



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

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

**Consideration of reports submitted by States parties  
under Article 18 of the Convention on the Elimination  
of All Forms of Discrimination against Women**

**Sixth periodic report of States parties**

**Portugal\***

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\* The present report is being issued without formal editing.  
For the initial report submitted by the Government of Portugal see CEDAW/C/5/Add.21 which was considered by the Committee at its fifth session. For the second and third periodic reports submitted by the Government of Portugal see CEDAW/C/13/Add.22 and CEDAW/C/18/Add.3, respectively, which were considered by the Committee at its tenth session. For the fourth and fifth periodic reports submitted by the Government of Portugal see CEDAW/C/PRT/4 and CEDAW/C/PRT/5, respectively, which were considered by the Committee at its twenty-sixth session.

**Sixth periodic report on the Convention for the  
Elimination of All Forms of Discrimination against  
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## **Sixth report of Portugal on the Convention for the Elimination of All Forms of Discrimination against Women**

### **Foreword**

1. Portugal ratified the Convention on the Elimination of all Forms of Discrimination against Women in 1980, without any reservation, being one of the first member states of the United Nations to do so.
2. In 8<sup>th</sup> March 2002, the President of the Republic, by Decree n.15/2002, ratified the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.
3. This is the sixth report of Portugal to the Committee on the Elimination of All Forms of Discrimination against Women - 2001-2003, under article 18 of the Convention. It brings up to date information provided previously on the fourth and fifth reports.
4. In the consideration of the last Portuguese report, the CEDAW committee expressed concern over some areas, for which we have the following answers:
5. First, the absence of assessment and impact of some measures, policies or programmes, has been met by the creation, in the II National Plan for Equality and in the II National Plan Against Domestic Violence, of a commission to monitor and assess the implementation of those plans, which
6. Comprehend legislation, political measures and special programmes. Another assessment tool, in the area of employment, is an annual report to be presented to the National Parliament on equal opportunities is this filed.
7. Due to the economical and financial crisis of the last two years, which affects the whole world, it has not been possible to increase financial and human resources in the national mechanisms for gender equality. Nevertheless, through the Cohesion Funding of the European Union, many projects have been launched in critical areas like violence, vocational training, home workers, prostitution, etc.
8. The change of stereotypical attitudes about roles and responsibilities of women and men is proven to be very difficult. Still, through the laws and measures concerning the reconciliation of professional and family life there has been a positive response of the civil society and gender roles are slowly changing. The same may be said about the media, which is slowly taking notice and giving more space to women's issues. Particularly rewarding is the fact that in the last two years, there are more women opinion makers in different fields, including politics and economy, and some of the best professional interviewers in television are women. There still is a long way to go, but the general climate is showily changing and is more equality friendly.

9. Violence against women has become a problem of national concern and is now taken very seriously by the authorities and the media. (See the Second Plan down below).
10. On the issue of incest opinions are controversial, since many law experts think the existing law is sufficient, given the fact that child sexual abuse is a crime that implies heavier penalties «if the perpetrator belongs to the family or is someone supposed to protect and has authority over the child».
11. The national dialogue on women's reproductive rights, including the right to abortion in certain conditions, is going on and has proved to be very controversial, with very strong opinions. Nevertheless, since we already had two court decisions that acquitted the women who were accused of having abortions, but imprisoned the nurse who performed them. These facts, and the media coverage they got, together with public demonstration who supported the women accused, led to a slight change of public opinion, no one seems to want these women in prison.
12. For the lack of information on rural women, please see Article 14. Also, for the feminization of poverty see Article 13.
13. We would also like to inform the Committee that the concerns expressed in the concluding comments in 2002 were publicised and given to non-governmental organizations (NGOs) and the media.

## **Introduction**

14. Decree-Law no.120/2002, 3d of May, ratified in Declaration no.20/2000 of 28<sup>th</sup> May, amended by Decree-Law no.119/2003 of June 7<sup>th</sup>, approved the Organic Law of the XV Constitutional Government. In the preamble, equal opportunities are referred to as one of the main objectives of the Government.
15. Act no.32-A/2002 of 30<sup>th</sup> December approved the Major Options of the Government Programme for 2003. These comprehend the principle of gender mainstreaming in all areas of the Government, and priority was given to gender equality in employment, protection of maternity and paternity, conciliation between work and family life, combat against domestic violence and education/sensitization for gender equality.
16. Since our last report, major changes reflecting political will to improve women's situation in Portugal may be seen in two National Plans: II National Plan Against Domestic Violence and II National Plan for Equality.

## **Second National Plan against Domestic Violence**

17. With the view to counter domestic violence, an interim evaluation has been undertaken, on December 2001, of the Plan of Action against Domestic Violence (1999-2002).

18. The Resolution of the Council of Ministers no.88/2003, 7<sup>th</sup> July, approved a Second National Plan against Domestic Violence, to be implemented until 2006. It comprises 48 measures based upon a network of partnerships between several ministries, schools, universities, municipalities and non governmental organisations. The new Plan determines that the issue of violence prevention and equality between men and women be addressed at all levels of schooling, from pre-school to higher education. It has seven main parts, one on information and sensitisation that includes National Awareness Campaign on the human rights of women and on violence being a crime. The second part has to do with the training of personnel that deal with women victims, police force, health professionals, social workers, teachers, lawyers and magistrates. The third part foresees the revision of some legislation in order to facilitate the prosecution of aggressors and the fourth part focus on the protection of victims of violence. The last part sets a monitoring mechanism to follow and evaluate the implementation of the plan.
19. The contents, themes, objectives and approaches on this issue shall begin to be tested in some institutions as from 2003 second semester.
20. The Government wishes to promote programs to detect domestic violence in schools. Teacher training, both initial and life-long, shall include the issue of equality, with particular emphasis on domestic violence. The main measures aim at ensuring the implementation of existing legislation on victim protection, but the review of the system for collecting evidence on domestic violence is also envisaged. It is intended to raise the awareness of magistrates to the importance of applying the coercive measures foreseen in law, inter alia, the removal of the aggressor from family home. The aggressor shall be inhibited from the licence to use and possess weapons and victims shall be given effective protection through the mechanisms foreseen in the law on witness protection.
21. The Plan also foresees completing the implementation of the 1999 Law which created the national network of shelters for women victims of violence, as well as restructured the telephone counselling hotline. Access of women victims to vocational training programmes will be facilitated in order to enable them to make their own life project.
22. Specific guidelines are set up to combat violence within migrant communities. The Government is planning to criminalise female genital mutilation and improving health care to women and children victims of this practice.
23. The implementation of such Plan shall be supervised by a Monitoring Centre on Domestic Violence, chaired by Commission for Equality and Women's Rights (CEWR) which will elaborate an annual report thereon.

#### **Second National Plan for Equality**

24. A **Second National Plan for Equality** - 2003-2006 – was approved on November 6, 2003, by Resolution of the Council of Ministers no.184/2003. This new Plan is more ambitious, with concrete measures, a schedule, and a mechanism for monitoring and assessment.

25. The Plan has two main axes:

- Structural measures, aimed at changing Public Administration culture at all levels, so that gender mainstreaming becomes an effective and normal tool for every agent, particularly at the stage of the elaboration of different policies and programmes, as well in its execution and assessment
- Policy Sector measures, that come in four big areas:
  - (a) *Professional and private life*: Work, employment, maternity and paternity protection and reconciliation of professional and family life;
  - (b) *Education, information and training*: Education and professional training, reproductive and sexual health, culture, sports, media;
  - (c) *Citizenship and social inclusion*: empowerment and decision making, poverty and social inclusion, immigrant women and ethnic and cultural minorities, violence against women;
  - (d) *Co-operation with Portuguese speaking countries. (Community of Portuguese Speaking Countries - CPLP)*;
  - (e) Although the responsibility for the implementation of this Plan belongs to both national equality mechanisms, this responsibility is shared with several ministries;
  - (f) The Second National Plan for Equality establishes a mainstreaming approach for gender equality matters and each ministry has a representative which is also the focal point in its area. These equality focal points, which we call Councilors for Equality, are nominated by their own Minister. They must gather representatives from significant departments in each Ministry and establish an annual mainstreaming plan for these departments. They will work closely with CEWR. This process is still ongoing and has proved to be slightly difficult;
  - (g) Capacity building is done through gender equality training of the Councilors for Equality, and the CEWR is now finishing a training program on gender equality that must take place in May, June and July 2004;
  - (h) It is being a big challenge to establish these focal points, and their operating capacity varies from one to other ministry, depending very much of the individual interest of the Councilor in this matter and the political will of their Minister. Hopefully, the training course will help to motivate them;
  - (i) The Ministries involved are:

Ministry of Justice  
 Ministry of Education  
 Ministry Interior Affairs  
 Ministry of Culture  
 Ministry of Cities, Territorial Planning, and Environment.  
 Ministry of Science and Higher Education  
 Ministry of Agriculture, Rural Development, and Fisheries  
 Ministry of National Defense  
 Ministry of Economy

Ministry of Finance  
Ministry of Foreign Affairs  
Ministry of Public Constructions, Transports, and Housing  
Ministry of the Presidency  
Ministry of Health  
Ministry of Social Security and Labor  
High Commissioner for Immigration and Ethnic Minorities

The Second National Plan for Equality foresees a Commission to monitor and evaluate its implementation progress and write a report that must be submitted annually to the Minister of the Presidency. The CEWR is responsible for its coordination.

26. One of the network partners for the implementation of this Second National Plan for Equality is the National Institute of Statistics, which, having signed a protocol with CEWR and CEWE, has set up a gender equality data base, with indicators that will help to assess the implementation of the Plan and its results.
27. NGO's are also part of this network and they receive financial help to implement actions related to the two National Plans. NGO representatives, as well as members of the academy and researchers, also take part in the monitoring mechanisms established in both Plans.
28. Before their approval, both Plans have been subjected to civil society suggestions and critics and some of them were included in the Plans.

## **Article 1 and Article 2**

### **Definition of discrimination against women/Obligations to eliminate discrimination**

#### **The Constitution of the Portuguese Republic**

29. There have been no changes in the Constitution of the Portuguese Republic, pertaining to gender equality, since 1999. Nevertheless, it may be useful to recall some of the articles on equality and women's rights. The Constitution states in its Article 13 the equality of all citizens in dignity and before the law, and forbids all forms of discrimination (deprivation of any right or exemption from any duty) with regard to sex.
30. **Constitutional Act1/97**, of September 20, introduced significant alterations to the Constitution, thus creating conditions for important progress in the area of equal opportunities and non-discrimination.
31. The main changes are the following:

#### Article 9 – Fundamental Tasks of the State

A new item (h) was added to this article, which sets out to: "Promote equality for men and women", as one of these fundamental tasks. It is a very important alteration, in the sense



that it requires the State to promote change, instead of simply guaranteeing the right to change.

