

Fourth and fifth periodic reports Portugal

(Part of A/57/38)

303. The Committee considered the fourth and fifth periodic reports of Portugal (CEDAW/C/PRT/4 and CEDAW/C/PRT/5) at its 534th and 535th meetings, on 18 January 2002 (see CEDAW/C/SR.534 and 535).

(a) *Introduction by the State party*

304. In introducing the fourth and fifth periodic reports, the representative of Portugal emphasized her country's commitment to the attainment of equality between women and men as an integral part of its respect for democracy. De jure equality was a reality in Portugal, but work had to be done to achieve de facto equality. Measures to achieve equality had been placed under the direct supervision of the Prime Minister in 1995 and, in 1996, the post of High Commissioner for Equality and Family had been created. In 1999, the post of Minister for Equality had been established and its functions absorbed by the Minister of the Presidency. In July 2001, the post of Secretary of State only for Gender Equality had been created and placed in the portfolio of the Deputy Minister to the Prime Minister.

305. As a measure of Portugal's commitment to strengthening the implementation of the Convention and other international instruments, ratification of the Optional Protocol had been approved by Parliament, and the amendment to article 20, paragraph 1, of the Convention had been accepted.

306. The representative stressed that the issue of de facto equality was a concern for the Government, and it was imperative to strengthen women's and men's balanced participation in society, particularly in the areas of labour, decision-making, family and social protection, and education and to eliminate prevailing gender stereotypes. Obstacles linked to traditional stereotyping had hampered efforts to achieve full equality between women and men and the implementation of the Convention. Two draft laws to achieve equality in political participation at all levels, and to provide compulsory paid parental leave had been introduced in 2001, but because of the political changes in Portugal, they would not be adopted during the current parliamentary period.

307. Many legislative and policy changes, as well as plans and programmes to achieve equality between women and men, had been introduced. In May 2001, legislation providing the Commission for Equality in Work and Employment (CITE) and the General Labour Inspection with additional powers, in particular with regard to investigation of sex-based discrimination in the workplace, employment and in vocational training programmes had been enacted. A second law requiring that the Government provide Parliament with an annual report on the status of equality in employment, the workplace and vocational training programmes had also been enacted. The collection of gender-sensitive information and data had improved and publications, awareness-raising campaigns and seminars and training on gender equality had contributed to better understanding by the public of gender equality issues.

308. The representative noted that her country had almost completed the elaboration of the Second National Plan for Equality between women and men following the objectives established in the Law on General Principles for 2002. The Law and Plan envisaged restructuring the Commission for Equality and Women's Rights (CEWR) and the CITE. The Deputy Minister to the Prime Minister had indicated that the next budgets would be gender-based.

309. The representative emphasized the positive impact in Portugal of the outcome of the Fourth World Conference on Women, in particular with regard

to the policies of the Governments elected in 1995 and 1999. She highlighted the constitutional amendments adopted in 1997, which included the promotion of equality between women and men as a basic State responsibility, noting that that provided the necessary legal basis for affirmative actions. Other amendments related to the inclusion in the chapter of rights, liberties and guarantees, legal protection against all forms of discrimination; recognition of the right to reconcile professional and family life for all workers; and consideration that direct and active participation in political life by men and women was a condition of the democratic system and that the law should ensure the promotion of equality in the exercise of civil and political rights and access to public office free of sex-based discrimination.

310. The representative described a series of plans and programmes based on the principles of the Beijing Platform for Action, which included: the 1997 Global Plan for Equal Opportunities, which created the Observatory for Equality in Collective Bargaining, which was a very important tool in the reduction of salary discrimination; and the 1999 National Plan against Domestic Violence. In 1999, the law on maternity and paternity protection had been amended to provide, inter alia, fathers with five days of paid leave during the first month of a child's life and 15 days of paid leave to be taken after maternity or paternity leave. The amended Law also provided for two hours of breastfeeding breaks daily and an entitlement for either the mother or the father to take two hours a day from work to feed a child during its first year. Legislation had extended paid maternity leave to 120 days and increased the penalties for employers who discriminated on the basis of sex or violated the maternity/paternity protective measures.

311. The representative noted that Portugal had benefited from its membership in the European Union and had introduced a series of initiatives while it had held the European Union presidency, namely promoting all aspects of equal opportunities, facilitating the reconciliation of work and family life and aiming, in particular, at increasing the number of women in employment to 60 per cent by 2010, and various conferences on measures to eliminate domestic violence and reconcile professional and family life. Special attention had also been given to the coordination of the European Union's contribution to the Beijing+5 process and the review of the International Labour Organization Convention concerning Maternity Protection.

