

PORTUGAL

CEDAW A/41/45(1986)

111. The Committee considered the initial report of Portugal (CEDAW/C/5/Add.21 and Corr.1 and Amend.1) at its 67th, 68th and 73rd meetings, on 11, 12 and 14 March (CEDAW/C/SR.67, 68 and 73).

112. The report was introduced by two government representatives. The first speaker stated that the Government of Portugal was fully committed to the implementation of the Convention and he added that the Constitution of the Portuguese Republic enshrined the principles of equality between men and women in all spheres of life. He added that the report already showed that the obstacles to eliminate discrimination derived from economic, social and cultural factors.

113. The representative of Portugal referred to the Revolution of 25 April 1974, which had introduced new legal, social, cultural and economic reform with far-reaching implications for the standards and fabric of Portuguese society. Structural changes were introduced which were of an ongoing nature.

114. He explained that the Revolution also had brought along new perspectives in the field of human rights and in the changing of attitudes and added that women themselves were more and more aware of the need to change attitudes and conditions; women also were more aware of their role in all spheres of life. The Commission on the Status of Women, a governmental body placed under the Prime Minister's Office, was in charge of promoting the improvement of the status of women. He stated that equality need not be understood to mean merely that women should have the same rights and responsibility as men, but that differences between the sexes should not be obstacles to the full realization of their personalities and to their full participation in society.

115. The second government representative remarked that the report had been prepared in 1982 and submitted to the Committee in 1983. The text had to be updated and therefore an addendum had been prepared containing recent developments, as well as a brochure updating statistical information to 1985.

116. The other representative of the Government of Portugal stated that some specific projects had been developed, such as programmes in the media, organization of seminars and elaboration of reports. A project entitled "Changing teachers' and students' attitudes on sex roles" had been carried out under the responsibility of the Commission on the Status of Women. This project, which had begun before at the primary school level, had now been extended to other levels.

117. She noted that the participation of women in decision-making positions still remained low. However, more women had been admitted into the diplomatic service.

118. She also added that the Commission for Equality in Work and Employment had been created

to monitor and ensure any discriminatory practice. This Commission received and evaluated complaints by women who felt discriminated against. Another new element was the passing of a new law on the protection of maternity and paternity. This new law embodied a new philosophy which stressed the social function of both maternity and paternity. The replacement of the advertising code by a new law regulated the way the image of women was used in advertising. The advertising commission was in charge of its implementation.

119. She further explained that other projects implemented under the aegis of the Commission on the Status of Women had included family planning information through the media, research on women in Portuguese life, training of health personnel, pilot projects located in depressed areas on illiteracy eradication, maternal and child care, permanent information services on legal questions and research on women.

120. The representative of Portugal concluded by saying that much remained to be done, especially in bringing reality closer to the letter, in the elimination of outdated traditions, stereotyping and sexism and in combating the double burden carried by women. Progress was encouraging, she stated, since women's rate of access to higher education had risen from 43.5 per cent in 1970 to 57.4 per cent in 1984 and women's rate of graduation from 34.4 per cent in 1970 to 54 per cent in 1980. Women, however, were 59.4 per cent of the unemployed and only 6 per cent in Parliament. Yet, she stated, at the recent election for President of the Republic, for the first time there had been a woman candidate.

121. Members of the Committee commended the two representatives of the Government of Portugal for their presentation of the report and thanked them for the additional information provided, both verbally and as contained in the supplement. Most members congratulated the representatives on the efforts displayed by the Government of Portugal and by the progressive legislation passed, which clearly demonstrated the political will of Portugal to implement the articles of the Convention.

122. Several experts asked what were the reasons for the persistence of obstacles, in view of such advanced legislation; it was not understood why the report cited apathy as being the cause for slow progress. Some experts suggested that the reality of women carrying the double burden as well as lack of day-care facilities, social benefits support and lack of opportunities might be at the core of the obstacles facing the full integration of women and it was asked whether the Commission on the Status of Women was carrying out research on this problem. Another expert asked whether more information could be provided on the structure of the Commission, its outreach in remote areas and whether its work was carried out by mass organizations or other type of similar organizations.

