



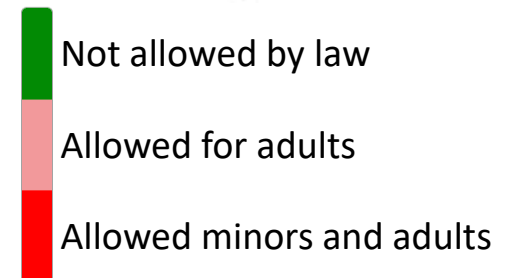
Forced sterilisation of women and girls with disabilities in Portugal

Sara Rocha 2026

The situation in Portugal

Portugal is one of the 12 countries that allow forced sterilisation of persons with disabilities, and one of only 3 – alongside with Czechia and Hungary - that allow it to be performed on minors.

It is a violation of sexual and reproductive health and rights and a form of violence against women.



The legislation in Portugal

- Sterilisation is only allowed with full informed consent, but it has legal loopholes regarding minors and persons deemed incapacitated.
- In 2016, the decision to authorise sterilisation in minors and disabled people was shifted from a judicial authorisation to a National Ethics Council decision, but we have no data these requests are being made:
 - *"Irreversible sterilisation procedures should only be performed on minors or persons lacking legal capacity following a duly substantiated request to prevent serious risks to their lives or the health of their potential children, and always subject to a prior opinion from the National Council on Ethics and Professional Conduct of the Portuguese Medical Association."*
- There is no data on how often it happens and to whom, but we know that institutions are often involved. A study was approved in the 2023 State budget, but it was never carried out or even initiated.

So how is this happening?

- A recent study of 752 legal capacity proceedings between 2019 and 2023 showed that only 10% of the rulings analysed imposed no restriction on personal rights and 72% of the people with disabilities under guardianship were prevented from exercising parental responsibilities, including fostering, adopting, or exercising reproductive rights.
- Carers and institutions often simply present the judicial guardianship decision, and the doctors seem to assume that a decision preventing someone from exercising parental responsibilities is equivalent to authorising forced sterilisation.

Our advocacy work

- You can see some of our advocacy work in a documentary by Prova dos Factos about forced sterilisation in Portugal and a DW documentary on forced sterilisation in Europe.
- Three bills concerning the criminalisation of forced sterilisation, tabled by three political parties, are currently under detailed review and consideration. Two would criminalise forced sterilisation, while the third – and the version most likely to pass – would continue to allow it in certain circumstances.

A Prova dos Factos. Esterilização forçada de mulheres deficientes é prática em Portugal

Em Portugal, há mulheres portadoras de deficiência que são alvo de esterilização forçada. As lacunas na lei fazem com que este seja um dos três países da União Europeia a permitir tal ato.

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Prova dos Factos: documentary on forced sterilisation of women with disabilities in Portugal



Forced sterilization in Europe | DW Documentary

[Forced sterilization in Europe](#)
[DW Documentary](#)

The problem

Lack of knowledge on how forced sterilisation happens and how to legislate consent leads to legislation and policy that:

- allow legal guardians, institutions or other third parties to authorise sterilisation and other forms of fertility control, thereby legalising forced sterilisation;
- make sterilisation subject to judicial authorisation and medical reports establishing a medical justification, even though these requirements do not protect women and girls with disabilities from forced sterilisation.
- are shaped by legal capacity laws based on substitute decision-making, resulting in flawed approaches to forced sterilisation.

At a hearing in April, several organisations of persons with disabilities made it clear that the law must ensure that **consent for sterilisation needs to be given solely by the person with disabilities**. Where the person is unable to give consent, sterilisation should not be performed unless it is necessary to address an immediate threat to their life.

“Disability-based violence has been enshrined in public policies and practices whose implementation causes harm to many persons with disabilities. Denial of legal capacity through widespread guardianship regimes imposed on persons with disabilities constitute discrimination on the basis of disability and prompts multiple forms of violence. Legislation and policies providing for sterilization on the basis of consent by third parties systematically deprive women and girls with disabilities of their sexual and reproductive health and rights. Forced sterilization can be prevented if women’s autonomy would not be quashed under substitute decision-making.”

UN Committee on the Rights of Persons with Disabilities, Draft Guidelines on addressing disability-based violence

- I worked with and interviewed several women with disabilities who had been sterilised against their will. They all had one thing in common: the decision had been made by someone else. This was not done for their protection or care. It was a form of institutional and eugenic abuse and violence, and the denial of their reproductive rights.
- The lack of knowledge and information about what forced sterilisation is and how it happens is leading to poorly designed and often harmful legislative and policy proposals at the national level that can often legalise forced sterilisation.
- **We need to ensure criminalisation of forced sterilisation at the EU level.**

Recommendations

The EU missed the opportunity to criminalise forced sterilisation within the Directive on combating violence against women. So I ask you, again, please:

- Ensure that forced sterilisation of women and girls with disabilities are criminalised at the EU level.
- Pressure Member States to adopt comprehensive legislation and policies without third-party consent and no substitute decision-making by guardians, institutions, judges or medical entities. Consent needs to be given solely by the person with disabilities, with appropriate reasonable and accessible adaptations and support to their decision. Clear recommendations need to be drafted and provided to EU State Members on that.
- Ensure the mandatory and systematic collection of data on gender-based violence, disaggregated by disability.
- Call for sustained public investment in supported decision-making, accessible sexual and reproductive health information, and reparation mechanisms for survivors.



Thank you for your attention

More information in
vozdoautista.pt/esterilizacao-forcada