



COUNTRY FOCUS

PORTUGAL

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COUNTRY CONTEXT

FGM was, until recently, an unknown problem in Portugal. However, a significant increase in the migration of people from FGM-practising countries over last two decades has resulted in greater awareness of the problem as a human-rights, sexual and reproductive health issue affecting the country.

Figures for 2013 indicate that 9,614 women from 29 countries from FGM-practising countries live in Portugal, with the biggest communities from Guinea Bissau (8,063 women), Senegal (470), Guinea (Conakry - 419), and Nigeria (156) (Lisboa et al).

Most live in the Greater Lisbon Area (Lisbon - 7,324, and Setubal - 1,035), Porto (464) and Faro (205). Within the Greater Lisbon Area, these communities are mainly located in the Lisbon District municipalities of Sintra, Loures, Cascais, Lisboa, Amadora, Odivelas, and the Setubal District municipalities of Moita, Seixal, Barreiro and Almada. The Porto zone municipalities with the largest communities from FGM-practising countries are Porto and Gaia and, in Algarve, Portimão, Albufeira, Loulé and Faro.

Based on the number of migrant women and girls arriving in Portugal over the past 15 years and the prevalence of FGM in their countries of origin, there are an estimated 6,576 FGM-affected individuals in Portugal, of whom 5,246 are aged 15-49 and 1,330 aged 50 and over (Lisboa et al, 2015). A further 1,830 girls aged 0-14 are at great risk of FGM before the age of 15.

Since 2013, health professionals have been able to register cases of FGM on a National Health Database (Plataforma de Dados da Saúde - PDS) jointly established by the Sexual Health, Reproductive, Children and Youth Division, Directorate-General of Health (DGS) and the Shared Services of the Ministry of Health (SPMS). By June 2016 a total of 130 cases had been registered.

An analysis of anonymised data associated with the 99 cases of FGM registered in the first two years - all from the Lisbon Area - found that the majority of women were from Guinea Bissau (almost 60 cases), followed by Guinea (Conakry - more than 20 cases). Affected women were aged 16-62, having undergone FGM at between 1 and 28 years of age (average 5.9 years) - most between ages 4-9, followed by ages 1-3. The majority of cases involved FGM procedures classified as type 2 (62%) or type 1 (34%), with 4% involving type 3. In none of these cases was FGM performed in Portugal (DGS, 2016).

FGM-related complications were reported in 41% of registered cases, of which 20 cases involved psychological complications, 14 related to sexual intercourse, 13 obstetric, and 6 urological/gynaecological.

The PDS has provided a useful tool in efforts to better understand FGM in Portugal. However, the register is still in its early stages and so cannot yet provide an accurate picture of the situation nationwide.

Until September 2015, FGM was not a crime specified under the Portuguese Penal Code. However, FGM could be prosecuted as a serious offence against the physical integrity of a woman or girl, although such prosecutions were rare.

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Legislative Framework

LEGISLATIVE FRAMEWORK

/ INTERNATIONAL AND EUROPEAN CONVENTIONS

As a member of the European Union (EU) and the Council of Europe, Portugal has ratified several international conventions against FGM, including the Universal Declaration of Human Rights (UDHR), the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Rights of the Child (CRC), the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and the Charter of Fundamental Rights of the European Union (2010/C 83/02). Portugal has also ratified the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention, CETS No. 210).

/ CRIMINAL LAW

Following Portugal's ratification of the Istanbul Convention in August 2015, FGM is a specified crime under Law nº 83/2015 of the Portuguese Penal Code. According to Article 144 A on Female Genital Mutilation, the perpetrator of FGM may be sentenced to a prison term of two to 10 years. All preparatory acts related to FGM, namely sending or arranging the travel of a woman or girl abroad to be submitted to FGM, helping, incentivising or supporting the practice of FGM abroad or in national territory (e.g. by collecting money to pay for the procedure) is punishable by up to 3 years in prison.

Prior to 15 September 2015, Article 144 of the Portuguese Penal Code provided grounds for the prosecution of an act of FGM, referring to the crime of a serious offence against the physical integrity of an individual. Although the term FGM was not explicitly mentioned in the text of the law, FGM could be addressed as a form of "depriving or affecting someone's capacity for sexual fruition". The principle of extraterritoriality was also applicable, making FGM punishable even if committed outside the country.

