**Reports on the issue of child, early and**

**forced marriage**

1. **What measures have been taken to implement the recommendations of the last report of the Secretary-General on the issue of child, early and forced marriage (A/75/262)?**

Regarding the issue of child, early and forced marriage, it is the mission of the *Guarda Nacional Republicana* (GNR),[[1]](#footnote-1) in partnership with the National Commission for the Promotion of the Rights and Protection of Children and Youth (entity that trains GNR in this area), to preventively raise awareness of children cognizance of their rights under the Convention on the Rights of the Child, and these awareness raising actions are reinforced on the World Children's Day (20 November).

1. **What legislate actions have you taken to address the root causes of child, early and forced marriage? Any examples of legislation enacted, beyond the minimum age of marriage, such as laws repealing or amending provisions that enable perpetrators of rape, sexual abuse or abduction to be exempted from prosecution and punishment by marrying their victims?**

N/A

1. **What measures have you adopted to support girls that are already married or in informal unions?**

**Do those measures contribute to:**

1. **Ensure their free, active and meaningful participation in decision-making on all issues affecting them, particularly when developing and implementing coordinated responses and strategies to prevent and eliminate child, early and forced marriage?**
2. **Protect their economic security and that of their families, including equal access to inheritance and property, social protection, employment and financial services?**
3. **Support them to maintain or return to education, including technical and vocational education?**
4. **Ensure their access to health services, including services related to sexual and reproductive health?**
5. **Ensure their food and nutrition security, and their access to safe and affordable drinking water?**

N/A

1. **What actions do you take to support girls and women affected or at risk of child, early and forced marriage; especially those who have fled such a marriage or whose marriage has dissolved, and to support widowed girls or women who were married as girls?**

The actions developed by the *Public Security Police* (PSP) within the scope of the Safe School Program are transversally related to the theme in question. **Please see Annex I.**

1. **What measures are in place to facilitate access by girls and women at risk and for already married girls and women to protective mechanisms and services, including legal services, safe accommodation and psychosocial support?**

N/A

1. **What progress is made in gathering data disaggregated by sex/gender, age, geographical location, socioeconomic status, disabilities, educational level and other factors, in particular on the situation of already married girls and girls in informal unions?**

N/A

1. **What research has been conducted on married girls, including widow girls and women, and whose husbands have left them to fight or seek refuge internally or across borders, or who have been detained or disappeared?**

N/A

1. **Please share any examples of national reports on CEFM submitted to relevant international treaty bodies and the Universal Periodic Review, and national voluntary reviews conducted through the high-level political forum on sustainable development?**

N/A

1. **Please share data and evidence on the impact of the COVID 19 pandemic on the trend of child, early and forced marriage.**

N/A

1. **What measures are taken to mitigate the impact of COVID-19 on girls and women survivors of CEFM and at risk? For instance, have you continued or enhanced provision of protection and support services for survivors of gender-based violence, and adapted essential health-care services, including sexual and reproductive health-care services?**

During COVID-19, the GNR has prioritized digital contact with school communities as well as with social support entities.

1. **A report to the Human Rights Council on progress, gaps and challenges in addressing CEFM and measures to ensure accountability.**

**The Human Rights Council resolution 41/8 requests the United Nations High Commissioner for Human Rights to submit a “written report, with input from all relevant stakeholders, on progress, gaps and challenges ln addressing child, early and forced marriage, and measures to ensure accountability at the community and national levels, including for women and girls at risk of and those subjected to this harmful practice."**

**We would be grateful to receive responses to the questions below:**

1. **Measures implemented to ensure accountability at the community and national levels, including the applicable legal framework, policies and programmes.**

In 2021, the Portuguese Government approved the *Biannual Plan (2021-2022) on the National Strategy for the Rights of Children* (Resolution from the Council of Ministries 112/2020, December 18).

Its Operational Objective 12.2 (“prevent and combat all other forms of violence against children and young people, including the exploitation, trafficking, early and forced marriage and female genital mutilation”) includes Measure 12.2.1. (“prevention, evaluation and intervention on the phenomena of trafficking in human beings”). As indicators with the participation (direct and/or involvement) of the Observatory on Trafficking in Human Beings (Ministry of Home Affairs):

