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The Permanent Mission of Portugal to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and, further to its letter dated 3 May 2019, has the honour to enclose herewith a reply of the Portuguese authorities to the Questionnaire from the Special Rapporteur on the human rights of migrants.

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, 29 May 2019

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## **Questionnaire of the Special Rapporteur on the Human rights of Migrants**

### ***Good practices and initiatives of gender-responsive migration legislation, policies and practices – May 2019***

We have witnessed at the global level a growing feminization of the migration flows since the end of the 20<sup>th</sup> century, and a paradigm shift regarding women and migration, longer mainly associated to family reunification. The migratory flows in Portugal follow this trend.

Data from the Portuguese Border and Foreign Services reflect a growing proportion of women with foreign nationalities among the total foreign residents. The number of foreign women has surpassed the number of foreign men since 2012, reaching +2,4% in 2017.

Migrant women are often identified as victims of intersectional and/or multiple discrimination – for being women and for being migrants, among others. Some of the challenges specific to migrant women relate to matters of religion and/or tradition (both in the country of origin and in the host country), to sexual and reproductive rights, to violence against women, to matters related to employment and work conditions and to participation in public and political life.

This demands gender sensitive policies across the board, delivering more responsive actions and services for the integration of migrants.

In this vein, on the 8th March 2018, the Portuguese Government adopted the National Strategy for Equality and Non-Discrimination 2018-2030.

This is the first policy instrument in Portugal that explicitly refers intersectionality as a premise for the definition of equality and non-discrimination measures. As such, the aim is to build policies that are responsive to disadvantages that occur at the intersection of sex and other factors of discrimination, including nationality and racial and ethnic origin.

Within the framework of the Strategy, there are 3 action plans: the action plan for equality between women and men; the action plan for the prevention and elimination of violence against women and domestic violence; and specific action plan for the elimination of discrimination on the basis of sexual orientation, gender identity and expression, and sex characteristics.

The implementation of this National Strategy is under the coordination of the Commission for Citizenship and Gender Equality.

In this context, the High Commission for Migration ([www.acm.gov.pt](http://www.acm.gov.pt)) is a public institute that, under the direct supervision of the Presidency of the Council of Ministers, responsible for collaborating in the definition, implementation and evaluation of public policies regarding the attraction of migrants, the integration of immigrants and Roma communities, and the management and enhancement of the diversity of cultures, ethnicities and religions through the promotion of intercultural and interreligious dialogue.

Under the National Strategy for Equality and Non-Discrimination 2018-2030, the Commission for Citizenship and Gender Equality and the High Commission for Migration have been carrying out a number of actions embedded in the intersectional approach, such as:

- To respond to the need to design action measures that are responsive to the specificity of migrant women, in January 2019, creation of a **Project area on Intersecting Inequalities** within the High Commission, which aims to develop and implement gender sensitive policies and measures for the integration of migrants - including refugees and asylum seekers – and Roma, with focus on intersecting inequalities.

This project area focuses on national, European and international challenges in the field of the integration of migrants and Roma communities, in line with European and international recommendations – such as the Istanbul Convention and the Gender Equality Strategy 2018-2023 of the Council of Europe, as well as the United Nations 2030 Agenda and the International Decade for People of African Descent (2015-2024).

- Promotion of **awareness raising sessions and workshops** throughout 2018 on **Gender Equality, Violence against Women and Domestic Violence – including Traditional Harmful Practices – and Human Trafficking**. These sessions targeted professionals who work directly or indirectly with migrant and Roma communities, in the National and Local Support Centres for the Integration of Migrants and in the Choices Programme (which aims to promote the inclusion of vulnerable children and youth, and foster equality and social cohesion<sup>1</sup>):

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<sup>1</sup> The participants of the 6<sup>th</sup> generation of the “Choices Programme” (2016-2018) were children and young people between the ages of 6 and 30 years old but family members and the wider community were also involved. The Programme supported 112 projects in Portugal but also in London and Luxembourg where two pilot projects were carried out (ended in December 2017). The 7<sup>th</sup> generation (2019-2020) of the Programme is running.





- 2 awareness raising sessions on Forced and Early Marriages in the Lisbon National Support Centre for the Integration of Migrants, with 27 participants (24 women and 3 men);
  - 2 workshops on Gender Equality in the Lisbon and Porto National Support Centre for the Integration of Migrants, with 57 participants (46 women and 11 men);
  - 3 workshops on Domestic Violence in the Lisbon and Porto National Support Centre for the Integration of Migrants, with 72 participants (58 women and 14 men);
  - 2 awareness raising sessions on Human Trafficking for the Choices Programme and the Lisbon and Porto Network of Partners, with 38 participants (36 women and 2 men).
- Organization of the Meeting-Debate “Erased, Silences, Invisibilities”, by the High Commission together with the Museum of the Calouste Gulbenkian Foundation, framed within the International Decade for People of African Descent (2015-2024). This involved feminist civil society organizations and collectives.