/ CHILD PROTECTION LAW

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

/ ASYLUM LAW

Law No. 27/2008 addresses grounds for asylum. Articles 3 and 5, which consider acts of persecution, contain two sections that can be applied in cases of FGM: §2a refers to acts of physical, mental or sexual violence and §2f refers to gender-based acts or those committed against minors. Law No 26/2014 introduced several changes to the previous law, including specifically referring to FGM as grounds for the granting of asylum.

/ PROFESSIONAL SECRECY LAW

Portuguese healthcare professionals are generally required to adhere to norms of professional secrecy. However, the Code of Ethics allows for exceptions in certain cases, including the maltreatment of minors (under-18s). Physicians should therefore alert the relevant authorities in the case of actual or planned FGM in a minor.

General law with regard to professional secrecy and disclosure may be applied to reporting cases of actual or planned FGM. According to Article 242 of the Code of Criminal Procedures, health professionals, social workers, teachers, police officers and civil servants are obliged to report evidence of a crime they encounter in the course of their work. Specific reporting mechanisms with regard to crimes committed against children are outlined in Law No. 147/99 (Protection of Children and Young People at Risk Act) (Current Situation of Female Genital Mutilation in Portugal, EIGE, 2015).

POLICY FRAMEWORK

03

Policy Framework

As with many issues related to sexual and reproductive rights in Portugal, the issue of FGM was first broached by the NGO sector with the publication of research by Associação para o Planeamento da Família (APF). Entitled “Knowledge and Attitudes of Health Professionals Regarding FGM”, APF’s study raised awareness of FGM among parliamentarians, policymakers, journalists and other NGOs.

Together with its international and national partners, APF developed projects to promote public awareness of FGM and to advocate for national policies to tackle the problem. The first official reference to FGM was made in the 2003-06 National Plan Against Domestic Violence.

/ NATIONAL ACTION PLANS

Portugal’s First Programme of Action for the Elimination of Female Genital Mutilation (PAPEMGF - 2007-10) was approved in 2009, in the context of the third National Plan for Equality, Citizenship and Gender (2007-10). An intersectoral working group of government departments and NGOs was convened to implement, monitor and evaluate programme activities (for more details of group members, see section on Institutions, below).

The FGM programme entailed 30 activities, arranged around five goals:

- > to promote awareness and prevention
- > to support and to integrate
- > to train
- > to gain knowledge and to research
- > to advocate

The working group included a number of departments under the prime minister’s deputy minister, including the coordinating Comissão para a Igualdade de Género e Cidadania (Portuguese Commission for Citizenship and Gender Equality - CIG) and the High Commission for Migration (ACIDI/ACM). Other working-group members were the Directorate-General of Health (DGS - Ministry of Health), the Directorate-General of Education (DGIDC/DGE - Ministry of Education), the Ministry of Internal Administration, the Mission for Cooperation and Language Institute (Camões - Ministry of External Affairs), as well as the National Commission for the Promotion of Rights and Protection of Children and Youth, the Employment and Vocational Training Institute (IEFP) and Social Security (all three from the Ministry of Labour, Employment and Social Security), and two international organisations (the International Migrants Organisation (OIM) and the Community of Portuguese Language Countries (CPLP). NGOs included APF and UMAR (the Women’s Collective Alternative and Answer).

According to the First PAPEMGF Evaluation Report, “This first programme has contributed to make this practice visible to several strategic agents involved in

preventing and combating FGM and helped to put the issue on the public agenda and to stimulate discussion on this subject within the national and European context and among the Portuguese-speaking countries”.

Portugal's Second PAPEMGF (2011-13), announced in 2010, maintained the same five focal areas and working group as the first.

According to the Second PAPEMGF Evaluation Report, *“The execution of the Second Programme of Action came to be characterised by the strengthening of the intersectoral working group on FGM, which has also experienced new dynamics. This group is responsible for the implementation of the Programme, as well as for boosting the measures through a more direct involvement of the health, internal affairs and justice sectors. The development of concerted action strategies was established as a priority, fundamentally aiming at: Raising awareness of communities of consequences of FGM; informing and training healthcare professionals mainly in areas with the highest concentration of population potentially at risk; and activating the criminal dimension of FGM within the programme of action, through the involvement of magistrates and criminal police departments. Consequently, the Guideline for Healthcare Professionals on Female Genital Mutilation no. 005/2012, of 6 February 2012, was issued and disseminated, consisting of a set of standards of practice for healthcare professionals on this matter, including guidance on procedures for the referral of the cases, as well as for the enforcement of intervention plans and for supporting families, and a Guide to Criminal Police Practice and Procedure was elaborated with the same principles for security professionals. Within the framework of the Health Data Platform, a specific registration field for FGM cases was created, and its existence and usefulness must now be the subject of intense dissemination among healthcare professionals. The enhancement of the participation and involvement of immigrant associations representative of communities in which FGM is performed must also be mentioned within the development of actions for the prevention of this harmful traditional practice, leading to the establishment of the Prize “Against FGM - Change the Future Now”, which had its first edition in 2012.*