123. Also, concerning the above remark, it was asked what kind of traditional and cultural practices and traditions were hampering the advance, and what role religion was playing in this regard.

124. Several experts requested additional information and empirical data on education and literacy levels, impact of education on rural women, including vocational training, levels and sectors of women's employment, especially in the light of the fact that women were a majority of the population. One expert asked whether such demographic imbalance was due to migration of the male population. Another expert requested more information on population by sex and location.

125. It was noted that the Government had identified within the taxing system some evidence of discrimination against women and that this experience could be shared with other countries. Another expert also pointed out that the report acknowledged the fact that more women were unemployed than men and that equal remuneration remained a problem. It was asked what measures were being taken to remedy this situation.

126. Other experts asked for more information on women's participation in State or provincial assemblies, in local communities, and percentages on women's involvement in trade unions, both as members and as employees.

127. Several experts noted with praise the efforts being carried out to eliminate stereotyping in the media and education, and asked how the Commission had tackled this task, whether through textbooks or pamphlets, movies, by supervising programmes and publications, or other methods. It was also asked whether this effort extended also to pornography and, in this connection, whether prostitution, which was not penalized by law, was a prevailing phenomena. If this were so, it was further asked whether efforts at rehabilitating the prostitutes were being contemplated by the Commission on the Status of Women.

128. Several experts, referring to the report and the existence of domestic violence, asked whether the Government had the intention of subsidizing shelters for victims, both men and women. It had also been noted that abortion was forbidden by law and some experts also asked whether there had been any progress in repealing such a law.

129. One expert requested information on laws regarding legal and consensual unions and what provisions existed in case of divorce regarding property rights, child custody and residence.

130. Another expert expressed satisfaction with the provisions recently created to grant subsidies to parents with sick children and asked whether the grant was in the form of a percentage of salary. If so, whose salary? It was also noted that a father could now take leave to care for his children and it was asked to what extent men had used this provision.

131. Information was sought on the experience of the implementation of the provisions banning sex discrimination in working life. It was further noted with satisfaction that victimization was forbidden by law.

132. Several experts asked what types and amount of subsidies were given regarding child care centres and maternity leave and whether this leave was also extended to the father. One expert noted that more information was required on social welfare facilities extended to rural women; in addition, statistics on women who were employed in agriculture and other non-service sectors of the economy, as well as what pensions, grants, incentives or subsidies were provided to them. Another expert requested clarification on law 4 of 1980 and asked what grounds were deemed juridically acceptable to dismiss a pregnant woman and whether a woman on maternity leave retained both full salary and the same employment.

133. It was also asked why were military equivalent services not open to women's employment and

what was considered “equivalent”. Other experts asked why were provisions regarding maternity and working hours not applied to civil servants.

134. One expert also asked for information on women’s peace activities or movements in Portugal.

135. The representative of the State party thanked the Committee for the interest it had shown in Portugal’s initial report. Since many of the questions raised by the experts overlapped, they proceeded to address their replies in the order in which the questions were asked and included as many elements as possible which would also answer subsequent questions on the same subject.

136. One of the representative stated that initiatives had already been taken both by government and non-governmental organizations regarding activities for the International Year of Peace. Requirements for the building of peace included equality of the sexes and women’s participation in development. Special programmes for youth, cultural initiatives, exhibitions, seminars and other activities were being planned.

137. Referring to the effectiveness of special temporary measures favouring women, the representative answered that there had not been any case of preferential treatment, particularly regarding access to work. Regarding vocational training courses, the percentage of women’s participation can be considered still low, 11.1 per cent, per the data of 1984.

138. In regard to the implementation of article 5 of the Convention, one of the representatives explained that, although Church and State were separate entities, 80 per cent of the population was Roman Catholic. This certainly influenced the thinking as regards measures on abortion. In answer to several questions regarding the project on attitudes and gender roles, she stated that it would be continued and that evaluation of new pedagogical material as well as the broadening of its scope and outreach was taking place.