312. The representative noted that non-governmental organizations had greatly contributed to the advancement of women, both as individual associations and collectively as members of the Consultative Council within the Commission for Equality and Women's Rights. Between 1991 and 2001, the number of non-governmental organizations had increased from 24 to 49, and government subsidies for non-governmental organizations had increased fivefold.

313. Pursuant to the Beijing Platform for Action, Portugal had addressed violence against women through the adoption of various measures, such as the creation of a 24-hour, seven-day-a-week free help line, and the establishment of a network of reception centres for women victims of domestic violence. A formal complaint from the victim of domestic violence was no longer a precondition for prosecution, indemnities to women victims of domestic violence had been introduced, police training had been carried out and specific victim-friendly locations in police stations for victims of domestic violence had been set aside.

314. In concluding her presentation, the representative indicated that inequality between women and men continued to be felt in Portugal despite legal reform and the adoption of international obligations. However, she expressed the view that, since the identification of the causes of the inequality, which had caused such harm to women in public life and men in the private sphere, effective measures that eliminated structural inequalities between women and men could be introduced.

(b) *Concluding comments of the Committee*

Introduction

315. The Committee expresses its appreciation to the State party for submitting its fourth and fifth periodic reports. It commends the State party for the written replies to the issues raised by the pre-session working group, the supplementary information submitted to the Committee and the State party's oral presentation, which provided additional information on the current situation of the implementation of the Convention in Portugal.

316. The Committee commends the State party on its delegation, headed by the Secretary of State for Equality, and including officials from various branches of the Government.

317. The Committee notes that governmental action, including the Global Plan for Equal Opportunities, is placed within the context of the provisions of the Convention and the implementation of the Beijing Platform for Action.

Positive aspects

318. The Committee commends the Government of Portugal on its commitment to achieving equality and equal opportunities for women, reflected in the progress it has made in implementing the Convention since the consideration of the third periodic report in 1991. The Committee notes with appreciation the range of laws, institutions, policies, plans and programmes put in place to address discrimination against women in Portugal.

319. The Committee welcomes the amendments to the Constitution adopted in 1997, which, inter alia, established the promotion of equality between women and men as a fundamental task of the State. The Committee also welcomes other legislative reforms, including those relating to maternity and paternity leave.

320. The Committee welcomes the 1998 revision of the Penal Code which made violence against women a public offence, rendered police investigation of such offences mandatory and criminalized sexual harassment in the workplace.

321. The Committee notes with satisfaction the high level of women's educational achievement and the increasing diversification in the types of studies pursued by women. The Committee commends the State party on its efforts to recruit women into the police forces and on its system to disseminate information on violence against women.

322. The Committee commends the State party for recognizing stereotypical attitudes as a major source of women's continuing disadvantage and welcomes the different means to address such attitudes, including awareness-raising campaigns and emphasis on shared responsibility in the family.

323. The Committee commends the State party for having accepted the amendment to article 20, paragraph 1, of the Convention, and welcomes the steps taken towards ratification of the Optional Protocol.

Factors and difficulties affecting the implementation of the Convention

324. The Committee notes that there are no significant factors or difficulties that prevent the effective implementation of the Convention in Portugal.

Principal areas of concern and recommendations

325. The Committee, while noting the wealth of information concerning laws, policies, plans and programmes designed to ensure compliance with the Convention, is nonetheless concerned at the general absence of assessment and impact of those measures on women.

326. The Committee requests the State party to provide, in its next report, information on the assessment and impact of all laws, policies, plans, programmes and other measures taken to eliminate discrimination against women in all areas of their lives. The Committee also requests the State party to set time frames within which it intends to achieve its goals.

327. While recognizing the efforts made by the State party to integrate a gender perspective into all policies, the Committee is concerned about the limited resources available for the machinery responsible for gender equality.

328. The Committee urges the State party to increase the financial and human resources available for the machinery and all policies and programmes to eliminate discrimination against women.

329. While recognizing the State party's efforts to address the problem of stereotypes relating to the roles of women in the family and society, the Committee remains concerned at the persistence of these stereotypes and the continuing stereotypical portrayal of women in the media.

330. The Committee calls upon the State party to strengthen measures to change stereotypical attitudes about the roles and responsibilities of women and men, including awareness-raising and educational campaigns directed at both women and men, as well as the media, in order to achieve de facto equality between women and men. It further calls on the State party to encourage the media to contribute to the societal efforts at overcoming such attitudes, and to create opportunities for a positive, non-traditional portrayal of women.

