



PERMANENT MISSION OF PORTUGAL  
GENEVA

No. 104  
HR

OHCHR REGISTRY

22 APR 2014

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The Permanent Mission of Portugal to the United Nations Office and other International Organizations presents its compliments to the Office of the High Commissioner for Human Rights and referring to note OHCHR/RRDD/VAW, has the honour to enclose herewith the reply by the Portuguese Authorities to the questionnaire on child, early and forced marriage.

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

Geneva, 14 April 2014



Office of the High Commissioner  
for Human Rights  
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Answer to the information demand of the Office of the High Commissioner for Human Rights on Child, early and forced marriages <sup>1</sup>

1. How states are implementing their obligations under international human rights conventions and international human rights treaties on child, early and forced marriages at the national level.<sup>2</sup>

1.1. International human rights conventions and international human rights treaties on child/women ratified by Portugal.

Portugal has ratified several major conventions and treaties on human rights on children/women.

Some of them should be pointed out:

- The United Nations (UN) Convention on the Rights of the Child. Entry into force in the Portuguese internal legal order: 21st October 1990<sup>3</sup>;
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Entry into force in the Portuguese internal legal order: 16 June 2003<sup>4</sup>;
- The UN Convention on the Elimination of All Forms of Discrimination against Women. Entry into force in the Portuguese internal legal order: 3<sup>rd</sup> September 1981<sup>5</sup>;
- Optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women. Entry into force in the Portuguese internal legal order: 26 July 2002<sup>6</sup>;
- The Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and

<sup>1</sup> Please note that the following information does not constitute an official translation of legal terms and provisions.

<sup>2</sup> In the answer, we have followed and updated the information presented by Portugal for "Forced marriages in Council of Europe member states A comparative study of legislation and political initiatives Prepared by Ms Edwige Rude-Antoine Doctor of Law, Research Officer CERSES/CNRS Directorate General of Human Rights, Strasbourg, 2005", available at: [http://www.coe.int/t/dghl/standardsetting/equality/03themes/violence-against-women/CDEG\(2005\)1\\_en.pdf](http://www.coe.int/t/dghl/standardsetting/equality/03themes/violence-against-women/CDEG(2005)1_en.pdf)

<sup>3</sup> [http://direitoshumanos.gddc.pt/3\\_3/IIIPAG3\\_3\\_1.htm](http://direitoshumanos.gddc.pt/3_3/IIIPAG3_3_1.htm)

<sup>4</sup> [http://direitoshumanos.gddc.pt/3\\_3/IIIPAG3\\_3\\_3.htm](http://direitoshumanos.gddc.pt/3_3/IIIPAG3_3_3.htm)

<sup>5</sup> [http://direitoshumanos.gddc.pt/3\\_4/IIIPAG3\\_4\\_1.htm](http://direitoshumanos.gddc.pt/3_4/IIIPAG3_4_1.htm)

<sup>6</sup> [http://direitoshumanos.gddc.pt/3\\_4/IIIPAG3\\_4\\_2.htm](http://direitoshumanos.gddc.pt/3_4/IIIPAG3_4_2.htm)

Measures for the Protection of Children. Entry into force in the Portuguese internal legal order: 1<sup>st</sup> August 2001.<sup>7</sup>

- The European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children. Entry into force in the Portuguese internal legal order: 1<sup>st</sup> September 1983<sup>8</sup>
- Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. Entry into force in the Portuguese internal legal order: 1<sup>st</sup> December 2012.<sup>9</sup>
- European Convention on the compensation of victims of violent crimes. Entry into force in the Portuguese internal legal order: 1<sup>st</sup> December 2001<sup>10</sup>.

Portugal ratified the Council of Europe's Convention on Preventing and Combating Violence Against Women and Domestic Violence, also known as the Istanbul Convention<sup>11</sup> in 2013

## 1.2 Legal provisions

There is no specific legal provision on child, early and forced marriage. The provisions that protect children on this subject are to be found mainly in civil law; civil registration law; penal law; national foreign law and nationality law, as follows.

