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| **Resolução da Assembleia Geral das Nações Unidas 69/156 sobre Casamentos de Crianças, Precoces e Forçados** | **C/** **DGPE/SPM/Nº** **594/2016**  |
| **Autor:** | **CR** |
| **Proc.º:** | **ACDH Questionários** |
| **Data:** | **2016-02-02** |

**Report of the Secretary General on progress towards ending child, early and forced marriage worldwide pursuant to General Assembly Resolution 69/156**

**Reply of Portugal**

In reply to the request of the Office of the High Commissioner for Human Rights, Portugal has the honour to provide the following information pursuant to General Assembly Resolution 69/156 on child, early and forced marriage:

According to the Portuguese Civil Code (CC), both catholic and civil marriages are recognized (Article 1587) and both are necessarily subject to registration under the Civil Registration Law (Articles 167 and 180 of the Civil Registration Code). Portuguese legislation establishes a number of specific conditions and formalities for the wedding celebration aiming, among other objectives, at the prevention of situations of early and forced marriages.

Therefore, before any marriage is celebrated, the law requires that notice of it should be published in order to ensure there is no impediment to it (Article 1610 CC). Any individual who is aware of an impediment is entitled to declare it until the date of the marriage (Article 1611 (2) CC).

With regard to early marriages, the Portugal Civil Code stipulates that the age of majority is 18 years (Article 130). In no circumstance is marriage permissible for persons who lack legal capacity. The absolute impediment of impuberty applies to those who try to get married before the age of 16 (Article 1601 (a) CC).

Indeed, if one or both of the intending spouses are minors (16 to 18 years old), they must require permission from a parent or guardian in order to validly get married. The registrar may, nonetheless, waive the parental permission requirement if there are any important reasons for the marriage to be celebrated and the minor is sufficiently mature, both physically and psychologically (Article 1612 CC).

The marriage contract always requires the mutual consent of the intending spouses and it is strictly personal in nature (Article 1619 CC). When marriage is the result of coercion it is voidable by virtue of civil law (Article 1638, paragraph 1 of the Civil Code). The marriage celebrated by those who are under 16 years of age is also voidable if entered into with will vitiated by coercion (Article 1633b).

In what concerns the criminal law framework, the recent Law 83/2015, of 5th August, should be highlighted. This law, which amended the Criminal Code, introduced the crime of forced marriage, in compliance with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, adopted in Istanbul on the 11th May 2011.

Accordingly, Article 154-B of the Criminal Code currently provides that whoever compels another person to enter into a marriage or a partnership/union equivalent to marriage shall be punished with an imprisonment penalty of up to five years.

Similarly, under Article 154-C, the preparatory acts, including that of attracting the victim to a territory different than one of his/her residence in order to constrain him/her to contract marriage or a partnership/union equivalent to marriage, shall be punished with an imprisonment penalty of up to one year or a fine not exceeding 120 days.

According to Article 155, if aggravating circumstances or factors arise or if, by virtue of the offence the victim commits or attempts to commit suicide, higher penalties are foreseen (1 to 8 years of imprisonment in the case of forced marriage and 1 o5 year of imprisonment in the case of preparatory acts).

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