



Resolução “Follow-up to the 20th anniversary of the International Year of the Family and beyond” | Comentários Nacionais, 14.04.2020

Contributos do âmbito da área temática da Cidadania e da Igualdade para os **pontos (a), (c) e (e)** da Nota Verbal do Secretariado das Nações Unidas sobre a implementação da Resolução 74/124 intitulada “Follow-up to the twentieth anniversary of the International Year of the Family and beyond”.

(a) Family-oriented policies and programmes that enhance strong intergenerational interactions, such as parenting education, including for family caregivers, and support for grandparents, including grandparents who are primary care caregivers

Concerning work-life balance, in December 2018, the Government launched an innovative work-life balance (WLB) programme (*3 em Linha – Programa para a Conciliação da Vida Profissional, Pessoal e Familiar 2018-2019*), to foster conditions for women and men to be able to balance professional, personal and family life. Its 4 axes (with a total of 33 actions) are intersectoral and range from promoting WLB practices in private and public organizations, including through dialogue with social partners; developing specific action measures in the public administration; improvement of infrastructures, services and incentives in the care, education, transport and health sectors; and producing knowledge.

Most of the measures have been fully implemented or launched, namely those with greater impact on peoples’ lives in terms of work-life balance practices adopted by public and private work organizations, protection of parenthood and investment in work-life balance infrastructures, services and incentives, namely:

- Project called *Pacto para a conciliação* (Work-Life Balance Pact) that brings together public and private organizations (currently 58 and increasing) that voluntarily commit to implement and certify a work-life balance management system according to the relevant Portuguese standard. This includes central and local public administration organizations, public companies and private companies. Already 10 organizations have been certified by accredited independent certifying entities.
- In 2019, the Government launched two funding lines to support SME and public administration organizations in implementing and certifying this work-life balance management system in a total of 31.5M€.
- Upon a proposal by the Government, social partners agreed to create the first working group to develop work-life balance measures throughout 2019 and 2020, which already met five times.
- Approval of Law 90/2019, 4 September:
 - Establishing that, in cases of hospitalization of the newborn after birth, parental leave is extended for the period of hospitalization up to a maximum of 30 days or for the whole period of hospitalization if the birth occurs before or at 33 weeks; in all cases where birth occurs before or at 33 weeks, parental leave is extended for 30 days.
 - Increasing (from 15) to 20 compulsory days the leave for fathers, with full pay.



- Establishing a prohibition on discrimination based on the enjoyment of maternity and paternity rights, including in terms of pay and career progression.
 - Establishing that, during trial period, the employer has a duty to communicate to the Commission for Equality in Labor and Employment the termination of work contracts of pregnant workers, workers who have recently given birth or are breastfeeding or workers on parental leave, within 5 working days.
 - Establishing that the employer has a duty to communicate to the Commission for Equality in Labor and Employment the reasons for non-renewal of fixed-term contracts of pregnant workers, workers who have recently given birth or are breastfeeding or workers on parental leave, within 5 working days before prior notice.
- Granting of a new right to public administration workers to a justified absence of up to three hours to accompany their children up to 12 years of age in their first school day of the academic year – Decree-Law 85/2019, July 1.
 - Launch of a 37M€ investment in kindergartens in areas with a below 33% coverage.
 - Projects to adapt public transport interfaces and to develop mobility solutions that promote work-life balance.
 - Introduction of work-life balance KPI for public administration services.
 - Creation of a work-life balance training module for top civil servants.
 - Increase of cash benefits for children.
 - Implementation of a new fertility survey (last survey was done in 2013) – data will be treated throughout 2020; and preparation of the next time use survey.
 - Launch of specific funding to produce studies to evaluate the economic impact of gender inequalities in the segregation of professions, in pay, and in unpaid work.

(c) Measures taken to prevent all forms of violence against children

In 2018, the Government adopted the National Strategy for Equality and Non-Discrimination 2018-2030 “Portugal + Igual”, with action plans in three major areas: a) promoting equality between women and men; b) preventing and combating violence against women and domestic violence - including harmful practices such as female genital mutilation and forced and early marriages; c) combating discrimination on the basis of sexual orientation, gender identity and expression, and sex characteristics. The plan on preventing and combating violence against women and domestic violence includes a focus on the prevention of violence, aligned with the Istanbul Convention.

In this context, in 2019, the Government adopted Resolution no. 139/2019, of 19 august, with priority measures to prevent and eliminate violence against women and domestic violence, including, among others, creating more effective mechanisms to prevent violence, at primary and secondary level. In this context, two guides are being developed for the first time:

- An intervention guide for professionals that work with children and youth to enable an action that is, for the first time, integrated across the various sectors involved (secondary prevention level). For this purpose, an interministerial working group was set up to produce the guide, which is now at its concluding stages. Based on this guide, specific sectoral technical guidelines will be produced, and training of relevant professionals promoted.



Simultaneously and also under the resolution, a training guide for professionals working in the area of domestic violence is being produced and will be the first common training guide to apply across sectors, without prejudice to sectoral specificities, and including a module on intervention with children and youth, based on the newly created instruments.

