

Current situation and trends of female genital mutilation in Portugal



LEGAL FRAMEWORK

International and European conventions

Portugal has notified various international conventions condemning FGM, including the Universal Declaration of Human Rights (UDHR), the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Rights of the Child (CRC), the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and the Charter of Fundamental Rights of the European Union (2000/EC, 2006). Portugal has signed the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (ETS No 218).

Criminal law

Since 2007, there has been a criminal law provision, namely Article 144 of the Penal Code, which refers to the crime of bodily injury. Although the term FGM is not explicitly mentioned in the text of the law, the preparatory works of the law indicate that FGM could be addressed as one form of kidnapping or affecting someone's capacity of sexual freedom. The principle of retroactivity is applicable, making FGM punishable even if it is committed outside the country.

Child protection law

General child protection provisions as foreseen in Law 147/99 - Protection of Children and Young People at Risk Act - could be used in cases of FGM. This law gives a preventive and protective role to the National Commission for the Protection of Children and Young People at Risk (CNCR) in the context of situations that may affect the safety, health, formation, education and full development of children and youth.

Asylum law

Law No. 27/2008 addresses with grounds for asylum. Article 5 that deals with persecution also contains two sections that can be applied in cases of FGM. SA referring to acts of physical, mental or sexual violence and SJ referring to gender-based acts or those committed against minors.

Professional secrecy law

General law with regard to professional secrecy and disclosure may be applied to reporting cases of performed or planned FGM. According to Article 242 of the Code of Criminal Procedure, health professionals, social workers, teachers, police

About the study

In order to contribute to identifying and filling the gaps in prevalence data collection and support the development of approaches for combating female genital mutilation (FGM), the European Institute for Gender Equality has commissioned the 'Study to Map the Current Situation and Trends of Female Genital Mutilation in 27 EU Member States and Coastal'. The study was launched at the request of Violaine Reding, Vice-President of the European Commission. It was conducted by the International Centre for Reproductive Health (ICRH) of the Ghent University and Yelena Winkler Management Consultants in division of I.A.G.C.

The desk research in the 27 EU Member States and Croatia and the in-depth research in nine EU Member States brings about the first collection of information and data, legal and policy framework, actions, tools and methods in the area of FGM in the EU. The different national approaches to tackle FGM in the EU were analysed and compared in order to identify practices with potential in prevention, protection, provision of services, partnership and prevalence.

The data provided in this publication were collected through desk research conducted between December 2011 and April 2012. More information and references about the study are available at eige.europa.eu

Downloads



Current situation of female genital mutilation in Portugal

EN (PDF, 601.56 KB)



Situação atual em matéria de mutilação genital feminina em Portugal

PT (PDF, 626.35 KB)

Metadata

COUNTRY: Portugal

AREAS: Gender-based violence

AUTHOR: EIGE

PUBLISHER: Publications Office of the EU

ISBN: EN 978-92-9218-260-1; PT 978-92-9218-078-2

DOI: EN 10.2839/8527; PT 10.2839/76803