



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

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## Committee on the Elimination of Discrimination against Women

### Consideration of reports submitted by States parties under article 18 of the Convention

#### Eighth and ninth periodic reports of States parties due in 2013

**Portugal\* \*\***

[Date received: 18 October 2013]

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\* The present document is being issued without formal editing.  
\*\* The annexes to the present document are on file with the secretariat and are available for consultation.



## I. Introduction

1. Portugal ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1980 and, in accordance with Article 18, committed to submitting regular reports on obstacles encountered, measures undertaken and progress achieved in the implementation of CEDAW.
2. The present report gives an overview of the most important measures taken, projects launched and laws passed with a view to eliminate all forms of discrimination against women between December 2008 and December 2012.
3. Despite the request, in April 2011, for financial assistance from the EU, the Eurozone Member States and the International Monetary Fund, and the subsequent Economic Adjustment Programme (EAP) which drastically curtailed public spending, Portugal remains deeply committed to implementing CEDAW.
4. The present report was drafted within the Portuguese National Human Rights Committee (PNHRC),<sup>1</sup> which was established in April 2010 by a Council of Ministers Resolution following a commitment expressed during the Portuguese Universal Periodic Review examination in Geneva, in December 2009. The PNHRC is responsible for intergovernmental coordination with the aim of promoting an integrated approach to human rights policies. The Committee aims to define Portugal's position in international fora and to implement Portugal's obligations under International Human Rights Conventions.
5. The Portuguese National Parliament, the Ombudsman and Autonomous Regions of Madeira and Azores were also involved in the drafting of the present report as well as civil society. The PNHRC held a meeting with NGOs on 18th July 2013 to discuss the draft report and to give NGOs an opportunity to make comments and drafting suggestions before the report was finalized. Furthermore, NGOs were encouraged to send "shadow reports" to the Committee.
6. The involvement of the Parliament in gender equality issues was strengthened with the creation, in the context of the 1st Parliamentary Committee, of a Sub-Committee dealing specifically with Equality, which pays close attention to the implementation of CEDAW. This involvement is also reinforced by the fact that the portfolios of Parliamentary Affairs and Equality are the responsibility of the same Secretary of State — Secretary of State of Parliamentary Affairs and Equality (SEAPI).

## II. Implementation of the recommendations on the sixth and seventh periodic reports of Portugal (CEDAW/C/PRT/6 and CEDAW/C/PRT/7)

### 1. Principal areas of concern and recommendations (para. 10 of the concluding observations)

7. The Government of Portugal welcomed the Concluding Observations and committed to implementing the Committee's recommendations. The Concluding Observations were translated into Portuguese and distributed to all relevant State

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<sup>1</sup> <http://www.portugal.gov.pt/media/883250/2013-pnhrc-work-plan.pdf>.

stakeholders and published on the Commission for Citizenship and Gender Equality's (CIG) web page. The Portuguese Government remains deeply committed to raising awareness on the CEDAW through the drafting and distribution of publications and leaflets, organization of debates, seminars and other initiatives.

## 2. Parliament (para. 11 of the concluding observations)

8. The Parliament, through its relevant Commissions and Plenary, is actively involved in the national efforts towards the elimination of all forms of discrimination against women and the promotion of equal human rights for women and men. Its objective is, *inter alia*, to eliminate stereotypes and traditional practices, to combat all forms of violence against girls and women and to mainstream gender perspective in all policies.

9. The implementation of CEDAW is undertaken in Parliament through active monitoring of the application of the relevant national human rights action plans (more detail on the action plans on Chapter 8 below), including organizing hearings with SEAPI and addressing questions to the Government. The Parliament also contributes to raising awareness by adopting votes and declarations to mark historical events in the movement for the elimination of discrimination against women and the affirmation of full equality. Moreover, it has a decisive role in the adoption of pertinent national legislation as well as in the process of ratification of international legal instruments (an overview of the ratification of international human rights legal instruments in the area of this Convention is presented in Chapter 18 below).

10. We would like to highlight Parliament Resolution 71/2010, approved by unanimity in June, recommending that the Government reaffirms its commitment to the fulfilment of the Millennium Development Goals (MDGs) 4 and 5 on reducing child mortality and improving maternal health. We would also like to underline the following events organized in Parliament: in November 2011, in coordination with civil society organizations, a Seminar on "Health and Gender"; on 8th March 2012, in collaboration with CIG, a Seminar on the 30 years of the entry into force of CEDAW; and in June-August 2012, an exhibition on "Ending Female Genital Mutilation", in collaboration with the Presidency of the Parliament, SEAPI, the NGO *Associação para o Planeamento da Família* (APF) and the European Campaign "End FGM".

## 3. Implementation of the Convention in the Autonomous Regions of the Azores and Madeira (paras. 12 and 13 of the concluding observations)

Please see Annex 1 for statistical information on the autonomous regions.

11. The implementation of CEDAW in the Autonomous Regions of Azores and Madeira is undertaken at a similar level as that on mainland Portugal.

12. In the Autonomous region of the Azores, the Regional Plan for the Prevention and Fight against Domestic Violence was approved for 2010-2013. Its main strategic orientations are: identifying risk situations, taking immediate measures for the protection of victims and avoiding new incidents; adopting a holistic approach in the understanding and intervention, at all levels; proposing measures which combine good practices put in place at regional level according to national and internationally agreed standards; articulate the activities of all local actors,

according to a logic of proximity with the situations of violence, and speed and continuity, including follow up evaluation and monitoring of all measures implemented. A Team for the Integrated Support of the Woman in Risk Situation was established, guaranteeing an immediate and close response to victims of domestic violence. A Teleassistance service was also created, providing the victim with a mobile device that allows him/her to activate, at any given time, a support call-centre which is operated by specialized personnel.

13. Regional Legislative Decree 3/2011/A established the Regional Committee for Equality in Work and Employment (CRITE) for the Azores archipelago. CRITE is responsible for, among other tasks, ensuring the promotion of equality and non-discrimination between women and men at work, in employment and in vocational training, as well as the protection of maternity and paternity and the conciliation of professional activity with family life.

14. Regarding basic education, Education for Gender Equality and Non-Violence was included in the curricula of pre-school education in the context of personal and social training. Citizenship was included in the cross-curricular areas<sup>2</sup> (1st, 2nd and 3rd cycle of education, from 5 to 14/15 years old).

15. In the Autonomous Region of Madeira, the 2nd Regional Plan for the Equality of Opportunities — PRIO was adopted with Resolution 210/2008, of 7th March, for the period 2008-2011. The Plan included five main areas of intervention: mainstreaming of gender equality in the regional and local public administration; promotion of equality at work and employment; promotion of quality of life; promotion of citizenship and social inclusion; and the promotion of egalitarian values and attitudes in knowledge and culture. The implementation of the Plan is still being evaluated.

16. In 2010, the Council of the Regional Government approved the Regional Guide for the Conciliation of Professional and Family Life,<sup>3</sup> targeted at companies and businesses, which encompasses a set of measures of simple implementation which aim at improving the balance between professional, family and private life, this contributing to achieving gender equality.

17. We would like to highlight the work of the Regional Committee for Equality and Work and Employment (CRITE) for Madeira, which aims at combating discrimination and promoting equality between women and men at work, in employment and in vocational training, in the public and private sectors, according to the Constitution and the legislation. CRITE-Madeira receives complaints and elaborates opinions in terms of equality and non-discrimination at work and in employment. Between 2009 and 2012, CRITE published 21 opinions.

#### **4. Visibility of the Convention and Optional Protocol, preparation of the report (paras. 14-17 of the concluding observations)**

18. In 2012, CIG published a leaflet on CEDAW and its Optional Protocol, the CEDAW Committee and reporting procedures (including civil society “Alternative Reports”) and the Communications Procedure. The leaflet was widely disseminated in Portugal.

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<sup>2</sup> Cross-curricular areas are areas with time allocated to develop transversal skills (but not subjects *stricto sensu* to teach/learn contents of specific areas of knowledge).

<sup>3</sup> Resolução n.º 138/2012, de 8 de Março de 2012.

19. In June 2012, the PNHRC approved a Mechanism of Compilation of the recommendations put forward in the context of the UPR and treaty monitoring committees. The Office for Documentation and Comparative Law of the Attorney General's Office is responsible for compiling the recommendations and for monitoring their implementation. The list is reviewed and updated on a regular basis by the PNHRC thereby enabling Portugal to oversee the implementation and follow-up at national level of the recommendations put forward in the context of the UPR and treaty monitoring committees.

20. There are no official statistics regarding the invocation of the CEDAW Convention in national law enforcement and in national courts. Portuguese statutory provisions and case law are the primary sources of law invoked in Portuguese courts and in respect of Portuguese Administration. Nevertheless, some references to the CEDAW in the Portuguese case law of higher courts have been identified. CEDAW has been invoked, along with other relevant documents such as the Declaration on the Elimination of Violence against Women and the Beijing Declaration, in cases involving domestic violence, which has been typified as an autonomous criminal offense under Article 152 of the Portuguese Criminal Code by Law Nr. 59/2007, of 4th September. However, these references do not involve a direct application of the provisions of the Convention, which are provided for in the context of the framing of the crime of domestic violence based on the principle of equal dignity of all human beings.<sup>4</sup>

21. The PNHRC encouraged NGOs to send “shadow reports” or any kind of information they consider relevant to the Committee on several occasions, namely during the 9th plenary meeting, open to civil society, which took place on 13th February 2013. Furthermore, the PNHRC held a Working Group level meeting with NGOs on 18th July 2013 to discuss the draft report and to ensure that NGOs had an opportunity to make comments and drafting suggestions before the report was finalized. Around 20 NGOs participated in the meeting and their comments were duly taken into account in the final version of this report. We also highlight the meeting of the Section of NGOs of the Consultative Council of CIG with the participation of Ms. Violeta Neubauer, Vice-Chair and member of the CEDAW Committee, which took place in December 2012.

## **5. National machinery for the advancement of women (paras. 18-23 of the concluding observations)**

22. According to Decree Nr. 1/2012, of 6th January, which established the restructuring of CIG, this institution aims to ensure the implementation of public policies in the field of citizenship and the promotion of equality between women and men, in particular by undertaking actions to increase civic awareness regarding the identification of situations of discrimination and of forms to eliminate them. CIG is integrated in the Presidency of the Council of Ministers and reports directly to the SEAPI.

<sup>4</sup> Examples:

Decision of Oporto Court of Appeal of 29-02-2012 (<http://www.dgsi.pt/jtrp.nsf/c3fb530030ea1c61802568d9005cd5bb/6ac6ded8719a82c5802579c00058c67d?OpenDocument&Highlight=0,elimina%C3%A7%C3%A3o,viol%C3%A3o,mulheres>).

