



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

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## Committee on the Elimination of Discrimination against Women

### List of issues and questions in relation to the tenth periodic report of Portugal\*

#### Visibility of the Convention

1. In its report, the State party referred to programmes to build the capacity among the judiciary and prosecutors in various areas, including gender-based violence, the adjudication of cases with a gender perspective and female genital mutilation (CEDAW/C/PRT/10, sect. B.4).<sup>1</sup> Please provide information on measures taken to raise awareness among society, families and women about the principle of gender equality, non-discrimination on the basis of sex and women's rights under the Convention, as elaborated in the Committee's general recommendations, and increase knowledge thereon. Please provide information on specific measures taken to raise awareness among women belonging to disadvantaged or marginalized groups, including older women, women with disabilities and migrant, refugee and asylum-seeking women about, their rights under the Convention.

#### Legislative and policy framework

2. Information before the Committee indicates that legislation prohibiting sex-based discrimination has been superseded by gender-neutral legislation and policies and measures to address discrimination on the basis of sexual orientation and gender identity. Please provide information about the effects of that approach on the recognition of de facto discrimination against women, and indicate the measures taken to promote substantive equality between women and men, in accordance with the State party's obligations under articles 1 and 2 of the Convention and in line with target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, and indicator 5.1.1. Please inform the Committee about measures to develop gender impact assessments for legislation and to what extent the outcomes of those assessments have led to amendments to legislation under consideration. Please provide information on legislative provisions recognizing discrimination against women by association and intersecting and multiple forms of discrimination against women and on measures to redress multiple and intersecting forms of discrimination, in particular against Roma women, migrant,

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\* Adopted by the pre-sessional working group on 13 November 2020.

<sup>1</sup> Unless otherwise indicated, paragraph numbers refer to the tenth periodic report of the State party.



refugee and asylum-seeking women, women with disabilities, older women and rural women. Please describe the measures taken to identify and eliminate indirect discrimination based on sex (para. 3). Please also provide information on how the national strategy for equality and non-discrimination, 2018–2030, addresses the rights and situations of disadvantaged and marginalized groups of women.

### **Implementation of the Convention in the autonomous regions of the Azores and Madeira**

3. With reference to the Committee's previous recommendations ([CEDAW/C/PRT/CO/8-9](#), paras. 10–11), please provide an update on the progress made to give effect to the Convention in the autonomous regions of the Azores and Madeira, in relation to all areas covered by the Convention.

### **Impact of the pandemic on women's rights and gender equality**

4. In line with the Committee's guidance note on the obligations of States parties to the Convention in the context of the coronavirus disease (COVID-19) pandemic, issued on 22 April 2020, please indicate the measures implemented by the State party: to redress long-standing inequalities between women and men by placing women at the centre of the recovery as an economic diversification strategy; to meet the needs and uphold the rights of women and girls, including those belonging to disadvantaged and marginalized groups and women in situations of conflict or other humanitarian emergencies; and to ensure that, in the context of lockdown measures, whether partial or total, and in post-crisis recovery plans, women and girls are not relegated to stereotypical gender roles. Please indicate the measures in place to ensure that all COVID-19 crisis response and recovery efforts: effectively address and are aimed at preventing gender-based violence against women and girls; guarantee the equal participation of women and girls in political and public life, decision-making, economic empowerment and service delivery; and are designed so that women and girls benefit equally from stimulus packages, including financial support for unpaid care roles, that are aimed at mitigating the socioeconomic impact of the pandemic. Please explain how the State party is ensuring that measures taken to contain the COVID-19 pandemic, such as restrictions on freedom of movement or physical distancing, do not limit access by women and girls, including those belonging to disadvantaged and marginalized groups, to justice, shelters, education, employment and health care, including sexual and reproductive health services.