139. Measures concerning the suppression of prostitution were being taken. The accession by Portugal to the Convention on the Suppression of the Traffic in Persons and of Exploitation of the Prostitution of Others was now following the necessary procedures. With regard to pornography, the representatives stated that detailed regulations had been prepared and were, at present, pending approval in a revised New Advertising Code.

140. One of the representatives referred the members of the Committee to the supplementary information provided which stated that 6 per cent of the members of Parliament were women and only 4.2 per cent were elected at the local level. Woman represented 17 per cent and 24 per cent of the members in leading bodies of the two trade union confederations operating in Portugal and 30 per cent and 46 per cent of the total members. The most representative women’s organizations belonged to the Consultative Council of the Commission on the Status of Women, which was directly under the supervision of the Prime Minister’s Office. In this way, women’s organizations were participating and contributing to the formulation and implementation of Government policies concerning the status of women. There was one office of the Commission in the north of the country.

141. The representative also referred to the participation of women in international organizations and

stated that the questions of discrimination had never been raised. However, during 1984-1985, the percentage of women on the diplomatic staff of the Portuguese Mission to the United Nations was 50 per cent and 27 per cent of the geographical quota allocated to Portugal by the United Nations was occupied by women.

142. The representative noted that information regarding employment of women and its distribution by sectors was included on page 49 of the supplement distributed, showing, for example, that 30 per cent of the women employed were in agriculture; 23.3 per cent in manufacturing industries; 13.3 per cent in trade, restaurants and hotels; and a total of 23.3 per cent in health, education and other sectors. The rate of unemployment among women was 15.1 per cent as compared with 7.7 per cent for men.

143. As to provisions regarding maternity leave, one representative stated that during the 90 days of maternity leave, women workers received full salaries or an equivalent amount which was paid by the social security system. Child-care facilities were operated through private and public institutions for profit in some cases and as a service in others. In public institutions, the fees depended on the income level of the family or the individual, calculated according to established scales. Recently, the government had approved legislation giving the framework for a more unified system of day-care and family crèches. The representative recognized the need for more of these free services.

144. In reply to other questions raised by the Committee, the representative stated that civil servants had the same rights as other workers in regard to time off for breast feeding and flexible working hours. The latter also applied to fathers who had children under the age of 12 or in special circumstances and a leave of absence up to 30 days to take care of a sick child. The representative also explained that under the general law, workers that stay off work for a period of six months to two years in order to take care of a sick child keep all their rights except remuneration. However, special collective labour agreements covering the great majority of workers can, and in fact do, recognize a more favourable treatment. Furthermore, the representative added, no women could be dismissed on the grounds of pregnancy, and in regards to equal pay for equal work, the fact that the average salary was lower for women than for men was explained by the other fact that women were still concentrated in less qualified and lower paid jobs. A draft law on the military service for women on a voluntary basis would be discussed by the Parliament. Regarding the percentage of women working in professional fields, the representative stated that 52.5 per cent of the total number of workers in the scientific and liberal professions were women.

145. As to statistical information on education, the representative stated that some of this data had been already included in the supplement referred to above. For example, women were 47.9 per cent of the total attending primary-level schooling; 47.7 per cent of the preparatory level; 51.8 per cent of the secondary level; and 47.1 per cent of higher education. These figures corresponded to the period 1982-1983. An increase of up to 57.4 per cent had been registered in the entry of women to higher education during 1984-1985. Adult illiteracy was being corrected through educational corrective programmes and 54.2 per cent of women were attending them. Co-education was a rule in State schools.

146. The representative also stated that children born out of wedlock had the same rights as children

born within marriage, community of acquired property was the normal marriage contract and divorce laws were in strict conformity with the principle of equality of treatment. Common law or consensual unions did not enjoy the same rights but entitlements to medical care and certain pension benefits to be allocated from the inheritance in case of death of the companion could be obtained through the courts. Regarding family violence, besides the legal provisions contained in the Penal Code referred to in the supplement, there were only very few facilities, provided by non-governmental organizations.