Decision of Oporto Court of Appeal of 26-05-2010 (<http://www.dgsi.pt/jtrp.nsf/c3fb530030ea1c61802568d9005cd5bb/3119d64a4b2d8bae80257752004faa50?OpenDocument&Highlight=0,elimina%C3%A7%C3%A3o,viol%C3%A3o,mulheres>).

23. In 2009, CIG's Budget amounted to 6.591.600€ about 0,004% of the State Budget. In 2010, it increased to 6.662.610€ about 0,004% of the State Budget. In 2011, it was cut to 6.118.841€ representing 0,0032% of the state budget and, in 2012, it decreased to 4.503.509,00€ about 0,0022% of the state budget.<sup>5</sup>

24. According to Governmental Decisions 6/2012, of 3rd January, and 327/2012, of 18th October, a percentage of the global value of the net income obtained from the State Owned Games and Bets managed by the *Santa Casa da Misericórdia de Lisboa* is assigned to the Office of SEAPI. This funding is destined to supporting priority actions and programmes for combating Domestic Violence and promoting other activities in the field of citizenship and gender equality.<sup>6</sup>

25. CIG's work is guided by five National Plans/Programmes in the areas of citizenship, gender equality and non-discrimination, domestic violence, trafficking in human beings, female genital mutilation and United Nations Security Council Resolution 1325 on "Women, Peace and Security". The Plans are presented in Chapter 8.

26. Mainstreaming Gender Equality at all levels of the Public Administration, at central and local level, is an overall political commitment of the Government. This strategic commitment is implemented through the adoption of Gender Equality Plans and the appointment of Equality Advisers and teams by all line Ministries. It is also being implemented at local/municipal level and CIG has signed several Protocols with Municipalities in this respect: until December 2012, 41 Equality Plans had been established, 97 Protocols had been signed with CIG and 74 Local Advisers for Equality (in 308 Municipalities) had been appointed.

27. With the above-mentioned Decree Nr. 1/2012, the number of NGOs represented in the Consultative Council of CIG was maintained at 40. We would like to highlight that the NGO representatives in the Consultative Council of CIG have the statute of Equality Advisers. In what concerns funding to NGOs involved in the area of women's rights, CIG continues to provide its annual funding support, according to Decree-Law Nr. 246/98.

28. The Commission for Equality in Labour and Employment (CITE) is the national mechanism for the promotion of the equality between women and men at work and in employment, the protection of maternity and paternity and the conciliation of professional, family and personal life. It has a tripartite and equilateral nature, with 4 members from the State's Administration, 4 members from the trade union confederations (CGTP-IN e UGT) and 4 members of the employers' confederations (CCP, CIP, CAP e CTP). CITE also receives complaints and publishes opinions on gender discrimination at work.

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<sup>5</sup> We would like to highlight that, in 2013, in the context of the economic difficulties and budgetary cuts that all sectors of public administration are facing, the Government approved a Budget of 4,836,337€ in 2013 for CIG, which represents an increase by 7.39% comparing to the budget initially approved for 2012.

<sup>6</sup> Until July 2013, these funds were used to reinforce support services for victims of domestic violence, including increasing the capacity of the existing emergency shelters for victims. They were also used to finance training projects for health professionals on gender equality and prevention of violence, to reinforce education on Gender and Citizenship and to finance the training of labour inspectors in the areas of trafficking in human beings for labour exploitation and gender equality.

## 7. Temporary special measures (paras. 24 and 25 of the concluding observations)

29. On 8th March 2012, the Council of Ministers approved Resolution Nr. 19/2012, which aims to increase the representation of women in decision-making positions in State-Owned companies, particularly in boards and supervisory bodies. The Resolution also recommends that private companies approve equality plans. State-owned companies must report every six months to SEAPI on the results of the measures implemented. Although the Resolution only recommends the adoption of equality plans and self-regulation measures by private sector companies, the Government intends to monitor improvements in women's representation in their supervisory and executive boards.

30. In 2012, in the framework of a set of measures (*Portaria Estímulo 2012*) adopted by the Government to stimulate the hiring of long term unemployed persons, companies were awarded a 50% financial stimulus for selecting persons unemployed for longer than 6 months. This measure also foresaw an extra bonus of 10% for hiring certain groups of people, including low skilled women.<sup>7</sup>

31. In Algarve, the *Programa Formação-Algarve* (Algarve Training Programme), adopted in 2012 to actively promote employment, foresees an extra bonus in the financial support provided to companies which celebrate or renew contracts to persons who meet certain criteria, namely persons responsible for single-parent families or persons from the sex which is under-represented in the sector for which they are being hired.<sup>8</sup>

## 8. National Action Plans (paras. 26 and 27 of the concluding observations)

32. The III National Plan for Equality — Citizenship, Gender Equality and non-discrimination — PNI (2007-2010) was a strategic landmark for the promotion of citizenship and gender equality at the national level. It was elaborated in the Framework of the Programme of the Government. The Parity Law of 2006<sup>9</sup> was reflected in the results of the three elections in 2009, which experienced a significant increase in the representation of women: in the European Parliament, from 25 to 36.4%; in the National Parliament, from 21 to 28% and in the municipalities, from 19 to 29%.

33. One of the main strategic orientations of the III PNI was the dissemination of the gender perspective in all political areas, as a prerequisite for good governance. In this context, documents were produced and actions were undertaken with a view to supporting the Equality Advisers (both in the central administration and the local administration), such as their statutes. The final execution rate of this Plan was 96.8%.

34. The IV PNI (2011-2013) was approved in January 2011. For the first time, the IV PNI includes an independent strategic area devoted to sexual orientation and gender identity issues which is to be implemented through a set of relevant

<sup>7</sup> An assessment of these measures showed that, of the 10,048 job posts created, 64% had been filled by women. It also showed that women also benefited 66% of the job posts created with the 50%+10% bonus.

<sup>8</sup> These extra bonus were enlarged to all country under the *Portaria Estímulo 2013*, adopted in 14 March 2013.

<sup>9</sup> The Parity Law (Law 3/2006, 21st August) is detailed in the 7th periodic report of Portugal on CEDAW (CEDAW/C/PRT/7).

measures. The 2012 midterm execution report of the IV PNI showed that 94% of the measures foreseen in the Plan had been executed or were being implemented.<sup>10</sup>

35. The III National Plan against Domestic Violence (PNCVD) — 2007-2010 brought about a significant increase in awareness and changing of mentalities. On the one hand, it gave visibility to the phenomenon of domestic violence and, on the other hand, it integrated new measures for effective response and support to the victims. The legislative initiatives towards reinforcing the protection and promotion of the safety of victims, approved in the duration of the PNCVD, were particularly important achievements. Important steps were also taken towards the improvement of the collection of statistical information as well as a great investment in the work of judicial and law enforcement agents. Training of all actors involved was also crucial.

36. We would also like to highlight the role of health in the PNCVD and its importance in the development of protocols and clinical activities as well as in the protection of the victims. There was a strong investment in the intervention on the aggressors and the articulation with the intervention on the victims, as well as concerted efforts to increase the support to investigation. The final execution rate of this Plan was 91.66%.<sup>11</sup>

37. The IV PNCVD 2011-2013 was adopted in December 2010. It intends to consolidate the previous strategy and actions, with a focus on reinforced proximity and an ever-increasing involvement of municipalities, social partners and civil society organizations. According to the 2012 midterm execution report, 66% of the measures of the IV PNCVD were being implemented and 22% had already been entirely implemented, in a total execution rate of 88%.<sup>12</sup>

38. The main goal of the I National Plan against Trafficking in Human Beings 2007-2010 was the creation and consolidation of the national reference mechanisms, with a special focus on support and protection. Landmark legal instruments were adopted, including the Law of Foreigners in 2007 (Law 23/2007) and important advances were achieved in the consolidation of the Signalling-Identification-Integration Model, which aims at flagging possible cases of trafficking in human beings, confirming these cases and ensuring protection and support to the victims. Portugal now disposes of an adequate protection mechanism, which meets the international standards in the fight against trafficking in human beings. The creation of the Observatory on Trafficking in Human Beings (OTSH) at the end of 2008 was another important milestone in this area, as it brought about a more accurate knowledge of the reality in Portugal. The final execution rate of this plan was 93,65%.<sup>13</sup>

39. The II National Plan against Trafficking in Human Beings 2011-2013 was approved in November 2010. It intends to consolidate public policies against the phenomenon, including through the implementation of new measures which promote knowledge, awareness raising, prevention, education, training, protection, assistance and criminal investigation and cooperation. Particular attention is given

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<sup>10</sup> [http://195.23.38.178/cig/portalcig/bo/documentos/Relatorio\\_Intercalar\\_2012.pdf](http://195.23.38.178/cig/portalcig/bo/documentos/Relatorio_Intercalar_2012.pdf).

<sup>11</sup> According to the internal evaluation of CIG.

<sup>12</sup> [http://195.23.38.178/cig/portalcig/bo/documentos/Relatorio\\_Intercalar\\_Execucao\\_2012\\_2.pdf](http://195.23.38.178/cig/portalcig/bo/documentos/Relatorio_Intercalar_Execucao_2012_2.pdf).

<sup>13</sup> Documentation about the I National Plan Against Trafficking in Human Beings, including the Final External Evaluation Report, can be consulted in the website of CIG ([www.cig.gov.pt](http://www.cig.gov.pt)).

to trafficking with a view to sexual and labour exploitation. According to the 2012 midterm execution report, 86,78% of the measures foreseen by the Plan were undergoing implementation.<sup>14</sup>

40. In August 2009, the Council of Ministers approved a National Action Plan for the Implementation of the United Nations Security Council Resolution 1325 (2000) on women, peace and security (PNA 1325), for 2009-2013. The Plan includes implementation, follow-up and evaluation mechanisms. An inter-ministerial working group was created including representatives from the Ministry of Foreign Affairs, the Presidency of the Council of Ministers, the Ministry of National Defence, the Ministry of Internal Administration and the Ministry of Justice. Until the end of 2012, 87% of the specific goals of the PNA 1325 had been implemented or were in the phase of implementation.<sup>15</sup>

41. The I and II National Action Programmes for the elimination of FGM are detailed in Chapter 9 (9.3).

## 9. Stereotypes and cultural practices (paras. 28-31 of the concluding observations)

### 9.1. Education<sup>16</sup>

42. Portugal is strongly committed to the elimination of traditional stereotypes in the education system. The Ministry of Education and Science (MEC) organized two national competitions entitled “Our School free from Violence” and “Thinking the affections, living in equality”, which dealt with the impact of gender stereotypes in relationships. Awareness-raising campaigns were also organized in schools aiming at combating violence in relationships, eliminating gender stereotypes, and deconstructing assumptions about new masculinities, involving students and teachers, the education system and youth associations.