### **Women's access to justice**

5. In its report, the State party indicated that legislation was in place providing for the provision of legal aid to victims of domestic violence and the exemption of fees for such complaints (para. 56). Please indicate whether free legal aid is available to women without sufficient means in all areas of law as it is in cases of domestic violence. Please provide specific examples of judgments, including by courts of appeal, beyond the judgment issued by the Administrative Supreme Court on the rights of women to receive compensation due to damages caused by medical interventions (para. 22), in which the provisions of the Convention were directly applied, invoked and/or referred to or judgments in which national legislation was interpreted in line with the Convention. Please provide information on the number of complaints about gender-based discrimination against women that have been received and processed by the Office of the Ombudsperson of Portugal in the past five years, disaggregated by age of the complainant, location in rural or urban area, whether the complainant was of Roma origin, the complainant's status as a migrant, asylum seeker or refugee and the disability situation of the complainant. Please provide information on access for women to justices of the peace and alternative means of dispute

resolution, including reconciliation and arbitration ([HRI/CORE/PRT/2014](#), paras. 145 and 260), on the subject matter of cases brought by women to the attention of justices of peace and on matters that are subject to alternative means of dispute resolution. Please indicate whether mediation applies in proceedings related to gender-based violence against women.

6. In its report, the State party referred to measures to encourage the reporting of crimes by any person to various authorities, including the police and the Ombudsperson (para. 54). In a parallel report, the Ombudsperson pointed out the lack of awareness among women who were victims of gender-based violence about the remedies available to them. Please indicate the measures taken to increase knowledge among women about complaint mechanisms and to facilitate reporting and lodging of complaints in cases of gender-based violence against women, including during the COVID-19 pandemic. With reference to information about the low number of convictions in cases of gender-based violence (para. 81), please provide information about measures to increase conviction rates, including measures to eliminate gender bias and discriminatory stereotypes within the judiciary that lead to disregard for the value of women's testimonies and prevent judges from sentencing perpetrators. Please also describe measures to ensure that the penalties imposed in such cases are commensurate with the gravity of the crime. Please indicate other forms of redress and reparations available to women who are victims of the various forms of gender-based violence, in addition to compensation (para. 85), and indicate the number of victims, disaggregated by sex, age, disability situation, ethnicity, national minority status and nationality, who have received reparations, psychosocial counselling, rehabilitation and compensation in the past five years. Please indicate the criteria and procedures in place for identifying family members who suffer harm in cases of gender-based violence against women (para. 87).

#### **National machinery for the advancement of women**

7. Further to the information provided (paras. 23–24), please describe the human, technical and financial resources allocated to the Commission for Citizenship and Gender Equality to enable it to work on the advancement of women, and indicate any steps taken towards elevating it to ministerial rank. Please describe any measures taken to strengthen coordination and further develop the national machinery for the advancement of women, including in the context of the COVID-19 crisis. Please provide information on the measures taken by the Commission to ensure gender mainstreaming within all line ministries and local governments, as well as across all sectors of policymaking. Please describe the strategies in place for monitoring gender-responsive budgeting and its impact on women's rights.

8. Please describe the measures taken to empower and ensure the meaningful participation of women's civil society organizations in the Advisory Council of the Commission for Citizenship and Gender Equality (para. 25). Please indicate to what extent women's organizations, including organizations of women with disabilities, are involved in the planning, implementation and monitoring of programmes financed by European structural and investment funds (para. 28). Please further describe the formal mechanisms in place at the local level, including in the autonomous regions of the Azores and Madeira, to consult with women's civil society organizations in the planning, implementation and monitoring of strategies and programmes for gender equality and the empowerment of women. Please indicate the specific budget allocations and mechanisms in place to engage with organizations of Roma women, migrant, refugee and asylum-seeking women, women with disabilities and rural women.

**Temporary special measures**

9. Please provide additional information on plans to adopt temporary special measures, in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, to achieve substantive equality between women and men in all areas in which women are underrepresented or disadvantaged, in political and public life, in non-traditional fields of study and career paths and in economic life. Please elaborate on what groups of women are targeted by temporary special measures, the short-term and long-term goals of such measures, whether they apply to the public or private sector and the budget allocations and time frames for implementing such measures.

**Stereotypes and harmful practices**

10. Please describe the measures taken to eliminate discriminatory stereotypes regarding the roles and responsibilities of women and men in the family and in society, which have been exacerbated during the COVID-19 pandemic, in particular concerning the distribution of responsibilities at home. With reference to the Committee's previous recommendations ([CEDAW/C/PRT/CO/8-9](#), para. 21), please provide information on measures to combat gender stereotypes and sexism in the media and in political and public discourse. Please provide information on cooperation with women's civil society organizations and the private sector in order to eradicate gender stereotypes and on the monitoring of the implementation of those measures. Please indicate to what extent programmes to combat gender stereotypes are being disseminated and target women and men outside formal education programmes and in rural areas and women belonging to disadvantaged or marginalized groups.