### 1.2.1 Civil law provisions.

#### *Marital capacity*

The Portuguese Civil Code (CC) stipulates that the age of majority is 18 years old (Article 130), but the legal minimum age for marriage is 16 years old (Article 1601 CC). In no circumstances is marriage permissible for persons who lack legal capacity. Being under the marriage age (16) constitutes an absolute impediment to marriage (Article 1601 (a) CC).

#### *Consent*

If one or both of the intending spouses are minors (16-18), they require permission from a parent or guardian. The registrar may waive the parental permission requirement if there are important reasons for the marriage to be celebrated and the minor is sufficiently mature physically and psychologically (Article 1612 CC).

<sup>7</sup> [http://direitoshumanos.gddc.pt/3\\_3/IIIPAG3\\_3\\_6\\_A.htm](http://direitoshumanos.gddc.pt/3_3/IIIPAG3_3_6_A.htm)

<sup>8</sup> [http://direitoshumanos.gddc.pt/3\\_3/IIIPAG3\\_3\\_9.htm](http://direitoshumanos.gddc.pt/3_3/IIIPAG3_3_9.htm)

<sup>9</sup> <http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=201&CM=&DF=&CL=ENG>

<sup>10</sup> <http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=116&CM=1&DF=&CL=ENG>

<sup>11</sup> <http://www.conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?CL=ENG&NT=210>

The consent of the intending spouses is strictly personal (Article 1619 CC).

Marriage by proxy is permitted (Article 1620 CC). One of the intending spouses may delegate authority to an appointed representative through a proxy document that must contain specific authority to contract the marriage, name and the other intending spouse and indicate how the marriage will take place and the type of marriage.

The proxy becomes invalid if it is revoked or if the principal or representative dies or becomes incapacitated. The intending spouse can revoke the proxy anytime (Article 1621 CC).

### *Celebration of marriage*

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 up to the date of the marriage (Article 1611 CC). This declaration is compulsory to the Public Prosecutor's office as well as to the register's servants (Article 1611 (2) CC).

Article 1587 of the CC recognizes both catholic and civil marriage.

The Portuguese state recognizes the civil effects of marriages concluded in accordance with the canonical laws, provided there is an inscription in the appropriate civil registry books. The publications of marriage are not only in their parish churches but also in the relevant offices of civil status (Article 13 of the Concordat concluded between Portugal and the Holy See on 18 May 2004<sup>12</sup>).

Civil marriage is celebrated by a civil authority (Article 1616 CC).

Articles 1615 CC and 1616 CC provide that the celebration is public, in the presence of the intending spouses or the representative of one of them and the register officer as well as the minister of the worship; whenever compulsory, two witnesses should be present.

Article 1622 CC provides for marriages to be celebrated urgently if either party is at the point of death or if the bride is about to give birth; Article 1599 CC adds a serious motive of moral reason as a motive for permitting catholic urgent matters.

### *Annulment of marriage*

Ecclesiastical courts and administrative departments deal with annulment of Catholic marriages (Articles 1625 and 1626 CC).

Civil marriage is considered not to have taken place if, other than in cases of urgency, it was not celebrated by the competent registrar; if it is an urgent marriage that was not subsequently validated; if consent was vitiated; if the marriage was celebrated in the presence of a representative not entitled to act as a proxy (Article 1628 CC).

A "non-existent" marriage of this type doesn't produce any legal effect and any individual is entitled at any time to invoke its non-existence, even without a court ruling (Article 1630 CC).

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<sup>12</sup> <http://www.gddc.pt/siii/ib.asp?id=1764>

Apart from “non-existent” marriages, certain marriages are liable to annulment (Articles 1631 to 1646 CC).

The existence of an absolute impediment, the absence of intent on the part of one of the spouses and the lack of compulsory witnesses are grounds for annulment (Article 1631).