43. CIG published 4 Guides for education on “Gender and Citizenship”, one guide for teachers of pre-school (ages 3 to 6) and 3 Guides for teachers of basic education (1st grade to 9th grade). These Guides were drafted by experts on gender and education and validated by the Ministry of Education and Science (MEC). The Guides include some key subjects such as Body, Health, Information and Communication Technologies (ICT), Leadership and Vocational Choices and propose activities to mainstream gender issues in several school projects such as health, sexual and reproductive health education, security (including internet security), and non-violent relationships. Results and reports showed that these Guides helped teachers, highlighting the usefulness of training and follow-up actions for the implementation. The implementation of the Guides project, which was a pilot experience, received a positive evaluation, and is currently being expanded.

44. In the 2010/2011 academic year, 6 professional training actions were organized by MEC, in collaboration with CIG, encompassing 84 teachers, 71 women and 13 men. In the 2011/2012 academic year, training sessions on combating stereotypes and awareness raising on the importance of gender mainstreaming in the sexual education were also organized: by MEC, covering 2,196 teachers (1,845 women and

<sup>14</sup> [http://195.23.38.178/cig/portalcig/bo/documentos/Relatorio\\_Intercalar\\_Execucao\\_2012\\_3.pdf](http://195.23.38.178/cig/portalcig/bo/documentos/Relatorio_Intercalar_Execucao_2012_3.pdf).

<sup>15</sup> PNA 1325 and the Midterm Execution Review of the PNA 1325 can be consulted in the website of CIG ([www.cig.gov.pt](http://www.cig.gov.pt)).

<sup>16</sup> Please see part III on the Implementation of the Convention, Article 10: Education.

351 men); and jointly by MEC and CIG, covering 59 teachers (55 women and 4 men).

### **9.2. Media and Advertisement**

45. In legal terms, subparagraph (d) of paragraph 2 of article 7 of the Advertising Code stipulates the prohibition of all advertising containing any discrimination with regard to race, language, territory of origin, religion or sex. The responsibility for ensuring this prohibition lies within the Directorate General for the Consumer and the regulatory authority for the media.

### **9.3. Female Genital Mutilation (FGM)**

46. The elimination of FGM is an area of Gender Equality which has experienced a significant progress in Portugal in the last years with intense initiatives and dialogue among several governance actors and NGOs. The amendment of the Portuguese Penal Code in 2007, which criminalized FGM in article 144, as well as the implementation of the I National Action Programme for the Elimination of FGM, paved the way for the execution of the II Programme of Action, under the leadership of CIG.

47. The Ministry of Health participated in the “Study to map the current situation and trends of FGM in 27 EU Member States and Croatia”, commissioned by the European Institute for Gender Equality (EIGE),<sup>17</sup> including in the in-depth phase of research. The elaboration of this report led to the publication of national fact sheets, which were reviewed by the Portuguese Ministry of Health, Ministry of Justice, CIG and APF.<sup>18</sup> Independent Portuguese researchers participated in this initiative. In the Framework of a protocol established between CIG and the *Fundação para Ciência e Tecnologia* in 2013, a study will be elaborated on the prevalence of FGM in Portugal.

48. Although there yet is no official data on the prevalence of FGM in Portugal, Portugal is home to several immigrant communities from countries where FGM is prevalent, according to international institutions (UNFPA, WHO and UNICEF). There is also evidence that FGM is practiced in national territory, under strong secrecy, and there are known cases of girls who are excised during their vacation in countries where FGM is performed, usually the countries of origin of their parents and family. In this context, the I National Action Programme for the Elimination of FGM was adopted in 2007, in the framework of the PNI (2007-2010). The results of its implementation were considered positive. As it was the first Action Programme, its main focus was on raising awareness and training professionals which deal with this issue, namely social assistants, teachers, health workers, universities, intercultural mediators and operators of call centres for the support of immigrants or victims of violence. An intersectoral working group was established to ensure the implementation of the plan, under the coordination of SEAPI, which reinforces the political impact of its activities and policies.

49. The II National Action Programme for the elimination of FGM, which covers the period 2011-2013, extended its scope to criminal police bodies. Training activities for health professionals were also intensified, as they are considered key

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<sup>17</sup> <http://www.eige.europa.eu/sites/default/files/EIGE-Report-FGM-in-the-EU-and-Croatia.pdf>.

<sup>18</sup> <http://www.eige.europa.eu/sites/default/files/MH3112945ENC-Portugal.pdf>.

actors in detecting, signalling, preventing and eradicating FGM. We highlight the launch, in 2012, on the occasion of the International Day of FGM, of an informative leaflet directly targeted at girls, women and families at risk of FGM or which have already been subjected to this practice. The leaflet, which is a fundamental resource, is also targeted at professionals in the fields of health, education, social services, justice, cooperation and education for development, central and local administration, religious and community leaders. The leaflet is simple and easy to read, and identifies the services and institutions prepared to provide medical and psychosocial support, and informs on the legal and medical consequences of FGM. A billboard on FGM and its implications for girl and women health, including the indication of support hotlines, was also produced and widely disseminated in medical services, police stations and NGOs.

50. IPAD (currently Camões — ICL — Portuguese Institute for Cooperation and Language, Ministry of Foreign Affairs) financed the translation and updating by APF of the World Health Organization Manual into Portuguese, which filled an existing void. In February 2012, the Directorate General of Health published Technical Guidelines targeted at all health professionals indicating the correct procedures with a view to identifying possible cases (and potential future cases) and the ensuing medical and criminal reaction. A similar instrument was created for the criminal police bodies.

51. Meetings with several immigrant associations recognized by ACIDI were organized in order to mobilize them for the cause of the eradication of FGM. A Prize was also created in 2012 to award a monetary compensation to associations who develop projects with migrant communities. The involvement of these organizations as interlocutors is fundamental to the combat against FGM as they allow the information to circulate among peers and on a local geographical basis, respecting their values and cultural references, in areas where there is a risk.

52. CPLP (Community of Portuguese Speaking Countries) collaborated in the implementation of some of the measures foreseen in the I National Action Programme, namely in the transportation of a leaflet produced by the Working Group specifically targeted to Guinea-Bissau in collaboration with the *Comité Nacional para o Fim de Práticas Nefastas à Saúde da Mulher e Criança* and local NGOs. With the II National Action Programme, CPLP formally integrated the intersectoral working group. Both Action Programmes I and II foresee advocacy activities in CPLP countries, which have been implemented with a particular focus on Guinea-Bissau. We would like to highlight the training of Portuguese teachers/agents of cooperation on this topic, in order to equip them to act as multipliers throughout the duration of their missions in the territory, in the framework of the respective legislative settings of both countries and continents.

## **10. Violence against women (paras. 32 and 33 of the concluding observations)**

### **10.1. Domestic Violence — Legal Framework**

Please see Chapter 8 for information on the III and IV National Plans against Domestic Violence.

53. The existing legal framework was strengthened in September 2009 with the adoption of Law Nr. 104/2009 on 14th September on compensation to victims of violent crimes and domestic violence and Law 112/2009 (also known as the

Domestic Violence Law) on 16th September, which intends to prevent and repress domestic violence and to support and promote the autonomy and empowerment of the victims. The Domestic Violence Law seeks to provide a more adequate capacity of response by unifying the laws on this matter and also to address the need to ensure adequate and timely prosecution and conviction of perpetrators. The Law also includes innovative provisions strengthening the protection of the victim and ensuring prosecution and conviction of perpetrators, as well as in the definition of domestic violence, which also includes same-sex relationships.

54. Other legal acts, such as the Legislative Administrative Rule 220-A/2010 on Teleassistance and Electronic surveillance, the Legislative Administrative Rule 229-A/2010 which approved the forms granting the status of victim of domestic violence and Decision 6810/2010, which sets the minimum qualification standards required for technicians working with victims, are also important steps in the reinforcement of the legislative framework.

55. We would also like to highlight a relevant development concerning the authorization of residence for the purpose of family reunification in the legal framework of entry, permanence, exit and removal of foreigners into and out of national territory. According to Law 29/2012, of 9 August, which amended Law 23/2007, also known as Law of Foreigners, one of the exceptions for granting an autonomous residence permit to family members of a holder of a residence permit before the expiration of the normal time limit is if the individual is “indicted by prosecutors for committing the crime of domestic violence”. Previously, this exception was based on the “conviction for the crime of domestic violence”.

## **10.2. Training on Domestic Violence/Violence against Women**

56. The Centre for Judicial Studies (CEJ) which provides the initial and ongoing training for all magistrates (judges and public prosecutors) has been promoting a proactive approach to domestic violence and raising this issue among legal operators. A specific training initiative on “violence against persons: domestic violence, violence against children, disabled and elders and in school environment” took place in February and March 2009. Other training sessions took place following the changes of the Criminal Code. In the CEJ magazine (addressed to magistrates, but also to law enforcement officials) several articles have been published on the phenomenon of domestic violence.

57. Several training sessions were organized for the Security Forces (GNR and PSP). In 2010, the Ministry of Internal Administration, in partnership with CIG, organized 14 training sessions on domestic violence. The Public Security Police (PSP), in partnership with other public and private organizations, held training sessions for its agents on sexual and domestic violence against women and endowed its police stations with special rooms for the care and support to victims of violence. Within the National Republican Guard (GNR), Investigation and Victim Support Centres and specific Investigation and Inquiry Teams were created. Training for members of these Centres and Teams was updated taking into account recent legislative changes. In 2011, in partnership with CIG, the GNR organized two training sessions on policies for the protection of domestic violence through the new Teleassistance tool (see paragraph 60 below).

58. 300 health professionals from all five Health Regional Administrations attended two training sessions on domestic violence held between 2011 and 2013.

Changes to IT systems to support clinical practice in the NHS — Medical Support System (SAM) and System Support for Nursing Practice (SAPE) — were initiated, so that, in the context of the National Programme on Child and Youth Health, those systems become part of an evaluation parameter of the familial risk of domestic violence in all surveillance appointments of children under 18 years.

#### **10.3. Adoption of comprehensive measures to address all forms of violence against women**

59. By the end of 2011, about 57% of GNR and PSP stations contained a specific room to provide victim assistance.

60. A Teleassistance tool was launched in 2009 in response to the need to guarantee the protection and safety of victims and to decrease the risk of “revictimization”. The implementation was progressively rolled-out and now covers the whole territory, including the Autonomous Regions of Azores and Madeira. CIG is the entity responsible for the installation, management and maintenance of the teleassistance technical systems, in partnership with other institutions. In 2011, CIG established a partnership with GNR for the organization of two trainings on the “Teleassistance Service for Victims of Domestic Violence”. Training sessions were also organized in partnership with GNR and the Directorate General of Internal Administration (DGAI) on the new “Risk Evaluation Instrument”, in the framework of a pilot project which covers the Lisbon and Porto Territorial Commands, both for front and secondary line police officers.