#### Article 26 – Other personal rights

This article was altered and some important provisions were introduced, namely the final part of no.1, which establishes the right to legal protection against any form of discrimination. Some of the most important changes read: “The right to personal identity, to personality development.... and to legal protection against any form of discrimination are recognised to all persons”.

#### Article 59, no1- Workers Rights

Item b) - This article already established the right of workers to the organisation of work in socially dignifying conditions, so as to allow personal self-fulfilment; the revised version also refers to the reconciliation of professional activity with family life within the same context of the organisation of work.

#### Article 67, no2 - Family

The contents of items b) and d) was modified, and a new item e) was introduced; under the terms of these provisions, the Constitution of the Portuguese Republic (CPR) now establishes that it is the duty of the State to:

(b) - Promote the creation and guarantee the access to a national network of childcare and other social equipment for family support, as well as a policy for the elder citizens;

(d) - Guarantee, with full respect for individual freedom, the right to family planning, promoting information and access to the methods and means that may allow the exercise of conscious maternity and paternity;

(e) - Regulate assisted reproduction, in such terms that safeguard the dignity of the human person.

#### Article 68, no3 – Maternity and Paternity

The right to special protection during pregnancy and in the post-partum period is extended to all women, not only those in paid work.

#### Article 68, no4

This new paragraph was introduced, establishing that “the Law shall regulate the attribution to mothers and fathers of rights with regard to work leaves, for appropriate periods of time, in accordance with the interests of the child and the needs of the family”.

#### Article 109 – Political participation of citizens

The previous text of this article referred to the “direct and active participation by citizens in political life”. The present article, which was redrafted, refers explicitly to “men and women”. It reads:

“The direct and active participation of men and women in political life constitutes a condition and fundamental instrument of the consolidation of the democratic system, and the law must thereby promote equality in the exercise of civic and political rights and non-discrimination with regard to gender in the access to political positions.”

On the other hand, it gives the law a specific responsibility with regard to the promotion of equality in this area, allowing for the adoption of special measures of a positive nature.

#### National Equality Mechanisms

32. After the 2002 legislative elections, the Government extinguished the Secretary of State for Equality and the two national equality mechanisms in Portugal are now under the political direction of the Minister of the Presidency.
33. As stated in the last report, Decree-Law no166/91, of May 9, set up the **Commission for Equality and Women’s Rights (CEWR)**, which is one of the national mechanisms for equality. It replaced the previous Commission on the Status of Women, created in 1977.
34. Its fundamental and permanent objectives are:
  - to promote equal opportunities, rights and dignity for women and men;
  - to promote effective co-responsibility of women and men in all aspects of family, professional, social, cultural, economic and political life;
  - to encourage society to regard maternity and paternity as of fundamental social importance and to accept the responsibilities resulting there from.
35. The CEWR, a Government agency, is located in the Presidency of the Council of Ministers. In spite of today’s restrictive budget policy the CEWR budget was increased in 17.1% between 2002 and 2003. The two national plans approved will also mobilise considerable human and financial resources in most state departments.

Site: [www.cidm.pt](http://www.cidm.pt)

E-mail: [cidm@mail.telepac.pt](mailto:cidm@mail.telepac.pt)

Telephone: 351 21 7983000

36. The second national mechanism, **Commission for Equality in Work and Employment**, was created in 1979. It is a tripartite entity and under the direction of both the Ministry of the Presidency and the Ministry for Labour and Social Security. Its tasks are information, dissemination, training, and evaluation of complaints of discrimination in employment, drawing up opinions on these matters, which are sent to interested parties and published in the Bulletin of the Ministry for Labour and Social Security. It is compulsory for the employers to ask for a recommendation of this Commission before the dismissal of pregnant, puerperal or breast-feeding women. The recommendation is given in 30 days. If the recommendation is negative, only a court of law may authorise the dismissal. To ask the

opinion of this Commission is also compulsory for employers who don't agree with the proposal of reduced timetables that benefits women and men with small children. It also may recommend legislative alterations or propose measures related to equal opportunities in employment, work and vocational training.

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

Site – [www.cite.gov.pt](http://www.cite.gov.pt)

Since 8th de Março de 2002

Users till June 2003 – **3,891**

#### **Autonomous Regions Equality Mechanisms**

38. The autonomous Region of the **Azores**, by Regional Legislative Decree no18/97/A, of 4th November, created the **Regional Consultative Commission for the Defence of Women's Rights**.
39. The Autonomous Region of **Madeira**, by Regional Decree no16/97/M, of 8<sup>th</sup> August, approved the statutes of the Regional Labour Department, which also established an **Office for Matters of Equality, European Union Labour Issues and Documentation**. In 2001, this Autonomous Region Approved a Regional Plan for Equal Opportunities.

#### **Direct and indirect discrimination: definitions**

40. According to Decree -Law 392/79 of September 20<sup>th</sup>, discrimination is: *all distinction, exclusion, restriction or preference based on sex aiming or having as a consequence compromise or refusal of the recognition and the enjoyment of rights assured by labour law.*
41. Act no.105/97, of 13th September, establishes that: *there is indirect discrimination whenever a measure, a criteria or a practice apparently neutral affects disproportionately individuals of one sex, namely by referring to civil or family status, without justification by any reason or necessary condition not related to gender .*

#### **Penalising discrimination**

42. Act no.9/2001 of 21<sup>st</sup> May strengthens mechanisms to monitor and punish discriminatory labour practices. Currently, the Labour General Inspectorate has more power to prevent, monitor and punish gender discrimination, including indirect discrimination.

**Monitoring and assessment**

43. By virtue of Act no.10/2001, of 21 May, an annual report on the equality of opportunities between women and men – in the fields of work, employment and vocational training - must be submitted by the Government to Parliament.

**Article 3****The development and advancement of women**

44. As mentioned in previous reports, the principle of equality is a fundamental principle of the Constitution of the Portuguese Republic whose pertinent articles have been referred to in Article 1 and 2.

**Gender Violence**

45. One of the main obstacles to women's enjoyment of human rights and fundamental freedoms is gender violence, namely in the family. The Government' concern with this fact has led to the approval of a Second Plan Against Domestic Violence<sup>1</sup>. The data collected to design this plan is as follows:
46. CEWR ordered a study from a research centre of the New University of Lisboa on "The Social context of violence against women, in victims examined in the Institute of Legal Medicine in Coimbra and Porto during year 2000". According to the data collected, physical violence accounted for 83% of the cases, the family home is the most likely place for the occurrence of violent acts against women, 67.2%, and in 95.3% of the cases children witnesses the violent acts.; in 36.7% the battering was going on for more than ten years and in 70.5% of the cases the aggressor was the husband. The women attributed the aggression to jealousy (44.4%) and alcoholism (19.7%).
47. Regarding the protection of victims, Act 61/91, of 13<sup>th</sup> August, has provided for a number of measures to protect women victims of violence in general (including information campaigns, publication of a handbook for women victims of violence, creation of a telephone hotline and setting up of specialized units within police stations to receive women victims of violence). Act 107/99, of 3 August, created a national network of women shelters (each composed by one shelter and support services), but none is specifically targeted to women victims of traffic. On 2001, there were 27 shelters operating throughout the country, benefiting a total of 2 632 women. CEWR runs a legal aid department for women and a toll free phone line working 24 hours a day that gives information and support to victims of violence. In 2003, it received 3 853 calls.

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<sup>1</sup> See Introduction of Second National Plan Against Domestic Violence.

**Victims of the crime of "Mistreatment", registered by or reported to the police authorities, by gender**

Crime	2001		2002		2003	
	Male	Female	Male	Female	Male	Female
Mistreatment or overburden of minors, of disabled persons, spouse or akin and infraction of the security rules	1 110	6 093	1 310	7 275	1 501	8 692

**Offenders convicted in completed cases at the first instance courts, by gender**

Crimes	Male	Female
<b>TOTAL</b>	<b>171</b>	<b>14</b>
Mistreatment or overburden of minors or of disabled persons	49	8
Mistreatment of the spouse or akin	122	6

**2002**

Crimes	Male	Female
<b>TOTAL</b>	<b>273</b>	<b>22</b>
Mistreatment or overburden of minors or of disabled persons	49	15
Mistreatment of the spouse or akin	222	6
Infraction of the security rules	..	..

Crimes	Male	Female
<b>TOTAL</b>	<b>434</b>	<b>15</b>
Mistreatment or overburden of minors or of disabled persons	92	12
Mistreatment of the spouse or akin	341	3
Infraction of the security rules	..	..

Note:

(..) Void result/Under statistical confidentiality

48. Women shelters are mostly run by women's NGO's with the support of the Ministry of Labour and Social Security. Many local counties have been supporting these shelters supplying the houses and the installation equipment.

<b>Tipification of Crimes</b>	<b>Number of offenders</b>	<b>Number of convicted</b>
<i>Crimes against life</i>		
First and second degree murder	63	56
Manslaughter	318	210
Attempted murder	31	19
<i>Crimes against physical integrity</i>		
Simple physical offence	4 412	1 419
Qualified aggravated physical offence	118	70
Physical offence through neglect	304	89
Wife, children and disabled battering	243	115
<i>Crimes against personal freedom:</i>		
Threats and coercion	734	224
<i>Crimes against freedom and sexual offence</i>		
Rape simple and aggravated	60	42
Rape using authority	12	7
Sexual abuse, coercion and fraud	41	21
Sexual abuse and coercion from a position of authority	3	
Traffic of persons and exploitation of prostitution of others	13	4
Crimes against honor <sup>2</sup>	795	213

Office of Legal Policies and Planning of the Ministry of Justice, 2001.

#### **Gender Equality NGO 's**

49. Dispatch no.199/2003, of 25<sup>th</sup> February implemented a technical structure to coordinate a system of technical and financial support to NGO's. This technical structure works under the President of CEWR and corresponds to Regulation Measure 4.4 - "Promotion of Equal Opportunities for Men and Women" of the Operational Programme for Employment and Social Development, part of the Cohesion Fund of the European Union. As part of the European Union Structural Funds.
50. Thirty-nine projects were submitted and twenty-six were supported during the financial year 2003. The key focus the projects supported contemplated the promotion of equal opportunities for women and men in a changing economy, especially in the fields of vocational training, access to the labour market, and reconciliation of professional and family life for women and men.

<sup>2</sup> These crimes of honour do not have to do with murder charges but with moral offenses.

51. Twenty projects were directly concerned with the promotion of gender balance in decision making and the improvement of conditions conducive to exercising equal rights, namely by fostering actions to combat violence against women. Leading organisations are NGO's which includes both women's and development NGOs operating at various levels, and other networks and associations working in different sectors of society.