331. While welcoming the measures taken to combat violence against women, including the revisions to the Penal Code providing for the crime of ill-treatment of a spouse or partner and for violence against women to be a public offence, the adoption in 1999 of the National Action Plan to Fight Domestic Violence, and the activities under the INOVAR (innovate) Project, the Committee is concerned about the continuing problem of violence against women, especially domestic violence, and the small number of prosecutions and convictions of offenders.

332. The Committee urges the State party to ensure the systematic implementation of the national action plan and all laws and other measures relating to violence against women, and to monitor their impact. The Committee calls on the State party to take measures aimed at creating zero tolerance for such violence, and to make it socially and morally unacceptable. The Committee further recommends that the State party strengthen measures to sensitize the judiciary and law enforcement personnel to all forms of violence against women that constitute infringements of the human rights of women under the Convention.

333. The Committee is concerned that incest is not defined explicitly as a crime under the Penal Code but is dealt with merely indirectly under a number of different penal provisions.

334. The Committee urges the State party to include incest as a specific crime in the Penal Code so as to make it easier for women and girls who are victims of incest to have access to effective means of redress and protection.

335. The Committee is concerned about the increase in the incidence of trafficking in women and girls.

336. The Committee urges the State party to increase efforts at cross-border and international cooperation, especially with countries of origin and transit as well as with neighbouring receiving countries, to collect data, reduce the incidence of trafficking, prosecute and punish traffickers, and ensure the protection of the human rights of trafficked women and girls. It calls on the State party to ensure that trafficked women and girls have the support that they need so that they can provide testimony against

their traffickers. It also urges that training of border police and law enforcement officials provide them with the requisite skills to recognize and provide support for victims of trafficking.

337. The Committee is concerned about the low participation of women in elected and appointed bodies, including as members of parliament and local assemblies, government ministers and secretaries of state, mayors, and high-ranking judges and diplomats.

338. The Committee urges the State party to take measures to increase the representation of women in elected and appointed bodies through, inter alia, the implementation of temporary special measures, in accordance with article 4, paragraph 1, of the Convention in order to realize women's right to participation in all areas of public life and, particularly, at high levels of decision-making.

339. The Committee is concerned about the persistence of the level of illiteracy, and that older women constitute a disproportionate number of illiterates.

340. The Committee encourages the State party to develop programmes specially designed to reduce female illiteracy.

341. The Committee is concerned at the evidence of women's occupational segregation, that the gap between women's and men's wages in the private sector is worsening and at the high percentage of women among unpaid family workers. It is also concerned at the lack of sex-disaggregated data on these matters in respect of the public and private sectors.

342. The Committee urges the State party to collect sex-aggregated data on women's vertical segregation in public and private employment. It also urges the State party to facilitate legal action by women and women's non-governmental organizations on these matters.

343. The Committee is concerned at the apparent lack of legal actions or court decisions where the Convention and/or Constitution have been used to claim the right of equality and obtain redress for acts of discrimination.

344. The Committee urges the State party to ensure that adequate mechanisms and access to legal aid are available to enable women to seek and obtain redress from the courts on the basis of the Constitution and the Convention.

345. The Committee is concerned about the restrictive abortion laws in place in Portugal, in particular because illegal abortions have serious negative impacts on women's health and well-being.

346. The Committee urges the State party to facilitate a national dialogue on women's right to reproductive health, including on the restrictive abortion laws. It also urges the State party to further improve family planning services, ensuring their availability to all women and men, including teenagers and young adults. It requests the State party to include information in its next report on death and/or illness related to or due to illegal abortion.

347. The Committee expresses concern about the lack of information in the reports on rural women, who constitute a significant percentage of the labour force, and on older women.

348. The Committee requests the State party to provide, in its next report, information on the situation of rural and older women, especially as regards their health, employment and educational status.

349. The Committee is concerned about the feminization of poverty and, in particular, the situation of women heads of household.

350. Noting that part II of the National Action Plan for Integration, 2001-2003, sets out the objectives of the campaign against poverty, the

Committee requests that the State party provide, in its next report, information on the impact on women and girls of measures taken to eradicate poverty.

351. The Committee encourages the State party to complete the formalities required in order to allow for early ratification of the Optional Protocol to the Convention.

352. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report submitted under article 18 of the Convention.

353. The Committee requests the wide dissemination in Portugal of the present concluding comments in order to make the people of Portugal, in particular government administrators and politicians, aware of the steps that have been taken to ensure the de jure and de facto equality of women and of the further steps that are required in this regard. It also requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations and the Beijing Declaration and Platform for Action, and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".