



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

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**Committee on the Elimination of Discrimination  
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**Information provided in follow-up to the concluding  
observations of the Committee**

**Portugal\***

**Response by Portugal to the recommendations contained in  
the concluding observations of the Committee following the  
examination of the sixth and seventh periodic reports of  
Portugal on 3 November 2008**

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\* The present report is being issued without formal editing.



## **Follow-up to the recommendations of the Committee on the Elimination of Discrimination against Women following the examination of the sixth and seventh periodic reports submitted by Portugal<sup>1</sup>**

### **Paragraph 21**

The Committee recommends that the State party ensure through its existing equality structures at the national level that gender mainstreaming procedures are consistently applied with regard to all laws, regulations and programmes in all ministries. While respecting the autonomy of the local authorities, the Committee recommends that the State party utilize all appropriate measures to ensure the institutionalization of equality advisers in all local municipalities.

### **National plans**

1. Mainstreaming gender equality at all levels of public administration is a political commitment and a strategy for achieving gender equality, and is considered a requisite for good governance by the Portuguese Government.

2. The policy was guided from 2007 to 2010 by the three national plans in the area of gender equality: the Third National Plan for Equality: Citizenship and Gender Equality, the Third National Plan against Domestic Violence and the First National Plan against Trafficking in Human Beings. Those plans were adopted in 2007, as already mentioned in the previous periodic reports submitted by Portugal, and their implementation will be concluded in 2011.

3. The Programme of Action to Eliminate Female Genital Mutilation was adopted in 2009 within the framework of the Third National Plan for Equality and a national action plan to implement the United Nations Security Council resolution 1325 (2000) on women, peace and security was also approved in the same year.

4. Three new plans in the area of gender equality will be adopted until the end of 2010:

- The Second National Plan against Trafficking in Human Beings 2011-2013
- The Fourth National Plan against Domestic Violence 2011-2013
- The Fourth National Plan for Equality: Gender, Citizenship and Non-Discrimination 2011-2013

Those plans foresee concrete measures with indicators in order to enable further developments and measurable evaluation of their implementation.

### **Gender equality advisers in the central public administration**

5. The Third National Plan for Equality: Citizenship and Gender Equality recommends that all ministries must mainstream gender in their decision-making

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<sup>1</sup> CEDAW/C/PRT/CO/7.

processes and foresees the designation, in each ministry, of a ministerial gender equality adviser and an interdepartmental team.

6. In order to ensure the conditions for the proper functioning of the structures created in each ministry, the Commission for Citizenship and Gender Equality created seven working groups representing all the areas of intervention of the Plan:

- (a) Social inclusion;
- (b) Education, sports, culture and media;
- (c) Local government, environment and territory;
- (d) Health;
- (e) Security and justice;
- (f) Economic independence, entrepreneurship and work-family life reconciliation;
- (g) Cooperation and international relations.

7. Each ministry is responsible for the implementation of the measures included in the Plan in their respective area of intervention.

8. The said working groups have brought together, in addition to representatives of the relevant Ministries, representatives of other institutions and non-governmental organizations.

9. A Council of Ministers' resolution was adopted in 2008 (resolution No. 161/2008 of 22 October) defining the status, profile and competencies of the ministerial gender equality advisers and respective teams. Gender equality advisers and members of interdepartmental teams have received appropriate training promoted by the Commission for Citizenship and Gender Equality, so as to develop the basic theoretical and technical skills to allow them to integrate a gender equality perspective in policies and actions to be implemented by their respective ministries in order to reach de facto gender equality and to draw and implement an action plan for gender equality in their specific policy area.

10. The gender equality advisers have been elaborating action plans in order to promote gender equality in their ministries. In September 2010, seven ministries had already finalized their action plans and three others were finalizing theirs. The process on the other five ministries' action plans is ongoing.

### **Gender equality advisers in the local administration**

11. As regards local administration, the Commission for Citizenship and Gender Equality has sought to consolidate its awareness-raising work among local authorities for the creation and development of municipal plans for equality. The Commission's intervention in that area is reflected both in the promotion of training for gender equality advisers and in the signing of new protocols of cooperation with local authorities or, in some cases, the renewal of existing cooperation protocols.

