



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

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**Committee on the Elimination of Discrimination  
against Women**

**Forty-ninth session**

11 – 29 July 2011

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

**Portugal**

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

## **Follow-up to CEDAW Recommendations in the framework of the sixth and seventh periodic reports submitted by Portugal**

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

### **National Plans**

Mainstreaming Gender Equality at all levels of the Public Administration is a political commitment, a strategy for achieving Gender Equality and is considered a requisite for good governance by the Portuguese Government.

This policy was oriented, from 2007 to 2010, by the three National Plans in the area of Gender Equality - The III National Plan for Equality - Citizenship and Gender Equality; the III National Plan against Domestic Violence and the I National Plan against Trafficking in Human Beings. These plans were adopted in 2007, as already mentioned in the previous periodic reports submitted by Portugal, and its implementation will be concluded this year.

Also, a Programme of Action to Eliminate Female Genital Mutilation was adopted in 2009 within the framework of the III National Plan for Equality and a National Action Plan to implement the United Nations Resolution 1325 “Women, Peace and Security” was also approved in the same year.

Three new Plans in the area of Gender Equality will be adopted until the end of 2010:

- The II National Plan against Trafficking in Human Beings 2011-2013 (II PNCTSH)
- The IV National Plan against Domestic Violence 2011-2013 (IV PNCVD)
- The IV National Plan for Equality – Gender, Citizenship and non Discrimination 2011-2013 (IV PNI).

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

### **Gender Equality Advisers in the Central Public Administration**

The III National Plan for Equality - Citizenship and Gender Equality (III PNI) recommends that all Ministries must mainstream gender in their decision-making processes and foresees the designation, in each Ministry, of a Ministerial Gender Equality Adviser and an Interdepartmental Team.

In order to ensure the conditions for the proper functioning of the structures created in each Ministry, the Commission for Citizenship and Gender Equality (CIG) created seven working groups representing all the areas of intervention of the III PNI:

- 1- Social inclusion
- 2- Education, sports, culture and media
- 3- Local government, environment and territory
- 4- Health
- 5- Security and justice

6- Economic independence, entrepreneurship and work-family life reconciliation

7- Cooperation and international relations.

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

These working groups have integrated, in addition to representatives of the relevant Ministries, representatives of other institutions and NGOs.

A Council of Ministers' Resolution was adopted on 2008 (Resolution No. 161/2008 of 22 October) defining the status, profile and competences of the Ministerial Gender Equality Advisers and respective teams. Gender Equality Advisers and members of interdepartmental teams have received appropriate training promoted by the Commission for Citizenship and Gender Equality, so as to develop the basic theoretical and technical skills to allow them to integrate a gender equality perspective in policies and actions to be implemented by their 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.

The Gender Equality Advisers have been elaborating Action Plans in order to promote Gender Equality in their Ministries. In September 2010, 7 Ministries had already finalised its Action Plans and other 3 were finalising them. The process on the other 5 is on-going.

#### **Gender Equality Advisors in the Local Administration:**

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

The Council of Ministers' Resolution n.º 39/2010 was adopted on 25<sup>th</sup> May 2010 defining the status of the Local Gender Equality Advisers, giving them political support in order to be able to fully accomplish their functions. This Resolution aims at promoting the implementation of policies for gender mainstreaming in all policy areas at local level.

In order to have the maximum of Local Gender Equality Advisers and Municipal Plans for Equality, CIG has sent a letter with this new Resolution to all Municipalities raising the local authorities' awareness to the importance of establishing a Local Gender Equality Adviser in their Municipality.

So far, the CIG has developed Protocols with 46 municipalities (out of 308 municipalities) aimed at promoting Gender Equality at the local level through the adoption of Municipal Plans for Equality and the appointment of Local Equality Advisers and teams. Until September 2010, 50 Local Gender Equality Advisers had been appointed.

The objectives of these Protocols are the promotion of:

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

Among others, the municipalities that have signed the Protocol with CIG are committed to adopt a Municipal Plan for Equality and to appoint a Local Gender Equality Adviser who will provide advice for the definition of measures with a view to mainstream gender equality in the decisions and actions implemented by the Municipality and ensure the implementation, coordination, monitoring and evaluation of policies and integrated actions in this area, within the framework of the Council of Ministers Resolution N° 39/2010.

The Municipal Plans for Equality have already led to the promotion of initiatives such as the creation of centres for victims of domestic violence, of networks of local partnerships for the promotion of gender equality and to the awareness-raising of the local population as regards combating all forms of discrimination.