The Third PAPEMGF (2014-17) was published in 2013 and has since been included in the Fifth National Plan to Prevent and Combat Domestic and Gender-based Violence. The Third Programme aims to reinforce the training of health professionals and child-protection staff working with FGM-affected women and girls, as well as to intensify activities and projects directed at FGM-affected communities in Portugal.

In addition, five new organisations were incorporated into the working group - three NGOs from affected communities (Associação de Melhoramentos e Recreativo do Talude - AMRT, Associação de Intervenção Comunitária, Desenvolvimento Social e de Saúde - AJPAS, and Associação Balodiren) and two public organisations under the Ministry of Justice - the Attorney General and the Superior Council of Magistracy. The systematic internal and external evaluation of all three FGM programmes has played critical role in understanding and monitoring progress made in the fight against FGM in Portugal.

/ MULTIDISCIPLINARY GUIDELINES AND PROTOCOLS

A key output of the three FGM programmes has been sector-specific guidelines and protocols, developed by participating professionals.

Directorate-General of Health (Direcção Geral da Saude - DGS): DGS is the technical department of the Ministry of Health, responsible for producing national guidelines on clinical practice. National Guidelines on FGM for Clinical Practice, published by the Division for Sexual and Reproductive, Youth and Child Health in 2012, provide a description of FGM and its health consequences, practical instructions for the medical treatment of FGM and guidance on how to proceed in the case of an at-risk child.

(See <http://www.saudereprodutiva.dgs.pt/paginas-intermedias/profissionais/organizacao-tematica/paginas-intermedias/profissionais/organizacao-tematica/mutilacao-genital-feminina.aspx>)

National Commission for the Promotion of Rights and Protection of Children and Youth (Comissão Nacional de Promoção dos Direitos e Proteção de Crianças e Jovens - CNPDPCJ) is the national authority for children and youth protection under the Ministry of Labour, Solidarity and Social Security, responsible for coordinating municipal Child and Youth Protection authorities.

The Commission's Handbook of Procedures for Local Child and Youth Protection, published in 2014, provides detailed information on FGM, as well as practical steps for the professional faced with FGM, including identification, contacts and communication with families, and how to communicate with relevant departments, particularly the judiciary.

Judicial police (Polícia Judiciária - PJ) is the main criminal police department in Portugal. The **Escola de Polícia Judiciária** (Criminal Police High School) published Procedural Guidelines for Criminal Police Organisations on FGM in 2012, providing information on FGM and its consequences, legal aspects of FGM in Portugal and practical guidance for police professionals.

(See <http://www.policiajudiciaria.pt/PortalWeb/page/%7B8305E4BA-ADBF-4A50-9874-FE3FB4123BED%7D>)

/ INSTITUTIONS

The main network to prevent and combat FGM in Portugal is the Intersectoral Working Group of Support for PAPEMGF, established in 2008. The group is now organising, monitoring and evaluating the Third PAPEMGF, and includes the following members.

Public and governmental organisations

Attorney General's Office (PGR) - Procuradoria Geral da República (Justice System)

Provides guidance and training to magistrates and judges.

Camões Mission - Institute for Cooperation and Language - Instituto da

Cooperação e da Língua (a department of Ministry of External Affairs)

Camões provides linkages to Portugal's overseas development aid projects and respective sources of financial support, as well as to the Portuguese diplomatic service in relevant countries.

Commission for Gender Equality and Citizenship (CIG - Comissão para a Igualdade de Género e Cidadania)

A department under the Secretary of State for Citizenship and Equality/Prime Minister's Deputy Minister, CIG is a key PAPEMGF participant, responsible for producing, coordinating, monitoring and evaluating all national programmes. CIG is also active in the promotion of women's rights, and the main governmental agency involved in work to end FGM.

Directorate-General of Health (DGS - Direção Geral da Saude)

DGS is the technical department of the Ministry of Health, responsible for producing national guidelines on clinical practice. National Guidelines on FGM for Clinical Practice, published by the Division for Sexual and Reproductive, Youth and Child Health in 2012, provide healthcare professionals with a description of FGM and its health consequences, practical instructions for the medical treatment of FGM and guidance on how to proceed in the case of an at-risk child. DGS provides links to National Health Service units, as well as training for health professionals, including three post-graduate courses organized with the Nursing Schools of Lisbon and Setubal. DGS is a key organisation in the identification and support of potential women and girls affected by or at risk of FGM.

