

## PORTUGAL

### Report on the Implementation of the Beijing Declaration and Platform for Action (1995) and the Outcome of the Twenty-Third Special Session of the General Assembly (2000)



**15th anniversary of the adoption of the Beijing Declaration and Platform for Action in 2010  
Regional review and appraisals**

## **I - Overview of the achievements and challenges in promoting gender equality and women's empowerment**

### **Challenges met**

Among the main challenges met in promoting gender equality and women's empowerment we can highlight the following aspects:

- The unequal sharing of responsibilities between women and men based on gendered representations of women's and men's roles;
- Data from 2004 – 2007 show that women represent a majority of all beneficiaries of the non-contributory social security schemes as well as persons receiving Social Reinsertion Income, which highlights their vulnerability to poverty;
- Women's Access to political decision-making continued registering a slow progress, especially at local level;
- Disparity subsists between the existing phenomena of domestic violence against women and the number of case crimes reported;
- Nationally, trafficking in human beings remains a hidden phenomenon, which dynamics and identifying elements have yet to be the object of a thorough analysis;
- A low degree of gender awareness continues to prevail within the Public Central Administration structures and among decision-makers. More than having reached the phase of mainstreaming gender equality in all policy areas, it can be said that Portugal has striven for setting up some of the main prerequisites for gender equality mainstreaming.

### **Achievements**

#### **Portugal is undergoing a period of strengthening of its Gender Equality policies.**

National objectives for gender equality are implicit in the legislative commitments assumed by the Government Plan, these objectives being reiterated and reinforced in the Main Options of the Government for 2005-2009.

As stated in the last report presented by Portugal, the promotion of gender equality is translated into political orientations in several national policy strategic documents and the gender dimension is a transversal issue in national policies.

#### **During the period under appraisal the following policies having a strong impact on women's rights and gender equality have been adopted:**

The budget for the promotion of gender equality policies has been considerably reinforced for the period ranging from 2007 to 2013. An autonomous area of the Structural Funds was specially created to finance the promotion of gender equality under the Operational Programme for the promotion of the Human Potential (POPH), which is one of the 3 programmes developed under the Portuguese *National Strategic Reference Framework (QREN) 2007-2013*. Gender Equality is also presente in the Agenda for Competitiveness, in particular in the *Operational Programme for Competitiveness (POFC)*.

In *POPH* and for the first time in Portugal there is a specific funding line (axis VII out of IX) with a total funding of 83 million euros distributed among 7 different typologies (to be applied in the course of 5 years): Entrepreneurship, Association and Business Networks ran by women; Implementation of Equality Plans in Local and Central Administration as well as Public and Private sector; Technical and financial support to NGO's and Training projects for strategic audiences; Conception, development and evaluation of databases, diagnosis and good practices guides; Campaigns to raise awareness and promote gender equality as well as to combat gender

based violence; Integrated intervention to combat domestic violence and trafficking in human (see part III). Within the POFC it is foreseen: 10% increase in the incentive to projects that promote female entrepreneurship; Financial support to the implementation of Equality Plans with effective contributions and good practices concerning reconciliation.

- The *III National Plan for Equality – Citizenship and Gender 2007-2010* (III PNI) that reinforces the combat to gender inequality in all domains of political, social, economic and cultural life in an integrated and transversal way and the *Programme of Action for the Elimination of Female Genital Mutilation*, under the III National Plan for Equality – Citizenship and Gender Equality (2007-2010), was launched in 2009;
- The *III National Plan against Domestic Violence 2007-2010* (III PNCVD) that integrates policies to prevent and combat the phenomenon, based on a transversal approach with a particular emphasis on awareness and information campaigns, training, the support and shelter of the victims aiming towards autonomy and reinsertion into social life;
- The *I National Plan against Trafficking in Human Beings 2007-2010* (I PNCTSH) that is based on a vision that integrates the human dimension of the problem, enforcing preventive measures and concrete responses regarding the support and integration of the victims of trafficking, especially victims of sexual exploitation and forced labour;
- The *National Employment Plan 2005-2008* (PNE) works towards an inclusive labour market that promotes equal opportunities for all, rehabilitation and reinsertion, reconciliation between professional, family and private life and gender equality, namely through qualification, employment and social cohesion;
- The *National Plan of Action for Inclusion 2008-2010* (PNAI), the *Programme to Enlarge the Network of Services and Social Structures* (PARES) all aim to promote a more inclusive society. These policies have a strong impact on reconciliation between professional, family and personal life;
- The initiative *New Opportunities* aims towards the qualification of young people and adults by enabling them to achieve a minimum standard level of education of at least 9 schooling years;
- A inter ministerial working group was created in 2008 for the design of a National Action Plan to implement the United Nations Resolution 1325 “Women, Peace and Security”.

**During this period we can also register several legislative improvements on matters pertaining to promotion of gender equality.**

- A Law adopted in 2006 established that the lists of candidates for local, national and European Parliament elections must ensure a minimum representation of 33% of each sex in eligible positions;
- The revision of the Penal Code from September 2007 introduced changes in what concerns domestic violence, trafficking in human beings and female genital mutilation, namely: Domestic Violence is now an autonomous a typified crime punishable by 1 to 5 years of imprisonment with a more detailed understanding of what is physical and psychological abuse; the category of victim was extended in order to include ex-spouses or person with whom the victim maintains or has maintained a spousal relationship even if living in separate households; in what concerns Trafficking in Human Beings the Penal Code establishes a definition of the concept which now includes, apart from sexual exploitation, labour exploitation and the extraction of organs adopting specific categories for this type of crime and punishing those who knowingly use the sexual services of victims of trafficking. This type

also criminalises withholding, hiding and destructing identification or travelling documents also including the punitive measures for collective entities. Finally, the Penal Code now includes a disposition that relates to the matter of female genital mutilation by considering criminal offence the abuse of the body or health of another person hindering the person's ability to sexual fulfillment;

- The new Organic Law of the national mechanism for citizenship and gender equality policies that has initiated recently its new functions with a renewed perspective: reaffirming women's rights, gender equality, and combating gender based violence; while promoting gender mainstreaming when combating multiple discrimination, thus addressing the different ways women and men experience discrimination;
- Law no. 23/2007 of July 4 regulates the conditions of entry, stay and exit of foreigners from Portuguese territory<sup>[3]</sup>, includes a period of reflection for the victims of trafficking and an authorization permit for one year;
- Abortion was legalised. Law 16/2007, of 17 April 2007, permits the voluntary interruption of pregnancy during the first 10 weeks of pregnancy, free of charge at a public hospital. Under the new law, in the first 10 weeks of an unwanted pregnancy, women will be able to seek safe abortion services without fear of criminal prosecution;
- The regulations of the Council of Ministers of the current Constitutional Government 1 stipulate that draft laws must include a gender impact assessment and use non-discriminatory language. One of the elements that accompany notes to projects in the government's lawmaking process is an assessment of the project's impact, when it might affect gender equality. They also provide for gender specifications to be neutralised or minimised in the drafting of laws by using inclusive or neutral forms;
- At the local level the Act n° 115/2006 of 14 June regularizes the local social networks introducing for the first time a gender equality dimension as a factor for local development. It also introduced the statute of "Local Gender Equality Adviser" in the *National Network of Local Councils for Social Action*;
- The Resolution of the Council of the Ministers on the Principles of Good Governance of Public Sector Companies. This resolution determines that all Companies held by the State have to adopt Equality Plans that promote an effective equality between women and men namely by fostering the reconciliation between professional, family and private life. Simultaneously, a specific funding line was created to stimulate and support the implementation of Equality Plans in Local and Central Administration as well as Public and Private sector Companies;
- The Council of Ministers' Resolution n°161/2008 defines the status, profile and attributions of the Ministerial Gender Equality Advisers and respective Teams, giving them political support in order to be able to fully accomplish their functions;
- The law that establishes an Observatory on Trafficking on Human Beings within the Ministry of Home Affairs whose main task is monitoring the phenomenon;
- In 2008, a new Labour Code<sup>2</sup> was prepared and negotiated with the social partners, containing the legal framework on gender equality in work, employment and vocational training, and on the protection of maternity and paternity. This Code includes new legislation

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<sup>[3]</sup> Immigration Law n° 23/2007, of 4 July

<sup>1</sup> Council of Ministers Resolution 64/2006, of 18 May, amending Council of Ministers Resolution 82/2005, of 15 April

<sup>2</sup> To be enforced in 2009.

on parental leaves, enlarging the possibilities of sharing the leave between the mother and the father and also increasing the length of the parental leave for the fathers.

## II – Progress in implementation of the critical areas of concern of the Beijing Platform for Action on the further initiatives and actions identified in the twenty-third special session of the General Assembly

### A - Women and poverty

#### General Data on Women and poverty

The poverty phenomenon attains women in particular. In 2007, 18% of the Portuguese population was at poverty risk and 19% of women were at poverty risk. This percentage has diminished 1% since 2005.