147. The committee had referred to the special situation of rural women in Portugal and the representative noted that most women in rural areas worked in agriculture and that they represented 50 per cent of the total number of workers. He added that a majority of them were non-remunerated workers in small family-owned enterprises. The Ministry of Agriculture was implementing a programme on family economics and nutrition through its rural extension service. This programme had an information component on women's rights. The Commission on the Status of Women, on the other hand, was providing advice on the organization of women co-operatives in the north of the country, as well as a pilot project on integrated development which included sanitation, health and education, family planning and literacy. The United Nations Fund for Population Activities had been supporting these efforts. It recently finished a project on the training of rural women of the north for co-operative work organized under the auspices of the European Social Fund of the European Economic Community. Finally, the representative added, women's organizations had also been involved in community development projects in the Alentejo, northern and central part of the country. Furthermore, she clarified, there was no legal discrimination against rural women in social welfare benefits. A special widowhood pension was granted to women aged over 35 years; men only qualified at age 65 or if they were disabled.

148. The representative of the State party answered a question in regard to a statement made in the initial report, that lack of motivation and not apathy was probably the cause of the slow progress in the integration of women. Present economic constraints had prevented the Portuguese Government from allocating more rapidly the sufficient resources to build a larger infrastructure and support for women. However, the integration of women had become State policy, she concluded.

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277. In accordance with a decision of the pre-session working group (see chap. II, sect. G), the Committee considered both the second and third periodic reports of Portugal (CEDAW/C/13/Add.22 and Corr.1 and CEDAW/C/18/Add.3) at its 183rd meeting, on 29 January (see CEDAW/C/SR.183).

278. The representative of Portugal stated that the legislation of Portugal was generally egalitarian, and in many respects advanced, and therefore attention should be given to the de facto situation of women. She pointed to positive indicators characterizing the situation of women during the reporting period. In 1989, women had constituted 42 per cent of the labour force and over 50 per cent of those attending school. In 1986/87, 58 per cent of the graduates of secondary school and 53 per cent of university graduates had been women. In those professions that had been open to women only after the revolution, such as diplomacy or the judiciary, women currently constituted 10.5 per cent of diplomats, 14.2 per cent of judges and 26.7 per cent of public attorneys. Women continued to choose non-traditional areas of education such as law, social science, commerce and business administration, information and documentation, natural and exact sciences, mathematics, computer and medical sciences.

279. Critical areas to be dealt with, however, included: discrimination in employment; sexual harassment at the workplace; domestic violence; lack of support structures to reconcile family and professional responsibilities; and difficulties in obtaining real maternity protection for those on short-term contracts. She described a variety of programmes, measures and activities that had been elaborated by the Government and the equality commissions to redress the effects of discrimination and to establish de facto equality.

280. In response to a general question regarding the restructuring of the Commission on the Status on Women, she stated that the restructuring had not been completed although it was at an advanced stage. Members expressed the hope that the ongoing restructuring would give more power to the Commission for the implementation of its objectives described in the second periodic report. Replying to a follow-up question, the representative stated that there were examples of good cooperation of the Commission with non-governmental organizations representing a broad spectrum of political opinions and views.

281. In response to a follow-up question, the representative stressed the need for further work for equality among both adults and young people. The latter often had no experience of their own, and therefore were not aware of the problem until they faced it, for example, in the labour market or in the family.

282. Regarding article 2, the representative replied that, although it was not possible to state with certainty whether the Convention had been directly invoked before the courts, its articles related to employment had been cited in the opinions on complaints related to discrimination of the Commission for Equality in Work and Employment. Those legal opinions, after being approved by a tripartite commission and publicized, could be used further by either complainants or trade unions for the presentation of cases in courts.