12. The Council of Ministers' resolution No. 39/2010 was adopted on 25 May 2010 and defines the status of the local gender equality advisers, giving them political support in order for them to be able to fully accomplish their functions. The

resolution is aimed at promoting the implementation of policies for gender mainstreaming in all policy areas at local level.

13. In order to have the maximum of local gender equality advisers and municipal plans for equality, the Commission for Citizenship and Gender Equality has sent a letter with the new resolution to all municipalities, raising the local authorities' awareness to the importance of establishing a local gender equality adviser in their municipality.

14. So far, the Commission for Citizenship and Gender Equality has developed protocols with 46 municipalities (out of 308 municipalities) aimed at promoting gender equality at the local level through the adoption of municipal plans for equality and the appointment of local equality advisers and teams. As at September 2010, 50 local gender equality advisers had been appointed.

15. The objectives of the protocols are the promotion of:

- Proactive interventions for women in order to allow them to participate more and with better results in public life, including the strengthening of competencies for economic autonomy and for participation in decision-making processes
- Proactive interventions in favour of men participating more and with better results in the private sphere, including the strengthening of competencies for individual autonomy
- Proactive interventions aimed at allowing men and women to equally share paid and unpaid working hours
- Interventions to strengthen basic skills for all citizens, for the effective and permanent exercise of democratic citizenship in any situation of their daily life

Among others, the municipalities that have signed the protocol with the Commission for Citizenship and Gender Equality are committed to adopting a municipal plan for equality and appointing a local gender equality adviser who will provide advice for the definition of measures with a view to mainstreaming gender equality in the decisions and actions implemented by the municipality and ensuring the implementation, coordination, monitoring and evaluation of policies and integrated actions in that area, within the framework of the Council of Ministers' resolution No. 39/2010.

16. The municipal plans for equality have already led to the promotion of initiatives such as the creation of centres for victims of domestic violence and of networks of local partnerships for the promotion of gender equality. They have also raised awareness among the local population as regards combating all forms of discrimination.

17. Another relevant initiative in that regard is the promotion of municipal assembly meetings throughout the country, entitled "Equality in diversity — towards a just and inclusive society" The initiative started in May 2010 and was carried out by the Commission for Citizenship and Gender Equality until November 2010. It was integrated in the project "Addressing discrimination locally to achieve equality globally", co-financed by the European Programme Progress 2007-2013. The Commission was expected to participate in 20 municipal assemblies until the end of 2010.

18. The municipal assemblies are the governing body of the municipality and are composed of members elected directly, the presidents of the parishes and the members of the executive body of the municipality.

19. The participation of the Commission for Citizenship and Gender Equality in those municipal assemblies has a very positive effect in raising the awareness of local decision makers and other relevant entities to the importance of mainstreaming the gender equality dimension and integrating equality issues in all local policies, programmes and measures. On the other hand, those activities are also aimed at drawing their attention to Law No. 3/2006, which establishes a minimum representation of 33.3 per cent of each sex in electoral lists for European, national and local elections, which is important owing to the dearth of political representation of women at the local level.

20. One of the most positive impacts of the participation in those assemblies is spreading the message of the benefits and the value of the principles of equal treatment and opportunities while seeking to actively involve the population, in particular women, and in expanding that movement to raise awareness and foster debate at the local level.

21. In 2009, the Commission for Citizenship and Gender Equality published a study entitled “The role of municipalities in promoting gender equality in local life”. The publication presents a script for the elaboration of a diagnosis on gender equality at the local level and guidelines for preparing and developing municipal plans for equality and for establishing community centres that provide information and support to people in the area of gender equality.

### **Gender mainstreaming**

22. The Commission for Citizenship and Gender Equality raises awareness and provides training on a regular basis to target groups with multiplying effects in the field of gender equality (central and local civil servants, such as city hall personnel, health-care and social care workers, teachers, security forces, media workers and journalists).

23. A protocol agreement was signed in May 2009 between the Commission for Citizenship and Gender Equality and the National Institute for Public Administration in order to ensure the training on gender mainstreaming by the Institute addressed to the political decision makers, directors and civil servants working in Portuguese public administration.