Women earn lower wages (the average monthly basic wage gap is 19,4% and the monthly earning gap was 22,6%, in 2006). Women are more affected by unemployment, they represented, in 2007, 57% of the beneficiaries entitled to an unemployment benefit. Life expectation is higher for women, when compared to men (81, 6 years for women and 75, 5 for men) and they live often in more precarious situations and isolation. The poverty risk for the population aged 65 and over is 26% (27% for women and 24% for men) and it has decreased 2 p.p. when compared to 2005. Another group particularly affected by poverty is the single-parent families, the majority of which are headed by women (34% in 2007, 41% in 2006 and 30% in 2005).

Data from 2004 to 2007 show that women represent about 57% of all the beneficiaries by the social security schemes under the non-contributory system, and about 46% under the contributory system, highlighting their particular vulnerability to poverty.

#### Data on women and men receiving social security in the non-contributory system

unit: persons	2004	2005	2006	2007 - S1
<b>TOTAL</b>	<b>272.787</b>	<b>297.486</b>	<b>301.418</b>	<b>294.277</b>
<b>Female</b>	<b>156.277</b>	<b>169.781</b>	<b>171.935</b>	<b>168.833</b>
<b>Male</b>	<b>116.510</b>	<b>127.705</b>	<b>129.483</b>	<b>125.444</b>

S1: 1<sup>st</sup> semester of 2007

Source: Social Security Statistics

In the last two years the majority of people receiving unemployment benefits were women. This is consistent with the fact that women spend a longer time than men in finding a new job.

#### People receiving unemployment benefits, by sex

unit: persons	2004		2005		2006	
	Total	Female % Total	Total	Female % Total	Total	Female % Total
<b>TOTAL</b>	<b>534.829</b>	<b>43,6</b>	<b>558.001</b>	<b>56,1</b>	<b>559.070</b>	<b>56,2</b>
<b>Unemployment benefit</b>	<b>371.636</b>	<b>45,9</b>	<b>398.018</b>	<b>53,9</b>	<b>399.966</b>	<b>54,1</b>
<b>First social unemployment benefit</b>	<b>85.984</b>	<b>37,9</b>	<b>72.522</b>	<b>61,4</b>	<b>67.580</b>	<b>61,2</b>
<b>Subsequent social unemployment benefit</b>	<b>76.590</b>	<b>38,5</b>	<b>86.973</b>	<b>61,4</b>	<b>91.062</b>	<b>61,8</b>
<b>Extension of social unemployment benefit</b>	<b>619</b>	<b>40,5</b>	<b>488</b>	<b>60,2</b>	<b>462</b>	<b>60,6</b>

Source: Social Security Statistic Data

#### Main achievements

The Portuguese Government has developed several efforts on social investment, on social transferences and fiscal bonuses aiming essentially the most vulnerable groups. Such efforts have also been applied in order to support the reconciliation between professional, family and personal life, namely:

- The Social Insertion Income replaced the Guaranteed Minimum Income, and reinforced it in 2006, with Decree-Law no 42/2006, of 23 February 2006. The “social insertion income” consists of a payment included in the solidarity subsystem and a social insertion programme aimed at ensuring that people and their families have the resources to satisfy their minimum needs and favouring progressive insertion into social life, work and the community. According to data from 2004 to 2007, women represent about 53.5% of all beneficiaries of this income, which still shows their heightened vulnerability to poverty;
- The Solidarity Complement for the Elderly was created through Decree-Law 323/2005, of 29 December 2005, aiming to reduce poverty among people aged 65 or more<sup>3</sup>, in a more effective and socially equitable manner. This amount is aimed at old-age beneficiaries of survival pensions or equivalent, in any social protection system, national or foreign, legally resident in Portugal. In 2006, the Solidarity Complement for the Elderly targeted only on those aged 80 or over, in 2007 it targeted people aged 70 or over and in 2008 it expanded to people 65 and over. In 2008 this subsidy covered 177 000 beneficiaries. Of these, 66,7% were women;
- A new Social Subsidy for Maternity, Paternity and Adoption was introduced complementing the already existing one and reinforcing social protection in this area. The subsidy also includes now the population previously not entitled to social protection from the State either because they were not integrated in the labour market nor had insufficient contribution track records.
- The *Family Guarantee* was now extended to 13<sup>th</sup> months to all of its beneficiaries. Previously the 13<sup>th</sup> month was only provided to families with lower income. This measure covers 780 thousand children and young people representing a public investment of 20 million Euros.
- An extra bonus of 20% of the *Family Guarantee* is granted to children and young people coming from single-parent families.
- There are two new Programmes aimed at enlarging the network of social equipments, PARES and PAIES. They provide support in order to create new places aiming at a 50% increase for children, a 10% increase for elderly people and an increase from 10% to 17.5% for disabled people.

## B- Education and Training of Women

### General data on Education

In 2008 the educational level of the Portuguese population aged 15 or over was (in percentage)

Educational level completed	Men	Women	Total	(%) of women
Until the basic schooling – 3rd cycle	76,8	73,9	75,3	51,2
Secondary and post secondary	14,3	13,6	13,9	50,8
Higher education	8,9	12,5	10,8	60,4

Source: National Statistical Office (INE), *Employment Inquiry*, Annual Results 2008

<sup>3</sup> Through a phased application: in 2006, only for individuals aged 80 or more; in 2007, for those aged 70 or more; from 2008, for all the universe of people financially in need aged 65 or more.

There is a high feminisation rate of the population with a higher education.

### Percentage of girls enrolled in the different levels of schooling in 2006/2007 (Continent) %

Educational level	% of women
Nursery schooling	48,9
Basic schooling 1st Cycle	47,9
Basic schooling 2nd Cycle	46,6
Basic schooling 3rd Cycle	48,7
Secondary Schooling	52,5
Higher Education	53,5

Source: GEPE, Ministry of Education, Education Statistics 2006/2007, GPEARI, MCTES, *Evolution of the number of students enrolled in higher education from 1995-1996 to 2007-2008*.

In secondary schooling, when the first possibility to diversify areas arises, girls and boys still choose different areas of study. Girls tend to choose more General Education Specialised Artistic Education and less the Educational and Training Courses –CEF.

### Feminisation rates in secondary schooling, by areas of study and courses (%) Continent

Areas of study	Total enrolled	Feminisation rate (%)
General Education	225 189	55,0
Specialised Artistic Education (regular)	1 838	60,1
Professional Courses	44 466	43,5
Educational and Training Courses -CEF	4 898	44,0
Adult Education	60 120	50,4
Specialised Artistic Education (Adult Education)	418	45,7
<b>TOTAL</b>	<b>336 929</b>	<b>52,5</b>

Source: *Education Statistics 2006/2007*, GEPE; Ministry of Education

### Feminisation rates in completion of higher education, by areas of study and training (2005-2006) (%)

Areas of study and training	Graduates Total (MW)	Women Graduates	Feminisation rate (%)
Education	8 939	7 582	90,1
Arts and Humanities	6 135	3 979	64,9
Social Sciences, Business and Law	20 919	13 987	66,9
Sciences, Mathematics and Computers	4 314	2 407	55,8
Engineering, Construction and Transformation Industries	10 189	3 342	32,8
Agriculture	1 228	739	60,2
Health and Social Protection	15 662	12 450	79,5
Services	4 442	2 502	56,3
<b>Total</b>	<b>71 828</b>	<b>46 988</b>	<b>65,4</b>

Source: GPEARI, MCTES *Evolution of the number graduates at university level: 1997-1998 to 2005-2006*.

Girls have diversified their range of choices in scientific areas and they are now the majority in all the areas except for Engineering, Construction and Transformation Industries. Nevertheless the percentage of girls' enrolment and completion in the area of Information and Communication

Technologies remains low (15, 4% of the enrolled and 19, 6% of those who completed this area in 2007- 2008)

In 2006/07 the feminisation rates of enrolments in basic education (compulsory education) varied from 48% in the 1<sup>st</sup> cycle to 49% in the 3<sup>rd</sup> cycle. In the secondary education (non compulsory Education) the feminisation rates of enrolments was 52, 6%. In 2006/07 the feminisation rates of school success in basic education was 49, 5% and 58% in secondary education (59% in General courses and 48% in Professional and Technological courses). If we take into account Adult Education only for the same school year, this feminisation rate varied from 71, 5% (1<sup>st</sup> cycle) to 54, 4% (3<sup>rd</sup> cycle). The feminisation rate of school certification of the adult population tends to increase (+ 2, 7% in 2007 when compared to 2005) in compulsory education. At the secondary level (- 0, 6%) and higher level (-0, 3%) it remains more less the same.

