



PERMANENT REPRESENTATION OF PORTUGAL
TO THE OSCE

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Contribution of Portugal

Promotion of gender balance and implementation of the OSCE action plan and relevant commitments

Portugal is undergoing a period of strengthening of its Gender Equality policies.

The promotion of gender equality is translated into political orientations in several national policy strategic documents and the gender dimension is a transversal issue in national policies.

The following policies having a strong impact on women's rights and gender equality have been adopted:

The budget for the promotion of gender equality policies has been considerably reinforced for the period ranging from 2007 to 2013. An autonomous area of the Structural Funds was specially created to finance the promotion of gender equality under the Operational Programme for the promotion of the Human Potential (POPH), which is one of the 3 programmes developed under the Portuguese *National Strategic Reference Framework (QREN) 2007-2013*. Gender Equality is also present in the Agenda for Competitiveness, in particular in the *Operational Programme for Competitiveness (POFC)*.

In *POPH* and for the first time in Portugal there is a specific funding line (axis VII out of IX) with a total funding of 83 million euros distributed among 7 different typologies (to be applied in the course of 5 years): Entrepreneurship, Association and Business Networks run by women; Implementation of Equality Plans in Local and Central



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Administration as well as Public and Private sector; Technical and financial support to NGO's and Training projects for strategic audiences; Conception, development and evaluation of databases, diagnosis and good practices guides; Campaigns to raise awareness and promote gender equality as well as to combat gender based violence; Integrated intervention to combat domestic violence and trafficking in human.

Within the POFC it is foreseen: 10% increase in the incentive to projects that promote female entrepreneurship; Financial support to the implementation of Equality Plans with effective contributions and good practices concerning reconciliation.

- The *III National Plan for Equality – Citizenship and Gender 2007-2010* (III PNI) that reinforces the combat to gender inequality in all domains of political, social, economic and cultural life in an integrated and transversal way and the *Programme of Action for the Elimination of Female Genital Mutilation*, under the III National Plan for Equality – Citizenship and Gender Equality (2007-2010), was launched in 2009.

- The *III National Plan against Domestic Violence 2007-2010* (III PNCVD) that integrates policies to prevent and combat the phenomenon, based on a transversal approach with a particular emphasis on awareness and information campaigns, training, the support and shelter of the victims aiming towards autonomy and reinsertion into social life.

- The *I National Plan against Trafficking in Human Beings 2007-2010* (I PNCTSH) that is based on an vision that integrates the human dimension of the problem, enforcing preventive measures and concrete responses regarding the support and integration of the victims of trafficking, especially victims of sexual exploitation and forced labour.

3 new Plans in the area of gender equality will be adopted until the end of 2010:

- The II National Plan against Trafficking in Human Beings 2010-2013
- The IV National Plan against Domestic Violence 2010-2013 (IV PNCVD)
- The IV National Plan for Equality – Citizenship and Gender 2010-2013 (IV PNI)

- A *National Action Plan to implement the United Nations Security Council Resolution 1325 “Women, Peace and Security”* was adopted the 25th August 2009.

- The initiative *New Opportunities* aims towards the qualification of young people and adults by enabling them to achieve a minimum standard level of education of at least 9 schooling years.

We can also register several legislative improvements on matters pertaining to promotion of gender equality.



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- A Law adopted in 2006 established that the lists of candidates for local, national and European Parliament elections must ensure a minimum representation of 33% of each sex in eligible positions.
- The revision of the Penal Code from September 2007 introduced changes in what concerns domestic violence, trafficking in human beings and female genital mutilation, namely:
Domestic Violence is now an autonomous a typified crime punishable by 1 to 5 years of imprisonment with a more detailed understanding of what is physical and psychological abuse; the category of victim was extended in order to include ex-spouses or person with whom the victim maintains or has maintained a spousal relationship even if living in separate households; in what concerns Trafficking in Human Beings the Penal Code establishes a definition of the concept which now includes, apart from sexual exploitation, labour exploitation and the extraction of organs adopting specific categories for this type of crime and punishing those who knowingly use the sexual services of victims of trafficking. This type also criminalises withholding, hiding and destructing identification or travelling documents also including the punitive measures for collective entities. Finally, the Penal Code now includes a disposition that relates to the matter of female genital mutilation by considering criminal offence the abuse of the body or health of another person hindering the person's ability to sexual fulfilment.
- The new Organic Law of the national mechanism for citizenship and gender equality policies with a renewed perspective: reaffirming women's rights, gender equality, and combating gender based violence; while promoting gender mainstreaming when combating multiple discrimination, thus addressing the different ways women and men experience discrimination.
- Law no. 23/2007 of July 4 regulates the conditions of entry, stay and exit of foreigners from Portuguese territory, includes a period of reflection for the victims of trafficking and an authorization permit for one year. (Immigration Law n° 23/2007, of 4 July).
- Abortion was legalised. Law 16/2007, of 17 April 2007, permits the voluntary interruption of pregnancy during the first 10 weeks of pregnancy, free of charge at a public hospital. Under the new law, in the first 10 weeks of an unwanted pregnancy, women will be able to seek safe abortion services without fear of criminal prosecution.
- The regulations of the Council of Ministers of the current Constitutional Government stipulate that draft laws must include a gender impact assessment and use non-discriminatory language. One of the elements that accompany notes to projects in the government's lawmaking process is an assessment of the project's impact, when it might affect gender equality. They also provide for gender specifications to be neutralised or minimised in the drafting of laws by using inclusive or neutral forms.
- At the local level the Act n° 115/2006 of 14 June regularizes the local social networks introducing for the first time a gender equality dimension as a factor for local



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development. It also introduced the statute of “Local Gender Equality Adviser” in the *National Network of Local Councils for Social Action*.

