**Human Rights Council Resolution 43/L.34**

**| ANSWERS FROM PORTUGAL |**

As stated in the paragraph bellow, retrieved from the Discussion Paper “Sport and Physical Activity for People with Disabilities”, of the Informal Meeting of EU Sports Directors, Vienna, 11-12 December 2018:

“**Within the last decades, a lot of progress has been achieved to attract people with disabilities to sport and physical activity as well as to acknowledge the great athletic performances of athletes with disabilities. Nevertheless, disabled persons continue to face barriers in actually taking part in sport and physical activities.”**

This finding reflects everything that is at stake in the analysis of the Human Rights Council resolution 43/L.34 concerning the rights of persons with disabilities, namely article 30.

**Recreation and leisure**

**1(a).**Does your country have laws, policies, plans, strategies or guidelines and departments at any level of government relating to the inclusion of persons with disabilities in mainstream (not disability-specific) recreational and leisure physical activity, including but not limited to:

**Private settings:** Private gymnasiums, sports clubs, sports associations and foundations, summer camps, marathons, swimming pools, among others;

**Public and private tourism platforms:** tourism facilities (e.g. beach, mountain, forest, among others), include services for persons with disabilities;

**Public settings in urban areas:**Urban sports trails, cycling trails, public physical training, yoga, recreational sports, playgrounds for children, recreational facilities for older persons, among others.**Nature trails:** hiking trails, nature centers, WCs, viewing platforms, are foreseen with accessibility and services.

Portugal has laws, policies, plans, strategies and guidelines relating to the inclusion of persons with disabilities in mainstream (not disability-specific) recreational and leisure physical activity.

**A. Laws**

The [Constitution of the Portuguese Republic](http://www.cne.pt/sites/default/files/dl/crp_uk_2005.pdf) of 1976 establishes, in its Article 79, the right to physical education and sport for all, an aspect reinforced by Article 29 of Law no. 5/2007, of 16 January - *Lei de Bases da Atividade Física e do Desporto* ([Framework Law of Physical Activity and Sports](https://dre.pt/pesquisa/-/search/522787/details/maximized)) - which assumes sport as an important factor in the education of the person and in the development of society, while being particularly concerned with the practice of sport of citizens with disabilities, as it can be seen in the provisions contained in articles 13, 15 and 29.

Moreover, Law no. 38/2004, of 18 August - *Lei de Bases da Prevenção e da Reabilitação e Integração das Pessoas com Deficiência* - refers to the value of sporting activities for citizens with disabilities, particularly with regard to sport and recreation as measures for qualificationand rehabilitation (Article 25). In addition, it establishes that "it is incumbent upon the State to adopt specific measures necessary to ensure the access of people with disabilities to the practice of sport and the enjoyment of leisure time" (Article 38), including access to the practice of high competition sport (Article 39).

**B. Policies**

There are policy measures and funding from Governmental Sectors to support non-governmental sports organizations in promoting the inclusion of people with disabilities in regular conventional sport structures, namely in Sports Federations and Clubs. Moreover, there are policy measures and funding from the Governmental Sectors to support national and international participation.

**C. Plans**

* [**National Sport for All Plan (PNDpT)**](https://ipdj.gov.pt/programa-nacional-de-desporto-para-todos) **|** Promotion of the generalization of sports practice

The National Sport for All Program (PNDpT) was developed in accordance with the international guidelines of the “Sport for All” program and adopts the definition of “sport” enshrined in the European Charter for Sport: “all forms of physical activities that, through organized participation or not, aim at the expression or improvement of physical and mental condition, the development of social relationships or the achievement of results in competition at all levels”.

The conceptual framework of the PNDpT is based on the Constitution of the Portuguese Republic, the Framework Law for Physical Activity and Sport (Law no. 5/2007, of 16 January), as well asa wide range of international institutional guidelines published by the European Union and the Council of Europe, United Nations, World Health Organization and International Olympic Committee. This program is a structural measure aimed at supporting sports projects that promote the generalization of sporting practice, within an informal, recreational or competitive (non-federated) scope, taking into consideration that the sports practise is considered as a crucial activity for the integral development of the citizens and society in general.

The PNDpT defines a set of objectives and goals to be achieved in the context of «Sport for All», envisioning a more active population, adopting healthy lifestyles that promote improvements in health, quality of life and well-being. Its mission is based on pillars aimed at sports development, education for and through sport and health promotion.