* *Evaluation Report on the mechanisms created by Law nº 29/2012 of 9 August, in the context of the protection of children/young victims of trafficking* (period of implementation: for 2022). This law reports to the legal framework of *Entry, Permanence, Exit and Removal of foreigners into and out of national territory*. In this law, measures related to children/young victims of trafficking are in Article 114.º.
* *Inclusion in the Annual Reports on Trafficking in Human Beings of data on the number of documents proving the status of especially vulnerable victims (Trafficking in Human Beings, namely the provisions relating to children/young people)* (period of execution: for 2022).
  + The Annual Reports on THB are produced by the Observatory on Trafficking in Human Beings/Ministry of Home Affairs.
  + Regarding the documents on the status of especially vulnerable victims:
    - In 2021,the Portuguese Government issued the Order No 138-E/2021, of 1 July, which approved a new model / documents regarding the status of especially vulnerable victims, including victims of Trafficking in Human Beings. These new instruments are the result of multi sectorial work, coordinated by the Governmental department of Citizenship and Equality, which is also in charge of coordinating Fourth National Action Plan to Prevent and Combat Trafficking in Human Beings (2018-2021). These new documents aim to:
      * Update the previous models.
      * Produce documents that are clearer, simpler and easier for the victims to understand. This is fundamental considering that when receiving these documents, victims' are in an especially fragile situation, often unable to understand complex legal language and information about their rights. For this purpose, the documents were revised by specialized services to convert legal and procedural technical language into clear language.
      * In the document pertaining to the especially vulnerable victim status, to provide information on victimization areas that relate to specific rights, namely referring to Trafficking in Human Beings.
* *Protocol for the definition of procedures for the Prevention, Detection and Protection of children (presumed) victims of trafficking in human beings - National Referral System (NRM)* (period of execution: concluded in 2021).
  + Launched in 2021.
  + In 2019, the Observatory on Trafficking in Human Beings, together with the National Rapporteur, started to outline the implementation of the "Protocol for the definition of procedures for the Prevention, Detection and Protection of children (presumed) victims of trafficking in human beings - National Referral System (NRM)".

This specific NRM was set under the *Fourth Action Plan to Prevent and Combat Trafficking in Human Beings (2018-2021)* and the *National Implementation Plan of the Global Compact for Migration*. It also represents the commitment of Portugal to comply with international and European standards and recommendations.

The NRM also considers, in its procedures, the inclusion of another measure of the Fourth Action Plan to Prevent and Combat Trafficking in Human Beings (2018-2021): the *Protocol between the Directorate-General of Health and the Immigration and Borders Service for the implementation of a mechanism for flagging and monitoring of children identified in the National Health Service, within the scope of the National Health Program Children and Youth and the Health Action for Children and Youth at Risk*.

A Multidisciplinary Group (governmental, non-governmental and intergovernmental organizations) developed this NRM. The group had the following bodies:

* + - From the Ministry of Home Affairs:
      * Observatory on Trafficking in Human Beings
      * National Republican Guard
      * Public Security Police
      * Immigration and Border Service
    - From the Minister of State and Presidency:
      * Commission for Citizenship and Gender Equality
    - From the Ministry of Justice:
      * Criminal Police
    - From the Ministry of Labour, Solidarity and Social Security:
      * National Commission for the Promotion of Rights and Protection of Children and Youth
    - From the Ministry of Health:
      * Directorate-General of Health
    - From the Public Prosecution Service:
      * Family, Children and Youth Office
    - International Organization for Migration / Portugal
    - Institute for Child Support
    - Akto - Human Rights and Democracy / Shelter for Children victims of trafficking in human beings.

The final version was validated by all organizations of the National Network for the Assistance and Protection to Victims of Trafficking (RAPVT) and by the Minister of Home Affairs.

The NRM - for all (presumed) children victims of THB has nine Practical Tools:

1. *Guiding principles for children's protective intervention.*
2. *General indicators and forms of THB by indicators.*
3. *Detection in National Territory (and respective flowchart).*
4. *Detection at the External Borders (and respective flowchart).*
5. *Procedures for age assessment.*
6. *Appointment of Guardian or Legal representative.*
7. *Assistance, Sheltering and (Re) Integration (and respective flowchart).*
8. *Children's rights.*
9. *Training Module.*

The objectives of this NRM are:

* To create procedures for the prevention, detection, identification, supports and protection of children (presumed) victims of THB.
* To consolidate and reinforce the mechanisms of coordination, cooperation and communication between the professionals involved throughout the various stages.
* To guarantee the child's best interest throughout all stages, namely avoiding situations of victimization or new trafficking.