61. The GNR IAVE Project (Project of Investigation and Specific Victim Support) created in September 2004, targets women, minors, elderly and persons with disabilities. The Project includes a Training Course on Investigation and Support to Specific Victims, which aims at enabling the GNR officers assigned to IAVE Project with the necessary specialized training. IAVE Project is composed by 24 Units of Investigation and Support to Specific Victims, 18 in the District headquarters and 6 decentralized, and 271 Inquiry and Investigation Team, which cover the entire territory. Some personnel in the central administration, namely in the Department of Criminal Investigation, are also part in the Project, and are mainly responsible for strategic planning, coordination, control and liaison with other bodies.

62. Following an evaluation carried out in 2011 by DGAI in partnership with the Security Forces (GNR and PSP), it was concluded that victims were overall satisfied with the initial assistance provided by the Security Forces (8.7 in a scale from 1 to 10), albeit less satisfied with the existing infrastructure (7.5).

#### **10.4. Access to physical, psychological and financial rehabilitation for victims**

63. In 2012, the Ministry of Health, in collaboration with the Regional Health Administration of Algarve, set up specific guidelines for the screening, detection, intervention and referral of adult domestic violence victims. The goal is to create a structured and overall response of the National Health Service (NHS) to the phenomenon of domestic violence, covering the entire life cycle, with a special focus on gender violence and persons in situations of particular vulnerability. This work is oriented towards the creation and implementation of a national protocol — Primary Health Care and Hospital Health Care (Outpatient and Emergency Services) — to meet standardized adult victims of domestic violence. The Ministry of Health (Directorate-General of Health) also drafted a Technical Guide on

screening for domestic violence in pregnancy which will be available to health facilities around the country in 2013. This technical guide is targeted at doctors/nurses of the NHS who perform health monitoring in pregnancy.

64. A considerable investment has been made in the quantity and quality of the psychosocial support provided by public bodies and civil society through crisis centres, emergency help lines and shelters. Since 1998, there is a free domestic violence victim information helpline. A National Network of Domestic Violence Centres was set up in 2005 to provide an integrated response to cases of domestic violence and to enhance existing resources. National coverage was achieved in January 2009 (18 districts) and currently there are 36 shelters with a total capacity for accommodation for approximately 619 women victims of domestic violence and their children. Portugal has also been working on minimum standards for victims' support. Since 2010, 3,124 women victims of domestic violence have been supported by the Domestic Violence Centres, around 5,200 women and children were hosted in the Shelters' Network and more than 10,000 calls were received in the emergency help line.

65. In the Framework of the National Plan against Domestic Violence, the Institute for Employment and Vocational Training (IEFP) implemented a measure aiming to support victims of domestic violence in becoming financially independent. An expert was nominated in each of the 86 local IEFP offices, which act as a liaison between the institutions who support the victims and the public employment service. Until March 2013, 357 women had been assisted.

#### **10.5. Civil Society Organizations fighting domestic violence**

66. NGOs who fight violence against women play an important role in providing psychological and social assistance but also legal assistance to victims (in accordance with article 20 of the Portuguese Constitution). In 2011, a Cooperation Protocol was signed between the Criminal Police and the Portuguese NGO "Association for Victim Support (APAV)". According to this Protocol, the Criminal Police can refer victims to APAV in order for them to have psychological and other type of support. The Protocol establishes a set of guidelines for receiving and accompanying the victims, including victims of domestic violence.

#### **10.6. Domestic Violence/Violence against Women Data**

Please see Annex 2 for statistical information on Domestic Violence/Violence against Women.

67. Overall, there was an increase in the amount of domestic violence cases reported to the Security Forces between 2008 and 2010. There was a significant decrease in 2011, with 7.2% less reported cases than in 2010, in a total of 28,980, corresponding to around 3 reports per 1,000 inhabitants. Following the tendency of previous years, the incidence rate was higher in the autonomous regions (Azores: 5.04; Madeira: 3.84), which amounted to 2.64 in continental Portugal. In 42% of the cases, the occurrences were witnessed by minors. 85% of the victims were female, 51% were married or in a civil union, and the average age was 40. The accused were mostly male (88%), of which 53% were married or in a civil union, with an average age of 41. The consumption of alcohol was an underlying factor in 43% of the cases, and the consumption of illicit drugs in 11%. In 2012, 26,084 cases of domestic

violence were reported by the security forces, corresponding to a decrease in 10% compared to the previous year, with less 2,896 cases registered.

68. The Ministry of Justice publishes annual statistical data relating to spousal homicide. The total number of convicted persons for the crime of homicide in first instance courts, including spousal homicide, has remained relatively stable in Portugal during the years of 2008-2011. Throughout this period, the percentage of convicted persons for homicide where the victim was a spouse or a partner has varied between a minimum of 11.6% (2011) and a maximum of 14.1% (2008) of the total universe of convicted persons for homicide in these years, with 36 (out of 255) convicted persons in 2008, 42 (out of 313) in 2009, 36 (out 264) in 2010 and 35 (out of 303) in 2011. Analysing the number of convicted persons per sex of the offender, homicides committed by male spouses or partners continue to be highly prevalent (86.1% in 2008; 90.5% in 2009; 91.7% in 2010, 85.7% in 2011), although a slight increase in the number of convicted female offenders was noticed from 2009 on.

## **11. Trafficking in women (paras. 34 and 35 of the concluding observations)**

### **11.1. Legal Framework**

69. Please see Chapter 8 for information on the I and II National Action Plans against Trafficking in Human Beings.

70. Law Nr. 104/2009 (14th September) on compensation to victims of violent crimes, mentioned in paragraph 53 above applies equally to victims of trafficking in human beings. The first amendment to the Law on Foreigners was approved (Law Nr. 29/2012 of 9 August), which includes the following specific reference: “the employer or user of the work or services of a foreigner in an irregular situation who is aware that this individual is a victim of criminal offenses related to trafficking in persons shall be punished with imprisonment for a period from two to six years, if a more severe punishment doesn’t apply under another legal provision”.<sup>19</sup>

71. Portugal ratified the main international legal instruments on trafficking in human beings: the Council of Europe Convention on Action against Trafficking in Human Beings; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which was later integrated in the UN Convention against Organized Crime, also ratified by Portugal.

### **11.2. Data on Trafficking in Human Beings**

Please see Annex 3 for statistical data on trafficking in human beings.

72. On 24th February 2010, the Ministry of Justice signed a cooperation protocol with the Observatory on Trafficking in Human Beings (Ministry of Internal Administration) aimed at the exchange of information and the deepening of knowledge about the phenomenon of trafficking in human beings and other forms of gender-based violence. Cooperation between both entities covers statistical data exchange and exchange of analysis made on the statistical data provided. Within the framework of this cooperation, the Ministry of Justice regularly provides statistical data for national and international reports on the phenomenon of trafficking in human beings and other forms of gender-based violence. Furthermore, in 2012, a Protocol on cooperation between the OTSH and the General Prosecutor’s Office was

<sup>19</sup> Article 185, paragraph 5, of law No. 29/09 August, 2012.

signed, with a view to gather data and statistical information on traffickers/criminal proceedings.

73. The number of crimes of Trafficking in Human Beings recorded by competent authorities is the following: 2008: 43; 2009: 39; 2010: 28; 2011: 25.<sup>20</sup>

### **11.3. Training and awareness raising**

74. Training is an essential component of the II National Action Plan on Combating Trafficking in Human Beings. Several training sessions for judges, prosecutors, police forces and labour inspectors have been organized. In 2013, all labour inspectors (around 300) attended a training session on trafficking.

75. PSP has been focusing on the preventive component of the fight against trafficking in human beings. Prevention is therefore at the core of the training of PSP officers, which includes awareness-raising, distribution of manuals of best practices and organization of seminars and conferences. In 2010, the Initial Training for PSP Trainers contained a 2-hour module on trafficking in human beings. In 2010-2012, 69 training courses for the Integrated Programme of Proximity Policing were organized, which included a specific module on trafficking in human beings, with the duration of an hour.

76. The Foreign and Borders Service (SEF) launched a campaign called “Saferdic@s” to raise awareness on the dangers of the use of Internet, in particular the recruitment for trafficking in human beings. This initiative includes the publication in comic book format to better reach a younger target audience. SEF also continued the campaign “You Are Not for Sale”, which had been launched in 2007 with the Council of Europe’s support. The goal is to raise awareness on trafficking in human beings, through the organization of information activities in around 400 schools, including the presentation and distribution of a comic book with examples of types of trafficking in human beings. This campaign was also presented in Angola, Brazil, Cape Verde, Guinea-Bissau and São Tomé e Príncipe.

77. The Ministry of Justice, in collaboration with the OTSH and other entities, translated the UNODC “Anti-Human Trafficking Manual for Criminal Justice Practitioners” into Portuguese.

78. The OTSH organized several training activities in the period covered by this report. The main recipients were criminal police bodies (GNR, PSP, SEF and Polícia Judiciária), judges, labour inspectors, personnel of the Social Department of the *Santa Casa da Misericórdia de Lisboa*, local authorities, associations which provide support to victims, International Organizations and immigrant associations. OTSH also organized events, such as exhibitions, conferences and seminars, to raise awareness on this crime. We would like to highlight the training organized by OTSH for Madeira/Azores, Lisbon and Porto on the Dynamic Application — Trafficking in Human Beings Monitoring System on Trafficking in Human Beings (also mentioned in paragraph 82), as well as a training financed by the UN Office for Drugs and Crime, aimed at preparing trainers of Professionals of the Justice System, in which 14 Portuguese experts participated, from 18 to 20 April 2011.

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<sup>20</sup> Source: Annual OTSH Reports and data from the Directorate General for Justice Policy from the Ministry of Justice.

79. OTSH also invested in the training for Trainers of Professionals of the Criminal Justice Sector of the CPLP, with the organization on an event in Lisbon, in 2012, with a view to promoting best practices in the fight against trafficking in human beings in the CPLP countries, namely through the utilization of the Manual against Trafficking in Human Beings for Professionals, from UNODC.

80. The UNODC's campaign "Blue Heart" was launched in Portugal by CIG in April 2012 and relaunched in October of the same year.

#### **11.4. Shelters, Victim Support Structures**

81. The national system of protection and assistance to victims has a human rights approach and the intervention is based on cooperation among the various actors. Taking into account their particular vulnerability, women victims of trafficking can benefit from the legal witness protection regime.

82. Several new projects were funded and are being implemented in the area of Human Trafficking. A temporary shelter specifically for trafficking victims (Casa de Acolhimento e Proteção — CAP) was created in 2008, with 6 places for women victims of trafficking, which is run by the NGO APF and receives public funding.<sup>21</sup> In 2008, Specialized Multidisciplinary Teams (EME) were created, integrating personnel from APF and CIG. In the end of 2012, four new EME were created in the North, Centre, Alentejo, Lisbon, Tejo and Sado, thus broadening the scale of operation specialized in signalling possible cases of trafficking. In 2011, a Memorandum of Understanding on the Dynamic Application — Trafficking in Human Beings Monitoring System was signed between OTSH and 12 public entities. Until the end of 2012, further Memorandums of Understanding were signed with several public and private entities with a view to collecting statistical data and to put into practice the Signalling-Identification-Integration Model of victims of trafficking, namely women and children.