- The Resolution of the Council of the Ministers on the Principles of Good Governance of Public Sector Companies. This resolution determines that all Companies held by the State have to adopt Equality Plans that promote an effective equality between women and men namely by fostering the reconciliation between professional, family and private life. Simultaneously, a specific funding line was created to stimulate and support the implementation of Equality Plans in Local and Central Administration as well as Public and Private sector Companies.
- The Council of Ministers’ Resolution n°161/2008 defines the status, profile and attributions of the Ministerial Gender Equality Advisers and respective Teams, giving them political support in order to be able to fully accomplish their functions.
- The Council of Ministers’ Resolution n° 39/2010 was adopted the 25th May 2010 defining the status of the Local Gender Equality Advisers.
- The law that establishes an Observatory on Trafficking in Human Beings within the Ministry of Home Affairs whose main task is monitoring the phenomenon.
- In 2008, a new Labour Code was prepared and negotiated with the social partners, containing the legal framework on gender equality in work, employment and vocational training, and on the protection of maternity and paternity. This Code includes new legislation on parental leaves, enlarging the possibilities of sharing the leave between the mother and the father and also increasing the length of the parental leave for the fathers.
- Law 112/2009, of 16th of September establishes the legal regime applicable to the prevention of domestic violence and the protection and assistance to its victims. This law establishes for the first time the status of victim as regards domestic violence.
- Law 112/2009 is being regulated, namely through 3 diplomas: Ordinance 229-A/2010, April, approving the templates of the documents proving the attribution of the status of victim. Ordinance 220-A/2010, April, establishing the conditions for the initial use of technical means of tele-assistance. Order 6810-A/2010, April, defining the requisites and qualifications needed for the technicians who wish to work in the area of victim’s support to apply for the job.

Violence against women including domestic violence

Recently enacted legislation on violence against women, and prosecution and conviction of perpetrators



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With the 2007 revision of the **Criminal Code**, Domestic Violence became an autonomous and typified crime punishable by 1 to 5 years of imprisonment. Physical and psychological abuse is now better detailed and the concept of victim was widened in order to include violence against ex spouses or persons with whom the aggressor maintains or has maintained a spousal relationship even if living in separate households. The two laws that set the framework of the **priorities and orientations of criminal policy** last adopted (one for the period of 2007-2009 and the other for 2009-2011), place domestic violence among the priorities of criminal investigation and prevention.

The legal framework was completed with the adoption of **Law 112/2009 on the prevention of domestic violence and the protection and assistance to its victims**. In a new integrated approach, it covers certain issues such as the National Network of Shelters for Women Victims and the Social protection of the victims that were once the object of separate laws now repealed.

The **Law 112/2009, of 16th of September** establishes for the first time **the status of victim as regards domestic violence** and has the following goals:

- a) To develop awareness-raising policies in the areas of education, information, health and social support providing the public powers with adequate instruments to achieve these goals;
- b) Establish the rights of the victims, ensuring their speedy and efficient protection;
- c) Create protection measures with a view to prevent, avoid and punish domestic violence;
- d) Establish an integrated answer from the emergency and support to the victim social services, ensuring a quick and efficient access to these services;
- e) Grant the rights of workers who are victims of domestic violence;
- f) Ensure the economic rights of the victim of domestic violence in order to facilitate her/his autonomy;
- g) Create public policies aimed at guaranteeing the protection of the rights of the victim of domestic violence;
- h) Ensure a speedy and efficient police and jurisdictional protection to the victims of domestic violence;
- i) Ensure the application of restraining measures and criminal responses that are adequate to the authors of the crime of domestic violence, promoting the application of complementary prevention and treatment measures;
- j) Encourage the creation and development of civil society's associations and organizations aimed at acting against domestic violence, promoting their cooperation with the public authorities;
- k) Ensure the delivery of adequate health care to the victims of domestic violence.

This Law includes some innovative aspects trying to address some existing problems, such as:



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1. The granting of judiciary support with an urgent character, whenever the victim cannot afford to pay for a lawyer, in the terms of the law;
2. Granting that the victim will have, whenever possible, the same representative or public defender when the same fact leads to various legal processes;
3. The legal processes for crimes of domestic violence have an urgent nature;
4. The possibility for the police to arrest the aggressor even when not caught in the act whenever: 1. there is the danger of repeating the criminal activity or whenever it is deemed essential for the protection of the victim and 2. when it is not possible to wait for the intervention of the judiciary authority, due to the urgent character of the situation and the danger of delaying the arrest;
5. Establishes a maximum delay of 48 hours for the court to consider the application of several measures, in addition to those foreseen in the Code of Criminal Process, to the aggressor who has been constituted as “arguido” (person suspected to have committed the crime) for the crime of domestic violence, with the aim of guaranteeing the protection of the victim. These measures might include the prohibition to acquire and use arms, the obligation to immediately hand over arms or other objects capable of facilitating the proceeding of the criminal activity, as well as the prohibition to contact with the victim and remain in the victim’s house.
6. Allows the possibility for the court to determine, whenever deemed essential for the protection of the victim, the enforcement of the monitoring of the offender by remote technical means (electronic bracelet). Following the assessment made on the appropriateness of the use of electronic surveillance methods to control offenders’ movements and measures to keep them away from their family homes, an experimental programme to use these methods to perpetrators of domestic violence subject to legal restraining measures or sanctions is currently being carried out.

Ordinance 220-A/2010, April, establishes the conditions for the initial use of technical means of Tele-assistance. Tele-assistance is a technical means aimed at protecting victims of domestic violence through mobile communication and Tele-location technologies allowing the victim to obtain a quick intervention from the public entities responsible for her/his protection whenever she/he is endangered or at risk. It also provides permanent emotional support, thus contributing to the empowerment of the victim and to avoid revictimization. This programme was first launched in two Portuguese districts and a recent protocol enlarged its scope to the whole Portuguese territory, including the two autonomous regions.