**D. Strategies or Guidelines**

The Regulations and Guiding Documents for Sports Development Programs and Projects are foreseen for both the Federated Sport sector and “Sport for All”.

The Government provides institutional support and financial support to several national and international projects, such as:

* **European Model of Inclusion in Sport – EU ERASMUS+ Sport Project**

Portugal is Leader of the EU ERASMUS + Sport Project “InSport” which, among other tasks, developed a study of the **s**ituations in the area of sport for persons with disabilities and developed a proposal for the European Model of Inclusion in Sport. The Project is co-funded by the European Union under the Erasmus + Sport Program and ran from January 2018 to June 2020.

InSport Project: Sport Inclusion – Full Participation in Sport by Persons with Disabilities:

This project focuses on promoting the full participation and social inclusion of people with disabilities in and through physical activity, sport for all and lifelong sport practice. Through the development of a European model for inclusion, this project intends to increase the active and effective participation of the target group in the practice of physical and sports activity, aiming at:

* Researching and formulating recommendations for inclusive practices, providing a model for the inclusion in sport by people with disabilities;
* Encouraging the participation in sports activities that contributes to personal and social development;
* Training of technicians for cooperation between areas (health, education, clubs, municipalities) and their professional qualification for inclusion;
* Development of the role of promotion and encouragement of physical activity and the adoption of healthy lifestyles;
* Creation of a knowledge platform accessible to all;
* Promotion of volunteering and active participation in society and sport, as expressed in the EU guidelines on social inclusion and equal opportunities.
* The outputsof the project are: 1. Guide to the analysis of good practice at the national level in the field of inclusion through sport; 2. Guide(s) for the development of the European Model of Inclusion in Sport; 3. Guide(s) of intervention support material (adaptation and / or construction); 4. Elaboration of a common training curriculum; 5. Specific website of the project; 6. Guide(s) of actions promoting the inclusion of people with disabilities in the sports field.

It is intended that the InSport Project will have a strong impact in promoting the full participation and social inclusion of people with disabilities in and through physical activity, allowing the promotion of strategies that increase opportunities for the participation of people with disabilities in the community.

Project leader: Association of Cerebral Palsy of Almada Seixal (APCAS) – Portugal

IPDJ Team: Jorge Carvalho

Partners: European Paralympic Committee; UNESCO Chair - Tralee Institute of Technology (IE); Portuguese Institute for Sport and Youth (PT); Knowledge Centre for Sport (NL); The Association For International Sport For All TAFISA (DE)

Website: <https://in-sport.eu/>; <https://www.facebook.com/InSport.SportInclusion/>

Funding by Education, Audiovisual and Culture Executive Agency

* **Sport with Meaning**

Goals: i) To promote the social inclusion of youth through sports activities; ii) To increase the level of participation of children and youth with disabilities; iii) To contribute to changes in sports policies

Targets: Students from primary, secondary and higher schools; Teachers; Sports technicians; Coaches

Activities: Development of the required tools to the inclusion through sport: specific manuals for several activities, with digital support and didactic materials; Creation of a Skills Training Center for adapted sports with courses on several sport modalities; Improvement of the e-learning platform *Todos em Jogo*; Awareness raising initiatives and the promotion of volunteering activitiesnear schools and in the community by showcasing several sports activities.

* **Production of a manual of traditional games adapted for people with disabilities**
* **Accessible Beach Award**

This award is presented every year and the number of swimming areas that receive it has been increasing year after year, reflecting the efforts made by different bodies to equip the beaches with facilities so that they can be used by everyone.

In Portugal, 208 swimming areas – sea and rivers – are accessible to people with reduced mobility. These beaches are identified with a white flag bearing the Accessible Beach symbol in blue and yellow, and they have reserved parking place, pedestrian access, walkways on the beach and adapted toilet facilities. Many of these beaches also provide equipment (amphibious wheelchairs or other means) to facilitate access to the water, thus enabling people with mobility problems to swim in the sea, although some assistance will always be necessary.

* **Platform "Tur4all**"

This platform was developed to promote **Accessible Tourism** for everyone. It provides information on accessibility in tourist resources in Portugal.

* **Platform “*Cultura Acessível*” (Acessible Culture)**

This platform facilitates public access to information on accessible cultural programming, giving greater visibility to the efforts of some cultural entities in Portugal to make their offer accessible to people with different needs and profiles.