### **Main achievements**

- In what concerns education and training as well as the combat to illiteracy an initiative *New Opportunities* launched in September 2005 constituted a decisive response to the challenge of qualification of the population through an integrated set of strategic measures of education, training and certification that aim to standardize 9 years of schooling as minimum qualification for young people and adults. Until the end of 2007 352 563 adults were covered by this initiative, the majority being female corresponding to a feminisation rate of 53% of the registered adults (55% in the Basic education and 53% in Secondary Education) and 59% of certified adults;
- Another important initiative launched in 2006 by the Ministry of Education and the Presidency of the Council of Ministers was the Forum *Education for Citizenship*. This forum integrated several institutions and individuals from the academic, cultural and non-governmental areas who contributed intellectually and with a civic commitment reflecting on the theme of Citizenship over a period of 2 years. The result was presented in a document with 82 Recommendations for a National Action Plan of Education and Training for Citizenship;
- School referentials for the curricula in the area of citizenship and gender equality are now being developed;
- The National Council for Education has been mandated by the Portuguese Parliament to launch a National Debate on Education aimed at improving the quality of Education in the country. The Commission for Equality and Women's Rights (CIDM) now CIG developed, together with professors from higher education institutions, concrete efforts to mainstream gender equality into this debate and proposals for a future intervention were included in the Final Report on the National Debate on Education submitted to the Parliament;
- The edition and dissemination, by the national gender equality mechanism (CIG), of support materials included in 3 collections entirely addressed to different actors in the education system, including teachers, teachers' trainers and parents;
- The adoption of the Law 47/2006, adopted by the Parliament the 28th of August 2006 integrating the principle of non discrimination and gender dimension among the quality criteria which preside to the evaluation, certification and adoption of schoolbooks and multimedia products of the basic and secondary levels of education, as well as the principles and goals to which socio-educational support must obey as to the acquisition and lending of schoolbooks. The partnership established between the Ministry of Education and the national gender equality mechanism led in 2007 to the first common publication on gender issues;

- The creation, by the gender equality mechanism and the Ministry of Education, of a theoretical and practical manual/guideline on Gender equality and Citizenship for pre-school and for the 3rd cycle of the basic education in order to provide teachers with a pedagogic;
- Support for teaching and developing projects and other activities with students in these areas. These manuals will be launched by the Ministry of Education in all the regions;
- The Regional Directorate for Education of the Central Region promoted a Seminar on The role of School and Professional Counselling in Promoting Equal Opportunities. A Protocol Agreement was also established between this Regional Directorate and CIDM;
- Gender Equality was integrated in the group of subjects that allow teachers who are writing their Master or PHD degree thesis on these subjects to have a scholarship position, (since 2003);
- Until 2006, teachers had to attend training courses to get the number of credits needed in order to advance in their teaching careers. Teachers training courses on issues in the area of gender equality and education were recognised by the Ministry of Education as part of the courses providing those credits.

### **C- Women and health**

#### **General data on health**

Portugal's life expectancy at birth is convergent with the EU average. In 2007, the average life expectancy at birth in Portugal was 78.5 years (INE, 2008), while the EU 15 average was 78.8 years (OECD, 2006). There is a remarkable difference between estimates of life expectancy for men and women in Portugal: 81.4 years for women and 74.9 years for men.

The main estimates from Fourth National Health Survey 2005/2006 provide some conclusions. In the first place, the pill continues to be the method most used by Portuguese women and the condom is beginning to be widely used by the youngest generations. In 1980s, only 30% of the women interviewed used the pill, but in the 1990s the rate rose to 60% (52, 3% in 1993 and 62, 3% in 1997). In 2005 it increased to 66%. While in the 1980s only 8% of the population used the condom, this percentage rose to 9, 3% in 1993, 14, 6% in 1997 and 13% in 2005. The total percentage of fertile women (15-49 years old) using contraceptive methods is 86, 8%.

Access to reproductive health care in Portugal is universal and free of charge, regardless of nationality and legal status.

According to the High Commissariat for Health, the rate of adolescent mothers in total births in Portugal fell by 18, 6% between 2001 and 2005 (down from 5, 9% in 2001 to 4, 8% in 2005). The actions developed within the scope of family planning were important and contributed towards the reduction in the percentage of live births by adolescent mothers (from 10, 6% in 1979 to 5, and 0% in 2005). The number of births to adolescent fathers showed a downward tendency: 1570 in 2004 (approximately a quarter of the number of births from adolescent mothers). For 1% of all births in 2004 (1116 births), both parents were adolescents, and 313 births were registered in 2004 to mothers aged under 16 years.

#### **Main achievements**

- The new law of Voluntary Interruption of Pregnancy (VIP) nº 16/2007 from 17 April permits VIP during the first 10 weeks free of charge and performed in a public hospital. In this first year of implementation 16.784 VIP were carried out under this law. It is already possible to note the positive impact on the significant reduction of illnesses, in particular severe ones that lead to hospital committing in the second semester of 2007, due to illegal abortion;

- Portugal will launch this month of March (2009) a national campaign against HIV/AIDS by promoting the use of the female condom. Portugal is also leading with Brazil the launching of a Campaign promoting the use of the female condom in the Community of Portuguese Language Countries (CPLP);
- In 2006 a new Law was adopted on medically assisted procreation (Law No. 32/2006 of 26 July 2006). This Law regulates the following techniques of medically assisted procreation: artificial insemination; *in vitro* fertilisation; intracytoplasmic sperm injection; embryo, gamete, or zygote transfer; pre-implantation genetic diagnosis; and other equivalent or subsidiary laboratory techniques of gamete or embryo manipulation;
- Also in the area of Assisted Reproductive Technology (ART) there are significant advancements, namely the existence of 2 ART centres with the capacity to support couples infected with HIV/AIDS;
- A big investment was made in the fight against diseases that specifically affect women, in particular the Cervical Cancer. A vaccine to prevent Human Papilloma Viruses (HPV) was now introduced in the National Health Vaccination Plan for all girls in the year of their 13<sup>th</sup> birthday next to the enlargement of national measures to track cervical cancer during 2009;
- A programme for the promotion of the dental and oral health of pregnant women has been in place since 2005, in a preventive approach and having pregnant women as one of the target groups. In May 2008 this national programme was broadened to include access to free dental care treatments for the elderly and pregnant women.

## **D – Violence against women**

### **Domestic Violence**

Security forces registered the following cases of domestic violence in 2007: Republican National Guard (GNR) – 9 013; Public Security Police (PSP) – 13 050; Total- 22 063.

The variation rate registered between 2006 and 2007 was 7, 1%; between 2005 and 2006 it was of 13, 2% (Source Ministry of Internal Affairs data made available by security forces).

A National Inquiry on Gender Violence state interpreted this increase in participation of domestic violence aggressions to the police as a growth in confidence in the effectiveness of the system to protect the victims and punish the aggressors. The same Inquiry states that the figures of domestic violence have decreased approximately 10% in the last 12 years.

The Public Security Police has 142 offices for crime reporting and victim support; the Republican National Guard (GNR) has 222 offices specially designed to deal with victims of domestic violence.

The Republican National Guard (GNR) began creating in 2004 the “NMUME” (women and children nucleuses). These nucleuses are actually called “NIAVE” (Nucleuses for investigation and support to specific victims) and in number of 18.

There are 35 shelters which include near 500 places for women victims of domestic violence and their children, which cover whole national territory (in 2008 1.500 victims).

## Main achievements

Portugal adopted its **Third National Plan against Domestic Violence (2007-2010)** with a focus on violence inflicted on women in their domestic environment - Resolution n. ° 83/2007, of 22 June, of the Council of Ministers (the plan is referred in Part I of this report). The Plan has five strategic areas of intervention: 1) Informing, raising awareness and educating; 2) Protecting victims and preventing revictimisation; 3) Empowering and reinserting victims of domestic violence; 4) Qualifying professionals; 5) Learning more about the domestic violence phenomenon. It takes a comprehensive approach to domestic violence, providing for measures to protect and empower victims and rehabilitate perpetrators to prevent revictimisation and focuses on producing positive structural changes and on the quality of responses given. It provides for concerted action between public authorities and NGOs.

A considerable investment has been made in the quantity and quality of psychosocial responses – crisis centres, emergency help lines and shelters by public bodies and civil society.

- A National Network of Domestic Violence Centres was set up in 2005 to provide an integrated response to cases of domestic violence and improve on existing resources. As this support network is complementary to the shelters network priority was given to setting up crisis centres in the districts where there was no support for victims. Coverage of the whole country was achieved on January 2009 (18 districts);
- In 2006 an assessment commission was set up to evaluate the shelters quality (Regulatory Decree 1/2006, of 25 January, regulates the organization, operation and supervision of shelters). It submitted a final report on its findings in October 2006. All shelters' internal regulations must be approved in advance by the Commission for Equality and Women's Rights, so that their organization is standardized and validated;
- Decree-Law 201/2007 of 24 May exempted domestic violence victims from healthcare fees;
- A resources guide was published in 2006 listing all existing public and private resources in the area of domestic violence. It was distributed to the entities and practitioners providing direct or indirect support in the area;
- Since 2005, and every year, several campaigns were waged against violence against women. These campaigns used different media channels and mobilized social agents from the areas of health, education, social intervention, local authorities, etc. Portugal also disseminated the Council of Europe's Campaign to Combat Violence against Women, including Domestic Violence, between October 2007 and January 2008. This years' Campaign began in November 2008 and will end on October 2009 and targets teenagers and young adults and focuses the "prevention of violence on dating relationships";
- The results achieved in this area had to do with an assessment of the possibility of improving victim safety. In the period in question, the report provided for by Council of Ministers Resolution 17/2006, of 12 January, assessed the appropriateness of the use of electronic surveillance methods to control offenders' movements and measures to keep them away from their family homes. Programmes for offenders to prevent recidivism and electronic monitoring of offenders subjected to penal measures or sanctions will soon be implemented;
- As of January 2006, a standard notification was created, which will make it possible to gather more accurate, detailed statistics on domestic violence recorded by the police. This form allows the analysis of several variables characterising the victim, the perpetrator and the context of the aggression thus allowing the production of reliable internationally comparable indicators on the extension and configuration of the phenomenon;

- Under the Integrated Programme of Proximity Policing<sup>4</sup> proximity and victim support teams were created. Among the purposes of these teams are the prevention of domestic violence, support of the victims and follow-up after violence. In 2006 there were 240 agents in these teams, divided amongst all 22 sub-units (one in each metropolitan and regional command). This pilot-project will be extended to other sub-units;
- Considerable progress has been made in police and judicial practices, thanks also to the growing investment by the ministries concerned in awareness campaigns and training of police and prosecutors, speeding-up of judicial and police evidence-gathering procedures, charges and appropriate penalties for offenders.