24. As already mentioned in the sixth and seventh periodic reports of Portugal, the Council of Ministers’ resolution No. 82/2005 of 15 April 2005 established the integration of a gender perspective in the preparation of all legal acts.

25. The Council of Ministers’ resolution No. 64/2006 of 16 May 2006 established the integration of a gender equality dimension in the language used in the normative acts and in the written and visual language used in public administration. In that context, training on how to mainstream gender equality when drafting legislation has been given to legal advisers working in ministerial cabinets.

26. In addition, a guide for the adoption of language that promotes equality between women and men in public administration was developed in 2009 by the

Commission for Citizenship and Gender Equality. The document is addressed to the central and local public administration. It provides practical guidance on non-sexist communication and on how to promote the integration of gender-inclusive language in documents and forms used by the public services both internally and in their contacts with the public.

27. Other relevant initiatives in that regard include the existence of a gender profile database, the establishment of a gender observatory and the website on gender equality.

28. The National Institute for Statistics has, since 2004, a gender profile database on its website, which is regularly updated. The data are distributed by sex on 100 indicators in the following areas: population, family, activity, employment and unemployment, reconciliation between family and work, education and training, decision-making, health, crime and violence. The database can be accessed free of charge and is aimed at responding to the needs of civil servants, researchers, decision makers, journalists and students, among others, who need complete and updated standardized statistical information in various relevant fields for gender analysis.

29. A gender observatory was set up by the Commission for Citizenship and Gender Equality in order to improve the efficiency of the system of governance in the implementation of gender equality policies. Completed in 2009, the observatory is a support system for the collection, management, processing, analysis and dissemination of information as regards inequalities between men and women in the political, social, economic and cultural areas.

30. A website on gender equality was also launched in March 2009 and is aimed at supporting and promoting the implementation of gender mainstreaming at all levels of public administration. The website contains information on gender equality and equal opportunities in all spheres of life (political, social, economic and cultural). The website is a source of information for various audiences, namely, local and central public administration servants, companies, non-governmental organizations and the general public.

31. With the specific goal of making available instruments and materials to support stakeholders who are implementing gender mainstreaming, the Commission for Citizenship and Gender Equality has promoted the drafting of, and has published, several guides: Gender Impact Assessment, a general guide on gender mainstreaming, and eight guides aimed at supporting interventions in the following policy areas: health, professional and family life, education and training, culture, media, poverty and social inclusion, power and decision-making and cooperation.

32. A very important dimension for building gender equality is education. Fighting gender stereotypes, namely in the area of education, is an essential step for reaching gender equality, since it involves the ways in which societies transfer norms and representations and build knowledge and skills. Therefore, the Government of Portugal has been for many years, continuously intervening in formal and non-formal education with a view to eliminating gender stereotypes and mainstreaming gender in education.

**Paragraph 41, first sentence**

The Committee recommends that the State party continue to take concrete measures to eliminate occupational segregation, both horizontal and vertical through, inter alia, education, training and retraining and effective enforcement mechanisms of the laws.

33. Although the Portuguese Constitution and Labour Code prohibit any discrimination between women and men in employment, some discrimination still persists in practice. The discrimination suffered by women in recruitment, employment, career advancement and payment is mainly due to maternity and to the fact that the main responsibility for family care still falls on women. However, the Government has been working to change that pattern.

34. The Labour Code adopted by Law No. 7/2009 of 12 February 2009 introduced several changes regarding maternity, paternity and parental leave, increasing the possibilities of sharing the leave between the mother and the father and also increasing the length of the parental leave for the father while making provisions for the same global income when the mother and father share the maternity/paternity leave.

35. Under the new regime of parental leave, which came into force in May 2009, the social protection was strengthened in conjunction with the promotion of reconciliation between family and professional life. In that context, the Government of Portugal would like to emphasize the possibility of extension of 30 days of parental leave in case the father and mother share the parental leave.

36. As the figures below show, there is a growing use of parental leave and a very positive evolution of the sharing of leave between mothers and fathers. In terms of trends, the Government of Portugal observes an increase in the use of the allowances by fathers, both in the initial parental allowance exclusively for the father (covering almost half of fathers) and under the initial parental allowance when shared with both parents (with an increase from less than 1 per cent in the past several years to 12 per cent).