Directorate-General of Justice Policy (Direcção Geral da Política de Justiça)

A department of the Ministry of Justice, the DG represents the working group within the Ministry.

Directorate-General of Education (Direcção Geral de Educação)

A department of the Ministry of Education, DGE is the main Ministry department involved in developing school curricula and on pedagogical matters, and is responsible for introducing FGM in the context of Citizenship Education.

Employment and Vocational Training Institute (IEFP - Instituto de Emprego e Formação Profissional)

A department of Ministry of Labour, Solidarity, and Social Security, IEFP is the main government department for professional training, operating a national network of professional training centres for 15-64-year-olds. The department is also in charge of curricula for professional education, including FGM as one of the issues covered.

High Commission for Migration (ACM - Alto Comissariado para as Migrações)

A department of the Secretary of State of Citizenship and Equality/Prime Minister's Deputy Minister), the High Commission provides legal and social support to migrants and technical and financial support to migrants' associations.

Internal Administration Ministry (MAI - Ministério da Administração Interna)

Represents the working group in the Ministry of Home Affairs, through Serviço de Estrangeiros e Fronteiras (Boards and Foreigners Service - SEF), of which the most important is the border police.

Judicial Police High School (Escola da Polícia Judiciária)

A department of the Judicial Police (Polícia Judiciária) under the Ministry of Justice, provides training to criminal police professionals and linkage to the main criminal police organisations.

National Commission for the Promotion of Rights and Protection of Children and Youth (CNPDPJ - Comissão Nacional de Promoção dos Direitos e Proteção das Crianças e Jovens)

A department of the Ministry of Labour, Solidarity, and Social Security, this is the national authority on child and youth protection, responsible for coordinating local networks of Child and Youth Protection authorities (CPCJ), to which CNPDPCJ provides technical guidance and support.

There is at least one CPCJ in each municipality, composed of a local network of organisations. They are the most prominent services for child and youth protection and must act as soon as a risk situation is identified. They have the authority to remove children from situations of risk, which may include a child's own family

Superior Council of Magistracy (CSM - Conselho Superior de Magistratura)

A department of the Ministry of Justice, provides guidance and training for judges and legal advice.

/ INTERNATIONAL ORGANISATIONS

Community of Portuguese Language Countries (CPLP) - Comunidade de Países de Língua Portuguesa

An international organisation of lusophone countries, which works to produce common policies on issues including FGM.

International Organisation for Migration (OIM - Organização Internacional para as Migrações)

Working with and for migrants' associations, on topics including FGM.

/ NON-GOVERNMENTAL ORGANISATIONS

AJPAS - Associação de Intervenção Comunitária, Desenvolvimento Social e de Saúde (Community Intervention Association, Social Development and Health)

Founded in 1993, AJPAS has been working on FGM since 2000, taking a leading role in work with and for migrant communities, beginning in the Amadora area and later nationwide. Based in Amadora, AJPAS develops activities on public health (FGM and HIV/AIDS), social support, education, employment and training.

APF - Associação para o Planeamento da Família (Family Planning Association)

Established in 1967, APF pioneered the issue of FGM from the late 1990s, promoting awareness of the then unknown problem, advocating with parliamentarians and policymakers, and producing educational and training materials. APF plays a key role in the organisation of the PAPEMGF Intersectoral Working Group and has been also involved in community projects with Guinea Bissau diaspora organisations.

UMAR - União de Mulheres Alternativa e Resposta (Women's Collective Alternative and Answer)

A feminist women's association (non-governmental, non-profit organisation and institution of public utility) formally constituted in 1976, UMAR is active throughout Portugal, developing consistent and publicly recognised work in combating violence against women. A founding member of the PAPEMGF Intersectoral Working Group, UMAR also co-organised the 2016 First Regional Meeting for Integrated Intervention to End Female Genital Mutilation, attracting over 130 participants.

Associação BALODIREN

A Guinea Bissau diaspora community NGO, involved in awareness-raising activities

Associação para a Mudança e Representação Transcultural

A local NGO from the municipality of Loures, working with lusophone communities to promote information and educational activities, including to combat FGM.

MILESTONES / PROMISING PRACTICES

The focus of work on FGM in Portugal over the last 15 years has been to raise awareness among the public, policymakers and professionals of an issue previously regarded as exotic, brutal and distant.

