

CHAPTER 10: THE CASE OF PORTUGAL

1) General organization of higher education

“The situation of free (private) education is one of the most accurate barometers of the healthy condition of a society’s fundamental freedoms and of the degree of maturity of its institutions... A developed nation is thus one that unites a State aware of its subsidiary role and a society endowed with self-regulation mechanisms sufficient to cherish the development of fundamental freedoms and this includes without any shade of doubt the freedom of education”¹

Roberto Carneiro
Minister of Education
1987-1991

Following the end of the dictatorial regime, Portugal has moved to profound transformation of its society. These changes have affected the general organisation of education with new reforms lead by the liberal Ministry of Education. One of the main priorities of the **Reform Act of July 25, 1973** was to create a binary education system in Portugal.

During the revolutionary period (1974-1976), higher education was no more for the elite as it used to be and started to open its doors to everyone wishing to study at university. This period was consequently marked by a *massification* of higher education with the number of the student population which was growing. This phenomenon has been then controlled and calmed down with the entrance of the country in the European Union (1986). The following year of the admission of Portugal to the EU was a period of normalization. However, the raising number of students in the 1980s, which gave as a result a crisis of public funding for higher education, has encouraged the **Portuguese State to settle in 1976 a new legal framework of the Constitution authorizing the establishment of private universities (freedom to teach and to learn, art. 43, 73 to 75)** in order to balance the lack of public investments in higher education.

To summarize this crucial period of changes in the Portuguese recent history:

- From 1974: *massification* of the student population and diversification of the Portuguese higher education system (implementation of a binary system);
- Increase of the institutional autonomy within the public sector;
- From the 1976 Constitution: authorization to establish private higher education sector (mainly as a consequence of the public funding crisis).

The binary higher education system is articulated in university and polytechnic institution which can be public and private:

- **Universities:** they have a strong theoretical basis and are highly research-oriented. They offer degrees in various study programs such as medicine, law, natural sciences, economics, psychology or veterinary medicine.
- **Polytechnics:** they provide practical training and offer vocational-oriented degrees such as nursing, accounting technician, health care technician,

¹ CARNEIRO “*Manisfesto against State hegemony*”, 1994, P. 9

preschool and primary school teaching. They are not allowed to award Master's and Doctoral degrees, only universities can. Studies in polytechnics last 3 years.

Other fields like engineering, management, education, agriculture, sports, or humanities are taught in both university and polytechnic institutions.

In terms of *figures*, there were 79 higher education institutions in the 70s (42 public and 37 private). In 2005, there were 162 higher education institutions:

- 14 public universities and 1 university institute;
- 15 public polytechnics institutes;
- 16 public polytechnics schools (4 of them integrated to universities);
- 3 public health schools;
- 9 military and police schools;
- 1 catholic and 14 private universities officially recognised by the State;
- 4 private polytechnics officially recognised by the State;
- Around 100 other private institutions which are not recognised by the State.

In parallel, there are 430 research centres in Portugal, all evaluated and recognized by the Ministry of Education: 384 are located in public universities, 14 belong to the Catholic University, 8 are located in public polytechnics, 7 are located in private recognized universities, and 20 belong to private non-recognized institutions. They constitute an education sector apart from the ordinary one.

Public and private universities have in common tuition fees, study programs and awarded degrees. However, tuition fees in private higher education establishments are around 10 times more than in public institutions².

During the *massification* period of the student population in Portugal (1980's), private higher education, officially recognized since 1976, enjoyed a high reputation and were more attractive than public ones.

Both institutions have also in common the principle of *numerus clausus* for student admission in higher education in Portugal: entrance to a school or university is subject to restriction due to the maximum number of available places in higher education institutions, number fixed annually. Entrance tests for admission are established by the institution itself.

1.1 Public sector

Early 2005, there were 14 public universities, 15 public polytechnics institutes, 16 public polytechnics schools and 3 public health schools³.

As previously mentioned, access to public higher education is subject to enrolment restrictions and students are entirely in competition to be accepted. For a number of academic fields, undergraduate admission criteria and student evaluation in public

² From "L'enseignement supérieur: un enseignement pour les élites? Exemple portugais » by Belmiro Gil Cabrito, CEPES-UNESCO publication N°1 2004, P. 43

³ Figures were found in the CEPES publication on private higher education, part on Portugal, p. 322

university institutions are usually more selective and demanding than in private or polytechnic institutions.