An action for annulment on the grounds that an absolute impediment to the marriage existed may be brought by either spouse, their relatives in the direct and collateral lines to the fourth degree of kinship, their heirs, their adoptive parents, the public prosecution service, guardians of the spouses or a first spouse in the case of bigamy (Article 1639 (1) CC).

The marriage can be annulled by absence of intent if at the time of the marriage, the spouse in question was, for reasons of mental incapacity or otherwise, unaware of the step he or she was taking; if one of the spouses mistook the other for someone else; if the declaration of intent to marry was expressed under physical or moral duress; or when the marriage was a marriage of convenience (Article 1635 CC).

An action for annulment on the grounds of pretence may be brought by either spouses, or anyone affected with the marriage (Article 1640(1) CC). In all other cases of absence of intent only the spouse who did not give consent is entitled to bring the action. If the spouse who initiated the action dies, his or her relatives, heirs or adopters, may take over the action (Article 1640 (2) CC).

An action for annulment on the grounds of divergence between the intent and the declaration may be brought by the spouse who was a victim of the error or of the coercion. If the spouse who initiated the action dies, his or her relatives, or heirs or adopters, may take over the action (Article 1641 CC).

An action for annulment on the grounds of lack of witnesses can only be brought by the Public Prosecutor.

An annulled marriage may be deemed to be “putative” in favor of one or both spouses according to whether they acted in good faith when contracting it (Article 1647 CC).

There is a presumption of good faith of the spouses. Those who have married with excusable ignorance of the vitiating circumstance are considered to be in good faith. Good faith may be deduced from the fact of consent to marriage under duress (Article 1648 CC).

### 1.2.3. Special provisions in civil register law

The relevant provisions related to marriage are Articles 134 to 188 of the Code of Civil Registration, CCR.

A marriage between a Portuguese national and a foreign national celebrated in Portugal must comply with the formal requirements and conditions laid down in the CCR (Article 164, CCR).

Marriages between foreign nationals may be celebrated in Portugal in accordance with the formal requirements laid down by the national law of one of the intending spouses, in the presence of the appropriate diplomatic or consular representatives – provided that the national legal system in question recognizes Portuguese diplomatic or consular representatives as having similar authority (Article 165 CCR).

There are, however, certain special rules that apply to marriages between foreigners in Portugal, notably with regard to:

- The validity of foreign documents supplied by another state for purposes of enabling a marriage to take place in Portugal.

Documents supplied by another country, in accordance with the local law, may be used for making entries in the civil register or pursue proceedings, irrespective of prior legalization – provided that their authenticity is not in doubt (Article 49(1)CCR).

If these documents are in a foreign language they must be accompanied by a translation made or certified by the registrar or a public notary (Article 49(8) CCR).

- The initial declaration of intent to marry;

Specific documents, such as the intending spouses' identity cards, may be required, or a foreign national's residence permit, passport or equivalent document (Article 137 (1) CCR). If the intended spouses are foreign nationals they should present a birth certificate (Article 137(2) CCR). The intending spouses may, however, be exempted from producing these documents if they marry by proxy (Article 137(3) CCR).

In terms of substantive requirements for the marriage of a foreign national, a foreigner who intends to marry in Portugal in accordance with one of the forms of marriage recognized by the law must present a certificate of civil status issued not more than six months before – the competent authority in his or her country of origin may specify some other length of time – in order to prove that there is no impediment to celebration of the marriage (Article 166(1), CCR).

If the intending spouse cannot produce such a certificate – because his or her country does not have diplomatic or consular representation in Portugal or for another reason outside his or her control –, lack of the documents can be substituted by declaration that, following his or hers personal law, nothings opposes to the marriage (Article 166(2) CCR).

#### 1.2.4 Provisions in criminal law

As stated before, there is no specific offence of forced marriage. Nevertheless some rules are important for the understanding how the system can protect a child from a forced marriage.

