



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

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## Committee on the Elimination of Discrimination against Women

Pre-session working group

Forty-second session

20 October-7 November 2008

### List of issues and questions with regard to the consideration of periodic reports

#### Portugal\*

The pre-session working group examined the sixth and seventh periodic reports of Portugal (CEDAW/C/PRT/6 and CEDAW/C/PRT/7).

#### Constitutional, legislative and institutional framework

1. The seventh periodic report refers to establishment of the Commission for Citizenship and Gender Equality, which replaced the Commission for Gender Equality and Women's Rights and the Mission against Domestic Violence. Please provide further information on the financial and human resources made available under this new structure for the implementation of the Government's gender equality policy and indicate whether resources and competencies of this new structure have been increased in comparison with the previous system. Please also describe the explicit mandate of the new Commission concerning gender equality and how it is organized to ensure the visibility of women's rights and gender equality issues throughout its functions, given its dual mandate.
2. Please elaborate on the concrete impact of the II National Plan for equality on the enjoyment by women of their human rights. Please also provide further information on the objectives of the III National Plan for Equality for the years 2007 – 2010, and indicate how the findings of the evaluation study of the II Plan are reflected in it. In particular, please provide information on the implementation of the recommendations suggested in the evaluation study of the II Plan with respect of the structural difficulties, including the realization of gender mainstreaming by all ministries.

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



3. Please indicate the number of cases in which women have invoked the Convention on the Elimination of All forms of Discrimination against Women and/or the Constitution in domestic litigation to claim their rights of equality and non-discrimination on the ground of sex, and provide information on the redress obtained for acts of discrimination by both State and private actors, organizations or enterprises.

4. Please provide information on measures taken to make widely known the Convention and its Optional Protocol including the Committee's recommendations and views, to the legal profession, women's organizations, and to the public in general.

### **Political participation and decision-making**

5. In its previous concluding observations the Committee urged the State party to take measures to increase the representation of women in elected and appointed public bodies, through, inter alia, the implementation of temporary special measures.<sup>1</sup> The seventh periodic report states that a law establishing quotas for the participation of women and men in the lists of candidates for election was approved in 2006. Please provide reasons for the regulation that public financing of electoral campaigns merely "may" be reduced in cases of non-compliance. Please also provide information on any other measures taken or envisaged by the Government to promote women's participation in political and public decision making positions such as the civil service, public administration and membership in public councils and boards, including Azores and Madeira, where the electoral law does not apply.

### **Violence against women**

6. The Evaluation of the II National Plan against Domestic Violence notes an increase in the number of shelters and information/reception units, a standardization of their operational procedures and the increase of awareness and technical competence among the professionals dealing with violence against women. The seventh periodic report also notes the creation of the National Network of Domestic Violence Centres in 2005. Please provide concrete information on the assistance these Centres provide to the women victims of domestic violence and the geographic coverage of these centres. Please provide further information on the current number of shelters and information/reception units throughout the country, their admission criteria, whether they are equipped to receive women with disabilities or children with disabilities, the mode of financing them, including the financial support of victims while in shelters, and whether shelters are available and accessible in all regions. Please also elaborate more concretely on the objectives of the III National Plan against Domestic Violence, whether the recommendations of the evaluation of the II National Plan are reflected in it, and provide information on the financial resources allocated for the implementation of the Plan.

7. The seventh periodic report describes training efforts with respect to professionals involved in protecting and assisting victims of domestic violence, responding in part to the

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<sup>1</sup> See *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 38 (A/57/38)*, Part one, para. 338.

Committee's previous concluding observations.<sup>2</sup> Please describe measures that have been taken to this effect regarding the judiciary, and evaluate whether the increase in the number of reported cases of violence against women corresponds to an increase in investigations, prosecutions and punishment of perpetrators. Please also indicate whether the amended Criminal Code and the amended Code of Criminal Process containing specific regulations with respect to violence against women and its investigation and prosecution have entered into force and whether they have already been applied, and if so, with what effect.

8. The sixth periodic report states that the Government is planning to criminalize female genital mutilation and improve the health care of victims of this practice (para. 22), but the seventh periodic report does not mention this initiative. Please provide updated information on the legislative measures taken in this respect and their impact. Please also provide statistical information on the scope of female genital mutilation in Portugal and results of the measures taken for its prevention.

9. In its previous concluding comments, the Committee expressed concern about the fact that incest is not defined explicitly as a crime in the Penal Code.<sup>3</sup> Please provide information on any possible legislative measures taken in this respect.