**E. Government level**

* **Portuguese Institute of Sport and Youth, I.P.**

The [Portuguese Institute of Sport and Youth, I.P.](https://ipdj.gov.pt/miss%C3%A3o-e-atribui%C3%A7%C3%B5es) (IPDJ) has the mission of executing an integrated and decentralized policy for the areas of sport and youth, in close collaboration with public and private entities, namely with sports organizations, youth associations, students and local authorities.

The IPDJ intervenes in the definition, execution and evaluation of public sport policy, promoting the generalization of sport, as well as supporting regular and high-performance sports, through the provision of technical, human and financial means. The preservation of ethics in sport is still one of the essential scopes of the IPDJ.

Similarly, the IPDJ aims to boost support for associations and volunteering, as well as to promote citizenship, the occupation of free time, non-formal education, information and geographical mobility of young people in Portugal and abroad. It also aims to revitalize youth tourism, particularly with regard to the Youth Hostel network and the Youth Card, in order to increase mobility, with gains in efficiency and economy.

* **National Institute for Rehabilitation**

The National Institute for Rehabilitation's mission is to ensure the planning, execution and coordination of national policies aimed at promoting the rights of people with disabilities.

**1(b). What are the challenges to implementing the above? Are you aware of good practice related to the above?**

The creation of IPDJ in 2012 defined the above-mentioned matters as priority investment areas and, consequently, more projects have been financially supported. However, we remain aware of the challenges related to limited financial resources.

A good practice is that the licencing of activities is denied when establishments do not comply with the technical accessibility standards required by law. Law no. 163/2006, approving the regime of accessibility to buildings and establishments receiving the public, to public thoroughfares and to housing buildings, gives the administrative authorities responsible for the licensing of commercial, school, health and tourism establishments and establishments open to the public, the power to refuse a license to operate when these establishments do not comply with the technical accessibility standards required by law.

**Education**

**2(a). Does your country have laws, policies, plans, strategies or guidelines on physical education in public and private schools, including in special education, informal education and extra-curricular activities, relating to the inclusion of persons with disabilities, particularly children and young people, to avoid their exclusion or exemption from physical education and facilitating contact with disability-specific sports? What are the objectives of these instruments?**

As mentioned above, the *Programa Nacional de Desporto para Todos* (National Programme Sports for All ) has its conceptual framework based on the Constitution of the Portuguese Republic, the Framework Law for Physical Activity and Sports (Law no. 5/2007, of 16 January) and in a set of international guidelines (EU, CoE, UN, WHO, IOC).

It is an instrument to promote rehabilitation, solidarity and social inclusion. It finances the regular offer of sports activities to people with disabilities by the education and training systems, employers, public and private entities, including Non-Governmental Organizations of persons with disabilities, centres for physical medicine and rehabilitation (Ministry of Health), structures for the senior population and sports organizations.

Local entities, through their sport and social action services, should be a strategic sector of proximity and framework for the practice of sports activities for people with disabilities. Local entities should have a special care in the selection of sports, due to the different functional profiles of people with disabilities, and should favour inclusion, that is, the joint participation of people with and without disabilities. However, activities can be framed and implemented according to one or more internationally recognized models: segregated, included and reverse inclusion.

The segregated model is oriented towards activities aimed at people with disabilities with the same functional profile and / or respecting the options of practitioners who prefer to participate with their peers, with whom they feel less discriminated against.

The inclusive model is the one recommended and adopted at international level, in the sense of informal practice to allow everyone to participate in an activity that must be adapted to the conditions of each one, regardless of whether the person has a disability. Inverse inclusion has been a strategy successfully adopted in several countries, namely in Portugal, for example with the project “*Boccia para todos”.*

The creation of [inclusive schools](https://www.dge.mec.pt/educacao-inclusiva) implies considering the three dimensions that they incorporate: the ethical dimension, referring to the principles and values that are in their genesis; the dimension related to the implementation of educational policy measures that promote and frame the action of schools and their educational communities, and the dimension related to educational practices. None of which can be neglected.

For further detailed information on the Portuguese legislative framework on this matter, refer to Annex 2 at the end.

**2(b)(i). Are teachers and professors of physical education trained to include students with disabilities in either mainstream or disability-specific physical education?**

Teachers and professors of physical education have a specific training to receive students with disabilities in regular classes/education.