11. Please indicate how the laws prohibiting female genital mutilation and child and/or forced marriage are monitored and enforced. Please explain the measures taken by the State party to comply with its extraterritorial obligations concerning the prosecution and conviction of perpetrators of female genital mutilation (para. 110). With reference to joint general recommendation No. 31 of the Committee/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices, please provide information on measures to provide redress to girls who have been exposed to female genital mutilation and those who entered into child and/or forced marriages, rehabilitation and counselling services available for girls and on mechanisms to track cases of child and/or forced marriage.

**Gender-based violence against women**

12. In the light of the Committee's general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, please provide specific information about legislation defining all forms of gender-based violence against women, including physical, psychological, sexual and economic violence and cyberviolence, as criminal offences in the Criminal Code, in addition to domestic violence. Please indicate whether the State party recognizes femicide as a specific criminal offense, and specify the prosecution and conviction rates in cases of femicide. Please also indicate the proportion of women between 15 and 49 years of age who have been subjected to physical or sexual violence by an intimate partner during the reporting period. Please describe national strategies or programmes implemented during the reporting period to prevent gender-based violence against women and girls, partnerships with civil society actors in the monitoring and evaluation of such strategies and the progress achieved. Please provide information on strategies to identify instances of hate speech and incitement to gender-based violence against women, and provide information about the number

of prosecutions and convictions and the sentences imposed on perpetrators of such acts during the reporting period.

13. In its report, the State party referred to various mechanisms to support victims of gender-based violence as part of the national support network, including crisis centres for women who were victims of sexual violence, victim support offices, specialized support centres and short-term and long-term shelters (paras. 61, 72, 74–75 and 106). Please provide information on: (a) the human, technical and financial resources allocated to the network; (b) the functioning of, and the situation of women in, support centres during the COVID-19 pandemic; (c) access for women belonging to disadvantaged and marginalized groups to the support system; and (d) awareness-raising about the national support network.

### **Trafficking and exploitation of prostitution**

14. In line with the Committee's general recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration, and with reference to the Committee's previous recommendations (CEDAW/C/PRT/CO/8-9, para. 29), please describe the mechanisms established to identify victims of trafficking, including sex trafficking, labour exploitation and exploitation for begging, through bilateral or regional agreements and cooperation with countries of origin, in addition to the information about referral mechanisms (paras. 119 and 127). Please advise on measures taken to prevent sex trafficking, labour exploitation and exploitation for begging of women and girls, in particular migrant and refugee women, and on legislative and policy measures to facilitate access for women to safe and protected employment. Please describe the steps taken to grant residence permits to victims of trafficking, and indicate how many victims have been granted residence permits during the reporting period. Alternative sources indicate an overarching decrease in investigation and convictions rates and in the identification of victims and the provision of restitution. Please provide detailed information on the number of investigations and prosecutions of trafficking in women and girls and the sentences imposed on perpetrators during the reporting period, as well as the types of redress and reparation provided to women and girls who are victims of trafficking. Please provide information on the implementation and impact of the general directive issued by the Prosecutor General concerning the analysis of cases of irregular migration vis-à-vis trafficking in human beings (para. 132). Please indicate how many undocumented migrant women have been identified as victims of trafficking in the past five years. Please provide information on programmes to enable women to leave prostitution regardless their country of origin, age, gender or minority or other status.

### **Participation in political and public life**

15. In its report, the State party referred to the minimum quota of 40 per cent representation of women on electoral lists (para. 30) and to the increase in the representation of women in the judiciary, in particular in higher instance courts (para. 144). Alternative sources also point out the increased representation of women in the Assembly of the Republic (38.7 per cent) and in ministerial positions (42.1 per cent). Please provide updated data on the representation of women in political and public life, including the number of women candidates elected in the most recent European, national, regional and municipal elections for parish assemblies, municipal assemblies and municipal cabinets, in the foreign service and in international and regional organizations. Please describe the State party's support provided for women candidates to campaign for elected positions at all levels, and indicate whether the State party has adopted a legal framework to prevent and address political harassment. Please indicate current mechanisms to ensure the participation of women in public decision-making concerning measures to contain the COVID-19 pandemic and

recovery efforts. Please indicate the measures taken to restore the legal capacity and the rights to vote and to participate in political and public life of women with intellectual or psychosocial disabilities.