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Access by the victims to complaints mechanisms

The III National Plan against Domestic Violence called for the creation, in the websites of the security forces (GNR and PSP), of an area devoted to the issue of Domestic Violence, containing information, recommendations, and the possibility of filing an **electronic complaint/accusation**. This measure was implemented by the Ministry of Internal Affairs thus allowing for the victims to file a complaint/accusation by using the electronic form. When filing a complaint the victim acquires the *victim status*. From this moment on, she/he is entitled to receive all the information regarding types of services or organizations that can provide support, what are the subsequent procedures, how she can receive protection, legal advice, compensation. The right to protection for the victims and her/his relatives is also provided. Psychological support is also foreseen.

“Proximity and victim support teams” were created under the Integrated Programme of Proximity Policing developed by the security forces to protect especially vulnerable victims (women but also children and other vulnerable groups) and to control the origin of danger. The prevention, victim support and follow-up after domestic violence are among the objectives of these teams. In 2006, these teams had 240 agents, divided in 22 sub-units (one in each metropolitan and regional command). This pilot-project will be extended to other sub-units. Under the sphere of the National Republican Guard, Centres of Investigation and Victim Support, as well as Teams for Investigation and Inquiry have been created.

A strong investment has been made in the quantity and quality of psychosocial responses through crisis centres, emergency help lines and shelters by public bodies and civil society.

Finally, a growing investment in awareness campaigns and in the training of police and prosecutors in the specific area of domestic violence has been taking place, which resulted in a considerable progress in police and judicial practices.

Statistics show us that these measures are being successful. Indeed, in 2009, compared with the same period in 2008, there were 1750 more registered occurrences, which represent an increase of 12% in the number of complaints filed.

Law enforcement

Portugal is strongly committed in obtaining better results in law enforcement following the recent improvements in the legal treatment of the phenomenon of domestic violence.

The Law n° 112/2009, of 16 September intends to prevent and repress Domestic Violence behaviours as well as to support and promote the autonomy and empowerment of the victims. It seeks to provide a more adequate answer unifying the laws regarding



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this matter and also to address the need to ensure adequate and timely prosecution and conviction of perpetrators.

Domestic violence has also figured consistently among the priorities of criminal investigation and prevention since 2007.

These developments led to an increase in the number of complaints in cases dealing with domestic violence. In 2009, comparing with the same period in 2008, there was 1750 more registered occurrences, which represents an increase of 12% in the number of complaints filed. In 2008, there were 1335 sentenced cases in courts of first instance, which resulted in 718 condemnations.

Ensure a sufficient number of safe crisis centres and shelters in all parts of Portugal

A considerable investment has been made in the quantity and quality of psychosocial responses through crisis centres, emergency help lines and shelters by public bodies and civil society.

A free domestic violence victim information helpline has been in operation since 1998 to give victims information, support and advice.

A National Network of Domestic Violence Centres was set up in 2005 to provide an integrated response to cases of domestic violence and improve on existing resources. As this support network is complementary to the shelters network, priority was given to setting up crisis centres in the districts where there was no support for victims. Coverage of the whole country was achieved in January this year.

As for the Shelters Network, there are currently 36 shelters which include near 500 places for women victims of domestic violence and their children, which cover the whole national territory.

In order to establish minimum standards for victim support, an Assessment Commission was set up in 2006 to evaluate the shelters quality. This Commission submitted a final report on its findings in October 2006.

All shelters internal regulations must be approved in advance by the National Commission for Citizenship and Gender Equality, so that their organization is standardized and validated. A guideline book for technical staff working in shelters for women victims of domestic violence is being prepared in order to standardize intervention procedures and regular meetings are held with the technical staff working in shelters for women victims of domestic violence.

Four out of the five Regional Health Administrations, are involved in partnership with the Commission for Citizenship and Gender Equality and other institutions, in pilot



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experiences with a view to create networks of multidisciplinary services for the appropriate detection of domestic violence, for its follow-up and for an intervention. These pilot experiences aim at promoting integrated approaches and concrete proposals in terms of action and legislation in the areas of the protection of victims and prevention of the revictimisation. This includes the creation of specific responses for Domestic Violence in health care units, including psycho-social support units in hospital emergencies.

Awareness-raising initiatives

An ongoing activity of **awareness raising initiatives** aimed at the population and technical staff working with victims and aggressors was undertaken combined with continuous qualification of security forces, judicial workers, health professionals and others, such as professionals of social action and civil society's organizations.

There have been several annual campaigns on the subject of violence against women since 2005. These campaigns included many initiatives such as training, seminars and debates, distribution of campaign materials in events and to specific publics such as youngsters. To mention one example which was particularly interesting, a nationwide **one year campaign targeted at teenagers and young adults** and focusing on the "prevention of violence in dating relationships" was launched in November 2008. The awareness-raising materials created for this purpose unveil the gender stereotypes presiding to violence in dating relationships and are having a strong success, thus contributing to the change of values and attitudes in youngsters. During this period awareness raising activities were developed, such as training sessions, exhibitions, events in schools, sports competitions and leisure and public spaces.

The visibility of the phenomenon of domestic violence was increased in debates and news reports on radio and television as well as in the press. Awareness-raising campaigns took place in **schools**, involving students and teachers, as these activities were considered the best form of primary prevention, which is a priority of the Second and Third National Plans against Domestic Violence. In schools, there has been considerable involvement on the part of teachers and students that led to the elaboration of works on this theme.

National Campaign "Show the Red Card To Domestic Violence"

A **National Campaign "Show the Red Card To Domestic Violence"** was launched in April 2010 aiming at raising public awareness to this type of violence and to involve the society in a public commitment against this phenomenon. The "idea-symbol" of the campaign aimed to reflect society's repulsion towards maltreatment. In an analogy with sports, where the player who doesn't play "clean" gets out after the referee has shown the red card (a gesture well known in our society), whenever one shows the red card he/she is expressing his/her repulse towards domestic



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violence.