## Trafficking of Human Beings

### Main achievements

**Portugal adopted the First National Plan against Trafficking of Human Beings (2007-2010)** assigning, thereafter, as a strategic priority the implementation of an all-round approach to combat this reality effectively. The Plan relies on four strategic areas of intervention each with its own implementation measures: 1) Recognition and dissemination of information; 2) Prevention, awareness-raising and training; 3) Protection, support and integration; 4) Criminal Investigation and Punishment of trafficking. This Plan's key structuring element is the symbiosis between the repressive approach to the combat of human trafficking and the promotion of human rights through the adoption of strategies to prevent, support, raise awareness, empower and include the victims. Among the measures already implemented within this Plan we can mention:

The approval of the establishment of a monitoring system "The Observatory of Trafficking in Human Beings" within the Ministry of Home Affairs whose main task is monitoring the phenomenon; the creation of a Shelter for Victims of Trafficking and their minor children, in cooperation with an NGO; The launching in 2008 of a National Campaign against Trafficking in Human Beings on October 18<sup>th</sup> – European Day against Trafficking in Human Beings. The objective of this campaign was to raise awareness among the general public as well as among potential victims. For this reason a leaflet was printed in 9 languages and informs about a support phone line named SOS Immigrant that has recently integrated this dimension in its work; A study on trafficking in women for the purpose of sexual exploitation was conducted in 2007 in the whole of the Portuguese territory and published in 2009; A standardised registration guide to be applied by security forces and services dealing with trafficking in human beings situations was implemented; Training for future trainers on trafficking in human beings will be held this year, in order to enable them to widespread training to others; Regarding bilateral cooperation against trafficking in human beings, training was undertaken in Luanda for officials from Ministries of Angola; A model for locating, identifying and integrating victims of trafficking for sexual exploitation has been defined in order to establish an articulated process for assisting trafficking victims from the time they are first located to when they are integrated; A Training Support Kit was created. It integrates contents and modalities of training considered appropriate and required for all agents involved with the issue of trafficking in women for purposes of sexual exploitation.

### Female Genital Mutilation

Portugal launched on February 6<sup>th</sup> 2009, International Day against Female Genital Mutilation, **Programme of Action to Eliminate Female Genital Mutilation** within the framework of the III III

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<sup>4</sup> Strategic Directive 10/2006, of 15 May, of the Public Security Police

National Plan for Equality – Citizenship and Gender Equality (2007-2010).The Programme is structured in 4 areas: *i) Sensitizing, prevention, support and integration; ii) Training; iii) Knowledge and academical research; iv) Advocacy.*The intervention fields are: Community, Health, Education, Training and academic research, Cooperation (with the ex colonies in Africa, especially Guinea Bissau). The programme has the following goals:Prevention of FGM/C;Support to women and girls who were subject to FGM/C, as well as to their families and communities; Reinforcement of the prevention measures addressing FGM/C in the national mechanisms concerning health, education, social support, equality and citizenship and cooperation; Development of awareness raising mechanisms to enhance the general understanding of the population as regards the physical, psychological and social consequences of FGM/C, in order to discourage its practice; Reinforcement of the contributions of Portugal at the international level for the discouragement and prevention of the FGM and similar practices, in the context of sexual and reproductive rights, education for development and citizenship; Encouragement and consolidation of inter-sectorial dialogue and specific actions with the involvement of governmental sectors and NGOs at national and international level; Promotion of the cooperation and initiatives of academic research, in the framework of Human Rights advocacy between national and international organisations.

## E- Women and armed conflicts

### Data on military and police forces

Taking into account the adoption of positive actions for the promotion of equality between women and men and the participation of women in the military and police forces, the situation of women in these areas is as follows:

#### EVOLUTION OF THE NUMBER OF WOMEN IN THE MILITARY

		2004	2005	2006	2007	2008
<b>Navy</b>	Number	521	610	675	752	839
	% of Total	4,8%	5,7%	6,6%	7,4%	7,9%
<b>Army</b>	Number	2.046	2.705	3.003	2.931	3.064
	% of Total	10,2%	12,4%	14,3%	14,8%	15,6%
<b>Air Forces</b>	Number	1.155	1.173	1.252	1.280	1.233
	% of Total	16,0%	16,3%	17,3%	18,0%	16,9%
<b>Total in Armed Forces</b>	Number	3.722	4.488	4.930	4.963	5.136
	% of Total	10,8%	12,8%	14,7%	15,5%	15,9%

The number of women who apply to join the Republican National Guard (GNR) has been increasing: 3027 in 2004, and 3461 in 2006. In 2005, only 299 women applied. This resulted from the requirement, in that year, of having compulsory military service before entering the service. Regarding admissions to the GNR there is also an increase in the number of women: from 94 in 2004 to 144 in 2006. Consequently, the female rate in the GNR is rising, from 1, 51% in 2003 to 3, 14% in 2006. Amongst officers the rate is 1, 87% (2006). Since the incorporation of the first women in the GNR in 1993, this security force has undertaken efforts to build or adapt physically its structures, regarding the specificities of the professional performance of both sexes.

Between 2004 and 2007 the percentage of women in the Public Security Police (PSP) was around 10% (9, 97% in 2004; 9, 93% in 2005; 9, 85% in 2006; and 9, 34% in 2007). In 2006 the percentage of women in policing functions in the PSP was 6, 8%.

In the Foreign Nationals and Borders Service, the percentage of women in 2007 was 45%. In management ranks, in 2004 there were 47% of women. This number fell in the following years: 45% in 2005, 42% in 2004 and 41% in 2007 (in June). In the investigation career, women are less represented, 19% to 20% are women (19% in 2004 and 2005 and 20% in 2006 and 2007).

### Main achievements

- The Minister of National Defence, aiming to eliminate discrimination against women and determined that in the proofs for admission in the Armed Forces the gender equality principle must be respected in what concerns the access to classes, arms and specialisations (by decision of the minister n°101/2008, from the 6th of June);
- In 2005 women entered for the first time to the Operational Battalion (specialised in public order) of the Republican National Guard (GNR) and at present four women have such functions. Since 2005 women can be integrated in GNR's Special Operations Company, although none have yet done so;
- A inter ministerial working group was created in 2008 for the design of a **National Action Plan to implement the United Nations Resolution 1325 "Women, Peace and Security"**. A previous public consultation to civil society, NGO's, research centres and other relevant stakeholders was launched and the drafting working group, including representatives from several line Ministries, is working on a draft National Action Plan taking into account the input received.

### F- Women and the economy

#### General data on employment

In Portugal the female activity rate is high and it shows a growing trend for the last decade. From 2005 to 2008 the female activity rate rose about 1% whereas the male activity rate remained almost the same.

Female and male activity rate by sex (>= 15 years), 2005-2008

	2005		2006		2007		2008	
	Women	Men	Women	Men	Women	Men	Women	Men
<b>15-64 years</b>	67.9	79.0	68.4	79.5	68.8	79.4	68.9	79.5
<b>&gt;= 15 years</b>	55.6	69.4	55.8	69.7	56.3	69.5	56.2	69.4

Source: Employment Survey, National Statistics Institute (INE)

Despite this growing trend the difference between the female and male activity rate is still significant: in 2008 for the age group >= 15 years the male activity rate was 13.2 points higher than the female and for the age group 15-64 years was 10.6 points higher.

Women's and men's employment rate have almost stabilised since 2005 although the female employment rate shows a very slight increase in 2008.

The gender gap in employment rate has been narrowing but at a very slow pace. In the age group >= 15 years the gap declined from 14 points in 2005 to 13.7 points in 2008 and in age group 15-64 years the gap declined from 11.7 points to 11.5 points.

Although the high participation of women in the labour market they are still the majority of the inactive population<sup>5</sup> – 56.94% in 2008 - and the female inactivity rate was 44.4% in 2005 and 43.8% in 2008.