**Evolution of the use of parental leave (2005-2009)**

	2005	2007	2008	2009
Children born	109 399	102 492	104 594	99 491
Men who received an allowance for compulsory leave (5 days until 30 April 2009 and 10 days from 1 May 2009)	42 982	45 687	45 973	53 278
Percentage of total number of children born	39.3	44.6	44.0	53.6
Percentage of total women's leave	56.5	60.7	61.2	62.6
Men who received an allowance for leave exclusively for fathers (15 days until 30 April 2009 and +10 days from 1 May 2009)	32 945	37 552	38 442	44 447
Percentage of total number of children born	30.1	36.6	36.8	44.7
Percentage of total women's leave	43.3	49.9	51.2	52.2
Men who shared the leave of 120/150 days (30 days or more)	413	551	612	12 024

	2005	2007	2008	2009
Percentage of total number of children born	0.4	0.5	0.6	12.0
Percentage of total women's leave	0.5	0.7	0.8	14.1
Women who received an allowance for leave of 120/150 days	76 125	75 297	75 128	85 085
Percentage of total number of children born	69.6	73.5	71.8	85.6

37. According to the Constitution of the Portuguese Republic, the State is responsible for promoting a balance between work and family life through the articulation of different sector policies. In that regard, it should be mentioned that the Expansion Programme of the Social Equipment Network, launched in 2006, is aimed at supporting the expansion, development and consolidation of the equipment and social answers' network for children, the elderly and people with disabilities.

38. The programme is an answer to the lack of affordable care infrastructure and is based on a strategy of partnership and encouragement of private investment. It gives financial support to build new infrastructure and equipment and to upgrade the existing ones. It is contributing decisively to the strengthening of family support, particularly to young families, giving them better possibilities to balance their parental responsibilities with professional life.

39. In 2009, the programme provided child care to 34.9 per cent of children under 3 years of age (the national coverage of the facilities increased by about 10 per cent since 2006, or 18,414 more posts for children and 411 new nurseries).

40. To tackle gender discrimination in the labour market and to promote gender equality, between 2006 and 2009, the Commission for Equality in Labour and Employment coordinated the project "Social dialogue and equality in enterprises" co-financed by the EQUAL Programme and developed in partnership with social partners, public authorities, State-owned enterprises, universities, associations, research centres and nine affiliated private enterprises.

41. The project is aimed at supporting enterprises to implement and promote good practices in the fields of equality and non-discrimination between women and men in the labour market, the protection of maternity and paternity leave and the reconciliation between professional, private and family life, as well as the enhancement of gender equality in the context of corporate social responsibility.

42. The following activities were undertaken: (i) creation of instruments to promote gender equality and the reconciliation of professional, private and family life in the enterprises; (ii) support to the adoption of good practices in the enterprises regarding the above-mentioned fields; (iii) development of self-evaluation and monitoring instruments of gender equality in the enterprises; and (iv) development of strategies and instruments to support the incorporation of gender equality in corporate social responsibility.

43. In 2008 and 2009, 28 workshops were held, attended by about 800 people, to promote gender equality in the labour market and dissemination of tools and methodologies for the implementation, strengthening and promotion of good practices in the field of gender equality. The recipients of those workshops were mainly employees from companies, but also trade unions leaders and workers'



representatives, public administration servants, and central and local government officials.

44. Also during 2008 and 2009, six training courses were conducted using the training manual in gender equality for consultants/auditors, involving 77 trainees (consultants and auditors, workers' representatives and union leaders).

45. The objective was to contribute to the development of new personal and professional skills in the field of gender equality so that consultants and auditors could be facilitators of socially responsible entrepreneurial culture, incorporating gender equality into its policies, procedures and practices.

46. Throughout 2010, the Commission for Equality in Labour and Employment is participating in the project "Professional desegregation in combating poverty", in the framework of the European Year for Combating Poverty and Social Exclusion, developed in partnership with social partners, public authorities, enterprises and a research centre. The Commission, through its project, aims to contribute to the reduction of poverty and social exclusion of unemployed women and men or those at risk of unemployment in the region of *Castelo Branco* through awareness-raising and dissemination of good practices that promote occupational desegregation on the grounds of sex, integrating the principles of social responsibility.