The event took place on the 28<sup>th</sup> of March 2019, and the discussion was based on the work of the artist Yto Barrada, strongly marked by narratives of histories and identities, in her relationship with the colonial and post-colonial past, and to the West. <https://www.acm.gov.pt/-/encontro-decada-internacional-de-afrodescendentes-2015-2024-debate-apagamentos-silencios-invisibilidades->

- Organization of the international seminar “Intersectionality: the situation of black women and women of African descent”, by the High Commission in collaboration with the European Network for Migrant Women, <https://www.acm.gov.pt/-/seminario-internacional-sobre-interseccionalidade-a-situacao-das-mulheres-negras-e-afrodescendentes-no-cnaim-de-lisboa> . This initiative took place on the 27<sup>th</sup> of May 2019, in Lisbon, signaling Africa Day which is celebrated on the 25<sup>th</sup> of May.
- The Commission for Citizenship and Gender Equality and the High Commission have also been active under the national policies aiming to prevent and eliminate female genital mutilation (FGM). These policies, which have been developed in national action programmes since 2007, are now consolidated under the National Strategy for Equality



and Citizenship as policies to prevent and eliminate Violence Against Women and Domestic Violence, specifically targeting traditional harmful practices.

More concretely, and under the new National Strategy, a pilot-project was launched in November 2018, called “Healthful Practices: for the end of Female Genital Mutilation”, and is carried out through the Public Health Units of five Health Centres. Coordination is done by the High Commission, the Commission for Citizenship and Gender Equality and the Regional Health Administration of Lisbon and Tagus Valley, namely in reaching the communities and in supporting the health professionals in their capacity building process <https://www.acm.gov.pt/-/projeto-praticas-saudaveis-fim-a-mutilacao-genital-feminina-mais-sensibilizacao-e-mobilizacao-local>

- In November of 2018, the High Commission and the Commission for Citizenship and Gender Equality signed a Partnership Protocol with the Higher Education Health School of the Polytechnic Institute of Setubal, the Directorate General of Health, and the Planned Parenthood Association, to launch the 3<sup>rd</sup> edition of a Post-graduate course on Sexual and Reproductive Health: Female Genital Mutilation. This course is targeted at health professionals and takes place from December 2018 to June 2019.
- Promoted by the Secretary of State for Citizenship and Equality, the campaign “Don’t Cut the Future” was launched on 6<sup>th</sup> February 2019, signaling the International Day of Zero Tolerance for Female Genital Mutilation, with the participation of the High Commission, the Commission for Citizenship and Gender Equality, as well as civil society organizations. In order to signal the beginning of Easter vacation (a known prominent time for taking children to the ritual in their countries of origin), this Campaign was taken to the main national airports, where posters and flyers were distributed, to raise awareness regarding this reality and contribute to its prevention. <https://www.acm.gov.pt/-/governo-lanca-a-campanha-nao-corte-o-futuro-nos-aeropostos-nacionais>
- The High Commission promoted a Conference dedicated to Equality and Human Rights in Islam “Girls and Women, Tradition and Islam”, focusing namely on the abandonment of harmful practices. This Conference took place in Sintra, Portugal on 13<sup>th</sup> April 2019, as a meeting of/with religious leaders from communities in risk of FGM, child marriages and rights of women and girls. This Conference gathered various religious leaders active in Guinea-Bissau and in Portugal. <https://www.acm.gov.pt/->



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- In 2017, Portugal passed a new antidiscrimination law in the area of access to and provision of goods and services, strengthening the former legal framework. Between 2017 and 2018, there was an 93.3% increase in the number of discrimination complaints submitted to the Commission for Equality and Against Racial Discrimination under this framework.

Among other aspects, the new law:

- adds descent and territory of origin to the list of prohibited discrimination factors (racial and ethnic origin, color, nationality);
  - for the first time, expressly prohibits multiple discrimination and discrimination by association;
  - reinforces the composition and powers of the Commission for Equality and Against Racial Discrimination. This Commission is responsible for receiving complaints and carrying out all administrative procedures, leading to the possible application of fines for discriminatory practices (in the former regime, competence for carrying out the administrative procedure was scattered throughout different sectoral bodies);
  - aggravates applicable fines – individuals can be subject to a fine up to 4,357.60 euros and legal persons to a fine up to 8,715.20 euros;
  - introduces the possibility of mediation as a dispute resolution procedure, upon request or *ex officio*.
- Launch of several lines of funding by the Commission for Citizenship and Gender Equality that mainstream the intersectional approach:
    - 3,5M€ for the training of professionals in the areas of: a) promotion of equality between women and men, including an intersectional perspective; b) prevention and elimination of violence against women and domestic violence, including an intersectional perspective; c) prevention and elimination of discrimination, including multiple and intersectional discrimination, namely on the basis of sex, sexual orientation, gender identity and expression, sex characteristics, racial and ethnic origin, color, nationality, descent, territory or



- origin, age and disability); d) prevention and elimination of trafficking in human beings, including an intersectional perspective.
- 6M€ for the technical and financial support of civil society organizations that work in the areas of: promotion of equality between women and men; prevention and elimination of discrimination, including multiple and intersectional discrimination, namely on the basis of sex, sexual orientation, gender identity and expression, sex characteristics, racial and ethnic origin, color, nationality, descent, territory or origin, age and disability including an intersectional perspective; prevention and elimination of violence against women and domestic violence, including traditional harmful practices; prevention and elimination of trafficking in human beings. All actions should foster an intersectional perspective.
  - 200.000€ for local projects and instruments to prevent and eliminate violence against women and domestic violence in vulnerable groups, such as migrant women.
  - 600.000€ for projects to promote the political and civic participation of women and girls at local and regional levels, namely from vulnerable groups.
  - To be launched in the first semester of 2019, two other funding lines are being prepared: for the production of studies on the situation of migrant women in Portugal, namely black women and women of African descent; and for the production of a white book on intersectional discrimination, looking at the Portuguese antidiscrimination legal framework.