Another relevant initiative in this regard is the promotion of Municipal Assemblies meetings, throughout the country, entitled "*Equality in Diversity – Towards a Just and Inclusive Society*". This initiative started in May 2010 and was carried out by CIG until November 2010, integrated in the project "Addressing discrimination locally to achieve equality globally", co-financed by the European Programme Progress 2007-2013. CIG was expected to participate in 20 Municipal Assemblies until the end of 2010.

The Municipal Assemblies are the governing body of the municipality and are composed of members elected directly, the Presidents of the parishes, and the members of the Executive Body of the municipality.

The participation of CIG in these Municipal Assemblies has a very positive effect in raising local decision-makers and other relevant entities awareness to the importance of mainstreaming a gender equality dimension and integrating equality issues in all local policies, programmes and measures. On the other hand, these activities also aim at drawing their attention to the Law n° 3/2006, which establishes a minimum representation of 33,3% of each sex in electoral lists for European, national and local elections, which is important due to the deficit of political representation of women, at local level.

One of the most positive impacts of the participation in these Assemblies consists in spreading the message of the benefits and the value of the principles of equal treatment and opportunities while seeking to actively involve the population, in particular women, and in expanding this movement of awareness-raising and debate at the local level.

In 2009, the Commission for Citizenship and Gender Equality published a Study entitled "*The role of Municipalities in promoting Gender Equality in Local Life*". This publication presents a script for the elaboration of a diagnosis on gender equality, at the local level; guidelines for preparing and developing Municipal Plans for Equality and for the establishment of Community Centres for providing information and support to people in the area of gender equality.

### **Gender Mainstreaming**

The CIG 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, journalists etc).

A Protocol Agreement was signed in May 2009 between CIG and the National Institute for Public Administration (INA) in order to ensure the training on gender mainstreaming by INA addressed to the political decision-makers, directors and civil servants working in the Portuguese Public Administration.

As already mentioned in the sixth and seventh periodic reports of Portugal, the Council of Ministers' Resolution N° 82/2005, of 15 April, established the integration of a gender perspective in the preparation of all legal Acts.

The Council of Ministers' Resolution N° 64/2006 of 16 May established the integration of a Gender Equality dimension in the language used in the normative acts and in the written and visual language used in the Public Administration. In this context, training on how to mainstream gender equality when drafting legislation has been given addressed to legal advisors working in ministerial cabinets.

Additionally, a Guide for the adoption of a language that promotes equality between women and men in the Public Administration was elaborated in 2009 by CIG. This document is addressed to the Central and Local Public Administration. It provides practical orientations for a non-sexist communication and on how to promote the integration of a gender inclusive language in documents and form used by the public services both internally and in their contacts with the public.

Other relevant initiatives in this regard include the existence of a Database Gender Profile, the establishment of a Gender Observatory and the Website on Gender Equality.

The National Institute for Statistics has, since 2004, a **Database "Gender Profile"** on its website which is regularly updated. The data is distributed by sex on 100 indicators in the following areas: population, family, activity, employment and unemployment, reconciliation between family and work, education and training, decision-making, health, crime and violence. This database has a 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.

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

A **Website on Gender Equality** was also launched in March 2009 aimed at supporting and promoting the implementation of gender mainstreaming at all levels of the Public Administration. The website contains several information on gender equality and equal opportunities in all spheres of life (political, social, economic and cultural). The site is a source of information for various publics, namely, local and central Public Administration servants, companies, NGOs and general public.

With the specific goal of making available instruments and materials to support stakeholders' who are implementing gender mainstreaming, CIG has promoted the drafting and published 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.

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

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

Although Portuguese Constitution and Labour Code prohibit any discrimination between women and men in employment, some discrimination still persists in practice.

The discrimination suffered by women in recruitment, employment, career advancement and payment is mainly due to maternity and to the fact that the main responsibility for the family care still falls on women.

The Government has been working to change this pattern.

The Labour Code adopted by Law n.º 7/2009 of 12 February 2009, 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 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.

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

As the figures below show, there is a growing use of parental leaves 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 by 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 an increase from less than 1% in the past several years, to 12%).

#### **Evolution of the use of parental leaves (2005-2009)**

<i>Years</i>	<i>2005</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>
Children born	109.399	102.492	104.594	99.491
Men who received allowance for compulsory leaves (5 days until April 30 and 10 days since May 1, 2009)	42.982	45.687	45.973	53.278
(% on the total of children born)	39,3	44,6	44,0	53,6
(% on the total of women's leaves)	56,5	60,7	61,2	62,6
Men who received allowance for leave exclusively for fathers (15 days until April 30, 2009 and + 10 days since May 1, 2009)	32.945	37.552	38.442	44.447
(% on the total of children born)	30,1	36,6	36,8	44,7
(% on the total of women's leaves)	43,3	49,9	51,2	52,2
Men who shared the leave of 120/150 days (30	413	551	612	12024

<i>Years</i>	<i>2005</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>
days or more)				
(% on the total of children born)	0,4	0,5	0,6	12,0
(% on the total of women's leaves)	0,5	0,7	0,8	14,1
Women who received allowance for leave of 120/150 days	76.125	75.297	75.128	85.085
(% on the total of children born)	69,6	73,5	71,8	85,6

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

This programme is an answer to the lack of provision of affordable care infrastructure and is based on a strategy of partnership and encouragement of private investment. It gives financial support to build new infrastructures and equipments and to upgrade the existing ones.