#### **Accountability and Access**

51. Women have, as a rule, the same access as men, in fact and by law, to social services, health and medical care, education, literacy development programmes, ownership of properties and social welfare. Nevertheless, measures were taken to assure these rights.
52. Act no.30-E/2002 of 20<sup>th</sup> December (amended by Decree-Law no.38/2003, 8<sup>th</sup> March), changed the regime of access to justice and courts, giving Social Services the responsibility to decide on the requests for judiciary support. Dispatch no.140/2002 of the 12<sup>th</sup> of February approved new applications to require judicial support for individuals and collective persons to fasten and facilitate access to justice.
53. Act no.32/2002 of 20<sup>th</sup> December approved social security basic principles. Among these is the principle of gender equality.

#### **Article 4**

Adoption of special measures aimed at accelerating de facto equality between men and women

54. The Second National Plan for Equality is the main tool designed by the Government to achieve full equality. In some sectors, policy measures have already been designed for that purpose. For example:

##### ***(a) Positive action in the police force***

55. To cement equality between men and women, the Portuguese government approved, in 2002, the Code of Ethics of Police Service, by the Council of Ministers Resolution No. 37/2002, dated February 28th, through which an effort has been made to implement the principle of equality between men and women. That subject was included in the training curricula of police officers, with mandatory force, in order to ensure that no woman will be the object of discrimination when received in a police department.
56. With a view to increase female rates in the police forces, there are rules of positive discrimination in the Portuguese juridical order. Concerning the process of selection and admission of candidates to the National Republican Guard (GNR), to the Police of Public Security (PSP) and to the Service of Foreigners and Borders (SEF), the criteria regarding medical examination biometry, namely minimum high, and the degree of exigency regarding certain physical tests are different from those established for the male candidates, in order to facilitate the admission of women.

57. In which concerns the GNR, we must note that the rate of female officers increased to 1.51 per cent in 2003, compared to only 1.42 per cent in 2001. This is very constructive if we consider that only in 1998 the admission of women to that military force with police duties stopped being subjected to the effective performance of military service.
58. The rate of female officers in the PSP, in 2002, was around 6.62 per cent, with 8.28 per cent in what concerns high officers.
59. In the SEF, the female rate is 45.23 per cent, with 50 per cent in directive ranks (data concerning the year of 2002).
60. We must note that even in the field of Intelligence, the Intelligence and Security Service also presents a universe of 38.64 per cent of women regarding the total number of its personnel.
61. We are thus witnessing a sustained tendency for the gradual admission of women into the police and intelligence communities, which no longer represent an exclusively male field, thus contributing to the full enjoyment of the statute of citizenship by women.
62. Also, female rates in the police force lead to a re-evaluation of security in feminine terms, for when a city is safe for women it is also safe for men.
63. Moreover, police service carried out by women, in operational terms, is not different from what their male colleagues do. However, an effort has been made in the sense that the reception of women who are victims of domestic violence would be made by female police officers, in offices especially created to allow a personalised reception. This happens not only in units and precincts (with more than 67 rooms for reception of victims in the whole police force) but also in the six posts of personalised reception, called “Segurança Cidadão” (Security Citizen), which exist in almost all “Lojas do Cidadão” (Citizens’ Shops), in several cities in the country, operated by elements of the GNR and PSP. Afterwards, the victims are often directed to private associations that provide socio-psychological support, especially in cases of domestic violence. For this purpose, a protocol has been established between the Ministry of the Internal Administration and the Portuguese Association for Victims’ Support.
64. The Inspectorate General of the Internal Administration is actually carrying out a sociological study entitled “Integration of Women in the Security Forces”, which will allow a better understanding of the phenomenon and the presentation of proposals to improve integration and correct possible diversions. This study is being carried out using data collected directly from the police forces.



**(b) Mobility**

65. In the scope of female drivers, the very social dynamics based on the principle of equality has contributed to a progressive parity. Therefore, for instance, the average annual growth, between 1998 and 2002, of female drivers is 8.5 per cent while, regarding men, that growth is only 5.6 per cent. In 2002, the rate of female drivers was 35.63 per cent regarding the global number of drivers.

**(c) Positive action in eradication poverty**

66. On 6 August 2001, the National Plan of Action for Inclusion was launched, (Council of Ministers Resolution no.91/2001) of the developing around six main axes, one of which is the promotion of *de facto* equality between women and men, both in the public and in the private spheres. This Plan of Action has the following four main goals: to foster the participation of all in employment and everyone's access to resources, rights, goods and services; to prevent the risks of exclusion; to act in the benefit of underprivileged persons; and to mobilize all actors. The Plan of Action sets up specific targets, and adopts benchmarks to measure the progress achieved in each of them. Whenever the number of persons is mentioned, these benchmarks shall be disaggregated by gender. An Inter-ministerial Commission has been set up to monitor the implementation of the Plan of Action, which is now being assessed.
67. Act 90/2001, of 20 August, provides for support measures for mothers and fathers who study (at all levels of schooling) and establishes a special regime of leave of absence for employees for classes, exams and school transfers. Their children, up to the age of five, are given preference in the admission to kindergarten.

**(d) Women in sports and positive action in sports security**

68. The principle of total juridical equality between men and women was fully implemented when a reform was made regarding the model of security in sports compounds, which began in 2002 and had in view the organisation in Portugal of the final stage of the European Football Cup in 2004. Thus, the national legislator established the figure of sports compounds' assistant (steward), an innovating figure in the scope of the private security system in sports compounds, with no exception regarding the assistants' gender. The assistant is entrusted, among other things, with the duty of receiving, direct and watch over the spectators, regardless of their corresponding gender (Decision No. 1522-B/2002, dated December 20th).
69. In the II National Plan for Equality foresees the awareness raising of sports clubs and associations to the need to promote female sports in schedules that allows women to practise sports at the same time as their children.

***(e) Monitoring and assessment***

70. The Second National Plan for Equality considers the need of assessment of policy measures to promote equality and of the gender impact of other sector policies. In order to do so a Study on the gender impact of Government policies through the adoption of indicators is foreseen. Each Government Department shall adapt this instrument to its intervention areas and apply it to every step of the process of political decision.

***(f) Positive action in Employment, Vocational training and conciliation of work and family life***

71. Dispatch no.186/2002, 12th March, of the Presidency of the Council of Ministers and Ministry for Work and Solidarity established Regulation Measure 4.4 – “Promotion of Equal Opportunities between men and women” in the Operational Programme for Employment, Training and Social Development (OPETSD) that contains the following measures:

***(i) Structural measures***

72. Studies, Codes for Good Practices, argument books, Data Bases and other research tools for the investigation and analysis in the area of equality between men and women.

73. Actions for sensitization, communication and training in the area of equal opportunities for strategic publics.

74. Support to awards given to entities in the area of equal opportunities between men and women – Prestige Awards. An award that has been given for a few years is called “Equality is Quality”.

***(ii) Measures in support of actions for equal opportunities***

75. Systems of support to employers that intend to develop innovation in the organization of working conditions in order to facilitate the conciliation between professional and family life for women and men;

76. Support of actions aimed at the balance of men and women’s participation in the labour market in professions with accentuated gender discrimination;

77. Support to women’s business creation.

***(iii) Measures in support of equal opportunities in vocational training***

78. In the Vocational Training System, all references, programmes and contents, as well as rules of access, shall respect the principle of equal opportunities between men and women;

79. In vocational training, there is no gender discrimination whether in equipment, curricula, trainers or Professional examinations.
80. In the centres under the direction of the Institute for Employment and Vocational Training, in the module “Education and Training for Young People and Adults”, a double certification in education and vocational training is given to trainees. The available data for 2002 shows there are 3 579 women and 1 698 men trainees.
81. In vocational training courses, themes pertaining to family education are discussed in the module of Education for Citizenship, under the thematic unit “Equal Opportunities”, in the scope of Conciliation of Family and Professional Life, and family planning in the thematic unit “Health and Healthy Lifestyles” under the scope of human sexuality.
82. While the vocational training courses are taking place, the expenses with childcare or other dependents are charged to the IEVT, in order to guarantee equal access conditions to women and men and the conciliation with family responsibilities.
83. Promotion of vocational training in professions pertaining to Neighbourhood Services for the Family and the Community is taking place, in order to enlarge the labour market and stimulate the implementations of structures for childcare and elderly support.

***(iv) Equal opportunities among women and men for vocational training***

84. Integration of thematic modules on Equal Opportunities between Women and Men and Health and Healthy Lifestyles in all Vocational Training courses promoted by the Institute for Employment and Vocational Training (IEVT) in the field of citizenship education.
85. Design of training guidelines for the thematic unit of Equal Opportunities
86. Production of training resources for the thematic unit Equal Opportunities;
87. Promotion of a study on “*Professions Social Representations of Youngsters*”;
88. Promotion of a study on “*Social Representations of Trainees on Equal opportunities between women and men*”.

## **Article 5**

### **Sex roles and stereotyping**

89. The CEWR has taken part in a project, together with equality mechanisms from Spain, Italy and France, that included several university researchers on media and communication from these four countries, that put together a publication on “Guidelines to eliminate gender stereotypes from the media and publicity”. These guidelines include a brief analysis of stereotyping in the media of these European countries and contain check lists and other

tools to help recognize gender stereotypes. It has been introduced to some national media and there is a programme scheduled to work with journalists and communication students.

90. On the other hand, the II National Plan for Equality contains several policy measures pertaining to the problem of stereotypes, whether in the field of education (school books, pedagogical practices, etc.), or directly with media professionals.
91. With the aim of contributing to eradicate some stereotypes still existents in our society, especially in what concerns the social excluded and rural women, the Ministry of Culture is committed to implement, until 2006, some special intervention measures, such as:
- Promoting the women access - specially the social excluded - to production and fruition of culture in all the expressions and forms;
  - Supporting public and private cultural institutions developing activities that contribute to consolidate children, young people and women reading habits;
  - Upholding the investigation and edition in different technical supports of ethnomusicology and folklore, and other kinds of oral traditions that specially identify the role of the women in Portuguese History and society;
  - Giving convenient support to vocational/professional training, specially focused on rural and the economical and social disadvantaged women, to promote change in the attitudes towards cultural and artistic agents;
  - Developing studies and analysis of the artistic professions performed by women.

## **Article 6**

### **Exploitation of women**

#### **Trafficking in persons: Criminal law provisions**

92. Trafficking in persons is punished by Article 169 of the Portuguese Criminal Code, recently amended by Act 99/2001, of 25 August. This Article punishes whomever, by means of violence, serious threat, deceit, fraudulent manoeuvre, or taking advantage of any situation of particular vulnerability, attracts to, transports, accommodates, receives or creates the conditions for the practice, by a certain person, in a foreign country, of prostitution or relevant sexual acts, with two to eight years of imprisonment. This new wording has enlarged the scope of Article 169, thus enabling the prosecution and punishment of all those who, directly or indirectly, contribute to the traffic in persons.
93. There are specific provisions concerning the procurement and trafficking in children: Article 176 of the Criminal Code (also revised by Act 99/2001) provides for the punishment of all those who attract, transport, provide for the accommodation or reception of a child under 16 years of age, or make arrangements for the child to practice, in a foreign country, prostitution or relevant sexual acts (1 to 8 years of imprisonment). This new regime now provides for the punishment of all those directly or indirectly involved in trafficking in children. The provisions of Article 176 apply to all, regardless of the agent resorting to

violence, threat, fraud or deceit; although these are aggravating circumstances and thus raise the limits of imprisonment to 2 to 10 years, (other aggravating circumstances include the victim being under 14 years of age or the agent acting professionally or with the intent of profit).