### **Education**

16. Please provide information on: (a) the enrolment of women and girls in secondary and tertiary education in urban and rural areas, as well as in vocational training; (b) the proportion of women and girls who are students and graduates in the areas of science, technology, engineering, mathematics and information and communications technology; and (c) measures taken to adopt and promote vocational training for women (para. 154). Please also provide information about programmes and budget allocations for developing scholarships and study grants targeting women, in particular those belonging to disadvantaged or marginalized groups, at the tertiary level. Please provide information about the number of women in continuing education and the scholarships available to them. The State party has prioritized Sustainable Development Goal 4, on quality education (para. 273). Please provide statistics on the enrolment rates of girls with disabilities in mainstream schools and special schools and measures taken to ensure their access to high-quality, inclusive education. Please describe measures taken to introduce inclusive education at all levels, provide inclusive classrooms for girls with disabilities and provide them with access to vocational training, including through the required support and reasonable accommodation measures. Please provide information on education on sexual and reproductive health and rights in accessible formats. With reference to the information about the education guides on gender and citizenship (paras. 148–150, 152, 155) and the implementation of the compulsory subject of citizenship and development (para. 153), please provide information on any impact assessments of those measures, in particular on the level of awareness among women about gender equality and on the progress made in removing sexist approaches to education.

### **Employment**

17. Please provide updated information concerning the employment rates among women in the State party in the past three years, disaggregated by age, disability situation, whether the woman is of Roma origin, migrant or refugee status, employment sector and location in urban or rural area. Please describe the situation of women with disabilities and migrant and refugee women in the labour market and measures to promote their employment opportunities, including through vocational training and apprenticeships. Official information indicates that women accounted for 90 per cent of job losses in March and April 2020. Please describe the strategies adopted by the State party to respond to the disproportionate loss of jobs among women resulting from the pandemic and in the context of the shift to teleworking and to more digital ways of working, in general. In the light of information concerning the law of 2019 recognizing the status of and providing for support to informal carers (para. 7 (c)), please indicate the coverage of support measures and whether such support comprises cash payments or transfers for carers, alongside career counselling and psychosocial support. Please describe the measures adopted to protect women's labour rights and access to social protection by self-employed women, women in the informal sector of the economy and women relying on temporary and precarious jobs. With regard to the legislative framework aimed at improving household incomes (para. 15), please indicate to what extent the various benefits under that programme have reached women, including those belonging to disadvantaged or marginalized groups. Please provide information on measures to strengthen the implementation of legislation to address the gender pay gap, including in small and medium-sized enterprises. Please indicate the measures taken to combat discrimination against women in the workplace on the grounds of pregnancy or maternity (para. 174) or

parental leave, including unfair dismissals, and please provide information on redress to women subjected to such dismissals and measures to impose adequate sanctions on employers. Please also provide information on measures taken to ensure social protection to women in domestic work, in accordance with the Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization (ILO), and provide information on its implementation. Please indicate any steps taken to ratify the ILO Violence and Harassment Convention, 2019 (No. 190).

### **Health**

18. With reference to the Committee's previous recommendations ([CEDAW/C/PRT/CO/8-9](#), para. 37), please provide information on measures to eliminate gender-based violence and discrimination against women in the delivery of sexual and reproductive health services, in particular obstetric violence, and prevent overmedicalized procedures during childbirth and excessive reliance on caesarean sections. Please indicate how women can exercise their free and informed consent concerning delivery services and in the post-partum period. Please provide information on accessible gynaecological and obstetric services for women with disabilities and measures to address barriers faced by women in poverty, women with disabilities, older, migrant, refugee, asylum-seeking and Roma women, women using drugs and women living with HIV/AIDS. Please describe the measures taken to expand the coverage and availability of family planning services for women and adolescent girls. Please indicate the measures taken to ensure women's freedom to choose a person to accompany them during childbirth and to prevent the separation of women and their newborns as a consequence of measures to contain the COVID-19 pandemic. Please provide information on the coverage of fertility programmes and medically assisted procreation by the universal health insurance system and in the public health system, indicating the levels of financial support for women wishing to access medically assisted procreation (para. 241). Please provide information on the measures to protect the rights of women in the context of surrogacy arrangements. Alternative sources of information refer to the impact of the lockdowns, confinement and other measures to contain the COVID-19 pandemic on women's mental health, including exhaustion and breakdowns. Please provide information on the availability of community-based mental health programmes and measures to protect the mental health of women of all ages. Please also provide information on the measures taken to protect the lives and health of women health-care workers in the context of the COVID-19 pandemic.