1.2 Private sector

In the **1976 Constitution, the Portuguese State has authorized the creation of private higher education institutions**. Circumstances of this authorization in the general context of the higher education at that time were the following:

- A strong increase in demand for higher education from 1974 with a general opening of the sector;
- Then, a restriction imposed by the *numerus clausus* at the entrance to the university in parallel to the growing number of graduates from secondary education;
- An increasing gap between supply and demand, a difficult economic situation and a problem of a lack of public funding in higher education

Thus, early 1990's was a favourable period for private higher education development in the country. Rapidly, private institutions were considered as a solution to solve problems of public higher education (especially regarding funding) and gained a solid reputation of awarding quality education. At their early beginning, they even had the support from the State which considered the emergence of this private sector as a key solution to solve the problem of funding and as a tool for social and economic development. Consequently, private higher education grew up exponentially and gained a major place in the higher education system.

In terms of **figures**, private higher education was mainly developed during the 1990s. At the beginning, they kept attracting more and more students. For example, for the academic year 1983-1984, 10% of the student population were enrolled in private establishments while in 1989-1990, they were 22%. During the 1990's, private institutions reached 35% of the total enrolment, before decreasing to 27% in 2002⁴. However, after this initial fast development, the trend was reversed late 1990's for different reasons. Between academic year 1995-1996 and 1997-1998, a 31% reduction of student number has affected the private sector. This phenomenon could be explained by the combination of the decreasing demand for higher education with a steady increase of the number of places available in the public sector.

Regarding **students**, enrolment in private higher education establishments is regulated by each institution and entrance requirements vary from one to another. However, students enrolled in private establishments do not have the possibility to get a public scholarship. Public support to students enrolled in private institutions is limited to grants. In 1997, the Government has decided to extent the public part of grants for students enrolled in private institutions with an extra allowance to compensate tuition fees which are higher to the ones in public universities.

⁴ CEPES-UNESCO 2007 publication. Portugal, p. 313 and 321. Additional figures were found on the Eurydice Database. http://www.eurydice.org/ressources/Eurydice/pdf/eurybase/2006_DNPT_EN.pdf

In terms of *enrolment*, private universities had a high capacity of enrolment with a large number of places late 1980-1990s. From academic year 1988-1989 (around 10,000 places in total) to academic year 1991-1992 (around 35,000 places in total), the number of places offered in private universities have tripled.

Regarding *funding*, private higher education establishments can not be directly financed by public budget. They mainly depend on tuition fees and other taxes paid by the students.

Most of the *courses* offered in private institutions are Social Sciences, Commerce and Law. There are also Architecture, Engineering, Arts and Humanities.

The *Portuguese Association of Private Higher Education Institutions* (APESP in Portuguese) is an association of the *officially recognized non-State institutions of higher education*. These private higher education institutions are known as private and cooperative higher education establishments fully integrated in the Portuguese educational system.

In parallel to these private higher education establishments which are officially recognized by the Portuguese authorities, there is a large number of private providers of post-secondary or higher education in Portugal. These establishments are not officially recognized by the State. Most of them are associates to the APESP.

1.3 The process of accreditation

Public and private higher education institutions or courses are not allowed to operate and can not be accredited if they are not first recognized by the Ministry of Science, Technology and Higher Education⁵.

Concerning private higher education institutions especially, once recognized private and cooperative higher education establishments, and then accredited by the Ministry, they remain under the control of the Ministry of Education. They must ask for permission before starting a new degree. After getting this permission, they need to apply for recognition of the diploma and awarded degrees to the Ministry. When they finally get this public authorisation, the degrees and diploma awarded have the same legal value that ones awarded in public institutions.

2) List of private higher education establishments

Early 2005, there were 14 private universities, 4 private polytechnics and 1 Catholic University with a specific status. In parallel, a large number of other private institutions (mainly post-secondary establishments) exist but they are not recognized by the State⁶.

⁵ More information on the Ministry of Science, Technology and Higher Education on: www.mctes.pt

⁶ According to CEPES-UNESCO 2007 publication on private higher education, part on Portugal, there are around 100.