Concerning unemployment, women are a particularly vulnerable group. There is a feminisation of the unemployed population with women being 54.48% of the unemployed in 2008.

Women's unemployment rate is higher than men's and the gender gap has increased since 2005. Women's unemployment rate was 2 points higher than men's in 2005 and 2.3 points in 2008.

**Unemployment rate by sex, 2005-2008**

	2005	2006	2007	2008
<b>Women</b>	8.7	9.0	9.6	8.8
<b>Men</b>	6.7	6.5	6.6	6.5

Source: Employment Survey, National Statistics Institute (INE)

Especially noteworthy is that the difference between male and female unemployment rates is particularly high among young people (15 to 24 years of age) with a gap of 6.9% in 2008.

### **Sexual segregation of the labour market**

Men and women are not evenly distributed across the Portuguese labour market among the major occupational categories and economic activities. The structural sexual segregation, horizontal and vertical, remains basically the same.

Although the percentage of women increased in better qualified occupations (from 44.6% in 2005 to 46.6% in 2008)<sup>6</sup>, vertical segregation is still prevalent with women workers concentrated in lower levels.

Looking at gender distribution by activity, women are still concentrated in so called female traditional sectors such as "health and social work"(83.5%), "education"(76.7%) and "hotels and restaurants"(59.9%) while male are predominant in sectors such as "construction"(95,7%), "fishing"(95%), "mining"(91,8%) and "electricity, gas and water supply"(80,6%)<sup>7</sup>.

### **Equal pay**

As provided for in the Portuguese laws<sup>8</sup> 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 monthly basic wage gap, conversely the monthly earning gap increased in 2006.

In 2006<sup>9</sup> women's monthly basic wage was 19.4% lower than that of men's and the monthly earning the gap was 22.8%.

The gender wage and pay gap by qualifications level is wider in the higher levels of qualification. Among managers women earned less 29.6% than men in 2006.

<sup>5</sup> Employment Survey, National Statistics Institute (INE), 2008.

<sup>6</sup> Employment Survey, National Statistics Institute (INE), 2008.

<sup>7</sup> Employment Survey, National Statistics Institute (INE), 2008.

<sup>8</sup> Portuguese Constitution; article 28.º of the Labour Code (Law nº 99/2003 of 27 August) and article 37.º of the Regulation of the Labour Code (Law nº 35/2004, of 29 July).

<sup>9</sup> MTSS/GEP – Ministry of Labour and Social Solidarity, Personnel Records.

Analysing gender pay gap by activity, it's clear that there is a large earnings gender gap in activities where female participation is higher. In 2006, women earned 42% less than men in activities like "other community, social and personal services activities" and 30.4% less than men in the health and social work sector.

Although Portuguese Constitution and Labour Code forbid any discrimination between women and men in employment some discrimination still persist in practice. The discrimination suffered by women in recruitment, employment, career advancement and payment is mainly grounded in maternity and in the fact that women are still the main responsible for the family care.

### **Main achievements**

- The National Action Plan for Employment 2005-2008 presents equal opportunities as a transversal issue. In what concerns qualifications, employment and social cohesion, the Programme promotes gender equality, equal opportunities for all and balance between family, personal and professional life. It includes quantitative targets regarding the increasing of female employment rate – from 61.7% in 2004 to 63% in 2008 – and the enlargement of childcare equipments as the provision of adequate and accessible care facilities for children is an important factor allowing women to take up jobs and carry on working;
- To tackle gender pay gap, since 2005, the Commission for Equality in Labour and Employment is participating in the project "Revalue work to promote gender equality", co-financed by the EQUAL Programme and developed in partnership with other entities. It aims to develop and test a job evaluation method free from gender bias, centred on the value of work, and may be applied to various activity sectors. In 2006, a questionnaire was applied to nearly 600 workers and employers for the realisation of a study about the situation of women in the Restaurant and Beverages sector. Two workshops took place, one named "Functions' analysis methodology centred on the work's value and gender neutral" and the other "Working conditions, equality and work's value in collective hiring". Throughout 2007, the methodology for assessing the value of work, without gender bias was developed and built a training curriculum for the implementation of the methodology. In order to test and validate the curriculum the training "Equal Pay for Women and Men" was held in 2008;
- By Constitution, the State is responsible to promote a balance between work and family life. In 2006 two Programmes were launched in order to increase the availability of care infrastructures<sup>10</sup>: The Expansion Programme of the Social Equipment Network (PARES), aiming at supporting the enlargement, development and consolidation of the equipments and social answers' network for children, elderly and people with disabilities; and the Support Programme to Investment in Social Equipments (PAIES) aiming at stimulating the investment in social equipments by supporting private initiative. (PARES) has achieved in 2 years an increase from 23, 5% to 34, and 9% in the coverage rate of kindergarten structures in the national continental territory;
- In order to tackle gender discrimination in the labour market and to promote gender equality, since 2006, the Commission for Equality in Labour and Employment is promoting the project "Social Dialogue and Equality in Enterprises" co-financed by the EQUAL Programme and developed in partnership with social partners, public authorities, state-owned enterprises, universities, associations, research centres and nine affiliate private enterprises aiming support enterprises to implement and promote good practices in the fields of equality and non-discrimination between women and men in the labour market, the protection of maternity

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<sup>10</sup> National Action Plan for Employment (2005-2008). Follow-up Report, 2006, Ministry of Labour and Social Solidarity.

and paternity and the reconciliation between professional, private and family life, and enhance gender equality in the context of corporate social responsibility;

- The Commission for Equality in Labour and Employment also attributes prestige awards to companies that distinguish themselves in the promotion of gender equality in the workplace (“Equality is Quality” Award). Since the 2005-2006 edition, 14 entities were distinguished (six awards and eight honourable mentions);
- Portugal recognised the need to create incentives aimed at extending the period of maternity/paternity leave and at encouraging and enabling men to take responsibility for their social and family role by involving more fathers in taking-up paternity and parental leave. The New Labour Code put into force in 2009 has put into place several innovative measures encouraging fathers to take parental and paternity leaves and to share leave entitlements with women such as: The increase from 5 to 10 working days of mandatory paternity leave around the day of birth of the child, half of it to be used immediately after the birth;- 100% remunerated leave of 10 working days to be used by the father simultaneously with the maternity leave after the 10 initial days of mandatory paternity leave;- The fathers right to 3 days of leave of absence in order to attend pre-natal medical consultations;- The creation of a parental leave that entitles the right to 4 months fully remunerated or 5 months remunerated at 80% when the parents do not share the parental leave or share it for less than a month; This parental leave entitles the right to 5 months fully remunerated or 6 months remunerated at 83% if the father takes at least 30 days; It remunerates through a social instalment 3 additional months for each of the parents corresponding to an extended parental leave, with a financial support of 25% of the gross remuneration if used immediately after the initial parental leave;
- In what concerns the contributions to social security the remuneration of part-time labour in order to support minor children should be registered in double (within the limits of part-time rights as accorded in the Labour Code);
- Granting working grandparents the right to leaves of absence to assist minor grandchildren in replacement of working mother or father when the parents are unable to provide such assistance. Employers involved must be informed at all times;
- Granting the right to a leave of absence if a worker has to provide assistance to the parents even when they do not leave in the same household.

## **Entrepreneurship**

### **Data on Entrepreneurship**

The data regarding the entrepreneur profile<sup>11</sup> in 1995, 2000 and 2005<sup>12</sup> show that there is a growing trend in what concerns the women entrepreneurship and the educational level of female entrepreneurs. In 2005 women accounted for 30.5% of the entrepreneurs while in 2000 they accounted for 28.2% and in 1995 for 27.5%.

In 2005, women accounted for 40.4% of the entrepreneurs with a degree level education and 20.17% of all women entrepreneurs were educated to degree level while in 2000 this figure was 11.37% and in 1995 only 2.12%. The level of academic qualification increases as the age of the entrepreneurs decreases.

### **Main achievements**

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<sup>11</sup> These data refer only to entrepreneurs who are employers.

<sup>12</sup> MTSS/GEP – Ministry of Labour and Social Solidarity, Personnel Records.

The Portuguese Government has been focused on the promotion of female entrepreneurship in particular when associated with factors of innovation. In this regard 2 calls for proposals with a specific funding line to promote female entrepreneurship already took place under the Operational Programme for Competitiveness. As a result 9 million euros were distributed among projects that foster female entrepreneurship. Currently another application phase dedicated exclusively to these projects is underway. In POPH, the support of Entrepreneurship, Association and Business Networks ran by women approved Entrepreneurship, Association and Business Networks ran by women approved in the first call (April 2008) 54 projects, involving about 740 women, implying a commitment of 10.000.000 Euros.

A research on Portuguese Women and entrepreneurship, together with a research on the entrepreneurship of migrant women in Portugal will be initiated in 2009 with the purpose of producing a diagnosis and recommendations that will enable the drafting of policies that will foster women's entrepreneurship.