The programme is contributing decisively to the strengthening of family support, particularly to young families, giving them better possibilities to balance their parental responsibilities with professional life.

In 2009, the programme provided childcare to 34,9% of children under 3 years of age (the national coverage of this facilities increased about 10% since 2006 – more 18,414 posts for children and 411 new nurseries).

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

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

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

In 2008 and 2009, 28 workshops were held, attended by about 800 people, to promote gender equality in the labor market and dissemination of tools and methodologies for

implementation, strengthening and promotion of good practices in the field of gender equality.

The recipients of these workshops were mainly employees from companies, but also trade unions leaders and workers' representatives, public administration servants, central and local government officials.

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

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

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

More specifically this project intends to:

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

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

As provided in Article 31 of the Labour Code, approved by Law n. ° 7/2009 of 12 February 2009, women are entitled to receive equal pay for equal work or work of equal value as that performed by men. The Code established this aspect by including specific regulations on the question of gender equality and non-discrimination on the grounds of sex.

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

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

	<i>RW/RM</i>
2005	80,7
2006	80,6
2007	81,2
2008	81,5

*Source: MTSS/GEP*

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

	<i>RW/RM</i>
2005	77,4
2006	77,2
2007	77,6
2008	78,3

*Source: MTSS/GEP*

Despite the existing gender pay gap, CITE – Commission for Equality in Labour and Employment, the governmental body which receives complaints and issues legal opinions concerning equality and non-discrimination between women and men in labour and employment, received only 3 complaints related with gender pay gap between 2006 and 2009.

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

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

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

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

In order to test and validate the curriculum, the training "Equal Pay for Women and Men" was held in 2008. This experimental training had the following objectives:

- Capacity building in the application of the principle of "equal pay for equal work or work of equal value" (Convention N° 100 ILO) using a job evaluation method free from gender bias;

- Use equal pay as a criterion for the improvement of human resources in companies and organisations and to promote gender equality in labour market.

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

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

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

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

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

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

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

2004		2005		2006		2007		2008		2009	
M	W	M	W	M	W	M	W	M	W	M	W
18,7	21,1	18,7	20,4	19,5	21,7	21,8	23,0	21,7	24,1	20,9	23,2

*Source: National Statistic Institute, Labour Force Survey*

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

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

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

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

In 2009, CITE worked with three State-owned enterprises in order to elaborate the diagnosis of the situation of gender equality in these companies.

The reports of these evaluation procedures incorporate not only the characteristics of the companies in terms of its situation in the various dimensions of analysis and indicators of gender equality as well as recommendations of actions to implement new practices in these areas, to consolidate the existing practices or to overcome the weakness identified by the diagnosis.

**The Committee further recommends that the Government promptly submits its Annual Report on the Progress of Equality between Men and Women in Work, Employment and Vocational Training to the Parliament.**

Law No. 10/2001 of May 21<sup>st</sup>, determines that the Government must submit to Parliament, by the end of each legislative session, a report on the progress of equal opportunities between women and men at work, employment and vocational training for consideration by the Assembly at a session to be held in the presence of the Government. The annual report must contain national indicators, including the information and data necessary for assessing the progress made in equal opportunities between women and men at work, employment and vocational training, namely the following, in accordance with paragraph 2) of Article 1 of Law No. 10/2001:

- a) The human and material resources provided to ensure the enforcement of the law on equal opportunities between women and men at work, employment and vocational training;
- b) The number of enforcement actions and inspection measures undertaken and the criteria followed in selecting those actions;
- c) The number of complaints received regarding the violation of the legislation on equal opportunities between women and men at work, employment and vocational training, discriminated by geographic location, economic activities and type of violation.

The Annual Report on the Progress of Equal Opportunities between Women and Men at Work, Employment and Vocational Training for 2006-2008 was assessed at the plenary session of the Assembly of the Republic, 18 June 2009.

The Annual Report on the Progress of Equal Opportunities between Women and Men at Work, Employment and Vocational Training for 2009 is waiting to be submitted and assessed by the Parliament.

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