2.1 Private universities

Group UI International University (Lisbon, Figueira da Foz)

<http://www.uinternacional.pt/InglesSite.htm>

UAL Universidade Autonoma de Lisboa (for-profit) (Lisbon, Caldas da Rainha)

www.universidade-autonoma.pt

UATLA Universidade Atlantica <http://www.uatla.pt/>

UCP Universidade Catolica Portuguesa (for-profit) www.ucp.pt

UFP Universidade Fernando Pessoa (for-profit) www.ufp.pt

UNIPAZ Universidade Internacional da Paz <http://www.unipaz.pt/>

Universidade Independente www.uni.pt

Universidade Lusitana (non-profit) (Lisbon, Porto) www.ulusiada.pt

Universidade Lusofona do Porto (non-profit)

http://www.grupolusofona.pt/portal/page?_pageid=194,1&_dad=portal&_schema=PORTAL

Universidade Lusofona de Humanidades e Tecnologias (Lisbon)

http://www.grupolusofona.pt/portal/page?_pageid=135,1&_dad=portal&_schema=PORTAL

Universidade Moderna (Lisbon) www.umoderna.pt

Universidade Portucalense (non-profit) (Porto) www.uportu.pt

2.2 Private polytechnics

Instituto Politecnico de Saude do Norte (Gandra)

<http://www.cespu.pt/cespu/politecnico/ipsn/essvs/podologia.asp>

ISAEP Instituto Superior Autonomo de Estudos Politecnicos (Lisbon)

ISCE Instituto Superior de Ciencias Educativas (Odivelas) www.isce-olivelas.com

ISPAGAYA Instituto Superior Politecnico Gaya (Vila Nova de Gaia)

<http://www.ispgaya.pt/>

2.3 Other private higher education establishments

According to CEPES 2007 publication, it is said that there are around 100 non-State institutions of higher education. We have here around 50 establishments; most of them are associates of the APESP.

1) **ERISA Escola Superior de Saude Ribiero Sanches** (Group Universidade Lusofona)
http://www.grupolusofona.pt/portal/page?_pageid=274,1&_dad=portal&_schema=PORTAL

2) **ESAD Escola Superior de Arte e Design** <http://www.esad.pt/pt/>

3) **ESAI Escola Superior de Actividades Imobiliarias** <http://www.esai.pt/>

4) **ESAP Escola Superior Artistica de Porto** <http://www.esap.pt/>

ESE Escola Superior de Educaçao

(5) **Deus** <http://www.ese-jdeus.edu.pt/>

(6) **Frassinetti** <http://www.esefrassinetti.pt/>

(7) **Almeida Garrett** <http://www.eseag.pt/detalhe.asp?id=9412>

(8) **Santa Maria** <http://www.esesantamaria.com/>

9) **Escola Superior de Educaçao de Fafe** <http://www.iesfafe.pt/>

10) **Escola Superior de Educadores de Infancia**
<http://www.eseimu.pt/page.php?goTo=descricaoConhecaESEIMU>

Escola Superior de Infermagem:

(11) **Sao Jose de Cluny** <http://www.esesjcluny.pt/>

(12) **Santa Maria** <http://www.esenfsm.pt/www/index.php>;

(13) **San francisco** <http://www.esesfm.pt/esesfm/>

14) **Escola Superior de Marketing e Publicidade**

15) **Escola Superior de Saude da Cruz Vermelha Portuguesa**
<http://www.cruzvermelha.pt/ess/>

16) **ESSA Escola Superior de Saude do Alcoitao** <http://www.essa.pt/>

17) **Escola Superior de Saude Egas Moniz** <http://www.egasmoniz.edu.pt/>

18) **Escola Superiores de Tecnologias de Fafe** <http://www.iesfafe.pt/site/home.asp>

19) **Escola Superior Gallaecia** <http://www.esgallaecia.com/>

20) **EUAC Escola Universitaria das Artes de Coimbra**

21) **Escola Universitaria Vasco da Gama** <http://www.uvascodagama.org/>

22) **IADE Instituto de Artes Visuais, Design e Marketing** (Lisbon)
<http://www.iade.pt/>

23) **IESF Instituto de Estudos Superiores Financeiros e Fiscais**
http://www.iesf.pt/iesf_inst.asp

24) **INP Instituto Superior das Novas Profissoes** (Group Universidade Lusofona)

http://www.grupolusofona.pt/portal/page?_pageid=778,1&_dad=portal&_schema=PORTAL

25) **INUAF Instituto Superior Dom Afonso III** <http://www.inuaf-studia.pt/inuaf2004/>

26) **IPAM Instituto Portugues de Administraçao de Marketing**
<http://www.ipam.pt/>