- A guide that defines minimum requirements that must be present in any program or project aiming at primary prevention of violence against women and domestic violence. This guide includes a focus on intervention, particularly in non-formal education settings, with children and youth, since very young ages, to promote interpersonal competences and a culture on non-violence and based on gender equality, and is being developed by the National Citizenship and Gender Equality Commission, in collaboration with relevant civil society organizations.

In 2019, specific funding lines were launched to: promote the training of professionals that work in the area of domestic violence, including for those working with children and youth; to support projects that work with children and youth aimed at primary and secondary prevention, and promoting non-violent masculinities.

Coordinated by the National Citizenship and Gender Equality Commission, a platform against dating violence was created gathering civil society organizations (including academic associations and federations) that develop relevant projects in this area. The aim is to capitalize on all relevant experiences and practices to enable the definition of more harmonized and articulated intervention standards and streamlined strategies.

The national support network for domestic violence victims includes 65 shelters and temporary shelters for adult victims and their dependent children throughout the country.

The action plan on preventing and combating violence against women and domestic violence covers harmful practices such as female genital mutilation and forced and early marriages. Since 2018, renewed action has been developed against female genital mutilation. This is done through an intersectoral project that, for the first time, is based on the work of healthcare services that are closer to at risk communities and who work together with other local actors. Under the coordination of the National Citizenship and Gender Equality Commission, the High Commission for Migration and the Regional Health Administration of Lisbon and Tagus Valley, actions are developed by Public Health Units in higher prevalence areas. These comprise the training of professionals in key sectors (health, education, justice, security forces, social security, etc) and intervention initiatives at community level.

According to the Portuguese Criminal Code, the practices of female genital mutilation and forced marriage are criminalized. Whenever there is a suspicion of forced marriage, the Registry shall refuse its registration and, if a child is involved, report the case to the National Commission for the Promotion of the Rights and Protection of Children. Any marriage contracted under constraint may be declared void.

Also, in 2018, the Government adopted the fourth action plan against trafficking in human beings, including measures pertaining to children and youth, such as a Protocol for the Detection, Identification and Assistance to children victims aiming to create a specific National Referral Mechanism for children, namely those detected in transit.



In the second semester of 2018, a new shelter was created for children victims of trafficking, with public funding and ran by a private association, where children have access to medical treatment, psychological support, protection, translation and interpretation services, education services and legal services. In 2019, a new shelter for men victims of trafficking and their children was opened, with public funding and managed by a private association. At present, Portugal has 5 Shelter Protection Centres for victims of trafficking (two for women and their children, and two for men and one for children) to ensure temporary shelter in a secure environment, and to promote the victim's physical and emotional recovery. These provide support, regardless of the victims' nationality, age, religion, ethnicity, sexual orientation, disability, marital status, political orientation or socio-economic aspects. This support is extended to the victims' minor children.

Finally, Law 3/2018, of 7 August, defines the legal framework establishing the right to self-determination of gender identity and gender expression and the protection of sex characteristics. Among others, concerning intersex persons, treatments and interventions at any age without the person's consent are forbidden except in cases of proven risk for the person's health. Following this law, in 2019, Portugal published its first Health Strategy for LGBTI people, prepared by the Health General Directorate in collaboration with seven associations that represent and support LGBTI people. The 1st volume of this strategy addresses the promotion of health of trans and intersex people and includes, among others: flowcharts for health services regarding trans and intersex people (according to whether the intersex variation is detected at birth or during puberty; definition and calendar for the approval of organizational and clinical norms; training of professionals). In this context, this volume expressly states that "regarding intersex people, and considering the various clinical situations, the intervention must be adequate on a case by case basis, based on the express informed consent, and according to strict clinical criteria established by accepted international standards.

Moreover, Law 3/2018, of 7 August, also establishes that measures must be taken to prevent discrimination in schools, including teachers' training and complaint mechanisms. The law also recognizes the right of trans persons to be officially identified by the adopted name regardless of any change in legal documents, which is particularly important, for instance, for those under 16 at school.

In this context, Order 7247/2019 was adopted in August 2019 establishing the administrative measures to guarantee the free development of all children's and youth's personality and non-discrimination at school, namely:

- Measures to prevent and fight discrimination based on gender identity, gender expression and sex characteristics.
- Mechanisms to detect and intervene in risk situations that endanger the healthy development of children and youth with a gender identity or expression that does not correspond to their legal gender.
- Creation of conditions for an adequate protection of the gender identity, gender expression and sex characteristics against all forms of social exclusion and violence at school, based on the respect for the autonomy, privacy and self-determination of children and youth.
- Adequate training for teachers and other education professionals on these matters.

(e) Provision of legal identity including birth registration



Law 38/2018, of 7 August, which defines the legal framework establishing the right to self-determination of gender identity and gender expression and the protection of sex characteristics, establishes that the change of the gender marker in legal documents is possible since the age of 16. For those aged 18 or older, the procedure is requested by the individual at the civil registry. For minors (aged 16 or 17), the procedure is requested at the civil registry through their legal guardians, together with a medical or psychological report confirming that the minor is fully informed and capable of making decisions. The law also recognizes the right of trans persons to be officially identified by the adopted name regardless of any change in legal documents, which is particularly important, for instance, for those under 16 at school.