Show the Red Card To Domestic Violence

It is time to unite and to act against domestic violence.

Here you have a red card!

With it you can express your repulse towards maltreatment.

This gesture shows that domestic violence does not have room in our society.

Dial: 800 202 148 or 144

www.maltratozero.com

Information initiatives

A resource guide was published in 2006 listing all existing public and private resources in the area of domestic violence to disseminate information about all forms of violence against women and measures to protect victims. It was distributed to the entities and practitioners providing direct or indirect support in the area.

A free domestic violence victim information helpline has also been in operation since 1998 to give victims information, support and advice.

A leaflet addressed to victims of domestic violence providing advice on how to increase personal safety has been produced and launched in June 2009.

Initial and ongoing multidisciplinary training of the target populations most directly involved in assisting and protecting victims of domestic violence, i.e. police officers, NGOs experts, prosecutors, healthcare professionals, lawyers, social workers and shelter teams, has been a priority activity of the Commission for Citizenship and Gender Equality.

A growing investment in awareness raising and training of police and prosecutors has been taking place which resulted in a considerable progress in police and judicial practices.

Under the sphere of the National Republican Guard, **Centres of Investigation and Victim Support**, as well as **Teams for Investigation and Inquiry** have been created. This initiative came to be in the context of the reorganization of prevention and criminal investigation's mechanisms, initiated in 2002, with reference to social problems and crimes that had not previously been subject to special and differential treatment. The training of the elements of these Centres and Teams has been recently updated, taking into account the recent legislative changes.

Under the sphere of the Public Security Force, and in the framework of the Programme of Proximity Policing, **proximity and victim support teams have been in place since 2006**. Among the objectives of these teams are the prevention of domestic violence,



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support of the victims and follow-up after violence. In 2006 there were 240 agents in these teams, divided in 22 sub-units (one in each metropolitan and regional command). This pilot-project will be extended to other sub-units.

Finally, the Centre for Judicial Studies (CEJ), which provides the initial training for all magistrates, has been promoting a pro-active approach on the subject of domestic violence and raising this issue among legal operators. A specialization action on “*violence against persons: domestic violence, violence against children, deficient and elders and in school environment*” took place in February and March 2009. Other actions also took place, namely following the changes of the Criminal Code. In the CEJ magazine (addressed to magistrates, but also to law enforcers in general) several articles have been published on the domestic violence phenomenon.

A **National survey of Gender Violence**, promoted by the National Commission for Citizenship and Gender Equality (CIG), was undertaken in order to update the data obtained in the 1995 Violence against Women survey. Its final results were presented in June 2008 and this study was published in 2009. The main conclusions of this National Survey are:

- In 2007, the percentage of women aged 18 or older that had been victims of acts of physical, psychological or sexual violence in the last 12 months or in previous years, was **38%**, thereby **affecting, on average, approximately one in every three women**. This result shows that **the prevalence of victimization has diminished from 48% in 1995 to 38% in 2007**.
- As in 1995, the **violence exercised against women continues to assume multiple expressions**, with different statistical weights in relation to the total number of victims - physical (22.6%), psychological (53.9%), sexual (19.1%) and of social discrimination (52.9%). In 2007 there was a decrease of the prevalence of victims of sexual violence but a slight increase in both physical and psychological violence;
- The **media and school awareness towards this problem has increased** between 1995 and 2007;
- **The place where women are more likely to become victims is at home**. However, it is worth noting that rape in the context of marital relations is still a hidden phenomenon and rarely admitted by the victims.
- The cause for violence most cited by the victims is jealousy, the aggressors’ feeling of possession and his values related to women, followed by alcohol. These results are again an indicator for the necessity of prior intervention at the level of changing mentalities and behaviour related to gender inequality, as much in the young as in adults, women and men alike.
- It was noted that while **women are normally victims of male violence (in more than 75% of the cases), the perpetrators of violence committed**



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against men are normally men, in percentages equivalent to women - even in psychological violence, men are the main perpetrators.

- Concerning the family relationships between perpetrators and victims, the differences between women and men are also significant: in the case of women, the abuser is often the current or former husband/partner/boyfriend whereas in the case of men the perpetrators are often strangers, colleagues or family members.

Also, a **standard notification** was created in January 2006, which makes it possible to gather more accurate and detailed statistics on domestic violence recorded by the Police. This form allows the analysis of several variables characterising the victim, the perpetrator and the context of the aggression thus allowing the production of reliable internationally comparable indicators on the extension and configuration of the phenomenon.

Female Genital Mutilation

In Portugal, the Female Genital Mutilation is a crime (although not autonomously) under the Articles 144° (Serious offence to physical integrity) and 145° (qualified offence to physical integrity) of the Portuguese Criminal Code. Article 144° b) of the Criminal Code punishes, among others, serious offences to the body or health of another person hindering or affecting in a serious way the capacity to procreate or sexual fruition, thus including female genital mutilation. The punishment for this crime may vary between 2 to 10 years and the allegation of tradition or costumes in defence of this practice does not hold.

Following the inclusion of the goal to “spread knowledge and awareness regarding the gender-based violence theme, particularly the issue of Female Genital Mutilation and the existing interventions in this area” included in the III National Plan for Equality, Citizenship and Gender (2007-2010) adopted in 2007, Portugal launched, on February 6th this year, in the International Day against Female Genital Mutilation, a Programme of Action to Eliminate Female Genital Mutilation.

This Programme of Action aims to prevent FGM, through awareness raising and training, and to support women and girls who were subject to it. It also seeks to reinforce Portugal’s contributions at the international level to the discouragement and prevention of the FGM and similar practices, in the context of sexual and reproductive rights, education for development and citizenship.