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

10. Please provide information on the scope of the new provisions on trafficking in the Criminal Code, which was to enter into force on 15 September 2007. Please provide statistical data or estimates on the numbers of women and girls who are victims of trafficking. Please also provide an analysis of the trends and numbers of criminal proceedings initiated in cases of alleged trafficking in women and girls, including the outcome of any court proceedings and sentences imposed.

11. The seventh periodic report refers to the new law regulating conditions of entry, stay and exit of foreigners from Portuguese territory, which provides, inter alia, for the possibility of issuing victims of trafficking with residence permit valid for one year. The report also notes that the State party will take a number of measures under the I National Plan against Trafficking of Human Beings (2007 – 2010). It also states that there are more and more cases of trafficking in minors and that this situation is expected to worsen. Please provide information on the number of residence permits issued, the implementation of the measures envisaged under the Plan in general, and with respect to trafficked girls in particular, and the financial resources allocated for the implementation of the Plan.

12. The seventh periodic report states that the National Action Plan for Inclusion and the Integration Plan for Immigrants include provisions for the creation of a shelter for the victims

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<sup>2</sup> Ibid., para. 332.

<sup>3</sup> Ibid., para. 333.

of trafficking. Please provide information on the implementation of these projects, the number of places in the shelter(s), and the rules regarding admission.

13. The sixth periodic report refers to a number of goals of the ISADORA project, which are aimed at protecting women practising prostitution (para. 107). There is no reference to these projects in the seventh periodic report. Please provide information on the measures taken to achieve the goals of the project and their impact. Please also provide information whether any other projects of a protective and rehabilitative nature are currently being implemented for women practising prostitution.

### **Sex roles and stereotyping, education**

14. Both the sixth (paras. 89 – 91) and seventh periodic reports describe a number of measures aimed at raising awareness of gender-based stereotypes and directed towards their elimination. Please indicate whether there are plans to launch any new awareness-raising campaigns and whether the impact of such campaigns are monitored on a regular basis through surveys on attitudes and behaviour regarding women's and men's roles and tasks.

15. The seventh periodic report describes the inclusion of gender-based evaluation criteria for textbooks and multimedia teaching materials, as well as the distribution of new didactic support materials for teachers at all levels of education. Please provide information on whether any textbooks and multimedia teaching materials have been rejected on the basis of the new criteria and whether the study of the new didactic support materials for teachers has become an integral and mandatory part of initial and ongoing teacher training and final examinations.

### **Employment and reconciliation of work and family life**

16. The seventh periodic report mentions legal provisions to give preference in vocational training to workers of the underrepresented sex and describes a number of vocational training initiatives funded by European Union programmes. Please provide information on whether the preferential provisions have been applied and describe their impact since 2004, as well as any obstacles encountered.

17. Both the sixth (para. 42) and seventh periodic reports state that the Authority for Working Conditions (formerly the General Inspectorate of Labour) has powers to prevent, monitor and punish direct and indirect gender discrimination. The seventh periodic report also states that since June 2007, the Commission for Citizenship and Gender Equality can also receive complaints in the area of equality and non-discrimination in work, employment and vocational training. Please provide further information on the differences between their respective mandates, the types and number of cases examined, and punishments imposed. Please also provide an assessment of the fact that two different authorities are handling complaints related to employment.

18. The seventh periodic report states that vertical segregation of women and men is still prevalent in the labour market and that women with higher education have difficulties

accessing adequate jobs and salaries, a tendency verified in the statistics attached to the report. Please provide further information on any measures taken or envisaged, including temporary special measures, to address vertical segregation of the labour market, both in the public and private employment sectors, and facilitate the access of women with higher education to work and salary levels corresponding to their qualifications.

19. Both the sixth and seventh periodic reports indicate that a salary gap of 22.6 per cent in men's favour still persists. The sixth periodic report states that to eliminate a salary gap it would be necessary to improve anti-discrimination laws and the efficacy of their enforcement (para. 231). Please provide information on legislative and other measures taken or planned in this respect and the employment sectors affected. The seventh periodic report also states that the salary gap is wider at higher levels of professional qualification than the lower levels. Please provide information on any measures other than legal measures taken to address the salary gap, in particular with respect to women's higher professional qualifications, and the impact of these measures.