Early research by APF indicated that FGM was not on the national sexual health and sexual rights agenda. APF thus played a central role in establishing FGM as a recognised problem affecting women and girls in Portugal - one that required action by relevant institutions and legislation criminalising the practice.

A key result of this awareness-raising and advocacy work was the formation of the Intersectoral Working Group in 2008 and the First National Programme to Eliminate FGM in 2009, successfully putting FGM on the policymaking and technical agendas. Guidelines were adopted by the Health General Directorate, the High Authority for Child and Youth Protection as well as the Criminal Police. The Intersectoral Working Group is therefore an example of good practice, with the main objective of implementing, monitoring and evaluating national programmes to combat FGM.

The next phase was to implement sectoral and departmental guidelines in order to improve professionals' skills in the area of FGM. Although good progress has been made to this end, much remains to be done. Many professionals are still unaware of FGM and, when faced with the practice, many are unsure how to proceed.

The three post-graduate courses co-organised by CIG, DGS, the Lisbon and Setubal Nursing Schools and APF have so far trained around 90 professionals from several health centres and hospitals, who are currently being evaluated. Many of these professionals became focal points, using their new skills to organise projects on FGM, or to include FGM in their service concerns and routines. New training activities are planned.

Another key action has been to improve knowledge of the problem of FGM in Portugal, and to implement mechanisms to identify affected and at-risk women and girls. Useful publications include a national study on FGM (Lisboa et al), qualitative studies (APF under the REPLACE project), and EIGE's 2013 report, each of which has provided new data and greater understanding about FGM in Portugal.

Another important resource is the National Health Database (PDS), which, by collecting data on registered cases, is not only contributing to a better picture of the problem but also to improving the participation of health professionals.

However, real progresses cannot be achieved without the active involvement of FGM-practising communities. Over the last 5 years a number of NGOs, including several from the most-affected community of Guinea Bissau, have developed new projects on FGM, including developing networks, approaching formal and informal community

Milestones /
promising practices

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leaders, organising discussion groups with women and youth, promoting changes in traditional values and distinguishing between good and harmful practices in terms of impacts on health and rights.

As a result, affected communities are increasingly becoming the main drivers of change.

However, great challenges remain for all those involved in the fight to eliminate FGM in Portugal and to improve knowledge of the practice. Going forward, work must focus on improving intersectoral and interdisciplinary procedures to identify and prevent cases of FGM, to help survivors and those at risk of FGM, and to involve affected communities and consolidate networks.

ADVICE AND SUPPORT

Advice and Support

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Comissão para a Cidadania e Igualdade de Género - CIG

Av. da República, 32, 1º, 1050-193 Lisboa | Portugal, Tel.: (+351) 217 983 000
Fax: (+351) 217 983 098, Email : cig@cig.gov.pt, www.cig.gov.pt



Comissão Nacional de Promoção dos Direitos e Proteção das Crianças e Jovens (you also can find the contacts for child protection local authorities)

Praça de Londres, nº 2 - 2º andar, 1049-056 Lisboa | Portugal, Tel.: (+351) 218 441 100
Email: cnpcjr@seg-social.pt, www.cnpcjr.pt/search.asp



Direção Geral da Saúde - DGS

Alameda Afonso Henriques, 45, 1049-005 Lisboa | Portugal, Tel.: (+351) 218 430 500
Fax: (+351) 218 430 530, Email: geral@dgs.pt, www.saudereprodutiva.dgs.pt



Alto Comissariado para as Migrações - ACM

Rua Álvaro Coutinho, 14, 1150-025 Lisboa | Portugal, Tel.: (+351) 808 257 257,
www.acm.gov.pt



APF - Associação para o Planeamento da Família

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UMAR - União de Mulheres Alternativa e Resposta

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Tel: +351 218 873 005, Email: umar.sede@sapo.pt, www.umarfeminismos.org



AJPAS - Associação de Intervenção Comunitária, Desenvolvimento Social e saúde

Praceta Bento Moura Portugal, Bairro Girassol, Venda Nova, 2700-109 Amadora
Tel.: +351 214 746 048, Email: ajpas.direccao@gmail.com, www.ajpas.org.pt/



HELP LINES

144 - Emergência Social

808 222 003 - Sexualidade em Linha

808 257 257 - Linha SOS Imigrante

808 24 24 24 - Linha Saúde 24

800 202 148 - Serviço de Informação a Vítimas de Violência Doméstica

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