### **Economic empowerment of women**

19. With reference to the Committee's previous recommendations ([CEDAW/C/PRT/CO/8-9](#), para. 9) concerning the impact of austerity measures on women, please provide information on measures taken during the reporting period to identify, provide redress to and compensate women disproportionately affected by austerity measures, in addition to the legislative framework adopted to develop social benefits for increasing household income (para.15). Please also provide information about the number of women entrepreneurs throughout the country, start-up businesses owned by women and women beneficiaries of finance schemes for businesses, including microloans and appropriate technology for establishing and developing small and medium-sized enterprises, disaggregated by location in urban or rural area, age, disability situation and migrant, refugee or asylum-seeking status. Please provide information about measures to ensure access to social protection for older women.

**Rural women**

20. In line with the Committee's general recommendation No. 34 (2016) on the rights of rural women, please provide information about: (a) measures adopted during the reporting period to increase land ownership among rural women; and (b) mechanisms to mainstream a gender perspective and consult rural women's organizations in relation to the protection of natural and other agricultural assets, the water supply and management practices. Please describe the progress achieved in implementing the designation of small-scale family agriculture status (para. 253), in particular as it relates to measures to facilitate access for rural women to employment in the agricultural sector. Please also indicate to what extent rural women are represented in the agroforestry sector and participate in developing sustainable rural development practices (para. 256).

**Disadvantaged groups of women**

21. Please provide information on the situation of migrant, refugee and asylum-seeking women, in particular information on research and data collection about the situation of migrant women, the legal and public policy framework for the realization of their rights and their protection against all forms of discrimination, including intersecting forms of discrimination, on such grounds as ethnicity and sex. Please indicate to what extent migrant, refugee and asylum-seeking women have access to education, employment, health care and housing in the State party. Please also indicate measures to facilitate remittances for migrant women and their access to formal financing institutions. Please describe the current residence regulations and family reunification schemes and their impact on migrant women. Please provide information about migrant, refugee and asylum-seeking women facing detention and the applicable regime to ensure their access to justice, in particular legal aid. Please also provide information about the application of the principle of non-refoulement and gender-sensitive safeguards for conducting asylum procedures and identifying the gender-specific protection needs of women and girls.

22. Alternative sources indicate that Roma women continue to be marginalized and face barriers to access to education, social protection benefits and health care, in particular sexual and reproductive health services. Please describe the measures taken to address the barriers preventing Roma women from enjoying their rights under the Convention, in particular measures to combat gender stereotypes and the intersecting forms of discrimination affecting Roma women, in addition to the national strategy for the integration of Roma communities, 2018–2022. Please indicate how the State party engages and reaches out to Roma women, and provide information on any assessment of the reasons that prevent meaningful progress in the inclusion of Roma women in society.

23. Please provide information on the situation of women with disabilities, in particular measures to raise awareness and empower women with disabilities, and on the information available in accessible formats on general gender equality policies. Please describe measures taken to ensure that women with disabilities have access to employment. Please provide information on the number of women and girls with disabilities in institutions, including psychiatric hospitals and residential institutions, and on programmes adopted to facilitate their inclusion in the community, including by ensuring access to housing programmes.

**Marriage and family relations**

24. Please provide information on the measures taken to ensure that women with disabilities may exercise custody of their children and their parental responsibilities. Please indicate the applicable legal provisions ensuring the equal rights and

responsibilities of women and men during marriage, at its dissolution, in informal unions and in all family relations, including inheritance, property rights and child custody. Please describe whether the law provides for a marital property regime based on separation of property, community of property or deferred community of property and whether in the determination of property rights the regime takes into account the non-economic contributions of women to marital property, such as childcare and unpaid domestic work. Please explain whether the law provides for equal access to titles for land used or acquired by couples who are married or in informal unions.

**Sustainable Development Goals**

25. Please provide information on the measures taken to integrate a gender-perspective into all efforts aimed at achieving the Sustainable Development Goals.

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