283. Responding to questions on article 3, the representative stated that the Commission on the Status of Women had a consultative status and no enforcement powers; it had a global mandate and was responsible to the Prime Minister. Its budget was very small and amounted to 0.003 per cent of the State budget, excluding the social security budget, which was autonomous. She pointed out, however, that there were also other mechanisms for equality, with different budgets and mandates, linked to various institutions (such as the parliament or the Ministry of Employment). With reference to the Global and Intersectoral Plan for Equality that had been proposed by the Commission to the Government in 1990, the following areas of activities had been identified: culture, education and professional training; work and employment; health; social security; reconciliation of professional, social and family responsibilities; promotion of the participation of women in civic, political and public life, including the decision-making processes; and vulnerable women (including women who were single heads of household, migrant women female victims of prostitution, women in detention). With regard to the situation of elderly women, reference was made to a publication entitled "Women and aging", which had been elaborated and disseminated by the Commission. The publication contained information on women's retirement benefits; pensions and economic resources; educational and cultural opportunities; and means of social integration. Reference was also made to the issue of old-age benefits, which were the same for both men and women. Concerning questions on migrant women, she described some specific training courses aimed at the improvement of their qualifications, and their integration into the labour market, which had been supported by the Commission on the Status of Women and a number of Portuguese and European institutions. Twelve courses in such areas as embroidery, tapestry and cooking had been held in 1988/89 in five European countries. Similar courses would be held in 1991 in seven European countries. The selection of traditional fields of training was determined by the usually low level of education and poor qualifications of the trainees. The courses were accompanied by the provision of complementary information on women's rights, cultural identity, management and creativity. It was stated that the Commission on the Status of Women had no branches abroad and therefore it had limited possibilities to assist migrant women abroad.

284. Responding to questions under article 4, the representative stated that some special measures had been implemented in the area of professional training for women. She explained that a proposal to include a clause on temporary measures in the Constitution, promoted by women's organizations, had been rejected on strictly legal grounds, as the entire Convention, upon its ratification, had become an integral part of domestic Portuguese law.

285. In relation to article 5, the representative clarified that existing laws (Decree Law 330/90) did not contain any provisions aimed specifically at the protection of the image of women, but prohibited any publicity against the "dignity of the human being" that would "contain any discrimination on the grounds of race or sex". Financial sanctions were provided to penalize vacancy announcements of a sexist nature (Decree Law 491/85). Activities of the Commission at the Ministry of Employment included information campaigns addressed to advertisers in the mass media, often leading to the submission of complaints to the Advertising Council. With regard to changes in attitudes and traditional sex roles, she said that there were some signs of improvement, such as the tendency for women to have broader rather than traditional aspirations, the diversification of women's choices in the educational and professional fields, and the greater sharing of household and family responsibilities between men and women. Two studies had been initiated by the Commission in order

to evaluate the situation. With regard to questions on sexual harassment, she said that the law had no special provisions for such behaviour and that there was a need to define sexual harassment in order to adjust legal measures to combat it. The matter had been included in one of Commission's proposals to the Government. The recent study on sexual harassment had concluded that it was a serious problem that often had consequences for the health and working capacity of women, their ability to find jobs and their family life. Women felt that they had no formal support and often did not complain, either assuming that it would be useless or fearing the consequences if they did so. With regard to pornography, she said that it was subject to certain legal regulations limiting the exhibition, sale of and access to pornographic goods, including films. In response to a question on violence against women, she said that the issue had not yet been the subject of national studies and there were no provisions to create women's shelters by the State. According to the latest data, collected by the Commission's information centres, 30 per cent of the cases brought to their attention included the dimension of violence against women, particularly in the family. In order to raise awareness, the Commission had elaborated and distributed two brochures and three leaflets on the subject.

286. Regarding article 6, she said that Portugal had not yet become a party to the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (General Assembly resolution 317 (IV)), but the subject had been studied with the intention of ratifying that Convention. A brochure on the subject had been published by the Commission in order to raise the awareness of women. In reply to a follow-up question, she admitted that there were difficulties in collecting information on prostitution and indirectly intervening. The importance of prevention through information and assistance was emphasized.