94. Other situations described as trafficking in persons for purposes other than sexual exploitation can be punished under the provisions on slavery and slave trade (Article 159 of the Criminal Code – 5 to 15 years of imprisonment). The Criminal Code also punishes the crimes of threat, coercion, abduction and kidnapping.
95. Furthermore, Decree-Law 244/98, of 8 August (which regulates the entry, stay, exit and removal of foreigners from the national territory), amended by Act 97/99, of 26th July, Decree- Law 4/2001, of 10 January, and Decree Law 34/2003, of 25th February, created the crime of aiding illegal immigration (presently punished with imprisonment of up to 3 years, or from 1 to 4 years in case the agent acts with the intent of profit). The members of groups, organisations or associations whose activity aims at aiding illegal immigration are more heavily punished, with imprisonment of 1 to 6 years (or 2 to 8 years in the case of the heads of such associations).
96. Procurement of illegal human labour is also punished with 1 to 4 years of imprisonment (or 2 to 5 in case the agent acts in a reiterated manner).
97. The criminal and civil liability of corporate persons in this context has recently been introduced by Decree Law 34/2003, of 25th February: corporate persons and societies, even if irregularly incorporated, are subject to fines and the prohibition to exercise their activity from 1 to 5 years.
98. Decree- Law 325/95, of 2 December establishes the legal regime to prevent and repress money laundering and provides for the punishment of those who convert, transfer or dissimulate assets deriving from, or products of, certain crimes. Act 10/2002, of 11 February, introduced amendments to that Decree- Law, expressly to include the crime of trafficking in human beings.
99. Regarding the investigation of the above mentioned crimes, we shall highlight the following: the Constitution of the Portuguese Republic was subject to its 5th revision on December 12, 2001 - Constitutional Act 1/2001 - which, among other aspects, amended article 34, paragraph 3. The present wording of this paragraph now opens some exceptions to the general prohibition of entering a person's home during the night. One of them concerns the cases of particularly violent or highly organised criminality, including trafficking in persons.
100. Act 5/2002, of 11 January, establishes measures to fight organised and economic crime. It sets a special legal regime for the gathering of evidence, breaking of the professional

confidentiality and lost of goods in favour of the State in relation to several crimes, among them the crime of trafficking in children.

101. Decree-Law 304/2002 and 305/2002, of 13 December, gave the Judiciary Police – the specialized police unit in the field of criminal investigation - the competence to investigate the crime of trafficking in persons, without prejudice to the competences of the Foreign and Borders Office on that matter.
102. In 2001, there were 30 criminal proceedings for trafficking in persons and procurement initiated against a total of 46 defendants, 22 of which were condemned. In 2002 there was a decrease in these numbers, with 18 proceedings initiated against 31 defendants, 19 of which were condemned.

#### **Protection of victims**

103. Regarding the protection of victims, Act 61/91, of 13th August, has provided for a number of measures to protect women victims of violence in general (including information campaigns, publication of a handbook for women victims of violence, creation of a telephone hotline and setting up of specialized units within police stations to receive women victims of violence). Act 107/99, of 3 August, created a national network of support centres for women victims of violence (each composed by one shelter and support services), but none is specifically targeted to women victims of traffic, although these were also accepted in some centres. On 2001, there was 27 shelters operating throughout the country, benefiting a total of 2 632 women. CEWR runs a legal aid department for women both in Lisbon and Oporto. (See National Plan Against Domestic Violence).
104. Act 93/99, of 14 July (on the implementation of measures for the protection of witnesses in criminal procedures) ensures protection to witnesses in the proceedings concerning, *inter alia*, trafficking in persons, and its provisions apply to anyone who is aware of relevant facts (including the victims themselves). These measures include the possibility to conceal the witness's identity and special security measures such as the transportation in an official car when attending procedural acts, availability of a separate room in the court's or police station's premises, and police protection. In cases of grave danger to the witness's life or physical integrity, it is possible to implement a special security program, which may include the supply of new documents with different identification elements, alteration of one's physical characteristics, granting of a new house within the country or abroad, and of an allowance to ensure the person's subsistence. These measures are extensive to the witness's spouse, parents, children, brothers and sisters and other close persons.
105. NGO's also develop an important work in the field of victim protection: for example, the NGO "O Ninho" provides assistance to prostitutes and the Portuguese Victim Support Association (APAV) provides psychological assistance, counselling, financial assistance and information for victims of crime. The telephone hotline for women victims of violence is now operating 24 hours a day, in partnership between CEWR and APAV – pursuant to a Protocol signed between the Government and this NGO, and since October 2003 with the National Line of Social Emergency.

106. The “Women’s Association Against violence”, a women’s NGO, has a welfare and legal support service for women victims of violence. The Portuguese League for Social Prevention (*Liga Portuguesa de Profilaxia Social*) developed the VAMP project aimed at providing social and medical support to prostitutes of both sexes through a mobile unit which undertakes three missions a week. The Association for Family Planning runs **Espaço Pessoa**, a program for supporting victims of prostitution.

107. Project, **ISADORA**, coordinated by the North Delegation of CEWR, aimed at the protection of women exerting prostitution, and done in cooperation with Spaine, has the following goals:

- To implement equipment of support and shelter for the women who exert prostitution to prevent situations gender violence providing them the necessary protection to guarantee their security;
- To improve social and health the conditions, through information, orientation and monitoring the existing resources;
- To provide spaces for privacy to the women who exert prostitution;
- To promote professional training for these women in order to make them able to access the labour market and provide help in the commercialisation of their handycraft;
- To increase knowledge on these women’s condition and of the sub-groups associated with them, adjusting integration measures;
- To consolidate mechanisms of transnational cooperation with Galicia, Spain for the integration of socially excluded groups.

*Actions directed to the women supported by the project in the Region of Galiza:*

- To provide shelters for women prostitutes their sons and daughters
- To create a mobile unit to provide support, information and counseling
- To create centre for selling hand made products
- To promote seminars targeted at professionals who work with socially excluded groups of women.

108. On January 2003, the Portuguese Bar Association proposed a Protocol aiming at providing migrants, including illegal migrants, with free legal counselling. Two counselling units have already been established.

#### **Education and awareness-raising**

109. On 2001, the north delegation of CEWR has developed the project “**De Rua em Rua**”, in partnership with public and private, national and foreign entities (namely the Ministries for Home Affairs, Health and Employment and Social Solidarity, municipalities, NGOs and academics). This project was funded by the European Commission’s STOP initiative and developed around two main axes:

- a) Investigation on female prostitutes, with particular emphasis on their connection to trafficking and sexual exploitation networks; and study of the adequacy of responses to the

needs perceived by such women. The results of this study, which was carried out by the Psychology and Educational Sciences School of O'Porto University have recently been published.

- b) Training: this component included 126 hours of training and aimed at providing specific training in the area on prostitution for professionals who intervene in this field (inter alia social workers, law enforcement officials, nurses). This training comprised visits to the national institutions working in the field of assisting victims of prostitution, three workshops and visits to the transnational partners involved (Association "On the Road" – Italy, and *Servicio Galego de Igualdad* – Spain).

110. Also relevant in this matter is the launching by APAV (in partnership with the Ministry for Home Affairs and co-financed by the European initiative DAPHNE) of a handbook aimed at professionals dealing with women victims of violence, that includes advice and examples of good practices in the reception, attendance and treatment of these victims.

111. Council of Ministers Resolution 37/2002, of 28 February, has determined that all training courses for members of security forces must explicitly include the area of equal of opportunities between women and men as a fundamental element of the police ethic in order to ensure the adequacy of responses.

#### **International co-operation**

112. The efforts of the Portuguese Government to prevent and combat traffic and to assist its victims, are undertaken in close co-operation with NGO's (national and, in some instances, international), as well as with several international organisations of which Portugal is a party to (the European Union plays a key role in this area).

113. In fact, European institutions develop an important work in the fight against trafficking in human beings. Since 1996, the European Union has established a number of programs against the traffic in human beings and sexual exploitation of children, *inter alia* the programs STOP and STOP II (to prevent and combat traffic in human beings and all forms of sexual exploitation of children, including child pornography), and DAPHNE (to protect children, adolescents and women against violence). A number of initiatives undertaken by Portuguese public and private institutions have been financed through these programs (See project "De Rua em Rua", above).

114. On 19 July 2002, the European Council adopted Framework Decision 2002/629/JHA on combating trafficking in human beings with the purpose to approximate the laws and regulations of the Member States in the area of police and judicial cooperation in criminal matters relating to the fight against trafficking in human beings, and to introduce, at the European level, common framework provisions in order to address certain issues such as criminalisation, penalties and other sanctions, aggravating circumstances, jurisdiction and extradition. This framework decision must be fully implemented by all Member States until 1 August 2004.



115. Child victims of trafficking are entitled to special assistance, in accordance with Framework Decision 2001/220/JHA on the standing of victims in criminal proceedings.
116. It should also be emphasised the creation of Eurojust (February 2002), an European unit aimed at reinforcing legal co-operation with the view to fighting the most serious forms of criminality (*inter alia* trafficking in persons) and facilitating the co-ordination of the investigations and criminal proceedings involving the territory of several Member States. Also relevant shall be the institution of the European arrest warrant, to be in place as of 1 July 2004.
117. Portugal is a party to the Convention establishing a European Police Service (EUROPOL), one of the competences of which is to prevent and fight against the trafficking in human beings.
118. Since 2001, Portugal has become a party to the following international instruments with relevance in this field:
- Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;
  - Protocol to Amend the Convention for the Suppression of the Traffic in Women and Children, concluded at Geneva on 30 September 1921, and the Convention for the Suppression of the Traffic in Women of Full Age, concluded at Geneva on 11 October 1933, signed At Lake Success, New York, on 12 November 1947;
  - Rome Statute of the International Criminal Court;
  - Protocol drawn up on the basis of Article 43(1) of the Convention on the establishment of a European Police Office (Europol Convention) amending Article 2 and the Annex to that Convention;
  - Convention on Protection of Children and Co-operation in respect of International Adoption;
  - Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography;
  - European Convention on the Compensation of Victims of Violent Crimes.
119. The United Nations Convention against Transnational Organized Crime, and the Protocols to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and against the Smuggling of Migrants by Land, Sea and Air, of November 15<sup>th</sup> 2000, were signed by Portugal on December 12<sup>th</sup>, 2000. The internal process aiming at their ratification is currently underway.
120. At the bilateral level, Portugal approved, by Decree 36/2001, of 14 September, a co-operation agreement on criminal matters with the Russian Federation, which foresees the co-operation between the competent authorities of both countries, *inter alia*, on the fight against trafficking in persons, exploitation of prostitution of others and, in particular, the sexual exploitation of children (Article 1, paragraph 2 (f)).