27) **Instituto Piaget** (Lisbon) <http://www.ipiaget.org/>

28) **ISAL Instituto Superior de Administraçao e Linguas** <http://83.240.224.250/>

29) **ISBB Instituto Superior Bissaya Barreto** <http://www.isbb.pt/>

30) **ISCAD Instituto Superior de Ciencias de Administraçao** (Group Universidade Lusofona)
http://www.grupolusofona.pt/portal/page?_pageid=234,1414752&_dad=portal&_schema=PORTAL

ISCE Instituto Superior de Ciencias Educativas:

(31) **Felgueiras** <http://isce-felgueiras.com>

(32) **Mangualde** <http://www.isce-mangualde.com/>

(33) **Odivelas** <http://www.isce-odivelas.com/>

34) **ISCEN Instituto Superior de Comunicaçao Empresarial** <http://www.iscem.pt/>

35) **ISCIA Instituto Superior de Ciências da Informação e da Administração**
<http://www.iscia.edu.pt/>

36) **ISCSEM Instituto Superior de Ciencias da Saude Egas Moniz**
<http://www.egasmoniz.edu.pt/iscsem/>

37) **Instituto Superior Dinis** (Group de Universidade Lusofono)
http://www.grupolusofona.pt/portal/page?_pageid=314,502843&_dad=portal&_schema=PORTAL

38) **ISEC Instituto Superior de Educaçao e Ciencias** <http://www.isec.universitas.pt/>

39) **ISG Instituto Superior de Gestao** (group de Universidade Lusofona)
http://www.grupolusofona.pt/portal/page?_pageid=674,1&_dad=portal&_schema=PORTAL

40) **ISGB Instituto Superior de Gestao Bancaria** (not a member of APESP)
<http://www.isgb.pt/>

41) **ISLA Instituto Superior de Linguas e Administraçao** (Santarem, Leiria, Gaia, Bragança, Lisbon) <http://www.unisla.pt/>

42) **ISMAI Instituto Superior da Maia**

<http://www.ismai.pt/MDE/INTERNET/PT/SUPERIOR/ESCOLAS/ISMAI/Default.htm>

43) **ISMAT Instituto Superior Manuel Teixeira Gomes** (group universidade Lusofona)

http://www.grupolusofona.pt/portal/page?_pageid=334,1&_dad=portal&_schema=PORTAL

44) **ISMT Instituto Superior Manuel Torga** <http://www.ismt.pt/ismt/pt/>

45) **ISPA Instituto Superior de Psicologia Aplicada**

<http://www.ispa.pt/ISPA/vPT/Publico/>

46) **ISPAB Instituto Superior de Paços de Brandão** <http://www.ispab.pt>

47) **ISPAGAYA Instituto Superior Politecnico Gaya** <http://www.ispgaya.pt/>

48) **ISPO Instituto Superior Politecnico de Oeste**

http://www.grupolusofona.pt/portal/page?_pageid=435,1&_dad=portal&_schema=PORTAL

49) **ISSSP Instituto Superior de Serviço Social do Porto** <http://www.cesss-issp.pt/>

50) **ISTEC Instituto Superior de Tecnologias Avançadas** (Lisbon, Porto)

<http://www.istec.pt/>

51) **ISVOUGA Instituto Superior de Entre Douro e Vouga**

<http://portal.isvouga.com/>

3) Legislation

The *1976 Constitution* (Art. 43 and 73-75) states the principle of freedom to teach and to learn and authorized the establishment of private institutions.

Decree law N°16/94 (January 22, 1994) stipulates that private and cooperative higher education institutions are legally recognized⁷. **Amendment by Law N°37/94 (November 11, 1994) and by Decree law N°94/99 (March 23, 1999)** which stipulate the necessary conditions for creating courses in private higher education institutions. They recognise the respective levels and define the State's a supervisory power regarding the quality of the courses and the possibility of allocating funds.

Decree Law N° 205/98 (July 11, 1998) creates the National Higher Education Assessment Council and establishes the general rules necessary for the achievement of the higher education assessment and monitoring system. It settles the principles

⁷ Cf annex 6, p. 192 containing the main points of the Law translated in English. To view the all text, visit : http://www.apesp.pt/Default.aspx?_Locale=en&sec=Legislacao

that constitutions of the representatives bodies of public and private university and polytechnic higher education institutions must respect.