Public and Private Higher Education, whether Polytechnic or University, with skills for the training of physical education and sport teachers have autonomy to define the study plan. There is the continuous training of teachers, which is also another training route, which offers content in the fields of special education in general and physical education and sport at school.

**2(b)(ii). Do persons with disabilities who want to be teachers and professors of physical education have access to equal certification to exercise the profession?**

In order to apply to university to become a teacher and professor of physical education it is necessary to have a declaration of functional and physical aptitude.

Furthermore, persons with disabilities may choose to attend training in order to obtain a certification for the exercise of the profession, but it will depend on the study plan and access criteria.

**2(c). What are the challenges to implementing the above? Are you aware of any good practices related to the above?**

The biggest challenges come from the plurality and diversity of training offers that depend on the law of higher education autonomy. Examples of good practices are the government structure of school sports, the Training Centres of School Associations, non-government sports organizations (including NGOs for people with disabilities), associations of physical education and sport professionals, coach associations, and Universities that promote the initial and continuous training of teachers.

The education system is fundamental in sports’ promotion. More than 100 000 students with disabilities and/or special needs attend regular education.

The central public sports administration is responsible for the political orientation of this program for people with disabilities, together with the Ministry of Labour, Solidarity and Social Security. The health and education systems contribute to this aim, both for congenital and acquired disabilities, representing an important instrument in the process of assessment, information, counselling and referral to sports.

It is essential to find means to ensure accessibility to sports activities for citizens with disabilities, according to their wishes and abilities. Moreover, adjusted sports activities, adapted to the special needs of those citizens, must be a priority.

Relevant recommendations for the segment in question are:

* removal of architectural barriers;
* training of specialized technicians;
* establishment of inclusive agreements or protocols;
* facilitated use of sport equipment and infrastructures and other services to people with disabilities and access to medical-sports programs;
* investment in pedagogical tools that promote the inclusion of persons with disabilities in mainstream sports activities;
* investment in companies that create sports equipment dedicated especially to persons with disabilities.

**Sports**

**3(a). Does your country have national, regional and local sports departments addressing and promoting competitive sports that cover both mainstream and disability-specific sports, either integrated or separated?**

Portugal has governmental structures and non-governmental sports organizations at national, regional and local levels that promote and develop integrated sport activities.

The Portuguese Sports and Youth Institute (IPDJ), the public body with competences within the area of sports, has been seeking to support the promotion and implementation of inter-sectoral cooperation projects, especially within school sports activities and in higher education, and in the fields of health and social inclusion. A relevant initiative to be mentioned is the School Adapted Sports project – continuous teacher training and support in the organization of sports events – in coordination with the Directorate Generalfor Education. Another relevant initiative promoted since 2017, in coordination with the University Sports Academic Federation, is the Adapted Sports in Higher Education.

**3(b). Do disability-specific competitions have a similar structure to mainstream competitions, either integrated or separated, to organize local, regional, national, continental and international competition?**

Law no. 38/2004, of 18 August - *Lei de Bases da Prevenção e da Reabilitação e Integração das Pessoas com Deficiência* –, article 39, mentioned that “it is the State that has to take specific measures to ensure the practice of highly competitive sport by person with disabilities, though, inter alia, the creation of adequate structures and forms of social support.”

Portugal, through national, regional and local authorities, has provided institutional, financial, technical and material support to the organization of local, regional, national, continental and international events with the same structure as conventional or integrated sport. Examples include:

* European adapted swimming 2019, carried out by the Portuguese Swimming Federation;
* BISFed 2019 Boccia World Open, held by the Cerebral Palsy National Sports Association and the Portuguese Sports Federation for People with Disabilities;
* ISF International School Sport Federation 2019 International Inclusive Games, carried out by Sports School of Portugal.

**3(c). What are the challenges that persons with disabilities face to access training centres prepared for high-performance sports at local, regional and national levels?**

The main challenges are related to obstacles in mobility and accessibility (namely those licensed before approval of Law no. 163/2006); absence of specific material equipment; absence of support products; and the inadequacy of equipment to the functional profile of the practitioners or to the teaching and training processes.

**3(d). Are there laws, policies and mechanisms in place to ensure fair distribution of public grants, awards and other financial support to ensure that sportspersons with disabilities have equal opportunities to succeed in competitive sports?**

The laws, policies and mechanisms are of a general scope and apply to both recreation and leisure, as well as to federated, competitive, high-performance sports for the Paralympic and Deaf Olympic, as were presented above.