121. The Friendship and Co-operation agreement signed between Portugal and Ukraine on 25 October 2000 (approved for ratification by Parliament Resolution 9/2002, of 25 February) also provides for mutual co-operation concerning trafficking in persons.

122. The same applies to the Agreement between the Government of the Republic of Portugal and the Government of the Republic of South Africa on Police Cooperation, approved by Decree 23/2002, of 10 July (Article 2 (e)).

## **Article 7**

### **Political and public life**

123. In March 2002, the election for the Parliament resulted in percentage of elected women of 19, 6% (17.4% in the previous Parliament). The Government that resulted from this last election counts among its members with seven women in fifty two positions (13.5%). In the elections for local mayors, the percentage of women grew from 3.9% in 1997 to 5.2% in 2001.

124. As for the female representation among Portuguese parliament members to the European Parliament, it increased from 8%, in 1984, to 20% in 1999.

125. In 2001, the percentage of women judges was 40.8%, and 46% of Public Prosecutors were women.

126. The Second National Plan for Equality also contains measures to promote women's participation in decision making positions, elected or nominated, through campaigns, Guides, etc.

## **Article 8**

### **International representation and participation**

127. During the period under consideration, there were no measures taken on issues related to article 8.

128. Since 1974, women have been allowed to join the diplomatic corps (Decree-Law 308/74, 6th July), ruled that there were no legal or institutional obstacles to women representing the Government internationally or in international organisations).

129. The only information on this subject regards the situation of women at the Ministry for Foreign Affairs:

<b>Total Number (men and women)</b>	<b>Number of women</b>
Diplomatic personnel - 476	in the diplomatic corps – 121
Heads of Mission – 79	as Heads of Mission – 3
Consuls and General Consuls - 65	as Consuls and General Consuls - 10
Technical senior officials – 119	as Technical senior officials – 90
Heads of Department* – 182	as Heads of Department - 98

\* Includes all levels of leading positions (Director-General, Deputy Director-General, Director of Department and Head of Division).

130. As to the rate of female representatives of Portugal in working groups in international organisms, the SEF (the Portuguese service for foreigners and frontiers, which has more women than any other in its ranks) reached a percentage of 58.82 regarding working groups headed by women (data concerning the year of 2002).

## Article 9

### Nationality

131. In what concerns the acquisition of nationality, Portuguese law does not differentiate anyone according to gender (see Portuguese previous report). Even if a woman, marrying in a foreign country, loses her nationality by that country law, she can, if she wishes so, demand to retain or recover Portuguese nationality.

## Article 10

### Education

#### Female illiteracy including elder women

132. Between 1991 and 2001 the general illiteracy rate passed from 11% to 9%. Illiteracy is much higher among the elderly, 55 years or more, due to the fact that mandatory education was established very late in Portugal. In this population, illiteracy is much higher in women since a few decades ago the cultural order excluded many girls from the school system.

133. Among younger people, on the contrary, and given the fact that girls do better in school, the percentage of illiterate women is smaller than men's.

#### Percentage of individuals without schooling by age groups and sex

	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60-64	65-69	70-74	75+
MW	1,0	1,4	1,5	1,8	2,3	2,9	6,0	18,7	25,8	31,2	42,2
M	1,1	1,5	1,7	1,9	2,1	2,5	4,3	13,1	18,8	23,4	31,5
W	0,9	1,2	1,4	1,8	2,4	3,4	7,6	23,5	31,6	37,2	48,7

Source: XIV General Population Census, INE

134. At the beginning of the 21<sup>st</sup> century Adult Education and Training (AET) in Portugal shows that an effort has been made to both adjust it to its different target groups, and their various contexts and training needs, and to motivate demand.
135. There is a perceptible movement away from mere basic literacy towards a more integrated view, connecting adult, non-formal and informal education and lifelong learning opportunities with the education for all goals.
136. A crucial issue concerns the growing demand on the part of adult learners for the formal recognition of their prior learning, mostly women, particularly where economic opportunities are at stake.
137. Within this framework, adult education and training provision is a priority intervention area of the Directorate General for Vocational Education and Training, a central department of the Ministry of Education.
138. The guidelines that structure this intervention, in relation to adults with low schooling level and insufficient professional qualifications are: i) the implementation of a framework of reference for key competencies that leads to both the accreditation of acquired competencies and the construction of diversified training paths, ii) the diversification and differentiation of education/training formats that provide an alternative to regular education by combining academic training with qualifying training and iii) the implementation of short, flexible and capitalizable training units.
139. The European Social Fund, through the Programme for the Educational Development in Portugal (PRODEP III) and the Operational Programme Employment, Training and Social Development (POEFDS), support the development of responses intended to upgrade different underprivileged target groups' qualifications. Within this context, priority is given to the training provision and occupational integration for women as a means of pursuing equity of opportunities for this target group. A balanced female participation in training, the diversification of professional areas accepting women, and the promotion of their access to new employment generating activity sectors is to be attained.

#### **Feminization Rate in Adult Education**

	Basic Adult Education	Secondary Adult Education
Year		
2000/01	54,9	50,6
2001/02	54,0	50,5

Source: Statistics of education.

140. There have been no significant changes in education of girls and boys since the last report. The guarantee of equal opportunities, with regard to the access to all levels of education, has meant that girls, in Portugal, have obtained higher levels of educational achievement and a diversification of choices at the level of medium and higher courses.

141. For example, the rates of application by gender and level of education are the following (2001-2002 data):

**Applications of Female Students, in percentage, in diverse levels of education**

Education level	Feminization ratings
Nursery school	48,9
Regular Basic School	48,3
1º grade	48,2
2º grade	47,2
3º grade	49,3
Secondary School	52.7
General Studies	57.3
Technological Studies	43.6
Vocational Studies level 3	42,4
Visual Arts	62.7
Higher Education <sup>3</sup>	57.0
University	56.0
Politechnical Inst.	56.0
Mixed	70.0

Source: Statistics on Education 2001-2002

142. As shown, considering educational choices, there is a trend among women to prefer humanities and social sciences (72.4%) to technological studies (69.6).

**Feminization Rates**

~~2001/2002~~

Groups	Total	% 2001/2002			
		1º - Sciences and Natural Sciences	2º - Arts	3º - Social and Economic	4º - Humanities
General courses	56,4	52,4	52,3	51,6	70,4

**General courses**

10º ano 56,4 52,4 52,3 51,6 70,4

<sup>3</sup> Continente e Regiões Autónomas.

<b>11º ano</b>	57,9	53,4	54,7	51,7	74,2
<b>12º ano</b>	57,5	53,5	52,3	52,8	73,0
<b>Total</b>	<b>57,2</b>	<b>53,1</b>	<b>53,0</b>	<b>52,0</b>	<b>72,4</b>

**Technology courses**

<b>10º ano</b>	42,5	15,5	47,2	60,3	70,2
<b>11º ano</b>	45,0	15,8	52,1	63,9	68,7
<b>12º ano</b>	44,2	16,3	54,1	65,3	69,5
<b>Total</b>	<b>43,7</b>	<b>15,8</b>	<b>50,4</b>	<b>62,7</b>	<b>69,6</b>

143. In higher education, girls have been choosing areas that had a male predominance previously, for example, journalism, architecture, veterinary sciences, medical sciences, etc. Still, some traditional areas, like teacher training, Languages and Literature, Secretarial and Administrative training, Nursing and Social workers have feminization rates superior to 80%. On the other side, areas like mechanics, electricity, energy, electronics, computer sciences, etc, have feminization rates of less than 20%.

**STUDENTS, ACCORDING TO SEX AND STUDY AREA  
2001/2002**

Portugal

Sex Study Areas	Total applications		Men		Women	
		%		%		%
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>
<b>Total</b>	<b>396601</b>	<b>100,0</b>	<b>170488</b>	<b>43,0</b>	<b>226113</b>	<b>57,0</b>
Teachers Training and Educational Sciences	51172	12,9	8866	17,3	42306	82,7
Arts	13696	3,5	5815	42,5	7881	57,5
Humanities and Languages	21207	5,3	6206	29,3	15001	70,7
Social and Behavioural Sciences	37650	9,5	13090	34,8	24560	65,2
Journalist and Information	8384	2,1	2565	30,6	5819	69,4
Commerce and Administration	61969	15,6	27184	43,9	34785	56,1
Law	18546	4,7	7367	39,7	11179	60,3
Life Sciences	6894	1,7	2293	33,3	4601	66,7
Physical Sciences	10159	2,6	4690	46,2	5469	53,8
Mathematics and Statistic	5981	1,5	2268	37,9	3713	62,1
Computer Sciences	9072	2,3	6716	74,0	2356	26,0
Engineering and other technologies Industries	48502	12,2	39255	80,9	9247	19,1
	5415	1,4	2340	43,2	3075	56,8

Architecture and Building	27731	7,0	17935	64,7	9796	35,3
Agriculture and Fishing	8062	2,0	3729	46,3	4333	53,7
Veterinary Sciences	1959	0,5	763	38,9	1196	61,1
Health	32733	8,3	8750	26,7	23983	73,3
Social Services	7445	1,9	778	10,4	6667	89,6
Personal Services	11905	3,0	6070	51,0	5835	49,0
Transportation services	309	0,1	243	78,6	66	21,4
Environment protection	5960	1,5	2185	36,7	3775	63,3
Security Services	1850	0,5	1380	74,6	470	25,4

144. Nevertheless, in Europe, Portugal is one of the countries where more women study and work in scientific and technological areas in higher education and research. Among researcher women are 44.8% of the total.<sup>4</sup>

#### Vocational training

145. On the February 9<sup>th</sup>, 2001, Government and social partners signed an agreement on “Employment policy, labour market, education and vocational training”. The item concerning Vocational Training and transition to active life, a clause was added on vocational training in labour contracts with minors, 16 or more years old, that do not possess the minimum schooling or any vocational training.

146. This policy measure brought changes to article 122 of the Legal Regime of Individual Employment Contract, approved in Decree-Law no.49 408 of November 24<sup>th</sup> 1969 that established the legal regime for the employment of minors, with the changes introduced by Decree-Law no.58/2002 of the 15<sup>th</sup> March and Regulation Decree no.16/2002 of 15<sup>th</sup> March.