83. In 2011, the Flagging Card for Victims of Trafficking in Human Beings was established. This initiative consists of a set of indicators for observation, questions to ask to potential victims and information on what procedures to follow when a potential case of trafficking is identified. In 2012, the initiative was extended to include NGOs and Labour Inspectors. This project was developed from a similar card produced by the U.S. Department of Health and Human Services — "Rescue and Restore Victims of Human Trafficking" — but adapted to the Portuguese reality and professional's requirements. The second version of the card has the same objectives and includes a segment especially directed towards signalling cases of minors.

#### **12. Political participation and participation in public life (paras. 36 and 37 of the concluding observations)**

Please see Annex 4 for statistical data on political participation and participation in public life.

84. As explained in the 7th National Report on CEDAW, the 2006 Lei da Paridade (Parity Law) states that any list of three or more candidates, for Parliament, the

<sup>21</sup> In 2013, a temporary shelter for male victims of trafficking, with 6 places, was created. A new shelter for women victims of trafficking is being set up until the end of 2013, which will duplicate the available places.

European Parliament and for Local Elections must ensure a minimum participation of 33% of each sex. However, in the cases of lists of candidates for election to the councils of civil parishes with 750 or fewer voters and municipalities with 7,500 or fewer voters, the rule does not apply.

85. The Parity Law was implemented in the elections which took place in Portugal between 2008 and 2012. In general, there was a significant increase in the representation of women. For the National Parliament, in the 2009 elections, out of a total of 230 Members of Parliament, 65 women, or 28%, were elected. In the 2011 elections, that number decreased to 61, or 26.5%. In the elections for the European Parliament, which took place in 2009, 7 women were elected out of a total of 22 seats assigned for Portuguese Members of Parliament, representing 31%.

86. Despite the fact that the parity law does not apply to the autonomous regions, the last two elections for the Regional Assemblies revealed a positive trend towards greater representation of women. In Madeira, in the 2007 election, 14.9% out of a total of 47 MPs were women. In the 2011 election, that percentage rose to 19.20%. In the Azores, the 2008 election resulted in the selection of 15.80% out of a total of 57 MPs. In the 2012 election, that percentage rose to 26.31%.

87. We would also like to highlight that, in the Azores, four events were organized to raise awareness, entitled "Women are capable in politics". The events took place in Ponta Delgada, Angra do Heroísmo, Horta and Madalena do Pico, encompassing a total of 50 participants.

88. In the Regional Government of Madeira, 1 out of 9 posts is occupied by a woman, in the Regional Secretariat for Tourism and Transport. In the Regional Government of the Azores, 2 out of 10 posts are occupied by women: in the Regional Secretariat for Education and Training and the Regional Secretariat for Labour and Social Solidarity.

### **13. Economic empowerment and employment (paras. 38-41 of the concluding observations)**

Please see Annex 5 for statistical data on economic empowerment and employment.

#### **13.1. Female entrepreneurship**

89. The Programme of the Government continues to give priority to women's employability and entrepreneurship, through the promotion of measures for the elimination of gender segregation in the labour market and measures to close the gender pay gap. The Government is also encouraging and supporting the elaboration of plans for equality in public companies. Some of the support measures adopted in this field have been co-financed by the European Social Fund.

90. The National Strategic Reference Framework (NSRF)<sup>22</sup> and the Agenda for Human Potential and the Agenda for Competitiveness pay special attention to promoting self-employment and female entrepreneurship. The focus is also on associations and business networks managed by women, notably through the creation of products and services chains using new technologies to disseminate

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<sup>22</sup> The NSRF (QREN) is the framework for the implementation of the EU economic and social cohesion policy in Portugal for the period 2007-2013.

promising practices in entrepreneurship. These areas are also foreseen in the IV National Plan for Equality.

91. Since 2009, CIG is part of the national network of Corporate Social Responsibility Organizations (REDE SPOT), which aims to promote the development of social responsibility, thus contributing to the implementation of policies and good practices, in particular in the environmental, economic and social fields, in gender equality and social entrepreneurship. CIG has created a network of female entrepreneurs, called “Be an Entrepreneur”, whose aim is to publicize cases of successful women entrepreneurs and to promote female entrepreneurship through incentives and exchanges of good practices.

92. In 2010, a protocol was signed between CIG, the Ministry of Justice, the National Association of the Right to Credit and the National Association of Women Entrepreneurs in order to enhance employment of former female prisoners. This protocol foresees the possibility of bank loans.

93. A National Microcredit Programme was created by the Administrative Decision of the Ministry of Employment and Social Solidarity Nr. 58/2011, 28th January 2011. The aim of the programme is to stimulate job creation and entrepreneurship among the population with a greater difficulty in accessing labour market, including women. The Programme facilitates access to credit and to technical support for the creation and consolidation of business projects. So far, 262 women have benefited from this Programme.

### **13.2. Equality and Non-discrimination in Labour Market**

94. In Portugal there is still a significant asymmetry between men and women, both in the public and private sector, in the exercise of leadership and management positions or of high institutional responsibility. According a Survey produced by Statistics Portugal — INE in March 2012, “Female statistics — being a woman in Portugal in 2001-2011”,<sup>23</sup> in the last years the proportion of women has remained at about 1/3 in senior public administration official positions and in director and senior management positions in companies. Data relating to board members of the 20 largest publicly listed companies shows that there is a small participation of women in such roles and that improvement is slow and inexpressive. There are no women CEOs or Board chairs in these companies. In May 2013, women only accounted for 8% of non-executive directors and 7% of executive directors in the largest publicly listed companies in Portugal.

95. As provided for in Article 31 of the Labour Code, approved by Law Nr. 7/2009 of 12 February, women are entitled to receive equal pay for equal work or work of the same value as that performed by men. Nevertheless, a gender gap still persists regarding both wages and earnings although a very slight positive trend is in place in what concerns both monthly basic wage gap and monthly earning gap as the figures for 2008-2010 show (Annex 5). In 2010, the average basic monthly salary

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<sup>23</sup> Statistics Portugal is the Public entity responsible for ensuring the production and dissemination of official statistical information. The report can be consulted in: [http://www.ine.pt/xportal/xmain?xpid=INE&xpgid=ine\\_destaque&DESTAQUESdest\\_boui=135739962&DESTAQUESmodo=2&xlang=pt](http://www.ine.pt/xportal/xmain?xpid=INE&xpgid=ine_destaque&DESTAQUESdest_boui=135739962&DESTAQUESmodo=2&xlang=pt).

for women was €773.50, and for men €940.50.<sup>24</sup> This means that women's average salary was about 82% of that of men's, or conversely men received about 121% of what women did. If instead of salaries we consider earnings,<sup>25</sup> the difference is even greater: on average women's earnings were 79.1% of men's, or conversely men's earnings were 126.5% of women's. Despite the existing gender pay gap, CITE only received 15 complaints related with gender pay gap between December 2008 and October 2012.

96. In 2009, CITE received 104 complaints regarding violations of legal provisions on equality and non-discrimination between women and men. In 2010, there were 127, and in 2011 the number dropped to 19. In 2012, there were 101 complaints.

97. The number of legal opinions regarding violations of the legal provisions of equality and non-discrimination has been steadily increasing since 2009, when 150 legal opinions were produced. That figure rose to 150 in 2010 and to 231 in 2011. In 2012, CITE gave 265 legal opinions.

98. CITE mediates small individual disputes related to equality and non-discrimination between women and men at work, in employment and in professional training, the protection of parenthood and the conciliation of professional and family life, when requested by both parties. Since April 2011, CITE mediated two cases of individual dispute between workers and the respective employers. In order to reinforce its mechanisms for alternative settlement of disputes, in March 2011 CITE established a cooperation protocol on small individual disputes with GRAL, a service for alternative settlement of disputes from the Ministry of Justice. If the conflict is not solved with CITE's mediation, the case is brought into GRAL. If neither the solution proposed by CITE nor the solution presented by GRAL are accepted by the parties and a solution cannot be reached, the case can be taken to court.

99. Between April 2011 and October 2012, CITE and the Labour Inspection Authority developed a project entitled "Tools and methodologies to support labour inspection activities on gender equality at workplace". This project was designed to train labour inspectors and raise awareness on gender discrimination in the workplace. 94 labour inspectors were trained on gender equality in labour market and a practical guide entitled "Tools to support inspection activities on gender equality at workplace" was drafted.

100. The Labour Code approved by Law Nr. 7/2009 of 12 February includes a subsection on Equality and Non-discrimination, where provisions regarding the prohibition of discrimination based on sex are included as well as sanctions in case there is a breach of the law. In order to contribute to breaking the stereotypes related with the roles of men and women in labour and in professions, in 2010 CITE participated in the organization of a project that aimed at dealing with the occupation desegregation on the grounds of sex.

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<sup>24</sup> Source: MSSS. GEP. Statistics in brief. Appendix A *Personnel Charts* (Portugal) 2010 (data reference: October). It applies to all entities with workers on behalf of others, covered by the labour code, excluding services and agencies covered by a special labour contract regime.

<sup>25</sup> The gains include beyond the basic pay, grants, regular allowances and overtime.

**13.3. Annual report of the Government on the progress of the equal opportunities for women and men at work, employment and vocational training**

101. According to Law Nr. 10/2001 of 21 May, the Government must submit to Parliament, annually and by the end of each legislative session, a report on the progress of equal opportunities between women and men at work, employment and vocational training, in a session to be held in the presence of the Government.

102. The Annual Reports on the progress of equal opportunities between women and men at work, employment and vocational training covering 2006-2008, 2009, 2010, 2011 and 2012 demonstrate that inequality between women and men is still present in the Portuguese labour market. Nevertheless, there is a positive shift in some areas. The main conclusions of these reports point to a convergence between the female and masculine activity and employment rates, which are the product of an increase in the female rates and a decrease in the male rates. Also, women are still more exposed to unemployment, although male unemployment suffered a more pronounced increase from 2008 onwards. Men and women tend to focus on certain professions and activity sectors. Women work in feminized sectors and professions, and tend to occupy lower categories and have less access to direction or management positions, despite the high academic background rate among women. In management and direction positions, a significant asymmetry between men and women persists. Women represent about 1/3 of the high positions in the public administration, direction and management positions in companies. The gender pay gap between men and women is particularly in the group of highly qualified and educated workers and there is a strong asymmetry in the sharing of non-paid work between men and women. Although the majority of women work full time, they tend to ensure most of the domestic and family care work.

