since 2001 and is currently in its third phase, having a total budget of 25.000.000,00 Euros for the years 2007-2009. It supports projects managed by local partnerships involving schools, local authorities, Non-profit Organizations and the Commissions for the Protection of Children and Youngsters, in the areas of educational inclusion and non formal education, vocational training and employability, civic and community participation and digital inclusion.

In view of its good results, the Program Choices 4th Generation (2010-2012) was already adopted by the Council of Ministers and will receive an increased budget (38 million euros) to support more projects and new priorities, such as the promotion of entrepreneurship and capacity building.

The new legal framework introduced in 2004 represents an attempt at achieving inclusive schooling, guaranteeing the quality of education, the principles, values and fundamental tools to ensure equal opportunities for all, also to students with severe and permanent impairments by defining the specialized support to give them at the different levels of education and the preparation for continuation.

One area in educational reform where there have been major developments and improvements has been the important area of the Information and Communication Technologies. This discipline has also moved from secondary education to the seventh and eight years of Basic Education, and teachers have been trained with a view to the use of the TIC throughout the whole curriculum.

Other measures that have been taken towards reaching an inclusive education are:

- Creating Activities for Curricular Improvement (1st. Cycle) to increase the students time spent at school to improve learning but, above all, as a way of supporting family units in which the mother very often works;
- Combating school failure, increasing equality of opportunity and promoting the Inclusive school by re-launching "Educational Territories for Priority Intervention" projects geared to reinserting the pupil in the school.
- Developing several guidelines for Non-Mother Tongue Portuguese in the 3rd. cycle of basic education and guidelines for Portuguese as a Foreign Language in secondary education, aiming both at the new pupils from migratory flows and other specific public schools.
- A new legal framework for providing special care for children and young people with special educational needs, on the one hand, and measures aimed at pupils who are blind, partially sighted, deaf or suffering from multi-handicaps, on the other.

Measures taken to ensure the effective protection of the moral and material interests of creators, in particular (a) To protect the right of authors to be recognized as the creators and for the protection of the integrity of their scientific, literary and artistic productions; (b) To protect the basic material interests of authors resulting from their productions, which enable them to enjoy an adequate standard of living; (c) To ensure the protection of the moral and material interests of indigenous peoples relating to their cultural heritage and traditional knowledge; and (d) To strike an adequate balance between the effective protection of the moral and material interests of authors and the State party's obligations in relation to the other rights recognized in the Covenant.

Article 75 of the Code of the Authors' Right, while the rights of the Author are defended in the Code in the sense that he shall not be deprived of hers/his intellectual property over the arts work establishes many exceptions to the absolute protection of the Authors' right allowing the art work to be known and its content to be disseminated.

Paragraph one of this article allows the temporary reproduction inside a technological process without commercial aims.

Paragraph two foresees a wide list of exceptions to the absolute sense of the Authors' right such as the private reproduction of the work for particular use and without commerce purposes, the dissemination of news, the reproduction of fragments of arts works when justified by the information finality which lays at the heart of their reproduction; the reproduction of an arts work previously made available to the general public since this reproduction is made by a non profit science or knowledge institution without profit aims; the reproduction of an arts work for education purposes without profit aim; the insertion of quotations or summaries of others' works, whatever their gender and nature, in support of somebody's own doctrines or with criticizing, discussion or teaching purposes, in the measure which shall be deemed justified by the goal to attain; the inclusion of short pieces or fragments of others' works in owns works addressed to teaching; the reproduction for disabled people of a work which is directly related with the disability without profiting aims; the execution and public communication of hymns and patriotic songs which are officially adopted and of exclusively religious works during the acts of cult or the religious practices; the use of the work in relation with the publicity which shall be made to an event which shall consist in the public exhibition of the art work for its sale or not but without any other commercial purpose. [Article 75, § 2, a) to i)]

Measures taken for the conservation, development and diffusion of science and culture and to encourage and develop international contacts and cooperation in the scientific and cultural fields.

Portugal keeps celebrating cultural cooperation agreements with other countries, and promoting cultural demonstrations under such Agreements.

Investment has also been carried out within the scope of Information and Communication Technologies (ICT) to reduce info-exclusion, either through training and certification projects in ICT, by generalizing the access to low cost laptops distributed to students from 7th-12th level of schooling, e-escolas Programme (Programa e-escolas), from the beginning of 2008, to students of 1st and 2nd level education through the e-escolinhas Programme "Programa e-escolinhas" (Magalhães), as well as the creation of Centres for Digital Inclusion and duplication of Free Internet Access Points in Public spaces.

Regarding *Priority 3*, the policy measures, with a preventive and correcting characteristic for people with *disability or impairment* focus on the following key interventions: income; facilities and services; accessibilities; education, training and employment; institutional empowerment; rights. On one hand, these initiatives demonstrate an improvement to access goods and services, by adjusting the school system to the needs of this target population. On the other hand, investment is reinforced in social protection, through the revision and adjustment of family benefits as well as, increasing the places in facilities and social services to support individuals and their families. Investment continues on being carried out to promote training and integration in the labor market of these groups both socially and professionally as well as, to make them financially autonomous. In addition, by reinforcing and defending their rights by applying specific measures within the legal support framework.