20. The seventh periodic report states that the Annual Report on the Progress of Equality between Men and Women in Work, Employment and Vocational Training 2005 highlighted, *inter alia*, a strong growth in female employment alongside the persistence of a higher female unemployment rate compared to men. The statistics attached to the report confirm this fact, and the report also states that the difference between male and female unemployment rates is particularly high among young people (15 to 24 years of age). Please provide information on any targeted measures taken or envisaged to reduce unemployment among women and their impact. Please also explain the reasons why no Annual Report, although requested by law since 2001, was written until 2005 and presented to Parliament in 2007, and elaborate on provisions put in place to comply with the law.

21. The seventh periodic report states that a Council of Ministers' resolution was adopted requiring state-owned enterprises to adopt equality plans in order to promote *de facto* equality of treatment and opportunities for men and women, eliminate gender-based discrimination and allow a balance between private, family and working life. Please indicate whether the resolution is legally binding and whether sanctions apply in cases of non-compliance; how many plans have been adopted; and which authority monitors their implementation. Please also provide information on the nature of the other measures contained in the resolution, including their implementation and impact.

22. The seventh periodic report refers to the creation of two new Programmes to enlarge social equipments, PARES and PAIES, to support a balance between employment and family work. Please provide detailed information on the availability and accessibility of such care infrastructures with respect to the care of children, the elderly and persons with disabilities in both urban and rural areas, and whether these new structures provide adequately paid working opportunities for women.

**Health**

23. Although the seventh periodic report gives data on the health situation in the country, it does not disaggregate that data by sex. Please provide such disaggregated data, as well as information on whether any research on illnesses and their symptoms specific to women has been conducted.

24. The sixth periodic report states that the rate of growth of HIV infections among women is higher than that of men (para. 253). Please provide further information on HIV/AIDS prevalence among women, in particular whether the situation has changed since the submission of the sixth periodic report, and the measures to provide all pregnant women with HIV with the necessary drugs to prevent transmission of the infection from mother to child. Please also indicate whether the National Programme for the Prevention and Control of HIV/AIDS Infection (2007 – 2010) mentioned in the seventh periodic report contains any specific measures targeted to reduce the number of infections among women.

25. The seventh periodic report states that the new law 16/2007 of 17 April 2007 permits voluntary interruption of pregnancy during the first 10 weeks, free of charge and performed in a public hospital. Please provide further information on the conditions, administrative procedures, technical and logistic conditions and the relevant information to be provided to the pregnant woman laid down in the instrument regulating the application of the law, approved in June 2007, and about the number of interruptions carried out since entry into force of the law. Kindly also provide information on death and /or illnesses related or due to illegal abortion prior to the coming into force of the new law, as requested by the Committee in its previous concluding comments.<sup>4</sup>

**Situation of particularly vulnerable groups of women**

26. The statistics attached to the seventh report show that 17.8 per cent of women farmers are illiterate and 56 per cent of them have primary education only. In comparison, only 0.2 per cent of women farmers have secondary education in agriculture and 0.3 per cent a degree (polytechnic or university). Please provide information on government's efforts to reduce the illiteracy rate of rural women and enhance their possibilities to acquire formal professional qualifications. Please also elaborate on measures targeted to enhance equal opportunities of rural women under the three regional development programmes supported by the European Agricultural Fund for Rural Development (mainland Portugal, Azores and Madeira).

27. The Committee on the Elimination of Racial Discrimination, in its concluding observations (2004), invited the State party to take more effectively into account, in all programmes and projects planned and implemented and in all measures adopted, the situation of Roma women, who are often victims of double discrimination (CERD/C/65/CO/6, para. 13). Please provide information on the actual situation of the various forms of multiple discrimination encountered by Roma women and women belonging to other ethnic minorities

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<sup>4</sup> Ibid., para. 346.

and/or of non-Portuguese origin, as well as any measures developed and undertaken to address their situation.

28. Please elaborate on the measures adopted in the First Action Plan for the Integration of the Persons with Disabilities (2006 – 2009) which are aimed at promoting the rights of women with disabilities and report on their implementation and results. Please also provide information on the status of the ratification process of the Convention on the Rights of Persons with Disabilities that Portugal signed on 30 March 2007.

29. Data from 2004 – 2007 show that women represent a majority of all beneficiaries of the non-contributory social security schemes as well as persons receiving Social Reinsertion Income, which, according to the report, highlights their vulnerability to poverty. Please provide information on the measures taken or envisaged, in particular under National Plan for Inclusion, to address this situation and on their impact on women and girls.

#### **Autonomous regions of Azores and Madeira**

30. While the reports give some information on the protection of women's human rights in the Azores and Madeira, a full picture of the de jure and de facto situation of women living in these autonomous regions is lacking. Please provide detailed information in this regard.

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