103. In this context, we highlight the focus of CITE on situations, flagged by NGOs and workers unions, of discrimination against pregnant women and women with young children, especially with fixed-term contracts in the private sectors. The Portuguese legislative framework protects pregnancy, maternity, paternity, but there are still obstacles in its implementation in the labour market, which reinforces the importance of increasing the monitoring of companies and employing entities.

**14. Health (paras. 42 and 43 of the concluding observations)**

**14.1. Sexual Health Education**

104. With the entry into force of law Nr. 60/2009, of 6th of August, and ministerial order Nr. 196-A/2010 of 9 April, MEC is responsible for sexual education. Schools are responsible for integrating strategies to promote sexual health, both in the development of the curriculum and in the activities. The Ministry of Health provides the necessary conditions for cooperation between health units and schools.

105. Sexual Education is compulsory in all Portuguese schools since 2009, for boys and girls. It is based on issues such as sexuality and relationships; however sexual education is always part of a holistic approach that includes other dimensions of promotion and health education, such as substance abuse, safety, mental health, nutrition and physical activity. Currently, over 60% of all school clusters (in a universe of 500) apply for additional funding to develop their own projects on sexual education. These projects addressed different dimensions of health education,

such as sexual health and relationships, responsible sexuality, adolescence and risk behaviours, adolescence pregnancy, violence in intimate relationships and FGM.

106. MEC awards best practices of school sexual education on a yearly basis and promotes school contests (50% of all schools participated in 2008-10). Additionally, the MEC promotes regional meetings and teacher trainings on these issues (4 regional meetings and 350 teachers in 2012).

#### **14.2. Data on health and health care disaggregated by sex**

Please see Annex 6 for statistical data on health.

107. The Ministry of Health has an important statistical instrument called “Health by Numbers”.<sup>26</sup> There are specific programmes on sexually transmitted diseases in the Directorate General of Health, which are also covered by the National Health Plan for Sexual and Reproductive Health,<sup>27</sup> specific programmes and materials of Health and Sexual and Reproductive Education and the National Programme for HIV (AIDS) (2011-2014).<sup>28</sup> The Parliamentary Committee on Health has a specific Parliamentary Working Group on the Infection and Control of HIV/AIDS.

108. According to data from Statistics Portugal (INE), there has been a tendency for a decrease in the births in adolescents (between 11 and 19 years old) in the last few years. In 2008, 4,451 births in adolescents were reported. That amount decreased progressively until 2012, when there were 3,301 births in adolescents.

109. Regarding voluntary interruption of adolescent (until 19 years old) pregnancy, the Directorate General of Health reports an increase from 2,222 in 2008 to 2,358 in 2011. In 2012, there were 2,092 cases of voluntary interruption of adolescent pregnancies, although this number is still not definitive.

110. HIV/AIDS in Portugal is of the concentrated type which justifies specific intervention within high-risk populations. Women are among these priority groups. Gender issues and particularly the vulnerability of women to HIV infection have been included in all the National Programmes for the Prevention and Control of HIV/AIDS. Several initiatives addressed to women have been undertaken by the National Programme for HIV/AIDS, such as: mandatory testing before and during pregnancy (February 2004); set up of a working team, within the Scientific Committee of the National Programme for HIV/AIDS, with the aim to monitor prevention of mother-to-child transmission; guarantee of breast milk substitution (Regulatory Circular December 2009); availability of female condoms at the purchasing platform of public procurement of the Ministry of Health in order to enable the integrated purchase by public services; campaign on national television on the use of female condom as an alternative to preventing HIV infection (2009) and regular distribution of female condoms through NGOs since 2008 (2008 — 48,039; 2009 — 241,896; 2010 — 146,378; 2011 — 344,761; 2012 — 53,455); production of an informative flyer on the female condom (distributed to community intervention organizations and health services); and the translation into Portuguese of the “Joint ILO/WHO guidelines on health services and HIV/AIDS”.<sup>29</sup>

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<sup>26</sup> <http://www.dgs.pt/>.

<sup>27</sup> <http://www.saudereprodutiva.dgs.pt/>.

<sup>28</sup> <http://sida.dgs.pt/>.

<sup>29</sup> [http://www.ilo.org/aids/Publications/WCMS\\_116240/lang--en/index.htm/](http://www.ilo.org/aids/Publications/WCMS_116240/lang--en/index.htm/).

111. Regular contraceptive methods, including hormonal contraceptives, intrauterine devices, implantable contraceptives, diaphragm and condoms, are distributed for free in the National Health System. Some methods can also be purchased in pharmacies and parapharmacies. Emergency contraception is also handed out free of charge in the National Health System. Since 2001, emergency contraception can also be purchased in pharmacies and parapharmacies, without the need of a medical prescription. Family Planning doctor's appointments are free for Portuguese and foreign women.

#### **14.3. Information on Sexual Health and Reproductive Health Rights**

112. The Ministry of Health widely disseminates information sexual and reproductive health rights on websites and other means of communication. The elaboration by NGOs, with the support of the Directorate General of Health, of informative resources and prevention programmes targeted at the groups with the highest vulnerability and risk, especially young people, has been very important in this area. The percentage of adolescent pregnancies has decreased in the last years, although the numbers for girls under 15 years old still remains high, which calls for a redoubled attention.

### **15. Vulnerable groups of women (paras. 44-49 of the concluding observations)**

Please see Annex 7 for statistical data on vulnerable groups of women.

#### **15.1. Poverty among women**

113. Over the last decade, poverty and the gender gap between men and women at risk of poverty have decreased. In 2008, the incidence of poverty among women was 19.1%, which fell to 18.4% in the following year, remaining stable since then. Among men, poverty rate was 17.9% in 2008 and 17.6% in 2011. Despite the overall decline, both rates are still above the EU27 rates, according to the most recent available data — in 2011, 16.1% for European men and 17.6% for European women — a difference of 1.5 pp, higher than in Portugal.

114. When analysing by age group, poverty among Portuguese women over 65 years old (21.4% in 2011) is still considerable, even with the decrease over the last years (24.5% in 2008), in particular when comparing with men with the same age (18%) or with the European rates for elderly women (18.1%) and elderly men (13.2%). In 2011, in absolute figures, Portugal had over a million of women living in monetary poverty (1,012 million) and 907 thousand men, of which 241 thousand were elderly women and 145 thousand were elderly men.

#### **15.2. Measures on anti-poverty schemes**

115. Women are the largest beneficiaries of the main anti-poverty schemes in Portugal, such as the Guaranteed Minimum Income (*Rendimento Social de Inserção*) and the Solidarity Supplement for the Elderly (CSI), as demonstrated in the data presented in Annex 7.

### **15.3. Rural Women**

116. In Portugal, although individual farmers continue to be mostly male, between 1999 and 2009 women ratio went up from 23% to 31%, representing about one third. The increase in the proportion of women was registered in all age groups.

117. The feminization rate is higher among independent farmers (employing members of the family) than among entrepreneur farmers — 31.3% against 26.2%, meaning that the presence of women is more expressive in family farms. The feminization rate of the permanent agricultural workers is 47%.

118. The last decade has been characterized by a decline of agricultural activities and by the ageing process of rural population; however, in the same period, Portugal experienced an increase in the percentage of women among farmers, particularly among entrepreneurs. Although the values are almost residual, the increasing feminization of the younger farmers may show a trend towards the assertion of young women as entrepreneurs, particularly in the area of agricultural production. Among the rural non-family workers, the number of women working part-time is decreasing (which may correspond to a more professional and improved status). There is a high representation (55%) of women both in enrolment and completion of higher education in the area of agriculture, which may be another positive indicator in the evolution of the status of Portuguese women in agriculture. The wage gap between women and men is 16.3%, similar to the average of the overall economic sectors.

119. Under the Rural Development Programme for Portugal Mainland 2007-2013 (PRODER), there are measures to ensure non-discrimination and to strengthen gender equality in all phases of the implementation of the programme. This Programme also includes measures to stimulate the creation of female employment, establishing a goal of 60% of female employment of the total number of jobs created. Applications for Design and Development of Microenterprise projects and Development of Tourism and Leisure Activities projects are evaluated according to several criteria and benefit from special consideration when the application is submitted by a woman.

120. In Portugal, there are currently two associations of women farmers that address the development of comprehensive and integrated strategies to promote equal participation of both sexes.

### **15.4. Women with Disabilities**

121. The National Institute for Rehabilitation is the Portuguese governmental body responsible for the planning, execution and coordination of national policies to promote the rights of persons with disabilities, irrespective of gender. Taking into account that women with disabilities are often subject to multiple discrimination, the National Strategy for Disability 2011-2013 (adopted by Council of Ministers Resolution Nr. 97/2010 of 14th December) includes a strategic action on “Disability and Multi-discrimination”. Several measures are being implemented under this chapter, such as dissemination of reference documents, also in an accessible format, on domestic violence and gender taking into account that persons with disabilities, and in particular women, have a higher risk of being victims of violence and abuse; drafting and publication, in accessible formats, of a leaflet on the rights of women with disabilities, with special attention given to women with mental disabilities

(project still ongoing); and the implementation of a special service for deaf victims of domestic violence, by providing an interpreter in order to make complaints through the appropriate channels.

122. The IV National Plan for Equality, within its strategic area on “Social Inclusion”, foresees two measures, consisting mainly in information tools and awareness raising, targeted at women in a situation of special vulnerability, including girls and women with disabilities, which should be completed by the end of 2013, the duration of the Plan.

123. The National Institute for Rehabilitation organizes monthly fora open to the general public. These fora address gender issues related to the situation of the disabled persons, including: (i) entrepreneurship and corporate social responsibility; (ii) sex education for young people with disabilities; and (iii) women/disability — emerging issues.

124. The Public Television RTP organizes daily debates on several topics, including social inclusion issues.

125. In 2010, the National Institute for Rehabilitation published a “Study on the Impact of Discrimination Based on Disability in Women”.<sup>30</sup>

### **15.5. Refugees, Immigrants, Asylum seekers**

Please see Annex 7 for data on Refugees, Immigrants and Asylum seekers.

126. Portugal has a relatively low number of asylum seekers. Nevertheless, in the last two years there was a significant rise in the amount of asylum requests. Between 2010 and 2011, there was an increase of 70% (from 160 to 275 requests), followed by an increase by 9% in 2012. About 30 to 40% are requests from women.

127. According to Law Nr. 27/2008 of 30th June, which regulates the conditions and procedures for granting asylum or subsidiary protection and the status of asylum seeker, refugee and subsidiary protection, pregnant women are considered “particularly vulnerable persons” (article 2, paragraph 1, (a) r)). Under article 2, Nr. 2, sexual orientation and gender identity are included as valid motives for persecution of members of a particular social group for the purpose of granting asylum status.