This Programme is being implemented through a Working Group coordinated by the Commission for Citizenship and Gender Equality and composed of representatives of several bodies (public entities, NGOs and intergovernmental entities) that also participated in its drafting.



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As one of its first activities, a leaflet on FGM was recently published at the initiative of the Commission for Citizenship and Gender Equality resulting from a close articulation between the Ministry of Education and the Association for Family Planning. The leaflet explains what is FGM, its consequences for the physical and psychological health of women of all ages, provides information about the Portuguese legislation that criminalizes this practice even when it occurs outside the national territory, demystifies its relation with religion, explains how to protect the girl child and young women who are at risk and provides information on where to look for help.

After the first year of implementation of the **I National Programme of Action for the Elimination of Female Genital Mutilation** (FGM), the Commission for Citizenship and Gender Equality (CIG) organized, in February 2010, an **International Seminar** aiming to take stock of the work undertaken and to discuss priorities for 2010. This Seminar was addressed to policy-makers, civil servants, including directors of public institutions, parliamentarians, NGOs and civil society working in areas of Development, Health, Equality, Citizenship and Multiculturalism, Research, Women's and Children's Rights, Education/Training, among others.

Trafficking in Human Beings

In 2007, Portugal began implementing an integrated and systematic **National Plan against Trafficking in Human Beings**, structured in 4 strategic areas: 1) knowledge and dissemination of information; 2) prevention, awareness raising and training; 3) protection, support and integration; and 4) criminal investigation and punishment. The implementation of this Plan is being done by a National Coordinator.

In order to act and fight against trafficking in human beings, Portugal created in November 2008 an **Observatory on Trafficking in Human Beings** in the Ministry of Home Affairs to work as a monitoring mechanism of trafficking in human beings. The goal of this Observatory is to collect process and disseminate quantitative and qualitative data from the various institutions working in the field of trafficking in human beings.

A study on trafficking in women for the purpose of sexual exploitation was promoted in 2007 in the whole of the Portuguese territory by the Commission for Citizenship and Gender Equality. This study identifies and characterises the dynamics and the current trends of this phenomena in Portugal and was published in 2009.

A **standardised registration guide** to be applied by security forces and services dealing with trafficking in human beings situations was also implemented.



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The **revision of the Criminal Code in 2007** introduced substantial amendments in the previous regime of trafficking in human beings, by integrating this crime into the chapter on crimes against personal liberty, removing the requirement of the transnational nature of trafficking, inserting references to other purposes of trafficking, such as labor exploitation and removal of organs (and not only for sexual exploitation), and by replacing the requirement of special vulnerability by any vulnerable situation. In what concerns children, the revision introduced a specific reference to them among the victims of these crimes, as well as to trafficking for adoption. The conduct of those who use the services of a trafficked person (requiring, however, knowledge of the situation) and the reference to situations of deprivation of identification papers or travel documents, by itself, also constitute a crime. The introduction of liability of legal persons for the commitment of crime of traffic of human beings is another of the main changes.

Portugal ratified the Council of Europe Convention against Trafficking in Human Beings in January, 14, 2008.

Protection, support and integration of victims

The protection, support and integration of victims of trafficking are areas of vital importance in the National Action Plan against Trafficking in Human Beings. Attention to the victims is crucial for an effective combat against trafficking in human beings and their protection is an imperative element for an effective human rights policy.

Among the measures introduced in Portugal that have highlighted the concern for the victim are:

- The granting of a period of reflection offering psychological, medical and judicial assistance, with the help of an interpreter;
- The possibility of attributing a residence permit with access to official programmes leading to social integration.

The Law in 2007 grant persons who have been indicated as possible victims of trafficking a **period of reflection** from 30 to 60 days, thus enabling recuperation and escape from the influence of the traffickers in order to decide if they want to collaborate with justice. During this period of reflection no removal measures may be taken and they are given means of subsistence and access to urgent and adequate medical treatment. Their safety and protection, psychological assistance, translation and interpretation are also guaranteed, as well as legal assistance under the terms of the law.

Also according to the same law, a **residence permit** can be issued to victims of trafficking, as long as:



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- a) It is necessary to extend their permanence in the country due to judicial investigations and proceedings;
- b) They show clear willingness to cooperate with the authorities in the investigation and repression of trafficking in human beings;
- c) They have severed all relations with the traffickers.

This residence permit is valid for a period of one year and renewable for equal periods, if the conditions previously mentioned continue to be fulfilled or if the need for protection of this person continues. During this period, the victim of trafficking has access to existing official programs whose objective is to facilitate the return to a normal social life, including courses for improving his/her professional skills.

It should also be underlined that there is a special regime of granting residence to victims of traffic, even when they do not collaborate with the competent authorities, based on a casuistic evaluation of the personal situation of the victim. The decision is taken by the Minister of Home Affairs, by his own initiative or by proposal of a competent organ of the criminal police or by the coordinator of the National Plan of Trafficking in Human Beings.

The emphasis on the protection of victims reflects the particular situation of women and children who are among the vulnerable of the vulnerable to this crime. Some other measures are:

- Portugal already has a **shelter and support center** for women victims of trafficking and their children, which has already sheltered 16 women since its opening in 2008. This center is a protected area where these victims have access to legal assistance, psycho, social and health support and where they can decide without constraint, if they pretend to cooperate with the judicial system. This area meets the requirements for protection of victims and respect for their individuality, responding also to changes that were introduced recently in our legal system. Until this moment we believe that this structure is sufficient according to the needs we have in Portugal;
- the **Training Support Kit** on trafficking in human beings which was created integrates contents and training modalities appropriate and required for all agents involved with the issue of trafficking in women for purposes of sexual exploitation;
- a national network was created to support and protect the victims of trafficking aiming to provide all the structures that are relevant in Portugal in the field of trafficking with the best practices and instruments to interview these victims.