##### *Offences against personal freedom*

Forced marriages may involve an act, means and purpose that fit the definition of trafficking human beings: Portuguese legislation criminalizes the trafficking in human beings in article 160 of the Penal Code.

##### *Offences against sexual freedom and domestic violence*

Relevant provisions are to be found in Chapter V of the Criminal Code (Código Penal - CP), “*Offences against freedom and sexual self-determination*”, Section I, “*Offences against sexual freedom*” (Articles 163 (and others) CP).

Anyone who induces another, by means of violence, serious menace, or after rendering them unconscious, to engage with him/her, or with someone else, a relevant sexual act is liable to imprisonment for between one and eight years (163

(1) CP). Anyone who, by taking advantage of family, tutorship or curatorship relation, hierarchical, economic or work related authority, induces another, by means of an order or form of threat not specified, to undergo or engage with him/her or someone a relevant sexual act is liable to imprisonment for up to two years (Article 163 (2) CP).

Anyone who induces another to undergo, or engage with him/her, or with someone else, in copulation or anal or oral coitus or suffer from vaginal or anal insertion of body parts or objects, by means of violence or serious threat or after rendering them unconscious or unable to resist is liable to imprisonment for between three and ten years (Article 164 (1) CP). Anyone who, by taking advantage of family, hierarchical, economic or work related authority, induces another, by means of an order or form of threat not specified in article 163, to undergo or engage with him/her or someone else in copulation or anal or oral coitus is liable to imprisonment or suffer from vaginal or anal insertion of body parts or objects, for up to three years (Article 164(2) CP).

Mention should also be made to offences against freedom and sexual self-determination, such as sexual abuse of children (Article 171 CP) of dependent underage children (Article 172 CP) and teens (Article 173 CP).

Anyone who undergoes sexual intercourse with a child under the age of 14, or leads them to do it with other person, is liable to imprisonment for 1 to 8 years (Article 171(1) CP).

If there is copulation or anal or oral coitus, or introducing any object or any other part of the body, the person is liable to imprisonment for 3 to 10 years (Article 171(2) CP).

If it happens with dependent underage children, between 14 and 18 years old, liability to imprisonment goes from 1 to 8 years (Article 172 CP).

#### *Law on the Protection of Children and Youngsters at risk*

A child early or forced marriage constitutes a dangerous situation for the health, training, education and development of children and legitimates the intervention provided for in the Law on the Protection of Children and Youngsters at risk (Law 147/99, of 1 September), that establishes a child protective intervention whenever the parents, the legal representative or whoever has the “de facto” custody of the child or youngster place their safeguard, health, training, education or development at risk, or when such risk results from an action or an omission by third parties, by the child or the youngster himself in opposing and removing such danger in an adequate manner (article 3(1)).

This legal norm sets forth that the child or the youngster is considered at risk whenever he/she is obliged to perform activities which are not adequate to his/her age, dignity and personal situation or that may harm his/her training and development, whenever the child is victim of sexual abuse, does not receive the care considered adequate to his/her age and personal situation, is subject to behaviours that may seriously affect his/her safeguard or emotional balance or when the child behaves in such a way that it may seriously affect his/her health, safeguard, training, education or development, without the parents, the legal representative or whoever has the “de facto” custody, opposing or removing such risk in an adequate manner (article 3 (2 a,b,c,d,e and f)).

Protecting the child or the youngster involved in child early or forced marriage is therefore, together with an eventual invalidity of the act itself, an action that has to be done bearing in mind the best interests of the child (article 4(a) of the

Law 147/99); this shall be, first of all, carried out by the commissions on the protection of children and youngsters<sup>13</sup> and secondly<sup>14</sup>, by the family and minors courts, the competent entities to apply protective measures, such as maintaining the children in their natural environment, although with different kinds of support (psychological, social, economic) or, in the most serious cases and always in a residual manner, by placing them in a juvenile institution.