#### Trainee’s distribution by sex and type of training 2002

Type of Training	N. Trainees		
	<i>MEN</i>	WOMEN	TOTAL (2)
Apprenticeship	16.977	9.934	<b>26.911</b>
Qualified Training aimed at integration in the labour market	3.694	3.052	<b>6.746</b>
<b>Education and Training for Youngster with low normal schooling</b>	<b>1.240</b>	<b>640</b>	<b>1.880</b>
Training along the lifecycle	20.633	17.019	<b>37.652</b>

<sup>4</sup> Source: Observatory of Science and Higher Education, 2001.

Vocational training for unemployed	5.770	13.735	<b>19.505</b>
<b>Courses of Education and Training for Adults/ Unemployed socio-professionals</b>	<b>303</b>	<b>2.394</b>	<b>2.697</b>
Training for Trainers	2.260	2.018	<b>4.278</b>
Training for disadvantage groups	2.144	1.581	<b>3.725</b>
<b>Courses of Education and Training for Adults / Disadvantaged social-professional with certification</b>	<b>155</b>	<b>545</b>	<b>700</b>
Other measures: Programmes of Training/employment (*)	13	108	<b>121</b>
Other measures: Training in management – Modules of Management (*)	14	37	<b>51</b>
Other measures	7.678	5.179	<b>12.857</b>
<b>Total</b>	<b>60.881</b>	<b>56.242</b>	<b>117.123</b>

Source: Institute for Employment and Vocational Training. This data only concerns training in Employment Centres, Vocational Training Centres of direct and participated management.

#### Women and ICT

147. A survey on the use of ICT for the Portuguese Population refers 45% of women using computers compared to 52% men. As for Internet use there is a similar gap: 27% women and 34% men.
148. Nevertheless, among the younger generation there is a significant increase of ICT using among young women. This situation reverses after 34 years old.<sup>5</sup>
149. According to the publication “*Sociedade da Informação – Principais Indicadores estatísticos 1995-2001 Portugal*”<sup>6</sup>, in higher education the rate of women taking courses in Computer Sciences is not optimistic: the percentage of women taking these courses is 25.6% of the total which represents no evolution since 1996. Still, in 2001/2002 there were 36.4% of women finishing the course which seems to be an encouraging number, although the statistics cannot be compared since they come from different sources.

#### Culture policies

150. The XV Government Program guidelines, improved since April 2002 - after Parliament and Government general elections - established actions and necessary measures towards the implementation of equality within the Public Administration and also for the private sector, in the spheres of political, economic, social, cultural and professional life.
151. The Government Program includes important principles and goals, which permit to extract some important conclusions towards the implementation of gender equality, especially

<sup>5</sup> *Utilização das Tecnologias da Informação e Comunicação pelas Famílias 2001*, Statistic National Institute, March 15th, 2002.

<sup>6</sup> Science and Technology Observatory, Ministry of Science and Technology, March 2002.



because the Culture Policy is regarded as a transversal policy within all the society sectors and areas. The Government looks to the citizen – the human being – as the centre of all the cultural activities.

152. The main scope is the defence of citizenship and human rights: only instructed and littered men and women can manage and look after their rights. Because of this principle, the Public Administration policies must stimulate and support the cultural productions with pluralism and tolerance consenting all the possible traditions and new ways of artistic and cultural expressions. This kind of view allows all citizens – men and women - a wider access to the cultural products and services produced by public or private organization, since the Ministry of Culture articulate some actions with others Governmental departments such as the Ministry of Education, by promoting the presence of children and young people in artistic performances; supporting local libraries and museums and also by stimulating the protection of National cultural heritage, specially the historical monuments. The Ministry of Culture also supports private associations, foundations and artists that uphold citizens towards social integration and also those ones who developed and raised people's interest in performative arts among other targets.

**Structural measures proposed by CEWR and special intervention measures implemented by the Ministry of Culture**

153. The Ministry of Culture has been involved in all the working sessions and agreed with the implementation of all the structural measures proposed by CEWR in order to achieve *de jure* and *de facto* equality between men and women; in the implementation of some measures the Ministry will be involved directly and, in some others complementary to the different Governmental departments with other special skills and competences (attending to the special issues designed in each theme and measure).
154. With the aim of contributing to eradicate some stereotypes still existents in our society, specially in what concerns the social excluded and the rural women, the Ministry of Culture compromised to implement until 2006, some special intervention measures, such as:
- Promoting the women access - especially those who suffer from social exclusion - to production and fruition of culture in all its expressions and forms;
  - supporting other public and private cultural institutions developing activities that contribute to consolidate children, young people and women reading habits;
  - upholding the investigation and edition in different technical supports of ethnomusicology and folklore, and other kinds of oral traditions that specially identify the role of the women in Portuguese History and society;
  - giving convenient support to vocational/professional training agencies in arts and artistic management, specially those which are focused on rural women and women with special needs in economical and social fields, getting a real change of attitudes towards gender equality in cultural and artistic agents;
  - develop studies and analysis of the artistic professionals in order to collect data on women and men in different art performance;

- support and promote research in ethnic music, literature, traditional customs and oral traditions and the part women play in its survival and creation.

155. In what concerns the specific measures and projects held in the Ministry of Culture this Report is not an exhaustive document about all the initiatives that the Public Administration departments within the Ministry are developing towards the equal integration of women and men, especially in what concerns practical measures and actions.

**Ministry of Culture – an example of gender equality diagnosis**

156. Following the Portuguese constitutional and legal framework, which establishes non-discrimination principles and equal rights for women and men, the Ministry of Culture has a higher rate of feminisation within the public servants.

157. A superficial and empirical analysis of the Ministry of Culture human resources ( those who worked within the different General directorates, public institutes, National Theatres and Opera House, National Ballet and other public bodies ) shows that the number of women acting as civil servants is continuously growing, representing more than half of the total work force.

158. That empirical study consents to conclude that women, as confirmed by the sampling collected from the figures published by some bodies within the Ministry (published in 2002 but referring to 2001; in 2002 the propensity is steady and kept approximately the some values) :

- *ICAM - Cinema, Audiovisual and Multimedia Institute* - total 83 employees: 58 women / 25 men.
- *IAN/TT - National Archives Institute* - 281 employees: 191 are women and 90 are men. As superior officers, this Institute has 44 women and 15 men.
- *IPLB - Book And Libraries Portuguese Institute* – 54 women and 22 men. As superior officers, this Institute has 29 women against 9 men.
- *IPCR – Portuguese Institute for Conservation and Restoration* - 49 women and 21 men; as superior officers this Institute has 10 women and 6 men.
- *Cinemateca/ Cinema Museum* – 22 men and 17 women.
- *IPPAR - Portuguese Institute of Architectural Heritage* – 293 women and 222 men. As superior officers, this Institute has 124 women and 87 men.
- *BN - National Library* – 221 women and 102 men . As superior officers, this Institute has 67 women and 18 men.
- *CNB – National Ballet* - 47 women and 28 men .
- *National Centre of Photography* – 22 women and 8 men. As superior officers, this Institute has 3 women and 1 man.

159. In **2002**, the Directors and Deputy Directors within the Ministry were 27 women and 25 men.

The General Secretariat of the Ministry of Culture ( SG - Secretaria-Geral do Ministério da Cultura) based on figures obtained in a study made within this organisation, presents

every year the **SG-employee profile**. In **2001** the SG employee average profile was : a woman, about 48 years old, working in Public Administration for 20 years, with 11 years of schooling (general secondary schooling), and has been in vocational/professional training actions for 11,6 hours annual average.

160. In **2002**, this profile keeps almost the same levels in all the criteria, except vocational/professional training that rises to 19,9 hours per year.

161. In what concerns **2003**, the SG employee average profile remains almost the same : it's a woman, about 48,6 years old, working in Public Administration for 22 years, with 11,5 years of schooling ( general secondary schooling), is not affiliate into any labour union and has been in vocational/professional training actions for 12,5 hours ( annual average ).

162. In 2002-2003, the General Secretariat of the Ministry of Culture developed a human resources data base program called *Quadgest*, with specific tools that permit to gather gender information about the women and the men that belong and work in each institute and body within the Ministry. Since 2003 is possible to know how many public servants are men and women in different professional groups and categories without any delay and with scientific criteria :

#### Ministry of Culture - Employees by Gender - 2003

PROFESSIONAL GROUP ( public servants )	MEN	WOMEN	TOTAL
Administrative Officer	113	486	603
Assistant Officer	207	427	634
Head of Project	1	1	2
Director - Deputy Director and Head of Department	96	119	218
Manager	-	1	1
Computer Technician	27	15	42
Inspector	6	3	9
Worker	66	34	100
Others	76	186	263
Technician	332	251	592
Professional Officer	199	383	604
Superior Officer	228	528	760
TOTAL	1351	2434	3828

Source : Quadgest – General Secretariat of the Ministry of Culture - 2003

163. Within the Ministry of Culture one of the main tasks of several bodies and Institutes is the support of cultural initiatives promoted by the civil society. Some support is financial and subventions received by women (individually or associated).
164. The principle of equality between men and women are also a real preoccupation of the European Union Funds Programmes enclosed in four principal domains:
- improving the life quality in order to respond more efficiently to women needs;
  - raising the women access to employment market
  - ameliorating the women situation on the place of work
  - promoting the women participation on the creation of different economic activities.
165. Naturally these goals are also present on the Operational Program for Culture ( POC- Programa Operacional da Cultura ) framework approved by the European Commission (EC Decision - 27<sup>th</sup> of July of 2000 **C(2000)1524** CCI N° : 1999 PT 16 1 PO 006 ) establishing as one of the priorities, the social integration held by the modern cultural policies, specially in what concerns the segments most affected of society, such as the youngsters and women, promoting *de facto* equality men/women.
166. The financial support is given to cultural entities or associations and not to individual persons, in order to promote the Valorisation of Culture heritage and also the Access to Culture for all. However POC is a very well positioned Programme to support any kind of positive action assumed to create favourable conditions to women's access to employment in cultural activities, as we can see below:

Operational Program for Culture	Permanent employment created		Temporary employment created	
	Men	Women	Men	Women
2001	10	10	N.A.	N.A.
2002	60	31	3.514	959
2003	112	99	1.939	528

N.A. – Not available.

Source : POC – Operational Programme for Culture

***Institute for the Arts (Instituto das Artes –IA)***

***Financial support given to cultural entities, artists and agents in all kinds of performative arts: music; theatre; dance; plastic arts***

	Total Amount (a) (b)	Number - Total projects (b)	Amount distributed to women	Number of women projects	% Of the number of supported projects given to women	Amount distributed to men	Number of men projects	% Of the number of supported projects given to men
2001	13.086.671,12	296	159.615,33	13	4,4%	552.668,07	36	12,2%
2002	16.013.993,29	282	269.307,26	16	5,7%	668.898,03	25	8,9%
2003	16.264.156,97	281	231.141,00	11	3,9%	451.906,39	15	5,3%

Source : Instituto das Artes – IA / Ministério da Cultura

(a) The values are expressed in EUROS.