### G - Women in power and decision-making

#### Data on Elections between 2004 and 2007

Elected	Total	Women	% W
Portuguese Elected Members of the European Parliament (2004)	24	6	25,0
Elected Members of the Portuguese Parliament (2005)	230	49	21,3
Elected Members of Regional Legislative Assemblies of the Autonomous Region of Madeira (2004)	68	7	10
Elected Members of Regional Legislative Assemblies of the Autonomous Region of Madeira (2007)	47	8	17,0
Elected Members of Regional Legislative Assemblies of the Autonomous Region of Azores (2004)	52	6	12
Town Halls (elected mayors) (2005)	308	19	6,2
Elected representatives for Municipal Assemblies (2005)	1873	169	22
Elected representatives for Parish Assemblies (2005)	13892	2906	21
Elected representatives for Civil Parishes (2005)	5652	807	14

Both in Portuguese and European Parliaments, women represent 21,3% and 25% of the members of parliament, respectively. These numbers show an increase in the female representation; in the previous elections for these two parliaments the percentage was 20%. At the local level, with the exception of civil parishes, women represent now 21% to 22% of the members. In civil parishes women are less represented, with only 14%.

Fewer women are present in the regional legislative assemblies of Azores and Madeira. In Azores they are 12% of the members and in Madeira they were, in 2005, 10% of the members. For exceptional political reasons, Madeira had another election in 2007 and women are now 17% of the members. Despite the increase in the number of women in the regional parliament of Madeira between 2004 and 2007, it is still far from a balanced situation. The Organic Law 3/2006<sup>13</sup>, of 21 August does not apply in Azores and Madeira.

#### Participation of women in a number of councils and others bodies

	Total	Woman	% W
Supreme Justice Court (2008)	60	1	1,7
Constitutional Court (2008)	13	3	23,1
State Council (2009)	16	0	0

### Main achievements

<sup>13</sup> It establishes quotas for the participation of women and men in the lists of candidates for election (minimum participation of 33% of each sex).

- In 2006 a Law establishing a minimum representation of women and men in the lists of candidates for election<sup>14</sup> was approved. It states that any list of three or more candidates, for Parliament, the European Parliament and for Local Authorities must ensure a minimum participation of 33% of each sex. Additionally, for the Portuguese and European Parliament, the candidates' lists should not have more than two persons of the same sex successively. Candidates lists that do not comply with the rules and quotas outlined in the Parity Law<sup>15</sup> may be modified to respect the rules. If the lists are not reviewed and corrected the penalty is always the reduction of public financing of electoral campaigns. In 2011, the Parliament will evaluate the impact of this Law in the promotion of balanced representation of women and men, and revise the Law as necessary. The Law will be fully applied for the first time to the local, national and European elections taking place in 2009. A national wide campaign on women and decision-making will be launched this month;
- In order to ensure women's participation in public administration, a Council of Ministers Resolution has enshrined the active promotion by the public sector, as employer, of a policy of equal opportunities between women and men, when it comes to the direct or indirect replacement of employees leaving the administration. This is aimed at the prevention of any form of discrimination when admitting new staff<sup>16</sup>.

### I - Human Rights of Women

The Constitution of the Portuguese Republic enshrines the principle of equality regardless of the sex of the persons and the promotion of equality between men and women as a fundamental task of the State.

Under Portuguese Law<sup>17</sup>, direct discrimination is deemed to exist whenever, by reason of ascendancy, age, sex, sexual orientation, civil status, family situation, genetic heritage, reduced capacity for work, disability, chronic disease, nationality, ethnic origin, religion, political or ideological convictions or trade union membership, a person is subject to less favourable treatment than that given to another person who was or is in a comparable situation.

Indirect discrimination<sup>18</sup> is deemed to exist whenever a provision, criterion or practice, which is apparently neutral, may place people in a disadvantageous position in relation to others, on the grounds of ascendancy, age, sex, sexual orientation, civil status, family situation, genetic heritage, reduced capacity for work, disability, chronic disease, nationality, ethnic origin, religion, political or ideological convictions or trade union membership, unless the provision, criterion or practice in question is objectively justified for a legitimate purpose and the means to attain that purpose are necessary and appropriate.

Other factors of both direct and indirect discrimination are homeland, language, race, education, economic situation, origin or social status<sup>19</sup>. Orders or instructions based on any of these factors, which cause harm to anyone, are considered discriminatory<sup>20</sup>.

The harassment of an employee or a job applicant (defined as undesired conduct related *inter alia* with gender, occurring during the recruitment process, at work or during vocational training,

<sup>14</sup> Organic law 3/2006, of 21 August, amended by declaration 71/2006, of 4 October 2006.

<sup>15</sup> Organic Law no. 3/2006, of the 25<sup>th</sup> of August 2006.

<sup>16</sup> Council of Ministers Resolution 38/2006, of 18 April

<sup>17</sup> Article 23, n.º 1, of the Labour Code, and Article 32, paragraph a) of n.º 2, of the Act 35/2004, of 29 July.

<sup>18</sup> According to n.º 1 of Article 23 of the Labour Code and paragraph b) of n.º 2 of Article 32 of the Act 35/2004, of 29th of July.

<sup>19</sup> Article 32, n.º 1, of the Act 35/2004, of 29 July.

<sup>20</sup> Article 32, n.º 3, of the Act 35/2004, of 29 July.

with the purpose or effect of undermining a person's dignity or creating an intimidating, hostile, degrading, humiliating or destabilising environment) amounts to discrimination<sup>21</sup>. Any form of undesired verbal, non-verbal or physical conduct of a sexual nature, with the above-mentioned purpose or effect is considered to be harassment<sup>22</sup>.

The State is responsible for promoting equal opportunities at work, the reconciliation of professional activity with family life, equality in the exercise of civic and political rights and non-discrimination on the basis of sex in access to political positions.

In the last trimester of 2007 Portugal submitted its VII National Report under the Convention for the Elimination of All Forms of Discrimination against Women and discussed it in 2008.

In 2003 the Commission for Equality and Women's Rights/Commission for Citizenship and Gender Equality re-published in Portuguese the Convention on the Elimination of All forms of Discrimination against Women and its Optional Protocol in its Collection "Global Agenda". In this second edition 10.000 copies were made and, until December 2007, 8326 copies were disseminated. The Commission for Equality and Women's Rights/Commission for Citizenship and Gender Equality has a periodic magazine named "Notícias", with an edition of 4000 copies. This magazine has a section on international news and instruments. In October 2007, number 79 of "Notícias" included the full, Portuguese version of the Convention and its Optional Protocol.

The Collection "Agenda Global" includes the following works: World Conference on Development and Environment (Rio de Janeiro, 1992); World Conference on Human Rights (Vienna, 1993); International Conference on Population and Development (Cairo, 1994) – 2nd edition, 2000.; Beijing Platform for Action (Beijing, 1995) – 1997; Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol – 2000; Beijing Platform for Action, 1995, & Future Initiatives, Gender Equality, Development and Peace for the XXI Century – 2001.

A recent and important revision to the Divorce Law that encompasses the following amendments: Elimination of the concept of guilt as grounds for divorce without the other spouse's consent as well as the elimination of the designation "litigious divorce"; however the elimination of the concept of guilt does not mean being unprotected under situations of injustice and inequality. Repairing damages and compensation credits are consequences of a divorce when there is a clear inequality of contribution from the spouses to family life obligations and costs; Introduction of human rights violation as grounds for divorce, namely in domestic violence situations.

CIG also coordinates the NGO Fund from the Social Intervention Component of the Financial Mechanism of the European Economic Space through the project "Human Rights-Equal Rights", which permits to finance NGOs for developing projects aimed at promoting and defending Human Rights, Citizenship and Gender Equality.

## **J - Women and the media**

**The "Parity: Women and Men in the Media" Award** is awarded yearly since 2005 by the Commission for Equality and Women's Rights (now CIG). It envisages the creation of an appropriate environment for equality by promoting a balanced and non-stereotyped image of women and men in the media and to give visibility to women and to the political, social economic

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<sup>21</sup> Article 24, n. ° 1 and 2, of the Labour Code.

<sup>22</sup> N. ° 3 of Article 24 of the Labour Code.

and cultural issues raised by them. It applies to journalistic, creative or other products publicised by the media, whether on paper, video, digital and audio support, and which promote equality between women and men among its public, promote balanced and diversified images of women and men, stimulate a stronger participation of women in production and decision-making and, especially, which raise awareness on the human rights of women.

### **K - Women and the environment**

The first *“Study for a diagnosis and the creation of gender indicators in the area of Environment and territory”* and the *“Guide for gender mainstreaming in Environment and territory – Accessibility and transportation”* were undertaken in 2008 and launched in 2009. They will allow for the first time to raise awareness of public and private entities to the gender impact of this issue and to need of a gender sensitive intervention in this area.

### **L - The girl-child**

#### **See also part II D**

Portugal approved the First National Plan against Trafficking of Human Beings (2007-2010). In the strategic area *“To Protect, Support and Integrate”* there is a specific measure regarding children: *“In articulation with other national strategies, to develop special measures in order to promote and protect the rights of trafficked children and adolescents, by particularly focusing on their safety, health and integral development.”*

Nevertheless, all the other measures are also implemented towards children.