287. Responding to questions on article 7, the representative confirmed that, despite some political declarations, namely by the Prime Minister, on the need to increase women's political participation, there were no quotas for women. She referred to the quotation from the report (CEDAW/C/18/Add.3, para. 18) that "politics is a world of power and, as such, remains a masculine preserve". The existing statistics showed that out of the 61 members of the Government, 4 were women (the Ministers of Budget, Culture, Public Administration and Regional Development); there was no women in the Council of State; only one female judge out of 13 judges in the Constitutional Court; and female parliamentarians constituted 10 per cent of the membership of parliament. In order to improve the situation, the Commission had proposed some measures focused on three main objectives: extension of knowledge on the effective participation of women at all levels of political life; identification and eradication of the obstacles; and promotion of women's participation in public administration, political parties and trade unions, in particular in posts subject to political nominations at the national and international levels. The measures had also included: the possibility of introducing into educational programmes the topic of political participation as a requirement for democracy; the creation of a roster of qualified women; and an information campaign to raise consciousness.

288. Responding to a question on the law regulating the rights of women's organizations, she said that there were only general rules concerning all non-governmental organizations. A new law on the rights of women's organizations, which had been proposed to parliament on 8 March 1989 by women of all parties, had a purely political meaning as the draft did not include any financial provisions. However, since 1988, the budget of the Commission had been increased by some additional resources that were meant to support women's organizations in consultative status with the Commission.

289. In response to a follow-up question with regard to the participation of women in decision-making, the role of women's networks was emphasized. She observed that it was often easier to improve the situation at the national level than at the local level.

290. In response to a question under article 8, she said that a high official of the United Nations had promised to provide the Commission with updated information on existing vacancies so that candidates could be actively sought.

291. Referring to questions on article 10, she stated that the educational programmes aimed at promoting the diversification of choices for women in education included:

(a) A campaign organized under the auspices of the Ministry of Education directed to all secondary schools advising girls of new professional options, which was supported by written and audio-visual material;

(b) A campaign organized by the Commission and the Institute of Employment and Professional Training entitled "Technical professions - professions with a future".

292. In addition, training activities for vocational counsellors and professional guidance officers had been organized by the Commission. Pilot courses in non-traditional areas, such as management, electricity, plumbing and computers, had been organized by various institutions. Progress had been achieved in professional training as a result of the positive measures undertaken since 1988, as indicated by the degree of participation of women in two of the training schemes. Participation had increased from 17.2 and 23 per cent in 1986 to 41.1 and 33 per cent in 1989, respectively. The representative admitted that there was no systematic way of monitoring progress in women's education and training although the percentage of girls attending schools was generally high, and the Institute of Employment and Professional Training had been making reports on professional training.

293. With regard to the issue of elderly women and illiteracy, she said that there were literacy programmes for all citizens, independent of gender. There were, however, more women in adult literacy courses because of the higher percentage of illiterate women in society. With regard to the project for non-sexist education and training for teachers, she referred to the first stage of the project entitled "Change of attitudes", which had been discussed in detail in the second periodic report, and to a specific project entitled "Education for equality", which had been carried out in 1988 by a higher school of education. The Commission had been involved in implementing both parts of the project, which was part of the European Community network. With regard to the high percentage of women teachers in kindergartens and grammar schools compared with the low percentages at higher level educational institutions, she noted that such a tendency had been apparent in many countries and had its roots in the prevailing traditional roles relating to child care and in the low prestige and low salaries associated with those professions. However, a slight improvement had been noted. In 1984/85 92.2 per cent of women teachers had been at the primary level and 27.9 per cent at the third level; in 1986/87 the percentages had been 92.2 and 31.0, respectively.

294. Turning to questions under article 11, the representative stated that, although the situation of elderly women differed according to their status and income, pensions were generally low. With

regard to part-time work régimes for civil servants with dependants or with children under 12 years of age, information was provided on an administrative instruction that was meant to clarify that régime and adapt it to Law 4/84. That instruction on part-time work had not been addressed to women, however, but to both men and women. She said that part-time work was not a major problem in Portugal, as it involved only 6.4 per cent of employed women.