(b) The total amount and the Number of all the projects that were supported by IA, reflects not only the financial support given to women and to men, but also to other entities, such as cultural associations, theatre, dance and music groups, etc. That's why the result of the addition of women and men supported is not the total value included in the schedule above.

## Article 11

### Work and employment

167. As stated in the last report presented by Portugal<sup>7</sup> and in the «Concluding Observations/Comments»<sup>8</sup>, there are abundant legislation in this field and we will only mention new laws which intend to complete or improve mechanisms for the implementation of existing laws.

168. As stated in our last report, the general principle of non-discrimination is stated on Decree-Law n.392/79, of September 20th, that stipulates that the right to work implies the absence of any sexual discrimination, whether direct or indirect, or based upon marital status or family situation. This same law forbids any kind of employment offer that stipulates the person sex, unless it is directly connected with the function, like, for example, performing arts.

### New legislation

(a) **Act no. 9/2001, May 21st and Act no. 10/2001, of May 21st** – have already been referred to in paras. 42 and 43.

(b) **Decree- Law no. 170/2001, of May 25th**– establishes fines according to the violation of the new legal dispositions that apply to the work of persons under age and flexible working schedules for workers in situation of special vulnerability.

<sup>7</sup> CEDAW/C/PRT/4

<sup>8</sup> CEDAW/C/2001/CRP.3/Add.1

**Grand-parents and adolescents motherhood**

169. The Law on Maternity and Paternity Protection - Act n.4/84 of April 5<sup>th</sup>, in the new reading of Act n°70/2000 of May 4<sup>th</sup> - in its Article 27 provides that the workers may be absent from work up to 30 consequent days following the birth of grand-children who are born to adolescents under 16 years old provided they live under the same roof as the worker. This same right is enshrined in the Article 41 of the new Labour Code.
170. In case both grandparents are workers, they can decide that the right may be enjoyed by any of them. However, if one of them doesn't exercise any professional activity the other shall not enjoy of that right, unless the ascendant that doesn't perform any professional activity suffers from a physical or psychological incapacity.
171. In what refers to the private sector workers who enjoy such right, the leave above referred do not imply the loss of any rights, being considered as effective service rendered for all purposes except in what concerns remuneration.
172. The Portuguese State ensures to the workers covered by the referred right an allowance provided for the grandparents special leave whose amount corresponds to 100% of the reference remuneration of the beneficiary of the general social security scheme. So, and for social security purposes, the leave period gives way to the register of remunerations corresponding to the contributions paid, being considered as work rendered effectively.
173. In case the grandparents are civil servants their right to the remuneration is assured as if they were in the effective exercise of their duties.
174. The infringement of such right constitutes a serious offence punished with a fine according to the size of the enterprise and the guilt degree.

**Comparing the legislation in force with the new labour code**

175. The Labour Code will come into force on the 1<sup>st</sup> December 2003. However, the provisions relating to maternity and paternity protection shall only be applied when specific legislation will be issued.

**Main amendments****Puerperal period**

176. The Law on Maternity and Paternity Protection, subparagraph b) of Article 2, considers as a puerperal woman worker every parturient woman worker during the 98 days period after the confinement provided she informs the employer about her situation in writing and according to the presentation a medical certificate.
177. For the purpose of the rights provided for in the new Labour Code it is considered as a puerperal woman worker every parturient woman worker during the **120 days** period immediately after the confinement provided that she informs the employer about her

situation in writing and on the presentation of a medical certificate, according to the provided in subparagraph b), Article 34, of the referred Code.

#### **Paternity leave of absence**

178. The Law on Maternity and Paternity Protection provides in paragraph 1) of Article 11, that the father is entitled to a leave of 5 consecutive or interpolated working days on the first month following the childbirth.
179. In accordance with paragraph 2 of the same Article, the father is still entitled to a paternity leave for the same period as that the mother would be entitled to - 120 consecutive days, excluding the enjoyment of, at least, six weeks of maternity leave after the childbirth - in the following cases:
- a) physical or psychical incapacity of the mother and during the period of her incapacity;
  - b) mother's death;
  - c) parents' decision.
180. The death or physical or psychical incapacity of the non-working mother during the period of 98 days following the confinement entitled the father to a paternity leave and to the enjoyment of a minimum leave period of 14 days.
181. For the private sector workers the enjoyment of paternity leave doesn't imply any loss of rights, being considered as an effective provision of service for all purposes except in what refers to remuneration, in accordance with paragraph 1, Article 21 of Decree-Law 230/2000 of September 23.
182. The workers covered by the general social security scheme are entitled to the paternity benefit whose daily amount corresponds to 100% of the reference remuneration of the beneficiary and shall not be lower than 50% of the amount of the national minimum wage. So, and for social security purposes, the leave period gives place to the register of remunerations corresponding to the contributions to be paid being such leave considered as work effectively rendered under the Articles 9, 11 and 22 of the Decree-Law 154/88 of April 29.
183. In the case of civil servants or Public Administration officials they are entitled to the remuneration as if they were exercising their duties effectively being the leave considered as an effective rendering of service for all legal purposes namely for effects of seniority and of the payment of the luncheon allowance under paragraphs 1 and 2, Article 8 of Decree-Law 194/96 of October 16.
184. The infringement of that right is a serious offence punished with a fine according to the size of the enterprise and the guilt degree under paragraph 2, Article 35 of the Decree-Law 70/2000 of May 4 and paragraph 3, Article 7 of Act 116/99 of August 4<sup>th</sup>.

185. The Paternity Leave is enshrined, with some amendments, in the Article 36 of the new Labour Code. Now, in case of the mother's death the minimum leave period granted to the father shall be **30 days** instead of 14 days.

186. The death or physical or psychical incapacity of the non-working mother during the **120 days period** following the confinement entitles the father to enjoy the paternity leave as well as the right to the minimum leave period of 30 days.

#### Parental leave of absence

187. This Leave was referred to in the response to the question 17 of the Article 11 (CITE-CEDAW contribution).

188. The Article 17 of the Law on Maternity and Paternity Leave provides that in order to assist a child or adopted child and up to the six years of age of the child, the father and the mother, provided that they are not prevented or fully inhibited of exercising the parental power, are entitled to one of following alternatives:

- a) parental leave for 3 months;
- b) part-time work during six months, corresponding the normal duration of work to half the full time;
- c) parental leave periods and part-time work periods where the total leave duration is the same as 3 months of normal working periods.

189. Once terminated the parental leave and in order to ensure a full occupational reintegration of the worker, the employer should allow his/her participation in training and retraining actions.

190. The infringement of the right to leave is a serious offence punished with a fine between according to the size of the enterprise and the guilt degree under paragraph 2, article 35 of the annex to the Act 70/2000 of 4<sup>th</sup> May and paragraph 3, article 7 of the Act 116/99 of 4<sup>th</sup> August.

191. The amended parental leave is enshrined in the article 43 of the new Labour Code:

192. According to the provided in subparagraph b), paragraph 1, Article 43, father and mother shall be entitled to the **alternative scheme of part-time work during 12 months** with a normal working time corresponding to half the full time.

#### Overtime

193. In accordance with the legislation in force pregnant women or with children under 10 months of age shall not be obliged to working overtime according to subparagraph b), paragraph 2, Article 3 of Decree-Law 421/83 of December 2.

194. The employer behaviour on exerting coercion to force the exempted worker to work overtime constitutes a very serious offence in accordance with Article 14 of the Act



no 118/99 of 11<sup>th</sup> August. The applicable fine amount ranges from €1,496,39 and €44,891,81 according to the size of the enterprise and the guilt degree in accordance with the provided in paragraph 4, Article 7 of the Act no 116/99 of August 4<sup>th</sup>.

195. According to the new Labour Code, paragraph 1 of Article 46, the pregnant woman **or with a child less than 12 months of age** shall not be obliged to overtime work.

196. **The same scheme applies to the father who enjoys paternity leave** in case of physical or psychological incapacity of the mother or due to a decision of both parents.

#### Night work

197. The Law on Maternity and Paternity Protection, Article 22, provides that the woman worker shall be exempted from night work:

- a) During a period of 112 days before and after the confinement. At least half of that period should be enjoyed before the expected childbirth;
- b) During the remaining pregnancy period provided that a medical certificate is presented stating that this is required for the health of the mother or of the unborn child;
- c) During all the nursing period provided that a medical certificate is presented stating that this is required for the health of the mother or of the child.

198. In case of being exempted from night work the woman worker shall be allowed a compatible day work. In case it is not possible, the woman worker shall be exempted from working.

199. The exemption from night work doesn't imply a loss of rights and is considered, except in what concerns remuneration, as work provided effectively.

200. The infringement of this right constitutes a serious offence punished with a fine according to the size of the enterprise and the guilt degree under paragraph 2, Article 35 of the annex to the Decree-Law 70/2000 of May 4 and the paragraph 3, Article 7 of the Decree-Law 116/99 of August 4. This right is enshrined, with the same scope, in the Article 47 of the new Labour Code.

201. However, the new Labour Code has changed the night work notion. In fact, in accordance with the Article 192 of the new Labour Code, it is considered night work the work with a minimum duration of seven hours and a maximum duration of eleven hours covering the period between 0 and 5 hours a.m.. Provided that there is no collective labour regulation instrument on the fixing of night work it is considered night work the period between 10 p.m. and 7 a.m.

202. Thus, although the night work notion has been changed comparing with the present legislation that considers night work the work done in the period between 8 p.m. evening and 7 o'clock in the morning, the right of the woman worker keeps unchanged since

according to the provided in the Article 47 of the new Code the woman worker is exempted from working during the period between 8 p.m. and 7 a.m.

#### **Protection in case of dismissal**

203. The protection in case of dismissal was referred to in the response to the question 15 of Article 11 (CITE-CEDAW contribution).

204. It should be pointed out that, since the puerperal period has been raised for the purpose of the application of the new Labour Code the period of **protection** from dismissal was raised from 98 days to 120 days in the cases a puerperal woman worker.

#### **Justified absences**

205. In accordance with the new Labour Code they are considered justified the absences for no longer than four hours, per quarter, so that the worker who is in charge of the education of a minor may go to parents meetings according to subparagraph f, paragraph 2 of the Article 225 of the new Code.

#### **Employment Discrimination**

206. As stated in previous reports, several laws forbid any distinctions in recruitment and employment practices between women and men. Still, some discrimination exist in practice and so Act n.9/2001, de 21st May enhances the competence of the General Inspectorate of Labour to inspect, identify and punish discrimination and gives an enlarged importance to the Recommendations of CEWE (Equality in Work and Employment).

207. CEWE has also promoted several projects in the area of equal opportunities for women and men. Since 2001, CEWE has taken part in nine projects EQUAL (a European Commission Programme to fight any forms of discrimination and inequality related to the labour market).