In terms of **criminal investigation and punishment**, the crime of trafficking in human beings has also been identified as a priority crime in the national objectives for our criminal policy.



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Information, awareness-raising and training

The promotion of an active, aware and conscious society as regards this reality is an essential aspect. Portugal launched two national campaigns against trafficking in human beings:

After the implementation of the Council of Europe Campaign “You’re Not for Sale” in 2007, a **National Campaign** against Trafficking in Human Beings was launched on October 18th 2008, which is the European Day against Trafficking in Human Beings.

Under the slogan “Wake up for this reality. Denounce!”, the campaign aimed at giving visibility to this phenomenon and appealed to social and collective responsibility. The objective of this campaign was to raise awareness among the general public as well as among potential victims. The campaign also comprised a TV and radio spot, an internet banner, posters distributed nationwide, flyers written in 8 different languages giving information on how the victims can identify themselves and search for help. The flyer informed about a support phone line named SOS Immigrant that has recently integrated this dimension in its work and was distributed in health centres, Social Security Services, immigrants’ associations and NOGs. The information about the origin countries was provided by a national study undertaken by a University Center (CES) that for a year and a half had studied the dimension, causes and trajectories of trafficking and the victims themselves in Portugal.

Another awareness raising campaign on trafficking in human beings was implemented in December 2008. Outdoors, flyers for regional newspapers and notebooks were distributed to security forces agents.

Training for future trainers on trafficking in human beings was held, in order to enable them to widespread training to others. **Training for NGO**, support telephonic line technicians, public prosecutors and law enforcement agents on trafficking in human beings also took place. A **Training Support Kit** was created. It integrates contents and modalities of training considered appropriate and required for all agents involved with the issue of trafficking in women for purposes of sexual exploitation.

Portugal has also developed several measures to increase the **sensibility and awareness of judges and security forces and services**, namely through extensive training, about methods to inquire victims of trafficking and provide emotional support.

International cooperation

The importance of **international cooperation** in this field was translated into the model for locating, identifying and integrating victims of trafficking for sexual exploitation defined by Portugal which foresees the cooperation with other countries in what regards



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the support to the return of the victims to their countries as well as through a dialogue and exchange of information about situations of trafficking.

Portugal also participated in several projects regarding criminal justice with Italy and Brazil, and has bilateral agreements with several countries, having immigration liaison officers in 8 countries: Mozambique, Angola, Cape Verde, S. Tomé and Príncipe, Brazil, Guinea-Bissau, Senegal, Ukraine and Russia. Portugal has also provided training for State officials, such as police forces, psychologists, social workers and others, from Angola and Mozambique as part of this cooperation.

At the 1st meeting of "CPLP" (Portuguese-Speaking Countries Community) Interior Ministers, on the 9th April 2008, the participating countries adopted the "Lisbon Declaration", which calls for increased efforts against trafficking and proposes the establishment of an Observatory on Migration Flows.

Portugal organised the Second Meeting of Ministers Responsible for Gender Equality from the Community of Portuguese Speaking Countries (CPLP), which took place in Lisbon the last 3rd and 4th of May. A resolution was signed by them where they agreed, among others, to mainstream gender systematically in planning, budgeting, drafting, implementation follow up and evaluation of all legislation and the national policies of their Member States, and in all policies, strategies, projects and programmes of bilateral and multilateral cooperation developed in the frame of the Community of Portuguese Speaking Countries. They also decided to appoint focal points for Gender Equality and the Empowerment of Women by the Community of Portuguese Speaking Countries and to draft and adopt a Strategic Plan for Cooperation in the area of Gender Equality and the Empowerment of Women and the respective action Plan.

This Strategic Plan for Cooperation in the area of Gender Equality and the Empowerment of Women was recently adopted at the VIII Conference of Heads of State and of Government held in Luanda, Angola the 23rd of July and it includes a specific axe on Trafficking in Human Beings.

National Action Plan UNSC Resolution 1325 (NAP Resolution 1325)

In order to meet the commitments set out in the UNSC Resolution 1325, Portugal adopted a National Action Plan which establishes five strategic objectives that are implemented in 30 specific objectives and activities. The NAP specifies key actors responsible for the implementation of the Plan: the Presidency of the Council of Ministries, the Ministries of Foreign Affairs, Defence, Interior Affairs and Justice, who work under the legitimacy of a Joint Ministerial Order. This Working Group was revitalized in April 2010 and is responsible for coordinating the implementation of the plan, for the development of all necessary measures leading to the



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accomplishment of the specific goals and activities proposed in the Plan, for guaranteeing close cooperation with the institutions and organs taking part in its implementation, deciding on the possibility of the inclusion of other bodies, mobilizing financial resources for implementation and producing annual and two evaluation reports. In addition to the actors listed above, the Working Group is also comprised of representatives from the three branches of the Armed Forces, from the Directorate-General of the National Defence Policy and of the Military Staff and Recruitment; from the Directorate-General of Internal Affairs, from the Public Security Police, from the Gendarmerie and from the National Authority of Civil Protection; from the Directorate-General of Justice Policy and from the Judiciary Police and from the Commission for Citizenship and Gender Equality (CIG), the government body that plays a coordinating role in the area of gender equality in the Portuguese Government. The NAP provides for mechanisms and indicators for the implementation, follow-up and evaluation of its goals and measures, which is the responsibility of the Inter-ministerial Working Group responsible for the implementation of the Plan.

The 5 strategic objectives are:

1. Increase women's participation and integrate the gender dimension in all phases of peace-building processes, including in all levels of decision-making.
2. Ensure the training of persons involved in peace-building processes, both on gender equality and gender violence and other relevant aspects of the Resolutions 1325 and 1820.
3. Promote and protect human rights of women, girls and girls in conflict and post-conflict, regarding to:
 - a) Prevention and elimination of gender violence perpetrated against them
 - b) Promoting the empowerment of women
4. Deepen and spread knowledge about the theme 'women, peace and security', including training and awareness of decision-makers and public opinion.
5. Promote the participation of civil society in the implementation of the Resolution 1325.