#### *Prosecutions in cases of trafficking, child abuse situation and domestic violence*

Trafficking of human beings, child abuse situation and domestic violence are public crimes meaning that criminal proceedings are not depending from the victim's complaint. Criminal proceedings only depend on a denunciation or simply the knowledge of the crime, so that the Public prosecution service promotes the process.

There is a right and also a duty to report it: law enforcement officials are required to report the situation to their knowledge, but anyone can report the case (Article 241 CPP). There are disciplinary sanctions in case of non-reporting under Law 58/2008, of 9 September on the Disciplinary Status from Public Officers. It can be reported to criminal authorities, public prosecution officers and the Forensic Medicine Institute of Portugal.

#### 1.2.5. Foreign citizens law provisions

Under Article 67 of the Constitution of the Portuguese Republic, the family is "a fundamental element in society" enjoying the protection of the state. The Civil Code grants as a matter of principle to foreign nationals the full enjoyment of civil rights, in the same way Portuguese citizens do (Article 14(1)).

Therefore, according to the law of the foreign nationals, Law 23/2007, of 4 July, (FNL), a citizen with a valid residence permit has the right to family reunion with the family members that are out of national territory, and who lived with him/her in a another country, or that are dependent from him/her, or that live in cohabitation, independently from the family ties having been created before or after the resident entered in Portugal; In those circumstances is equally acknowledged a right to family reunion with the relatives who have legally entered national territory and depend from or live in cohabitation with the holder of a valid residence permit. Refugees, acknowledged in the terms of the law of asylum<sup>15</sup>, have the right to family reunion with family members who are in national territory or abroad, without prejudice to the legal stipulations that grant refugee status to the respective family members (Article 98 FNL).

Family reunion may be authorized to a partner who maintains, either in national territory or abroad, a *de facto* union duly acknowledged in the terms of the law with a foreign citizen. The unmarried underage children or those considered incapable, including the children adopted by a *de facto* partner, provided they have been entrusted to that partner (Article 100 FNL).

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<sup>13</sup> Official but non judicial institutions, with functional autonomy, that purport to promote the children's and the youngsters' rights, as well as to prevent and to put an end to situations likely to affect their safeguard, health, training, education or full development (art. 12 of the Law 147/99).

<sup>14</sup> Whenever the parents, the legal representative or the child that is 12 or more years old do not consent to the intervention of the commissions on the protection of children and youngsters at risk, do not accept the measures required by these commissions or do not comply with the measures applied.



In order to benefit from the right to family reunion the applicant must have secured lodgings and subsistence means (Article 101 FNL).

In exceptional cases, including indictment or domestic violence, and when the person becomes of age, an autonomous residence permit may be granted (Article 107 (5), FNL).

Special protection is given to trafficking victims (Articles 109, 110, 111, 112, 113, and 114 FNL).

Whoever marries with the sole purpose of favor the granting or earning a visa or a residence permit or defrauds the legislation in force on the subject of nationality acquisition is punishable with a prison penalty from 1 up to 5 years. Whoever in a repeated and organized way foments or creates the conditions for the practice of the acts foreseen is punishable with a prison penalty from 2 up to 6 years. The attempt is punishable (Article 86 FNL).

#### 1.2.6 Provisions on nationality law

Under the nationality law, Law 37/81, of 3 October (NL), a foreign national who has been married to a Portuguese citizen for more than three years can – provided that he or she is still married – obtain Portuguese nationality by mere official declaration (Article 3 NL). Renunciation of the applicant's original nationality is not required. Declarations are registered by the central registry office (Article 16 NL).

The public prosecution service is empowered to contest the granting of nationality if a foreign national fails to meet the statutory requirements (Article 25 NL).

Applicants must prove their attachment to the community in Portugal, must not have been convicted of any offence punishable by more than one year's imprisonment, and must not be public employees of another country.