This NRM also contains a chapter regarding the monitoring and evaluation of its implementation (results and impacts). As such, each organization from the Working Group (already identified above and later on extended to the 5 Specialized Multidisciplinary Teams for the Assistance to THB Victims) were requested to:

* Identify a Focal Point.
* Identify training needs (per Tool) and to promote internal training (ongoing work).
* Additionally, it is expected, at least, an annual meeting of the Working Group with other organizations (if so considered). From the meeting, there will be an assessment of the NRM.
* Training actions for front-line professionals and to Mediators from the National Support Centers for the Integration of Migrants, to the Local Centers to Support Immigrants' Integration as well as to technicians from the Choices Program and from migrant associations on trafficking in human beings’ indicators, specially of children and young people victims of trafficking (period of execution: 2021-2022).

1. **The legal consequences of CEFM including criminal, civil, administrative and other legal consequences, as well as any documented effects, positive or negative, planned or unintended, of the: application of the legal framework.**

N/A

1. **Statistical data on the enforcement of legal measures, including, when relevant:**
2. **If CEFM is prohibited and/or criminalised, the number of cases prosecuted, who initiated the legal action (prosecutorial authorities, victims, or others) and who is prosecuted) (children, parents, other relatives or others); as well as data on the number of cases investigated, and cases that result in a conviction; and**
3. **The number of CEFM annulled and other civil or administrative related procedures,**

The GNR has only received two complaints from the school universe, both referring to girls.

1. **Concrete measures implemented to ensure the integration of a human rights-based approach in judicial proceeding against CEFM including age and gender sensitivity, victim-centred approach, respect of the best interest of the child, consideration of the evolving capacities of the children, including adolescents, as well as their right to be heard.**

N/A

1. **The domestic articulation of the right to a remedy for victims of CEFM. including concrete measures to guarantee their right lo reparations.**

N/A

1. **Any examples, good practices or lessons learnt on the use of strategic litigation related to CEFM and the impact of such initiatives.**

N/A

1. **Any examples, good practices or lessons learnt on the use of international and regional human rights protection mechanisms in relation to CEFM, including efforts made to include information on CEFM in the reporting of such mechanisms.**

N/A

1. **Any examples, good practices and lessons learnt by national human rights institutions to enhance State accountability for preventing and responding to CEFM.**

N/A

1. **Budgetary implications for the State for all measures related to CEFM and the design of gender and age sensitive budgeting and expenditure to prevent and respond to CEFM.**

N/A

1. **Methodologies and approaches used by States to measure progress in the eradication of CEFM including in line with relevant Sustainable Development Goals indicators.**

*1.* Raise awareness in children and society;

2. Identify risk cases;

3. Report identified cases socially (Commission for the Protection of Children and Youth) and judicially (Public Prosecutor's Office in its jurisdiction of Family and Minors);

4. Support the follow-up of cases through and with social multidisciplinary monitoring support entities.

Annex I

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **THEMES for GROUP AWARENESS ACTIONS - SAFE SCHOOL PROGRAMME** | **2018/2019** | | **2019/2020** | | **2020/2021** | | **TOTAL** | |
| **Actions** | **Participants** | **Actions** | **Participants** | **Actions** | **Participants** | **Actions** | **Participants** |
| Citizenship and Non-Discrimination | 45 | 1 778 | 1 057 | 21 681 | 328 | 4 602 | **1 430** | **28 061** |
| Intercultural dialogue | 342 | 8 266 | 446 | 10 535 | 167 | 2 364 | **955** | **21 165** |
| Human rights | 317 | 7 716 | 619 | 12 872 | 367 | 5 798 | **1 303** | **26 386** |
| Gender Equality | 249 | 6 995 | 679 | 14 230 | 263 | 3 993 | **1 191** | **25 218** |
| Mistreatment | 125 | 3 291 | 318 | 7 009 | 309 | 4 312 | **752** | **14 612** |
| Sexual offences | 30 | 879 | 248 | 5 411 | 228 | 3 307 | **506** | **9 597** |
| Child Safety | 2 227 | 68 909 | 1 152 | 30 684 | 1 563 | 25 699 | **4 942** | **125 292** |
| Human trafficking | 11 | 241 | 5 | 147 | 11 | 160 | **27** | **548** |
| Domestic and dating violence | 1 335 | 35 212 | 1 346 | 28 573 | 381 | 5 052 | **3 062** | **68 837** |
| **TOTAL** | **4 681** | **133 287** | **5 870** | **131 142** | **3 617** | **55 287** | **14 168** | **319 716** |

1. Portugal has various national police organizations, including the ‘Public Security Police’ (*Polícia de Segurança Pública*, PSP) and the ‘National Republican Guard’ (*Guarda Nacional Republicana*, GNR). In broad terms, the first assures public order and investigates non-organized crimes and violent crimes in urban areas, while the second assures public order and investigates non-organized crimes and violent crimes (known or unarmed offenders) in non-urban areas. [↑](#footnote-ref-1)