As previewed in the Plan, Portugal will organise a Public Session, in November 2010, to present the National Action Plan with the participation of Members of the Government, Security and Police Forces, experts in this area, Civil Society and will have the presence of EU, UN and IANSA representatives.

National mechanisms for gender equality

Portugal has two national mechanisms dedicated to the promotion of equality between women and men: the Commission for Citizenship and Gender Equality (CIG) and the Commission for Equality in Work and Employment (CITE). The two mechanisms were



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restructured in 2006 in the framework of the broader National Reform of the Public Portuguese Administration, therefore acquiring new functions.

Commission for Citizenship and Gender Equality

In order to improve the promotion and implementation of gender equality the Commission for Citizenship and Gender Equality replaced the Commission for Equality and Women's Rights (CIDM) and the Mission against Domestic Violence. Like the previous mechanism, CIG is integrated in the Presidency of the Council of Ministers (PCM) and it answers to the Secretary of State for Equality. It has initiated its new functions in May 2007. Its head office is in Lisbon and there is a branch in Oporto.

The functions of this body clearly show this new perspectives by reinforcing:

- The combat to Domestic Violence as its permanent mission
- The commitment to promote citizenship
- A stronger intervention in society by promoting good practices
- The competence to certify public and private entities as well as civil society organisations that are an added value to the promotion of Gender Equality and therefore are enabled to access several types of support and financial incentives
- The competence to receive complaints regarding gender based violence or other gender related discrimination providing CIG a dimension of "Ombudsperson" to ensure the protection of human rights related to Gender Equality
- The reinforcement of support to NGO's whose main statutory purpose is to promote citizenship, human rights, and women's rights and gender equality.

The Organic Law of the national mechanism for citizenship and gender equality has a renewed perspective: reaffirming women's rights, gender equality, and combating gender based violence; while promoting gender mainstreaming when combating multiple discrimination, thus addressing the different ways women and men experience discrimination.

The Commission for Citizenship and Gender Equality has one President, assisted by a Vice-President. CIG retained in its new organic law an **Advisory Board** that is composed of:

- A **section of Non-governmental Organisations** (40 NGO's: 25 of which are women's associations and NGOs working in the field of gender equality and 15 working in the areas of citizenship and human rights);
- An **Inter-ministerial section** comprising representatives of each line Ministry and Services that work as gender focal points in their respective areas with the aim of mainstreaming gender equality into all policies. They have the formal Statute of Advisers for Equality. The recently approved "Equality Adviser Statute" assigns a clear mandate and functions to those within each Ministry who have the responsibility to promote the gender equality.
- This statute encompasses the creation of **intra ministerial working teams** to ensure the integration of a gender equality dimension in all sectors of Central Public Administration;



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The CIG's Advisory Board also includes a **Technical and Scientific Advisory Group** chaired by the member of the Government in charge of the CIG. Besides the president and the Vice-president of the CIG this body is composed by 10 personalities with well known scientific skills in the fields of citizenship, human rights, women's rights and gender equality.

Regarding the financial resources the Portuguese Government has been making an overall effort to increase the national gender equality mechanism's **budget** from 2005 on.

Financial and Technical Support to Gender Equality

In addition to the budget of this gender equality mechanism, an NGO technical and financial support system was set up for 2003 – 2006 under the Employment, Training and Social Development Programme, to “promote equal opportunities for men and women by increasing positive action and mainstreaming in all fields of activity by developing integrated strategies to promote the balanced participation of men and women in work, family life and decision-making and to create the right conditions for a change in the paradigm of social roles existing in our culture”. The Commission for Equality and Women's Rights (now CIG) was in charge of its management.

The NGO technical and financial support system sponsored a number of measures aimed at consolidating the role of NGOs in the pursuit of their goals in accordance with the Second National Plan for Equality, the Second National Plan against Domestic Violence and the Annual CIDM Plan of Activities.

In 2007 the budget for promoting gender equality policies has been considerably reinforced. An autonomous area of the Structural Funds was specially created to finance the promotion of gender equality under the Operational Programme for the promotion of the Human Potential (POP). For the first time in Portugal there is a specific funding line with a total funding of 83 million Euros distributed among 7 different typologies (to be applied in the course of 5 years). **4 of these typologies are directly managed by CIG as the intermediate specialised body of the Public Administration.**

Commission for Equality in Labour and Employment

The other national mechanism for gender equality, the Commission for Equality in Labour and Employment (CITE) was maintained despite the extensive restructuring of the Public Administration. It kept its former structure; its tasks were adapted to the new labour regime; and it is currently working under the direction of the Ministry for Labour and Social Solidarity, in articulation with the member of Government in charge of gender equality.



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CITE is a tri-partite body composed by governmental representatives, social partners representing the employees and social partners representing the employers. Its main tasks are:

- To promote equality and non-discrimination between women and man in work, employment and professional training;
- The protection of maternity and paternity as well as reconciliation between professional, family and personal life, especially by issuing Opinions or Recommendations regarding complaints on grounds of gender based discrimination.

The Commission evaluates the complaints of discrimination and draws up reports on these matters, which are sent to interested parties. It is compulsory to the employers to ask the legal opinion of this Commission before the dismissal of pregnant, puerperal or breast-feeding women. The legal opinion is given in 30 days. If the opinion is negative, only a court of law may authorize the dismissal. Employers are also required to seek the opinion of this Commission if they do not agree with the requests of reduced timetables or flexible time arrangements for women and men with small children. The opinion must be given within 30 days and if the opinion is negative only a court of law may authorise the employer to deny the employee's request.

A Decree-Law from the 9th of September 2010, approving the new organic law of CITE, reinforces its competences as regards the follow up and the representation of victims of discrimination in labour and employment in administrative and judicial processes.