### **2. Surveys, assessments, and studies carried out at national and sub-national level on the prevalence of child and forced marriage and/or its impact on the human rights of woman and girls and other affected groups.**

In Portugal, statistics reveal no incidence of child, early and forced marriages.

### **3. Policies, projects and measures at national and sub national level to promote the elimination of child, early and forced marriages, specifically including actions taken to address the issue in marginalized and minorities communities, and to address the impact, including information on the outcomes of such policies, projects, and measures .**

Considering that the phenomenon of child marriage, either early or forced, offends the right to a sound development linked, as a rule, to poverty, social exclusion, marginalization and ancestral traditions, it is clear the weight that education represents in eliminating this kind of conduct.

In Portugal, the Law 85/2009, of 27 August, has extended the age of compulsory schooling to 18 years old and has set up the universality of pre-school education as of 5 years of age.

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<sup>15</sup> The legislation includes Law No. 15/98, of 26 March 1998, on governs asylum and refugee in association with other

This norm was completed by the Decree-Law 176/2012, of 2 August, which, among others, sets forth preventive measures regarding school dropout and the duty to attend the lessons; it should be underlined the articulation made with the commissions on the protection of children and youngsters at risk, to whom the situations of dropout that cannot be solved by the school are communicated, bearing in mind their protective intervention. It should also be referred that the aforesaid commissions (around three hundred) operate throughout the country; all of them have representatives from the education, health and social service areas<sup>16</sup>.

The IV National Plan for Equality, Gender, Citizenship and Non Discrimination<sup>17</sup> in particular, has provided, in the strategic area 3 – education –, under measure 33, the production and dissemination of instruments designed to promote equality and citizenship to students, with the implementation of guidelines on equality in pre-school years, 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> school-terms<sup>18</sup>.

In the last years, Portugal has also adopted a strategy to prevent and combat domestic violence that entails, concrete legislative options, awareness raising campaigns, public debates, collaboration with non-governmental organizations, protecting and recuperating protection and recuperation of the victim of domestic violence. Such implies a transversal approach in a global spectrum. Measures have been taken on prevention and supporting victims<sup>19</sup>, access to courts<sup>20</sup>, health and exemption from payment in the access to the health care services for victims of domestic violence<sup>21</sup>, victims statute and protection of witnesses<sup>22</sup>, compensation to the victims of violent crimes<sup>23</sup>, protection measures<sup>24</sup>, public shelters<sup>25</sup>, electronic surveillance<sup>26</sup> and help lines<sup>27</sup>.

Nowadays the transversal work is coordinated by the Commission for Citizenship and Gender Equality<sup>28</sup>, the national mechanism responsible for the implementation of public policies in the field of citizenship and the promotion of equality between women and men, accompanied by working groups involving representatives from relevant governmental departments.

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legislation.

<sup>16</sup> This educational policy was already part of the National Action Plans for Social Inclusion, in particular the one referring to the years 2006-2008.

<sup>17</sup> Approved by the Council of Ministers' Resolution n. 5/2011, of 18 January 2011.

<sup>18</sup> Available at [http://www.igualdade.gov.pt/INDEX\\_PHP/PT/MENU\\_LEGISLACAO/PLANOS\\_NACIONAIS.HTM](http://www.igualdade.gov.pt/INDEX_PHP/PT/MENU_LEGISLACAO/PLANOS_NACIONAIS.HTM)

<sup>19</sup> Law n. 112/2009, of 16 September. It sets forth the legal regime applicable to the prevention of domestic violence and to the protection and assistance to the victims. Constitutional Court's judgment 158/2012, of 11 May, did not consider unconstitutional the norms under article 28 (1/2), of the Law 112/2009, of 16 September (interpreted in the sense that the criminal cases related to domestic violence are considered as having an urgent nature, even if there are no defendants detained and where, during the judicial holidays, the time period to appeal of the decisions are not suspended (Proc. 846/11); Decree-Law 121/2009, of 21 May, establishing the Unit for Security Information Technologies, where all the services and bodies under the remit of the Home Affairs Ministry are connected in broadband; to this purpose, representatives of the competent services and of the police forces cooperate at the Internal Security National Network Centre (RNSI) where, among others, the System on Electronic Claims against crimes and the Database on Domestic Violence are located.