128. The High Commissioner for Immigration and Intercultural Dialogue (ACIDI) is responsible for several proximity programmes that aim to support immigrants’ integration in Portugal. The network of Local Immigrants Integration Support Centres (CLAII), created in 2003, provide free support on access to employment, entrepreneurship, legal affairs, family reunification, social area, etc. The CLAII includes 86 centres around the country, and is a product of a partnership between ACIDI and NGOs. ACIDI also has the National Immigrant Support Centre (CNAI), created in 2004, and an SOS Immigrant telephone hotline. In 2009, ACIDI created a pilot project to promote Immigrant Entrepreneurship (PEI). This project provides training on starting up businesses and financial support. 1,106 participants (442 women and 664 men) have benefitted from this pilot project and 64 businesses were set up, 35 of which by women (more information in Annex 7).

<sup>30</sup> <http://www.inr.pt/content/1/1153/impacto-da-discriminacao-com-base-na-deficiencia-nas-mulheres>.

### 15.6. Roma Women

129. In December 2011, the Government launched a public discussion the Portuguese Strategy for Inclusion of the ROMA Communities. The main areas of the strategy are education, health, housing and employment. Beyond the recommendations of the European Commission, the Strategy includes the fight against discrimination and a gender perspective as transversal areas.<sup>31</sup>

130. ACIDI is committed to promoting a nationwide study to collect information on Roma in order to obtain a portrait of the Roma communities in Portugal, according to Priority 2 of the Portuguese Strategy for Inclusion of the ROMA Communities. This study is due to be concluded in December 2014.

131. According to existing national and international data, Roma communities are among the most vulnerable groups to discrimination and groups who have the greatest difficulties in accessing public services. Roma women are in an especially vulnerable situation in terms of access to employment, education, participation, etc. This situation is accentuated by the nature of the social role of Roma women, which are almost exclusively responsible, since the wedding (which will tends to occur at an early stage), for home management, care of children and family and ensuring the maintenance of Roma customs and values, leading to early school drop-out and, consequently, low levels of education. The National Strategy for the Integration of Roma Communities has a transversal section dedicated to the topic “Dimension 3.5 — Gender Equality”. This section has two priorities: to frame traditional Roma values in the values and principles of the Portuguese society” and to “invest in empowering women through mediation and female associativism”. These priorities will translate into the several raising awareness and training activities, which will include the participation of mediators.

132. In 2009, the Parliamentary Committee on Ethics, Society and Culture — Subcommission for Equality of Opportunities and Family produced a report which compiles information from different areas based on hearings with other entities, specialists and representatives from the Roma community. According to this report, “frequently, from 10 years old [Roma girls] leave the school to prevent [the Roma community] contacts with the rest of society.

133. In 2009, ACIDI launched the Project of Municipal Mediators, which consists in the placement of Roma mediators in the municipal halls in order to promote the improvement of Roma communities’ access to local infrastructure and services, equality of opportunities, intercultural dialogue and social cohesion. In 2011, the second phase of the project was launched to include new municipalities and, currently, 15 municipalities participate. ACIDI is the national coordinator and municipal halls are local coordinators. Each municipality must also include a civil society organization responsible for the financial administration of the project. The municipal mediator must be a member of the local Roma community and the surrounding community. Given the innovative character of this project, the evaluation of the quality of its impact is undertaken by the CET — *Centro de Estudos Territoriais* (Centre for Territorial Studies). Currently, the project involves around 10,000 members of the Roma community in several municipalities around the country.

<sup>31</sup> Portuguese Strategy for Inclusion of the ROMA Communities was approved by Council of Ministers Resolution Nr. 25/2013.

134. Different results have emerged in surveys on the situation of Roma communities, and those which showed better results are linked, in particular, with the involvement of Roma mediators on the investment in alternative school curricula by MEC. Mediators and Roma mediators, integrated in local authorities, have managed to build bridges between these communities and the institutions, governmental and non-governmental organizations, deconstructing stereotypes and contributing to their full integration.

135. According to the study “Roma communities and health — a first national portrait”,<sup>32</sup> Roma women resort less to health services than men. This is especially the case in terms of sexual and reproductive health, where 57% of the women surveyed had gone to a gynaecologist only once and for reasons related with pregnancy and 24% of Roma women surveyed never visited a gynaecologist. On the other hand, 76.8% of Roma women surveyed had never held a mammogram and 87.1% never did the *Papanicolaou* test, which reflects the weak adhesion of Roma women to preventive practices.

136. The programme “Escolhas” (“Choices”) worked directly with Roma communities. This programme is a nationwide initiative, funded by ACIDI, which aims to promote the social inclusion of children and young people from the most vulnerable socioeconomic contexts, particularly of the descendants of immigrants and ethnic minorities/groups, with a view to ensuring equal opportunities and strengthening social cohesion. The programme’s 4th generation (2010-2012), had a participation of 5,309 Roma individuals involved in 84 projects.

### **15.7. Elderly Women**

137. Between 2010 and 2012, CIG promoted a project entitled “Gender and Ageing: Planning for the future must start today!” with the following objectives: improving the awareness of the situation of the ageing population in Portugal, with a gender perspective; addressing recommendations to all relevant policies and programmes in order to ensure mainstreaming in a gender and age perspective; creating partnerships within policy and decision-makers in all sectors and other relevant stakeholders in order to promote quality and active ageing, and preventing and supporting situations of dependency and poverty; producing training materials and guides for professionals as well as supportive documentation for policy makers; increasing awareness and building consensus among decision makers and other influential professionals; promoting and building an active ageing public policy framework. At the end of this Project, a diagnosis-study was published in hard copy and digital support. The executive summary was published in Portuguese, English, French and Spanish. Two Support Guides on Social Protection and on Security were published, aimed at public bodies working in these areas. The recommendations were also sent to all ministries and services linked to this topic, as well as to the Parliament.

138. In 2012, several gender-related measures and activities were implemented by CIG in the framework of the European Year of Active Ageing and Solidarity between Generations. We highlight the launch of a Training Guide for health and social services professionals, in the format of a CD, on “Breaking the Taboo 2 — Violence against Elderly Women in the context of Families”, in the framework of

<sup>32</sup> <http://www.gitanos.org/upload/89/59/PORTUGUES-final-baja.pdf>.

the Daphne Programme II; and the project “Mind the Gap! Improving the Intervention in the field of Relations of Intimacy against Elderly Women” (Daphne III), which aimed at raising awareness among law enforcement and social service officers.<sup>33</sup>

**16. Beijing Declaration and Platform for Action Response (para. 50 of the concluding observations)**

139. On the occasion of the 10th and 15th anniversary of the Beijing Declaration and Platform for Action, Portugal presented a national report on the implementation of the 12 critical areas. The Beijing Platform for Action was an important basis for the elaboration of the National Action Plans. Portugal, as an EU Member State, is committed to following, on a yearly basis, the execution of the Platform for Action through an annual evaluation. Since 1998, the Ministers of Employment and Social Affairs of the EU discuss annually one of the critical areas of the Beijing Platform for Action.

**17. Millennium Development Goals (para. 51 of the concluding observations)**

140. The Millennium Development Goals (MDG) are fully achieved in Portugal and we are promoting changes in other countries, particular in the context of the Portuguese Speaking Countries, as is the case in matters of Equality, Fight against Domestic Violence, Elimination of FGM and Maternal Health and Family Planning.

141. Portuguese Cooperation produced a Sectorial Strategy on Gender and approved a National Plan for the Implementation of the UN Security Council Resolution 1325 (2000) on Women, Peace and Security (2009-2013), in the scope of the MDGs, CEDAW, Optional Protocol Cairo and Beijing Plan of Action.<sup>34</sup>

142. In the framework of the national plan on equality, Camões — ICL participates in the working group which has conceived and is in charge of implementing the Action Plan for the Elimination of Female Genital Mutilation (FGM). In this field, particular attention has been given to Guinea-Bissau since it is affected by this practice. This working group has been recognised as an example of best practices as it is capable to gather State institutions and civil society.

143. Following the commitments adopted in the IV High Level Forum on Aid Effectiveness in Busan (2011) Portugal prepared, in December of 2012, an Action Plan for the Implementation of the Busan Partnership for Effective Development Cooperation, where gender equality issues were incorporated. The Plan includes a framework of activities, targets and indicators associated to a calendar for implementation until 2015. At the High Level Forum, Portugal has also endorsed the Busan Joint Action Plan for Gender Equality and Development, which captures the commitments to gender equality, women’s empowerment and women’s rights made at the Forum.

144. Portuguese Cooperation has integrated gender equality in the programming documents (Indicative Cooperation Programmes) that are negotiated with our main partner countries. Camões — ICL is currently working on a matrix of indicators by activity/project in order to better monitor and evaluate each intervention’s

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<sup>33</sup> [http://www.socialgest.pt/\\_dlds/RELATRIO%20ATIVIDADES%2015Fev2013x.pdf](http://www.socialgest.pt/_dlds/RELATRIO%20ATIVIDADES%2015Fev2013x.pdf).

<sup>34</sup> [http://c1.camoes.cdn.cloudapp.pt/images/cooperacao/folhestrat\\_igualdade\\_genero.pdf](http://c1.camoes.cdn.cloudapp.pt/images/cooperacao/folhestrat_igualdade_genero.pdf).

effectiveness, which will include indicators on gender equality. The new information system (development cooperation database), that is being conceived for the Camões — ICL, will allow to track, by activity, the number of men and women that benefit from the activity (in accordance with the Busan Action Plan on Gender which Portugal has endorsed). Gender equality will be included in the application forms for Camões — ICL financing, as one of the criteria for applicant's selection.

**18. Ratification of treaties (para. 52 of the concluding observations)**

145. Portugal ratified the Convention on the Rights of Persons with Disabilities on 23 September 2009, and has submitted its first implementation report on 7 August 2012. Over the last year, Portugal has ratified several other important international United Nations and regional Human Rights instruments: the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (15th January 2013); the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (28th January 2013); the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (23rd August 2012) and the Council of Europe Convention on preventing and combating violence against women and domestic violence (5th February 2013). We have also signed Protocol Nr. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms (24th June 2013) and are in the process of ratifying the European Convention on the Exercise of Children's Rights and the International Convention for the Protection of All Persons from Enforced Disappearance. The latter is in its final stages and we expect it to be completed before the end of 2013.

**19. Dissemination of concluding observations (para. 53 of the concluding observations)**

146. The Concluding Observations of the 6th and 7th periodic reports were translated into Portuguese and disseminated nationwide, targeting the general public, NGOs as well as the judicial, legislative and administrative authorities (for more information, please see Chapter 4. Visibility of the Convention and Optional Protocol, preparation of the report).

### **III. Implementation of the Convention**

**Article 1: Definition of Discrimination against Women**

147. There have been no changes since the last report.

**Article 2: Policy Measures to Eliminate Discrimination**

148. Law nr. 3/2011, 22 February, forbids any discrimination on the access and exercise of independent work. Law nr. 7/2011, of 15 March, states that any Portuguese person, of legal age and not prohibited by mental disorder or disability, may have her/his legal gender identity recognised if she/he is diagnosed with gender identity disorder. In 2012, a Resolution of the Council of Ministers determining the adoption of measures of promotion of equality between women and men in management and supervisory posts in public companies was approved.