Gender mainstreaming

Efforts are developed by CIG to mainstream gender in all policies implemented at the Central and Local levels of Public Administration, namely by promoting the adoption of Plans for Gender Equality and by appointing Ministerial Equality Advisers and teams. Mainstreaming gender equality is a political commitment, a strategy for achieving gender equality and is considered a requisite for good governance. The III PNI is also the operational basis for its implementation in Central and Local Public Administration, by creating structures for mainstreaming gender equality in each Ministry.

The CIG raises awareness and gives training on a regular basis to **target groups with multiplying effects** in the field of gender equality (central and local civil servants, namely, City Hall personnel, healthcare and social care workers, teachers, security forces, media workers, legislators, etc).

It also trains the ministerial Equality Advisers as well as the members of the interdepartmental ministerial teams working in this field, so as to develop new basic theoretical and technical skills which will allow them to integrate a gender equality perspective in policies and actions to be implemented by their Ministry in order to reach a *de facto* gender equality, and also to draw and implement an Action Plan for Gender



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Equality in their specific policy area. A guide was developed in order to support the elaboration of diagnosis at local level and guidelines were launched for the drafting of Action Plans for Gender Equality at local level.

The National Institute for Public Administrations started in 2009 promoting training in gender equality addressed to decision-makers in Public Administration.

The CIG produces, publishes and disseminates various collections addressed to different actors, covering a wide range of issues related to gender equality (namely information, research, seminars' proceedings, and support to actors on the field).

With the specific goal of making available instruments and materials to support stakeholders' work in the field of gender equality mainstreaming, CIG has promoted the drafting of several guides: Gender Impact Assessment, a general guide on gender mainstreaming, and 8 guides aimed at supporting interventions in the following policy areas: Health, Professional and Family Life, Education and Training, Culture, Media, Poverty and Social Inclusion, Power and Decision-making and Cooperation. Each one of these guides for gender mainstreaming in one specific policy area has a common structure.

At the same time Portugal has been developing new instruments that allow for a closer monitoring and effective evaluation of the policies that promote gender equality, namely:

Database: Gender Profile –The National Statistical Office has, since 2004, a database on its website, updated regularly. The data is so far distributed by sex on 100 indicators in the following areas: population, families, activity, employment and unemployment, reconciliation between family and work, education and training, decision-making, health, crime and violence. The creation of this database is the result of the cooperation between the National Statistical Office, the CIG and the CITE. This database has free of charge access and aims at responding to the needs of civil servants, researchers, decision-makers, journalists and students, among others, who need complete and updated standardised statistical information, in various relevant fields for a gender analysis.

Gender Equality in Portugal" is published every two years by the national mechanism for gender equality since 1980. It contains, namely, statistical data disaggregated by sex and legislation for each policy area. 5000 copies of this publication were issued in 2009.

Apart from the dialogues and work conducted in the framework of the Consultative Council, the CIG on one hand is often invited to take part or be a partner in the activities of the civil society, and on the other hand involves the civil society and the NGO's in several of its activities, including by inviting them to take part in working groups for the design and implementation of policies, action plans and activities, by consultations on different topics and policies, by the establishment of partnerships and by involving them in and inviting them to seminars, conferences and other events.



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The CIG has mechanisms in place to support technically and financially the work of Non-Governmental Organisations working in the fields of women's rights, citizenship and human rights.

The CIG has developed protocols with over 40 municipalities aimed at promoting gender equality at the local level. In these protocols the municipalities agree to work towards this goal, including through the adoption of Local Plans for Gender Equality and to appoint Local Equality Advisers and teams. Various awareness-raising sessions were held addressed to Local Advisers for Gender Equality, intervening in the framework of the already existing Local Social Networks. 5 regional workshops on gender equality in local policies will be promoted by CIG in cooperation with the Centre for Studies and Training for Municipalities (CEFA), which is the body in charge of training the civil servants working in the Local Public Administration.

The protocols between the CIG and the Foundation for Science and Technology (FCT) continue to be renovated with very positive results thus contributing to finance scientific research in the field of gender equality and women's rights and to develop research in this area.

A Protocol Agreement was signed May 2009 between CIG and the National Institute for Public Administration (INA) in order to ensure the future implementation of this type of training by the National Institute for Public Administration (INA).

Training sessions addressed to Central and local Advisers for Gender Equality were implemented in 2006 and in 2008.

- 12 workshops on Citizenship and Gender Equality addressed to directors and civil servants of the Portuguese Public Administration were promoted by CIG in cooperation with the National Institute for Public Administration (INA). 2008/2009- 6 workshops (4 hours each) for directors of Central and Local Public Administration (in Lisbon, Porto, Faro, Viseu and Guarda).
- 3 workshops (16 hours each) for Advisers for Equality and Ministerial Teams (in Lisbon, Porto, and Faro).
- 3 workshops (16 hours each) for trainers (in Lisbon, Porto, and Faro).

An award "Parity- Women and Men in the Media" is granted yearly since 2005 by CIG. It envisages the creation of an appropriate environment for equality by promoting a balanced and non-stereotyped image of women and men in the media and to give visibility to women and to the political, social economic and cultural issues raised by them. It applies to journalistic, creative or other products advertised by the media, whether on paper, video, digital and audio support, and which promote equality between women and men among its public, promote balanced and diversified images of women



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and men, stimulate a stronger participation of women in production and decision-making and, especially, which raise awareness on the human rights of women.

A guide for the adoption of a language that promotes equality between women and men in the Public Administration was elaborated in 2009 by the Commission for Citizenship and Gender Equality and was published this year. This document is addressed to the Central and Local Public Administration. It provides practical orientations for a non-sexist communication and on how to promote the integration of a gender inclusive language in documents and formularies used by the public services both internally and in their contact with the public.