<sup>20</sup> Law 34/2004, of 29 July – Official Journal 177, I Series-A, of 29.07.2004. It amends the regime on the access to the law and to the courts and transposes into the national legal order the Council Directive 2003/8/EC, of 27 January, that purports to improve the access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes

<sup>21</sup> Decree-law L 113/2011, of 29 November, Order 20509/2008, of 5 August

<sup>22</sup> Law 93/99, of 14 June

<sup>23</sup> Law 423/2011, of 30 October.

<sup>24</sup> Law 61/91, of 13 August, which ensures the adequate protection to the women that are victims of violence

<sup>25</sup> It regulates the conditions on the organization, functioning and supervision of shelters, provided for in the Law 107/99, of 3 August and in the Decree-Law 323/2000, of 19 December, comprised in the public network of shelter-homes for women that are victims of violence

<sup>26</sup> Law 33/2010, of 2 September – Official Journal, 171, I Series, of 02.09.2010

<sup>27</sup> For women, children, and violence survivors in general.

<sup>28</sup> Available at [www.cig.gov.pt](http://www.cig.gov.pt)

In addition, in the two Action Plans to Prevent and Eliminate Female Genital Mutilation<sup>29</sup>, strategies and actions are pinpointed which, in a decisive, even though indirect manner, play an important role in combating early or forced child marriage, by considering that gender equality is one of the axes on which the elimination should be based; education, health, human rights and the cooperation towards development are thus listed as the main intervention sectors.

Portugal adopted four National Plan against Domestic Violence clearly pointing towards a consolidation of a policy of prevention and fight against domestic violence.

Last but not least, it should be mentioned the Council of Ministers' Resolution 25/2013, of 17 April 2013, that has approved the National Roma Inclusion Strategy (2013-2020) which, just as it happened with the aforesaid National Plans, selects education and health as the most deficient areas and the ones to which an impulse must be given. As regards discrimination, it should be highlighted the education towards citizenship and gender equality, whereby education is viewed as a priority; for that matter, measures to improve school rates are foreseen, in order to ensure that all Roma children complete their schooling. The goal is to have 40% of Roma female and male children with full basic schooling until 2016 and up to 60% until 2020, as well as to prevent the early school dropout.

**4. Steps taken to prohibit child, early and forced marriages as well as an example of positive experience and challenges encountered at the national level in adopting policies, measures and implementing strategies to address this issue;**

It should be referred the adoption of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention).

#### **5. Recommendation on good practices regarding possible appropriate measures and strategies to prevent and eliminate child, early and forced marriage.**

The elimination of child abuse (broadly speaking) while a manifestation contrary to human rights, is a battle that needs to be won.

Following the annual report on internal security (2012) there has been a decrease of 6,3% in domestic violence in relation to 2011. Overall, sexual crimes, remain in order of incidence, highlighting the sexual abuse of children, representing 46%, rape (20%) and child pornography (14%) of total investigations for crimes sexual opened in 2012<sup>30</sup>.

Given the context of familiar intimacy in which those crimes happen frequently, the fight against this phenomenon demands transversal measures involving the design of public strategies<sup>31</sup> and the participation of all the sectors involved.

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<sup>29</sup> Available at <http://www.cig.gov.pt>

<sup>30</sup> Available at:

“Relatório Anual de Segurança Interna 2012

[http://www.portugal.gov.pt/media/904058/20130327\\_RASI%202012\\_vers%C3%A3o%20final.pdf](http://www.portugal.gov.pt/media/904058/20130327_RASI%202012_vers%C3%A3o%20final.pdf)

<sup>31</sup> Already mentioned in answer to question 3 .