However, there are laws, policies and mechanisms in place aiming at the fair distribution of public grants, awards and other financial support to ensure that sportspersons with disabilities have equal opportunities to succeed in competitive sports, namely:

* [Legal regime](https://dre.pt/legislacao-consolidada/-/lc/107981230/201808141904/73474661/diploma/indice) of sports federations and conditions for granting the status of sporting public utility
* **Paralympic and Deaf Olympic Preparation Program** and support for Missions to the Paralympic and Deaf Olympic Games.

Practitioners, their coaches (and those who need a sports assistant coach), Clubs, Sports Federations and the Paralympic Committee benefit from several support measures, among which we highlight:

* Financial support for the Paralympic and Deaf Olympic preparation plan;
* Financial scholarships for athletes, their coaches and sporting technical assistants;
* Financial awards for records and gold, silver and bronze medals won at international events, according to criteria established in legislation;
* Other support measures such as: sports insurance, health support, school facilities, access to higher education, support for dual careers, support for socio-professional reintegration;
* Athletes with disabilities classified as high performance practitioners benefit from the above measures. [Decree-Law no. 272/2009](https://dre.pt/web/guest/pesquisa/-/search/490957/details/maximized) defines measures to support the development of high-performance sport and [Ordinance No. 325/2010](https://dre.pt/pesquisa/-/search/335696/details/maximized) established classification criteria for certain sports competitions.

IPDJ, the public body with competences in the area of sports, in coordination with the National Rehabilitation Institute, financially supports the Paralympics and Deaflympics (preparation and participation programs), the allocations of participants with disabilities, besides financing Sports Federations that promote the inclusion of athletes with disabilities in regular/conventional structures Federated Sports.

**3(e). Please provide information on the organizational structures of disability-specific sports, including examples and good practices. Kindly consider the following aspects when replying:**

\*  **Are they separate structures, or are they integrated into mainstream federations and clubs?**

Portuguese authorities financially support Sports Federations that promote the inclusion of athletes with disabilities in regular/conventional structures Federated Sports.

The table below represents the Portuguese sports system, reflecting its integrated nature. The non-governmental sports organization is structured on three levels: national, regional or intermediate and local:

* The national structure comprises, similarly to the international, three supra-national structures (umbrella organizations): the National Olympic Committee, the National Paralympic Committee and the National Sport Confederation.Membersof these three umbrella organizations include the National Sports Federations, which can be dedicated to one sport activity or multisport. Examples of multisport federations are University Sports and the Portuguese Sports Federation for People with Disabilities.
* At the intermediate level there are Territorial Associations or Regional Associations, which depend on the model of each National Federation.
* At the base, at the local level, there are traditional and formal sports clubs and specific clubs for people with disabilities.



*\****Are they decentralized covering the whole territory or they only operate in capital city/area?**

The Paralympic Committee holds a list of locations covering the whole territory. The structure of organized sport is decentralized and comprises three levels: national, intermediate (regional level) and local level.

*\****Are they sports-discipline specific, or they integrate multiple disciplines?**

The sports-discipline reflects the international model with specific sports, such as Boccia and Goalball and others, adapted from conventional sports such as athletics, football, basketball, etc.

*\****Do they receive equal funding opportunities compared to mainstream sports?**

They have the same funding opportunities and the same criteria are adopted depending on the laws, guidelines and program/project standards.

*\****Are joint activities between sportspersons in disability-specific sports and mainstream sports encouraged or carried out to facilitate exchange among sportspersons within similar disciplines?**

Three principles are encouraged and respected:

* Participation in sport should be, whenever possible, socially inclusive;
* There are athletes with disabilities who prefer to participate in sport only with their peers because they feel more equal;
* Reverse inclusion is a principle, a system, a method of inclusion that allows people without disabilities to participate in sports that are specific and intended only for people with disabilities, as it is the case in Boccia sport. Participation has been extended to people with and without disabilities.

In 2012, we have proposed that Boccia becomes the first modality of the official program of the Olympic Games to be opened to the integrated participation of people with and without disabilities.

*\****Are persons with disabilities considered in sports beyond their role as sportspersons, including as referees, coaches, spectators, administrators, workers, volunteers in the sports industry, board members, among others?**

We defend equal opportunities for people with disabilities, not only as sportswomen and sportsmen, but also in other roles in Sport.