Law N° 37/2003 (August 22, 2003) regulates the general conditions of higher education funding. Chapter III concerns the funding for private higher education establishments⁸.

4) Figures

Table 1: Total enrolment in public and private institutions (in %)

	1983/1984	1990/1991	1995/1996	2000/2001	2003/2004
Public universities	76	55.1	44.1	43.6	43.6
Public polytechnics	12.6	17.4	19.3	26.8	29
Total public	88.6	72.5	63.4	70.4	72.6
Private universities	7.9	15.2	17	14.2	12
Other private institutions	3.5	12.3	19.6	15.4	15.4
Total private	11.4	27.5	36.6	29.6	24.4

Source: CEPES publication 2007 on private higher education p. 323 (from Ministry of Science, Technology and Higher Education www.oces.mctes.pt)

Table 2: Student enrolment in higher education institutions

Year	1996	1997	1998	1999	2000	2001	2002	2003
Public	198,350	206,462	223,426	237,567	251,488	259,490	264,738	262,385
Private	113,615	112,417	113,499	112,000	106,254	103,850	103,026	99,934
Total	311,965	318,879	336,925	349,567	357,742	363,340	367,764	362,319

Source: CEPES publication on private higher education p. 335 (from Ministry of Science, Technology and Higher Education www.oces.mctes.pt)

Table 3: Number of students enrolled in higher education for the academic year 2004-2005

	Public	Private	Total students
University education	173,897	67,157	241,054
Polytechnic education	108,376	31,507	139,883
Total	282,273	98,664	380,937
%	74.1%	25.9%	100%

⁸ Cf annex 7, p. 197 containing the main points of Chapter III of the Law regarding the funding in English.

Source: Eurydice database on education. (From Science and Higher Education Observatory)
http://www.eurydice.org/ressources/Eurydice/pdf/eurybase/2006_DNPT_EN.pdf

Table 4: Number of teaching staff in higher education (2004-2005)

Type higher education institutions	Number of teaching staff
State University	14,858
State Polytechnic	10,510
Private University	7,244
Private Polytechnic	4,161
Total	36,773

Source: Eurydice database on education. (From Science and Higher Education Observatory)
http://www.eurydice.org/ressources/Eurydice/pdf/eurybase/2006_DNPT_EN.pdf

Table 5: Number of teachers and establishments of higher education (2004-2005)

	Public	Private	Total
Teachers	25,368	11,405	36,773
%	69%	31%	100%
Establishments	169	135	304
%	55.6%	44.4%	100%

Source: Eurydice database on education. (From Science and Higher Education Observatory)
http://www.eurydice.org/ressources/Eurydice/pdf/eurybase/2006_DNPT_EN.pdf

CONCLUSION

Officially recognized by the 1976 Constitution, private higher education sector in Portugal has been rapidly developed in 1980-1990's. Today, 75% of the student population is enrolled in public institutions while 25% is in the private sector.

Generally, higher education in Portugal remains a state-regulated system and since the last years, public and private universities are obviously in competition for different reasons. Firstly, public universities have introduced in recent years a tuition fees system, lower than in private ones. Secondly, public universities have re-gained a better reputation the last couple of years, a situation which has changed the prominent role that private universities used to have during the 1980-1990s.

If private institutions are completely integrated to the Portuguese educational system, their lack of autonomy remains a core problem for their development. Strictly under public control and decisions, they do not have the capacity to be creative as they wish, and innovate with new study programmes. The following example of the APESP's position regarding public control on private universities reveals the general situation. In 1998, APESP has sent a letter to the Ministry of Education to accuse the public policy regarding private higher education. Here are some parts of the letter:

“There was a first phase when civil society was invited to act where the State had proved to be incapable of acting. There is now a second phase where the State methodically is trying to remove civil society from education. We do not believe this to be the rights decision [...] The State has been exceeding the limits of its rights of

surveillance conferred by the Constitution by exercising a direct and suffocating tutelage over private institutions thus completely eliminating their scientific and pedagogical autonomy, obstructing institutional developments and creating large difficulties to the implementation of new projects [...] The lack of autonomy of private higher education institutions, namely regarding the creation and modification of study programs, creates great institutional instability. Besides being the object of unfair treatment relative to public institutions, they also have to put up with systematic delays in the analysis of their projects, which take indefinite periods of time without any decision from the Ministry⁹”.

⁹ From CEPES publication 2007 on private higher education, Portugal, p. 333, p. 341-342