47. More specifically, the project intends to promote change among unemployed men and women in order for them to acquire emotional skills to cope with the barriers that the performance of occupations traditionally carried by the opposite sex raises within the family, in the workplace and in the local community and to associate companies and other local employers, business associations and workers' representatives with the commitment to combat poverty and social exclusion through their involvement in promoting positive action to combat labour segregation based on gender.

**Paragraph 41, second sentence**

The Committee also recommends that the State party develop and apply job evaluation systems based on gender-sensitive criteria and collect sex-disaggregated data regarding the type and extent of wage differentials to eliminate the practice of women receiving unequal pay for work of equal value.

48. As provided in Article 31 of the Labour Code, approved by Law No. 7/2009 of 12 February 2009, women are entitled to receive equal pay for equal work or work of equal value as that performed by men. The Code established that aspect by including specific regulations on the question of gender equality and non-discrimination on the grounds of sex.

49. Nevertheless, a gender gap still persists regarding both wages and earnings, although a slight positive trend is in place in both the monthly basic wage gap and the monthly earning gap as the figures for 2007 and 2008 show.

**Average monthly basic wage gap (percentage), 2005-2008**

<i>Year</i>	<i>RW/RM</i>
2005	80.7
2006	80.6
2007	81.2
2008	81.5

*Source:* MTSS/GEP.

**Average monthly basic earning gap (percentage), 2005-2008**

<i>Year</i>	<i>RW/RM</i>
2005	77.4
2006	77.2
2007	77.6
2008	78.3

*Source:* MTSS/GEP.

50. Despite the existing gender pay gap, the Commission for Equality in Labour and Employment, the governmental body which receives complaints and issues legal opinions concerning equality and non-discrimination between women and men in labour and employment, received only three complaints related to gender pay gap between 2006 and 2009.

51. Because the right to equal pay for equal work or work of equal value enshrined in national legislation has not been fully realized in practice, it remains of fundamental importance to reflect on its causes and to construct and test methodologies that may act on its underlying factors.

52. To address the problem, the Authority for Working Conditions has continued to carry out its work of disseminating information and monitoring equality and non-discrimination at work and in employment, including equal pay between men and women for the same work or work of equal value.

53. Between 2006 and 2009, the Commission for Equality in Labour and Employment participated in the project “Revalue work to promote gender equality” to tackle the question of gender pay gap. The project was co-financed by the EQUAL Programme and developed in partnership with the following entities: General Confederation of Portuguese Workers (coordinating organization), Working Conditions Authority, Portuguese Association of Restaurants and Similar Establishments, Social Intervention Research Centre, Commission for Equality in Labour and Employment, Portuguese Trade Union Federation for Agriculture, Food, Beverages, Hotel and Tourism Industries and International Labour Organization (ILO).

54. Throughout 2007, the methodology for assessing the value of work without gender bias was developed and a training curriculum for the implementation of the methodology was built.

55. In order to test and validate the curriculum, the training “Equal pay for women and men” was held in 2008. The experimental training had the following objectives: capacity-building in the application of the principle of “equal pay for equal work or work of equal value” (Convention No. 100 of the International Labour Organization) using a job evaluation method free from gender bias; and using equal pay as a criterion for the improvement of human resources in companies and organizations and to promote gender equality in the labour market.

56. The methodology for assessing the value of work without gender bias allows the Government of Portugal to compare the value of the professions mainly occupied by men and women. It is an analytical method that allows a systematic analysis, evaluating and comparing the characteristics of each job in a company, organization or sector using common detailed criteria in order to establish its relative value. The method measures if jobs which are predominantly held by women and men but of equal value are paid equally. It is therefore an effective method to identify and eliminate the influence of prejudices and stereotypes when determining the remuneration of men and women, thereby improving the position of low-wage earners, mostly occupied by women.

57. The methodology is an appropriate tool to measure and compare the value of the professions in a non-discriminatory manner, and is designed to support organizations that want to implement a process for evaluating jobs with no gender bias, in order to revalue the work in enterprises and contribute to the objectivity of the human resources management process while promoting equal pay between men and women.