### **Article 3: The Development and Advancement of Women**

149. See Chapter 8. National Action Plans, for information on the National Action Plan for the Implementation of the UN Security Council Resolution 1325 on “Women, Peace and Security” (2009-2013).

### **Article 4: Temporary Special Measures**

150. See Chapter 7 (Temporary Special Measures) and Chapter 13.1 (Female Entrepreneurship).

### **Article 5: Sex Role Stereotyping and Prejudice**

151. See Chapter 9 (Stereotypes and cultural practises).

### **Article 6: Prostitution**

152. There have been no changes since the last report.

### **Article 7: Participation in Political and Public Life**

Please see Annex 8 for statistical information on Participation in Political and Public Life.

153. In March 2009, a nationwide campaign on women and decision-making “Women make democracy better” was launched. It was aired on national television and cable TV Radio (180 times). The campaign also included Outdoors (600); billboards on trains (380), and advertisements ATMs (2,439) and distribution of free postcards in restaurants, cinemas, theatres and cultural venues.

### **Article 8: International Representation**

Please see Annex 9 for statistical information on international representation.

154. The Ministry of Foreign Affairs implements the principle of non-discrimination on the grounds of sex, both in applications to enter the diplomatic service and throughout the career. Since 2008, 8 women and 20 men have joined the Portugal Diplomatic Service. In 2012, there were 151 women in the Portuguese Diplomatic Service, representing 30% of the total number. Out of 42 full rank Ambassadors, there were three women. Out of 99 Minister Counsellors, there were 16 women. In terms of heads of mission, in the end of 2012, there were 91 men and 18 women.

155. In June 2012, 36 female officials (PSP, GNR and Armed Forces) were integrated in UN, EU/CSDP and NATO international missions: 22 women (versus 299 men) in UN peacekeeping operations; 1 woman (versus 8 men) in EU/CSDP missions; and 14 women (versus 291 men) in NATO missions.

156. SEF continues to promote gender equality in its international representation. In the end of 2012, in a universe of 6 liaison officers which were performing duties in international missions, 4 were women.

### **Article 9: Nationality**

Please see Annex 10 for statistical information on nationality.

157. Since the last Report, the Portuguese Law of Nationality (Law n. 37/81, of 3 October) was altered by Law No. 43/2013, of 3 July, in order to facilitate the attribution of Portuguese nationality to the descendants of Portuguese Sephardic Jews.

#### **Article 10: Education**

Please see Annex 11 for statistical information on education.

158. In the framework of the PNCHR, Portugal decided to develop indicators on the implementation of human rights, on the basis of the illustrative indicators developed by the Indicators Unit of the OHCHR. The first indicators to be developed were on the Human Right to Education, which were approved by the PNCHR on its 10th plenary meeting in 18th July 2013 (available in Annex 11).

#### **Article 11: Employment**

Please see Annex 12 for statistical information on employment.

159. The Labour Code approved by Law no. 7/2009 of 12 February reformulated the legal provisions regarding the protection of parenthood and reconciliation of work and family life. (see below answer to Article 13).

160. The Parliament approved a Resolution<sup>35</sup> recommending that the Government takes appropriate measures on promoting reconciliation between work and family life.

#### **Article 12: Health**

161. By Decree Nr. 14788/2008 of 6 may, a Project to incentivize medically assisted reproduction was created.

162. Parliament Resolution Nr. 46/2010 of 21 May, which enshrines the right of women to information and access to sexual and reproductive rights throughout their life cycle, recommends the establishment of urgent measures in order to implement Law Nr. 32/2006, of 26th July, on medically assisted reproduction taking into account the high costs of these treatments in the private sector and the long waiting lists in the public sector are a factor of exclusion of hundreds of patients.

163. In March 2008, vaccination against infections from the human papilloma virus was included in the National Health Service (SNS). This programme ensures that access by all young people to the vaccine against cervical cancer does not depend on the economic conditions of the respective families. This is an important measure that responds to the problems and social imbalances ensuring equal opportunities for all young people.

#### **Article 13: Economic and Social Benefits**

See Annex 13 for statistical information on Economic and Social Benefits.

164. The Labour Code approved by Law Nr. 7/2009 of 12th February introduced several changes regarding the maternity, paternity and parental leaves, enlarging the possibilities of sharing the leave between the mother and the father and also

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<sup>35</sup> Resolution of the Assembly of the Republic No. 116/2012, of July 13.

increasing the length of the parental leave for the fathers while receiving the same global income when the mother and father share the maternity/paternity leave.

165. Under the new regime of parental leaves, which came into force on 1st May, 2009 (Decree-Law n.<sup>o</sup> 91/2009 further amended and Decree-Law 89/2009), the social protection was strengthened in conjunction with the promotion of reconciliation between family and professional life. In this context we would like to emphasize particularly the possibility of extension of 30 days of parental leave in case father and mother share the parental leave. The Labour Code establishes specific regulations on the question of leaves for mothers and fathers. According to Article 40, the mother and father workers are entitled, by birth of a child, to an initial parental leave of 120 or 150 consecutive days, which can be shared by both parents after the birth. This leave can be increased by 30 days in case each of the parents had enjoyed, alone, a period of 30 days leave. According to Article 41, the mother has the right to take 30 days leave before the birth and is obliged to take 6 weeks leave after the birth. Article 43 stipulates that the father is obliged to take 10 days within the 30 days after the birth, 5 of which immediately after the birth; the father is also entitled to 10 days more since taken together with the initial parental leave by the mother.

166. There is a growing use of parental leaves by the father and a very positive evolution of the sharing of leaves between mother and father. In terms of trends, we observe an increase in the use of the allowances for the father, 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 a rising from less than 1% in the past several years, to 23%).

167. Adoption Benefit is granted in case of adoption of minors under 15 years of age for a maximum period of 120-150 consecutive days (stepchildren or equivalent are not eligible for this benefit).<sup>36</sup>

168. Extended Parental Benefit is granted to one or to both parents alternately, for the care of children living in the same household as the beneficiary, provided the corresponding leave is taken in the period immediately after the initial parental leave or immediately after the extended parental leave by the other parent. It is granted for a maximum period of 3 months. Adoption Benefit in case of extended leave is granted either to adoptive mother or adoptive father or to both alternately, provided the corresponding leave is taken in the period immediately after the initial adoption leave or immediately after the extended adoption leave by the other adoptive parent. It is granted for a maximum period of 3 months.

169. In terms of benefit for the care of children, either mother or father are entitled to take the leave to provide urgent or indispensable assistance to children, in case of illness or accident, if one of them is employed and may not take the leave. It is guaranteed for 30 days per calendar year or during the period of hospitalization in case of children under the age of 12 or without age limits in case of disabled or

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<sup>36</sup> The Adoption Benefit may be extended by 30 days and either the adoptive mother or the adoptive father can take it or it may be shared between them in case of sharing of parental leave (adoptive parent or spouse takes an exclusive leave of 30 consecutive days or of two 15 consecutive days' periods) and of multiple adoptions. The Adoption Benefit is granted to one of the adoptive parents in case of physical or mental disease or death of the other for the time the other have been entitled or at least for 14 days.

chronically ill children, or 15 days per calendar year in case of children aged 12 and older living in the same household as the beneficiary. These leave periods are increased one day for each child beyond the first one. They are entitled to the benefit for the care of children aged 18 or over, provided they live with the beneficiary in the same household.

170. Either the mother or the father is entitled to take the leave to provide urgent or indispensable assistance to disabled or chronically ill children with whom they live, if one of them is employed and may not take the leave. It is granted for a maximum period of 6 months, extended until 4 years.

171. Grandparents or their equivalent are also entitled to take a paid leave for a maximum period of 30 consecutive days following the birth of grandchildren living in the same household as the beneficiary, provided they are children of a teenager until the age of 16. Grandparents or equivalent are entitled to take a paid leave to provide urgent or indispensable assistance to a minor grandchild or a disabled or chronically ill child if the parents or other equivalent family member are employed and may not take the leave. It is guaranteed for 30 consecutive or non-consecutive days per calendar year or during the period of hospitalization in case of grandchildren under the age of 12 or without age limits in case of disabled or chronically ill children or 15 consecutive or non-consecutive days per calendar year in case of grandchildren aged 12 and older living with the beneficiary in the same household.

172. The new parental protection scheme also includes specific benefits in case of clinical risk during pregnancy, voluntary interruption of pregnancy and particular risks.

173. Benefits are calculated in percentage of the amount of beneficiary's Reference Earnings. For more information on the recipients of maternity/parental benefits by sex, please see Annex 13.

174. The social security system ensures equality between women and men in the access to all family benefits, in both the general and non-contributory schemes.

#### **Article 14: Rural Women**

Please see Chapter 15.3 on Rural Women.

175. There have been no changes since the last report.

#### **Article 15: Equality before the law**

176. On 16 March 2011, the new Law on the procedures for the change of name and sex in the civil register (PDF) came into force, establishing a simple administrative process. The requirement is an application supported by a diagnosis issued by a multidisciplinary team. After presenting these documents, the change will come into effect within 8 days. No medical interventions, in the form of sterilisation, hormone therapy or surgery, are required for the legal recognition of gender identity through this process. The new law is fully in line with the Yogyakarta Principles.

### **Article 16: Marriage and Family Life**

177. Article Nr. 1577 of the Portuguese Civil Code, recently amended by Law Nr. 9/2010 of 31st May, established that “marriage is a contract between two people who intend to form a family through full communion of life, regardless of sex”.

178. The minimum age for marriage is set at 16 years old for men and women. Until reaching the legal age, i.e. up to 18 years, no one can marry without parental consent or guardian. In certain cases, such authorization may be provided by the civil registry official.

179. The norms regulating divorce strictly respect the principle of equal treatment of the spouses. Pursuant to Article Nr. 1773 of the Civil Code, as amended by Law Nr. 61/2008 of 31st October, divorce can be decided by consent or without consent of one of the spouses. Divorce by mutual consent may be required by both spouses at the registry office or in court if, in this case, the couple has been unable to agree on one of the following issues: provision of alimony to the spouse in need, exercise of parental responsibilities in respect to minor children and the fate of the family dwelling. Divorce without consent of a spouse may be requested to the court by one spouse against the other on the grounds set out in Article 1781 of the Civil Code, namely: de facto separation for a consecutive year; alteration of the mental faculties of the other spouse, when it lasts for more than a year and, by its severity, jeopardizes the possibility of life in common; absence without information of the spouse, for not less than one year; any other facts that show a definitive rupture wedding, regardless of the fault of the spouses.

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