Regarding legal measures promulgated to prohibit all forms of harmful traditional practises, i.e. female genital mutilation, Portugal has an article in the Penal Code that punishes all kinds of mutilation affecting sexual fruition, thus including female genital mutilation.

Portugal launched on February 6<sup>th</sup> 2009, International Day against Female Genital Mutilation, **Programme of Action to Eliminate Female Genital Mutilation** within the framework of the III III National Plan for Equality – Citizenship and Gender Equality (2007-2010).

### III - Institutional development

#### Governmental Mechanisms for Gender Equality

**There are two national mechanisms dedicated to the promotion of equality between women and men:** the *Commission for Citizenship and Gender Equality* (CIG) and the *Commission for Equality in Work and Employment* (CITE). The two mechanisms were restructured in 2006 in the framework of the broader National Reform of the Public Portuguese Administration, therefore acquiring new functions.

#### Commission for Citizenship and Gender Equality

In order to improve the promotion and implementation of gender equality the Commission for Citizenship and Gender Equality replaced the Commission for Equality and Women's Rights (CIDM) and the Mission against Domestic Violence. Like the previous mechanism, CIG is integrated in the Presidency of the Council of Ministers (PCM) and it answers to the Secretary of State of the PCM. It has initiated its new functions in May 2007. Its head office is in Lisbon and there is a branch in Oporto.

The functions of the new body clearly show this perspective by reinforcing:

- The combat to Domestic Violence as its permanent mission;
- The commitment to promote citizenship;
- A stronger intervention in society by promoting good practices;
- The competence to certify public and private entities as well as civil society organisations that are an added value to the promotion of Gender Equality and therefore are enabled to access several types of support and financial incentives;
- The competence to receive complaints regarding gender based violence or other gender related discrimination providing CIG a dimension of "Ombudsperson" to ensure the protection of human rights related to Gender Equality;
- The reinforcement of support to NGO's whose main statutory purpose is to promote citizenship, human rights, and women's rights and gender equality.

The **internal organisation of CIG** follows a structural model with nuclear and flexible organic units and multidisciplinary teams. The nuclear units are i) the Centre for Studies, Planning, Documentation and Training (CEPDF); and ii) the Northern Delegation. The flexible organic units are the Training Division, the Documentation and Information Division and the Juridical and Administrative Division.

The Commission for Citizenship and Gender Equality has one President, assisted by a Vice-President. CIG retained in its new organic law an **Advisory Board** that is composed of:

- A **section of Non-governmental Organisations** (40 NGO's: 25 of which are women's associations and NGOs working in the field of gender equality and 15 working in the areas of citizenship and human rights);
- An **Inter-ministerial section** comprising representatives of each line Ministry and Services that work as gender focal points in their respective areas with the aim of mainstreaming gender equality into all policies. They have the formal Statute of Advisers for Equality. The recently approved "Equality Adviser Statute" assigns a clear mandate and functions to those within each Ministry who have the responsibility to promote the gender equality;
- This statute encompasses the creation of **intra ministerial working teams** to ensure the integration of a gender equality dimension in all sectors of Central Public Administration;

- A **Technical and Scientific Advisory Group** chaired by the member of the Government in charge of the CIG. Besides the president and the Vice-president of the CIG it is composed by 10 personalities with well known scientific skills in the fields of citizenship, human rights, women's rights and gender equality.

Following the new organic law the CIG has been proceeding to the needed changes. In order to be able to respond to the new competences **the personnel** has been renewed and increased. CIG now has 63 permanent full-time employees (49 in 2005) and 25 non-permanent employees, also full-time (7 in 2005).

Representatives of the CIG and of the government member in charge of gender equality have been sitting on different councils so that the gender factor is included in all fields. The CIG can therefore participate in the National Vocational Training Council<sup>23</sup> and there is a representative of the government member in charge of gender equality on the National Occupational Health and Safety Council<sup>24</sup>, the Family Policy Council and the Family Advisory Council<sup>25</sup>.

Civil society, through a representative of the NGO Section of the CIG Advisory Board, is also represented on the National Social Security Council<sup>26</sup>.

Regarding the financial resources the Portuguese Government has been making an overall effort to increase the national gender equality mechanism's **budget** from 2005 on.

### **Financial and Technical Support to Gender Equality**

In addition to the budget of this gender equality mechanism, an NGO technical and financial support system was set up for 2003 – 2006 under the Employment, Training and Social Development Programme, to “promote equal opportunities for men and women by increasing positive action and mainstreaming in all fields of activity by developing integrated strategies to promote the balanced participation of men and women in work, family life and decision-making and to create the right conditions for a change in the paradigm of social roles existing in our culture”<sup>27</sup>. The Commission for Equality and Women's Rights (now CIG) was in charge of its management.

The NGO technical and financial support system sponsored a number of measures aimed at consolidating the role of NGOs in the pursuit of their goals in accordance with the Second National Plan for Equality, the Second National Plan against Domestic Violence and the Annual CIDM Plan of Activities, through 95 projects in Work, Employment and Vocational Training (58 projects); Domestic Violence or Violence in the Workplace (55 projects); Reconciling Family and Working Life (68 projects); Decision-Making (49 projects); Human Rights and Migration (29 projects) and Culture, Health and Sports (35 projects). There were around 400,000 direct and indirect beneficiaries of these three strategies.

**In 2007 the budget for promoting gender equality policies has been considerably reinforced.** An autonomous area of the Structural Funds was specially created to finance the promotion of gender equality under the Operational Programme for the promotion of the Human Potential (POPH) (See part I). For the first time in Portugal there is a specific funding line with a total funding of 83 million Euros distributed among 7 different typologies (to be applied in the course of 5 years). **4 of these typologies are directly managed by CIG as the intermediate specialised body of the Public Administration.**

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<sup>23</sup> Decree-Law 39/2006 of 20 February

<sup>24</sup> Decree-Law 121/2006 of 22 June

<sup>25</sup> Decree-Law 155/2006 of 7 August

<sup>26</sup> Decree-Law 52/2007 of 8 March

<sup>27</sup> Joint dispatch 186/2002, of 12 March

A first open call took place already and 226 applications were approved in the following areas: Entrepreneurship, Association and Business Networks ran by women; Implementation of Gender Equality Plans in Local and Central Administration as well as Public and Private sector Companies; Technical and financial support to NGO's and Training projects for strategic audiences.

### **Commission for Equality in Labour and Employment**

The other national mechanism for gender equality, the Commission for Equality in Labour and Employment (CITE) was maintained despite the extensive restructuring of the Public Administration. It kept its former structure; its tasks were adapted to the new labour regime; and it is currently working under the direction of the Ministry for Labour and Social Solidarity, in articulation with the member of Government in charge of gender equality<sup>28</sup>.

CITE is a tri-partite body composed by governmental representatives, social partners representing the employees and social partners representing the employers. Its main tasks are:

- To promote equality and non-discrimination between women and man in work, employment and professional training;
- The protection of maternity and paternity as well as reconciliation between professional, family and personal life, especially by issuing Opinions or Recommendations regarding complaints on grounds of gender based discrimination.

The Commission evaluates the complaints of discrimination and draws up reports on these matters, which are sent to interested parties. It is compulsory to the employers to ask the legal opinion of this Commission before the dismissal of pregnant, puerperal or breast-feeding women.

The legal opinion is given in 30 days. If the opinion is negative, only a court of law may authorize the dismissal.

Employers are also required to seek the opinion of this Commission if they do not agree with the requests of reduced timetables or flexible time arrangements for women and men with small children. The opinion must be given within 30 days and if the opinion is negative only a court of law may authorise the employer to deny the employee's request.

The Commission for Equality in Labour and Employment website<sup>29</sup> has been working since 8 March 2002. From 2005 to 2008 it has had 2,708,431 users.

The formative and informative activities developed by the Commission for Equality in Labour and Employment have as their target the general public and some strategic groups in order to achieve mainstreaming. Among these groups are social negotiators, entrepreneurs, trade-unionists, jurists working for associations of employers or trade unions, human resource managers, civil servants, magistrates, lawyers, trainers and local elected officers.

The budget of the Commission has grown 6.95 % from 2005 to 2008.

### **During this period 3 new National Plans were adopted, referred in more detail in Part II D) of this report:**

**- Third National Plan for Equality - Citizenship and Gender (2007-2010)<sup>30</sup>.** In order to integrate a gender equality perspective in a systematic way in the political agenda, and to ensure that all actors involved in its implementation recognise this dimension in the policies and measures adopted or implemented, the Plan follows a double and integrated approach:

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<sup>28</sup> Decree-Law n° 79/2005, of 15 April (modified by Decree-Law 201/2006, of 27 October).

<sup>29</sup> [www.cite.gov.pt](http://www.cite.gov.pt)

<sup>30</sup> Council of Ministers Resolution 82/2007 of 22 June

mainstreaming of gender equality and the adoption of specific actions, including positive actions, with a view to achieving gender equality. The Plan is structured around five strategic areas of intervention: 1) Integrating a Gender Perspective in all policy fields as a requirement of good governance; 2) Integrating a Gender Perspective in priority policy fields (namely health, education, employment, balance between work and family life, social protection); 3) Citizenship and gender; 4) Gender violence and 5) Integrating a Gender Perspective in the European Union, on an international level and in development cooperation. A grid is shown for all planned measures with their timelines, implementation and success indicators and the bodies involved.