58. Since the method requires the active participation of social partners, it also encourages collective bargaining and social dialogue.

59. In the future, it is expected that the findings of the application of the methodology are translated into the collective labour regulation instruments of the sectors involved in the said project and others as a result of awareness and training to be carried out, including the training of trade union representatives.

**Paragraph 41, third sentence**

The Committee also recommends that the State party monitor the impact of the use of fixed-term contracts and increase incentives for employers when appropriate to counteract possible adverse consequences of fixed-term work for women, especially in regard to their job security, salary levels and pension and retirement benefits.

60. Despite the trend towards a decline in the prevalence of non-permanent contracts and in narrowing the gap between men and women, the proportion of female workers with fixed-term contracts is still higher than the proportion of men. That fact makes women more vulnerable to slower career progression, lower payment level and dismissal.

**Employed population with a non-permanent contract, by sex (percentage)  
2001-2009**

2004		2005		2006		2007		2008		2009	
Men	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women
18.7	21.1	18.7	20.4	19.5	21.7	21.8	23.0	21.7	24.1	20.9	23.2

Source: National Statistics Institute, Labour Force Survey.

61. The preponderance of fixed-term contracts is also a consequence of the discrimination suffered by women in the labour market which is mainly grounded in maternity and in the fact that women are still mainly responsible for family care.

62. In order to prevent discrimination and combat one of the most adverse consequences of fixed-term contracts, dismissal, the Commission for Equality in Labour and Employment examines the decisions of employers not to renew fixed-term contracts of pregnant workers or workers who have recently given birth or are breastfeeding, and also issues legal opinions (within 30 days) which employers must obligatorily request before dismissing any pregnant worker or any worker who has recently given birth or is breastfeeding. If the Commission's opinion is not in favour of the employer, only a court of law may authorize the dismissal.

**Paragraph 41, fourth sentence**

The Committee encourages the State party to monitor adoption and effective implementation of the equality plans by the State-owned enterprises, and to consider widening the legal requirement to adopt such plans also to privately owned enterprises.

63. In 2007, the Council of Ministers' resolution 49/2007 of 28 March was adopted, approving the principles of good governance in State-owned enterprises and requiring them to adopt equality plans designed to achieve real equality of treatment and opportunities for men and women, eliminate gender-based discrimination and allow a balance between private, family and working life.

64. In 2009, the Commission for Equality in Labour and Employment worked with three State-owned enterprises in order to elaborate the diagnosis of the situation of gender equality in those companies.

65. The reports of the evaluation procedures incorporated the characteristics of the companies in terms of their situation in the various dimensions of analysis and indicators of gender equality and recommendations of actions to implement new practices in those areas, to consolidate the existing practices and to overcome the weaknesses identified by the diagnosis.

**Paragraph 41, last sentence**

The Committee further recommends that the Government promptly submit its annual report on the progress of equality between men and women in work, employment and vocational training to Parliament.

66. Law No. 10/2001 of 21 May determines that the Government must submit to Parliament, by the end of each legislative session, a report on the progress of equal opportunities between women and men in work, employment and vocational

training for consideration by the Assembly at a session to be held in the presence of Government. In accordance with paragraph 2 of Article 1 of Law No. 10/2001, the annual report must contain national indicators, including the information and data necessary for assessing the progress made in equal opportunities between women and men in work, employment and vocational training, namely the following:

(a) The human and material resources provided to ensure the enforcement of the law on equal opportunities between women and men in work, employment and vocational training;

(b) The number of enforcement actions and inspection measures undertaken and the criteria followed in selecting those actions;

(c) The number of complaints received regarding the violation of the legislation on equal opportunities between women and men in work, employment and vocational training, disaggregated by geographic location, economic activities and type of violation.

67. The annual report on the progress of equal opportunities between women and men in work, employment and vocational training for the period 2006-2008 was assessed at the plenary session of the Assembly of the Republic on 18 June 2009.

68. The annual report on the progress of equal opportunities between women and men in work, employment and vocational training for 2009 is waiting to be submitted to and assessed by Parliament.

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