295. She said that social support structures for children, which, according to the Constitution should be provided by the State, were not sufficient, particularly nurseries for children below three years of age. In smaller communities, family assistance and day-care mothers were of basic importance but in practice some parents had no access to such facilities. In terms of equality in work and employment, reference was made to Decree Laws 392/79 and 426/88 which were being applied in both the private and public sectors. She said that a systematic, coherent programme of positive action had been applied since 1988 in the area of professional training of women, which took the form of:

(a) Incentives to employers who integrated or trained women in traditionally masculine professions;

(b) Financial support to women who created their own employment or jobs for other women. Some of those programmes had been complemented by other measures, such as the financing of day nurseries. She noted that in spite of national and international standards, real wage differentials remained at the same level: in 1988 and in 1989, the pay of women amounted to 78.1 per cent and 76.7 per cent, respectively, of that of men.

296. Turning to the issue of fathers taking parental leave, no data were available. Tradition and wage differentials were mentioned as factors that determined who would take parental leave. With regard to the impact on women's employment of the country's entry into the Common Market, both the positive and negative aspects were mentioned. The positive effects included professional training and the potentially greater opportunities of employment. The unemployment rate in Portugal had become one of the lowest in Europe. However, women constituted two thirds of all unemployed persons and many women were working under short-term contracts. With regard to a question concerning domestic workers, it was stated that their status was guaranteed by law and they were therefore assured of some social rights.

297. Referring to questions under article 12, she said that advice on contraceptives and family planning was legally provided to young people in family planning centres that had been established specifically for youth and, where those did not exist, in centres for the general population. Since 1979, the Commission had conducted several campaigns on the issue addressed to both men and women. All forms of contraception were freely available and some were partly subsidized by the State if prescribed by a private doctor. As regards abortion, Law No. 6/84 provided for situations in which abortion was allowed. Detailed information on the subject had been provided in the first periodic report. There were no statistics on the subject and the promotion of a study on the implementation of that law was under consideration. In reply to a follow-up question, she confirmed that there was a lack of information on the incidence of abortion, particularly those which were clandestine. With regard to AIDS, she said that special programmes were targeted at both men and women including campaigns to promote an awareness of the problem of women on AIDS. However,

it had been noted recently that, as in other countries, the number of infected women was growing faster than that of men.

298. On article 13, she said that although there were no specific legal or other provisions for a single parent, the social support scheme, described in the second periodic report, had been applied in practice to any parent.

299. Turning to article 14, the importance of the issue of rural women was stressed. The representative drew attention to various programmes for rural women that had been conducted by the Commission, which comprised professional training in management, cooperative organization and marketing, as well as basic education, literacy and family planning. The high percentage of women farm workers was partly attributable to the fact that the spouse of a farmer, regularly working on the farm, would be considered by law as an independent worker and, as such, entitled to all social security rights. The law had been introduced in January 1987 in accordance with a European Community directive concerning independent workers in the agricultural sector. She said that there were no data available on the number of companies that had been formed by husband and wife, nor were studies available on the situation of women participating in such companies. It was assumed that they provided equal opportunities to both partners. With regard to the unpaid work of women, she said that work that was regarded as domestic work was not included in the national accounts. Women working in family enterprises were sometimes not remunerated even if they were considered independent workers for social security purposes. They accounted for 4.2 per cent of the total number of women workers.

300. In reply to questions raised under article 16, she said that, in terms of both constitutional principles and civil law, both spouses had the same duty to contribute to the maintenance of the family, although their contributions could take different forms, such as work in the house or education of the children. In order to facilitate such parental roles without prejudice to economic independence, a variety of measures, such as flexible working hours and special opening hours, could be helpful. In addition, the Commission had undertaken, together with non-governmental organizations, information campaigns on the issue of sharing family tasks.

301. She said that the physical ill-treatment of a spouse would be subject to criminal proceedings defined by the Penal Code. However, she said that it was the intention of the Government to tackle the issue of wife-battering and domestic violence against women by awareness-raising, providing various forms of assistance to women, including provision for economic independence, and changing fundamental attitudes.

302. The Committee commended the representative for the clear and substantive presentation and emphasized the value of the practical approach being taken to translate the Convention into the promotion of de facto equality.

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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+Five 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".