**- III National Plan against Domestic Violence (2007-2010) 31**

**- I National Plan against Trafficking of Human Beings (2007-2010) 32**

### **Gender mainstreaming**

Efforts are developed by CIG to mainstream gender in all policies implemented at the Central and Local levels of Public Administration, namely by promoting the adoption of Plans for Gender Equality and by appointing Ministerial Equality Advisers and teams. Mainstreaming gender equality is a political commitment, a strategy for achieving gender equality and is considered a requisite for good governance. The III PNI is also the operational basis for its implementation in Central and Local Public Administration, by creating structures for mainstreaming gender equality in each Ministry.

The Commission for Equality and Women's Rights raises awareness and gives training on a regular basis to **target groups with multiplying effects** in the field of gender equality (central and local civil servants, namely, City Hall personnel, healthcare and social care workers, teachers, security forces, media workers, etc).

It also trains the ministerial Equality Advisers as well as the members of the interdepartmental ministerial teams working in this field, so as to develop new basic theoretical and technical skills which will allow them to integrate a gender equality perspective in policies and actions to be implemented by their Ministry in order to reach a *de facto* gender equality, and also to draw and implement an Action Plan for Gender Equality in their specific policy area. A guide was developed in order to support the elaboration of diagnosis at local level and guidelines were launched for the drafting of Action Plan for Gender Equality at local level.

The National Institute for Public Administrations started in 2009 promoting training in gender equality addressed to decision-makers in Public Administration.

The CIG produces, publishes and disseminates various collections addressed to different actors, covering a wide range of issues related to gender equality (namely information, research, seminars' proceedings, and support to actors on the field).

With the specific goal of making available instruments and materials to support stakeholders' work in the field of gender equality mainstreaming, CIG has promoted the drafting of several guides: Gender Impact Assessment, a general guide on gender mainstreaming, and 8 guides aimed at supporting interventions in the following policy areas: Health, Professional and Family Life, Education and Training, Culture, Media, Poverty and Social Inclusion, Power and Decision-making and Cooperation. Each one of these guides for gender mainstreaming in one specific policy area has a common structure.

**At the same time Portugal has been developing new instruments that allow for a closer monitoring and effective evaluation of the policies that promote gender equality, namely:**

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31 Resolution n.º 83/2007, of 22 June, of the Council of Ministers.

32 Resolution n.º 81/2007, of 22 June, of the Council of Ministers.

**Database: Gender Profile** –The National Statistical Office has, since 2004, a database on its website, updated regularly. The data is so far distributed by sex on 100 indicators in the following areas: population, families, activity, employment and unemployment, reconciliation between family and work, education and training, decision-making, health, crime and violence. The creation of this database is the result of the cooperation between the National Statistical Office, the Commission for Equality and Women's Rights and the Commission for Equality in Labour and Employment. This database has free of charge access and aims at responding to the needs of civil servants, researchers, decision-makers, journalists and students, among others, who need complete and updated standardised statistical information, in various relevant fields for a gender analysis.

Gender Equality in Portugal” is published every two years by the national mechanism for gender equality since 1980. It contains, namely, statistical data disaggregated by sex and legislation for each policy area. 5000 copies of this publication were issued in 2007.

Apart from the dialogues and work conducted in the framework of the Consultative Council, the Commission for Citizenship and Gender Equality on one hand is often invited to take part or be a partner in the activities of the civil society, and on the other hand involves the civil society and the NGO's in several of its activities, including by inviting them to take part in working groups for the design and implementation of policies, action plans and activities, by consultations on different topics and policies, by the establishment of partnerships and by involving them in and inviting them to seminars, conferences and other events.

The Commission for Citizenship and Gender Equality has mechanisms in place to support technically and financially the work of Non-Governmental Organisations working in the fields of women's rights, citizenship and human rights.

#### IV - Remaining challenges and actions to address them

The main challenges for the coming years in what concerns the fight against discrimination and the promotion of gender equality are identified in the III National Plan for Equality – Citizenship and Gender (2007-2010), namely: to promote female entrepreneurship; to promote equal opportunities and equal treatment for women and men in labour market; to promote the reconciliation between professional, private and family life; to promote maternity and paternity; to promote gender mainstreaming in the public Administration (Local and Central), to promote citizenship; to prevent gender based violence; and to integrate the gender perspective in the international action of Portugal, namely in its activity in the European Union, in several international organisations, in development cooperation.

To address these challenges some Programmes and actions are being implemented, such as:

- **Female entrepreneurship**

Public support schemes aimed at female entrepreneurs have been created (see Part I - The *National Strategic Reference Framework* (QREN 2007-2013). Furthermore, a research on Portuguese Women and entrepreneurship, together with a research on the entrepreneurship of migrant women in Portugal will be initiated in 2009 with the purpose of producing a diagnosis and recommendations that will enable the drafting of policies that will foster women's entrepreneurship;

- **to promote the reconciliation between professional, private and family life**

Public support to the adoption of a resolution<sup>33</sup>, approving the principles of good governance in State-owned enterprises and requiring them to adopt equality plans designed to achieve real equality of treatment and opportunities for men and women, eliminate gender-based discrimination and allow a balance between private, family and professional life; **(See part I)**

- **to promote equal opportunities and equal treatment for women and men in labour market; to promote the reconciliation between professional, private and family life**

A national network of corporate social responsibility was created - Network RSO PT - whose mission is to promote the development and incorporation of concepts and tools of corporate social responsibility into organisations, and to enhance gender equality in the context of corporate social responsibility.

- **gender based violence and violence against women**

In this area there is a need to strive to further combat the devastating impact of this reality in our society. That is why at present a new law regarding the prevention, protection and assistance to victims of domestic violence is underway (presently under discussion in Parliament) with the purpose to enhance the judiciary measures needed to provide the best possible intervention. This law will unify for the first time the normative *acquis* concerning this issue. Also for the first time the "victim status" will be established.

Among the main challenges /obstacles we will find in this area are the mobilisation and training of the various professionals who will have increased intervention responsibilities (namely health and municipality professionals), as well as the awareness raising of magistrates in order to enable them to make a speedy and efficient use of all the mechanisms that will be available to them.

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<sup>33</sup> Council of Ministers Resolution 49/2007, of 28 March.

Another project at the implementation stage is an integrated intervention with the Regional Health Administration Services that foresees the development of multidisciplinary responses in order to reach the different needs resulting from domestic violence.

A pilot-experience regarding the electronic surveillance of the aggressors is underway to ensure the effective compliance of the judiciary punitive measures such as restraining orders apply to perpetrators for the crime of domestic violence.

- **Trafficking in human beings**

In order to act and fight against trafficking in human beings, Portugal created the 27<sup>th</sup> of November 2008 a monitoring system (observatory) concerning the problem of trafficking in human beings located in the Ministry of Internal Affairs. One of the goals of this Observatory is to collect quantitative and qualitative data from the various institutions working in the field of trafficking in human beings. The National Observatory on Trafficking is expected to have the first data available during 2009.

- **Female Genital Mutilation**

Implementation of the *Programme of Action for the Elimination of Female Genital Mutilation*.

- **Education**

The Basic Law of the Educational System remains unregulated as to Coeducation.

The orientations established by the Ministry of Education still do not include the gender dimension in the skills profile required for teaching; the gender dimension is also not included in the regular teachers and other schools professionals' training; in school management and functioning of schools and the school and in professional counselling services. Editors and authors of pedagogical materials, including schoolbooks, still show an overall lack of awareness about the presence of gender stereotypes in these materials.

The III National Action Plan for Equality (III PNI) foresees the integration of this dimension into the initial teachers' training, as well as the enforcement of the Law 47/2006, on the evaluation, certification and adoption of schoolbooks and multimedia products. In order to do it the obstacles created by the Regulation of the Law (2007 e 2008), which excludes the transversal dimensions to the curricula from the organisational criteria established in order to implement the process of schoolbooks evaluation.

The publication and distribution of the Guide "Gender and Citizenship" by the Ministry of Education in order to support pre-school and 3rd cycle teachers, may bring changes to schools, providing it will be supported by a policy of ongoing teachers' training.

- **National Observatory on Gender Issues**

The setting up of National Observatory on Gender Issues by the national mechanism for Gender Equality is currently in process in order to improve the efficiency of the system of governance in the implementation of gender Equality policies. This Gender Observatory incorporates the dimension of domestic violence and is expected to start functioning by the end of 2009.

- **Gender mainstreaming**

A Portal for Equality that comprises information concerning all the activities developed by the different sectors of Public Administration regarding Gender Equality was launched in March 2009.

- **Discrimination**

Enforce article 13<sup>th</sup> of the Portuguese Constitution (Principle of equality), namely through the adoption of a law allowing marriage between persons of the same sex and through the elimination of all the barriers still existing to its full enforcement.