208. Although In Portugal there are no male or female professions as such, there remains some stereotypes and social representation that associate certain professions either to women or men. CEWE has launched some preventive pedagogical actions targeted at the press with larger sections of “job offers”.

#### **Equal pay**

209. Women are entitled by law to receive equal pay for equal work or work of the same value as that performed by men (article 9, Decree-law 392/79, 20<sup>th</sup> September). Nevertheless inequalities still persist and there is a salary gap of 22.6 % in men’s favour.

210. In 2002 and 2003 CEWE promoted a project, financed by the Portuguese Government and the European Union, called “Guarantee rights in salary equality”. It aimed at reducing or eliminating salary gaps through legislation in member states of the EU and EEE and promote efficacy in the mechanism of law application.

211. This project concluded with the following:

- ✓ Suggestion to change some rules in order to better guarantee equal pay between women and men;
- ✓ National experts from partners countries (Ireland, Norway, Italy and Luxemburg) and EU agencies (European Commission, Court of Justice) compiled guidelines for law enforcers (magistrates, labour inspector, lawyers, equality mechanisms experts).
- ✓ Training guideline for applicants to train in this area.

#### **Social benefits from working**

212. Women receive equal benefits such as holiday pay, sick leave, job training, disability and old age benefits.

#### **Unpaid work**

213. Given the complexity of this issue and the importance of the work done by women in the home, CEWE has published a study on the Portuguese situation in this matter. The study concludes that “the situation is deeply unbalanced and abnormally heavy for women. This may be explained by the non existent evaluation of the extension and volume of the paid work produced by women and, simultaneously by the fact that there is no recognition of the unpaid work done at home and that this work is not valued as a social contribute to society. <sup>9</sup>» Such being the case, these women’s unpaid labour is not counted as part of the country gross national product.

214. Nevertheless, if one pays social security, and women that do domestic work or any other kind of unpaid work may do it, one is entitled to retirement benefits.

#### **Monitoring and assessment of legislative measures**

215. Commission for Equality in Work and Employment, in the scope of its objectives, makes recommendations in order to enforce Portuguese laws, Directives from the European Union, agreements, and the conventions of CEDAW and ILO.

216. CEWE receives complaints and makes recommendations mainly in the following areas:

- Protection of maternity and paternity;
- Promotion of conciliation of family and professional responsibilities;
- Equality and non-discrimination in work, employment and vocational training.

217. **Mandatory Previous Recommendations:** It is compulsory to employers to ask for a recommendation of this Commission before the dismissal of pregnant, puerperal or breast-feeding women. The recommendation is given in 30 days. If it is negative, only a court of law may authorise the dismissal. To ask for the recommendation of this Commission is also compulsory for employers who don’t agree with the right that women and men with children under twelve years old have to benefit from reduced working schedules. It also may recommend for legislative alterations or proposes measures related to equal

<sup>9</sup> Cardoso Torres, Anália (coord.) (2002), *Homens e Mulheres entre Família e Trabalho (sinopse e ficha técnica)*, CIES/ISCTE, Lisboa.

opportunities in employment, work and in vocational training.(See previous IV and V Report of Portugal).

218. These previous recommendations are mandatory since August 1999 (Act n.4/84 of 5<sup>th</sup> April and Act142/99 of 31 August) and the right to part time and flexible working hours is mandatory since Decree-Law n.230/2000 of September 23th.

<b>Mandatory recommendations</b>	<b>2001</b>	<b>2002</b>	<b>2003*</b>
Dismissal of pregnant, puerperal or breast-feeding women	18	26	21
Right to benefit from reduced timetables, flexible hours and part time work for women and men with children under twelve years old have	3	9	9

\* Till 17th de July

#### **Information/Promotion of access to rights**

219. In order to promote general knowledge and access to employment, work and maternity and paternity rights, CEWE has a free toll telephone line since March 2002 and a site in the Internet.

220. Most seeked for information:

- ✓ Maternity rights
- ✓ Paternity rights
- ✓ Family assistance
- ✓ Continuous working schedule
- ✓ Conciliation of work and family responsibilities
- ✓ Complaints
- ✓ Information on CEWE
- ✓ Anti-discrimination rights

#### **Programmes to promote equal opportunities in employment**

221. The Institute for Employment and Vocational Training has been promoting programs and active measures that include increasing Financial Support in policy measures for employment in professions with major gender discrimination. (Portaria n.1212/2000 of 26<sup>th</sup> December).

222. According to Orientation “Fighting Sex Disparities” of the Employment National Plan, Direction 17 under Pillar IV, there is a regime of systematic majoring of measures to support employment in professions deeply marked by gender discrimination. This regime intends to reduce the rate of professional discrimination through the integration of the gender in minority in specific professions.

223. These major benefits – corresponding to 50% of all support given to individual persons or private firms that create employment - may be in free funding or loans without interest rates.

224. In the same circumstances, there 10% majoring in scholarships given to young people in training under the Programme “Professional Training” by the Institute for Employment and Vocational Training.

225. To create a framework to apply the majoring referred above, a “National List of Professions with Meaningful Gender Discrimination” was adopted, and that includes professions in which one of the genders is less than 1/3.

#### **Equal Opportunities Affirmative Action Award**

226. A benefit is given when employment programmes create a minimum of 5 employment positions and these are not taken for more that 60% of persons of the same sex, there is a bonus of 10% of the demanded support.

#### **Reconciliation of private and professional life**

#### **TOOLS, PROGRAMMES ANDE SPECIAL MEASURES**

#### **Programme Employment/Family**

227. This Programme, in order to promote equal opportunities for women and men and the reconciliation of private and Professional life, supports the recruitment of unemployed and trainees registered in Employments Centres, to take the place of absent workers, namely during maternity and paternity leave, special leave to assist family children or in parental leave.

#### **Care facilities funding**

228. In order to reduce obstacles to women’s coming back to the labour market, women that are the only parent in the family, they may receive a “Care Subsidy”, when benefiting from special employment programmes and measures that contain vocational training components, with the objective of helping expenses with children care or dependent adults. These subsidies may go up to half the minimum salary in Portugal.

#### **Equal working benefits and equal pay**

229. Women are entitled by law to receive equal pay for equal work or work of the same value as that performed by men. Nevertheless, women receive 72% of men’s wages.

230. To challenge this salary gap CEWE promoted a project, funded by the Portuguese Government and the European Commission, in 2002-2003. Its main objective was to promote, improve and guarantee the right to equal pay.

231. To eliminate this salary gap it would be necessary to improve anti-discrimination laws and the efficacy of its enforcement.

232. The results of this project are the following:

- A comparative study of legislation in which suggestions are made to improve equal pay.
- Compilation of documents to specialists, mainly law enforcers (magistrates, lawyers, work inspectors, equality mechanisms inspectors, etc.), made by experts of Ireland, Norway, Italy, Luxemburg, Portugal, European Commission and European Justice Court.
- A reference document for whoever gives or receives training in this area.
- Women and men receive equal benefits such as holiday pay, sick leave, job training, disability and old age benefits.

233. The agriculture work done by women in the home is counted as part of the work done in the labour force and included in national statistics. A survey is now being done by CEWE on these matters.

234. There is a provision for flexible working patterns, such as job-sharing or permanent part-time employment, to allow women or men to combine employment with family responsibilities. Women and men do not take advantage of these opportunities equally and efforts are being made to change these attitudes which are mainly cultural. CEWE also makes recommendations on these matters to agencies that do not comply with these facilities given to women and men with family responsibilities. By law, job security is not affected by marital status, still some employers seem to be reluctant to employ young married women.

235. Since 1996, there are health and safety laws and regulations to provide women with special protection during pregnancy. The right to nursing breaks for breastfeeding mothers is also part of maternity and paternity protection laws. In practice, many women take advantage of them.

236. As for young women, although they have higher schooling degrees than young men do, they find it harder to find a first job. This is mainly due to stereotypes about some professional work, and the II National Plan for Equality.

237. In what concerns sexual harassment in the workplace, the provisions of Article 163/2 of the Criminal Code shall apply, stipulating that “Whoever, abusing the authority resulting from a relation of hierarchic, economic or work dependency, constraints another person, through an order or threat not comprised within the previous paragraph, to suffer or practice a relevant sexual act, with him or herself or with a third person, shall punished with up to two years of imprisonment.

#### **General Data on Employment**

238. Traditionally in Portugal, the female activity rate is quite high. Comparing 2002 to 2000 the female activity rate had a growth of 1%.

	2000	2003
Female activity rate	44,9%	46,2%
Male activity rate	57,7%	57,7%
Female unemployment rate	5,0%	7,3%
Male unemployment rate	3,2%	5,6%
Employment female rate	44,5%	45,6%
Unemployment female rate	56,6%	53,0%

Source: *Employment Survey* (annual average, 2000, 2003), INE.

239. Comparing Portugal to the other European Union countries, we find that the female activity rate is rather higher, mainly among women with children from 0 to 5 years old. That means that Portuguese women do not interrupt their job when raising small children, so carrying the extra burden of family responsibilities and a professional career.

Member States	Female activity rate between 20-44 years old (%)	
	No children	0-5 years old children
Belgian	77	66
France	72	56
Germany	83	49
Greece	60	48
Ireland (97)	81	46
Italy	68	45
Luxemburg	84	49
Austria	85	68
<b>Portugal</b>	<b>83</b>	<b>72</b>
Spain	67	40

240. The unemployment rate has been increasing whether female - 5,0% in 2000 to 6,1% in 2002, or a male 3,2% in 2000 to 4,2% in 2002, mainly due to the international economic crisis.

241. The structural characteristics of horizontal and vertical segregation in the labour market remained, as well as the salary gap, in spite of the measures and programmes designed to overcome it.

## Vertical Segregation

Profession	Women		Men		Female rate (%)
	thousands	%	thousands	%	
Executives in public administration and private sector.	108,6	4,7	260,9	9,3	29,4
Experts in scientific and intellectual professions	201,1	8,7	141,1	5,0	58,8
Lower level technicians and professionals	164,5	7,1	207,4	7,4	44,2
Administrative personnel and similar	303,2	13,1	183,2	6,6	62,3
Service personnel and Sales people	465,0	20,2	236,4	8,5	66,3
Agriculturers and qualified workers in agriculture and fisheries.	283,7	12,3	289,1	10,3	49,5
Workers, artisans and similar	243,3	10,5	844,5	30,2	22,4
Operators of instalations, machines and assembly workers	102,0	4,4	337,4	12,1	23,2
Non-qualified workers	436,8	18,9	268,4	9,6	61,9
Army	2,1	0,1	27,8	1,0	7,0
		100,0		100,0	

Source: *Employment Survey* (annual average, 2002), INE.

## Horizontal Segregation

Activities	% of women	% of men
Construction	4,2	95,8
Lodging and restaurant	61,1	39,0
Transports, storage and communications	20,3	79,7
Health and social action	82,1	17,9
Education	78,8	21,2
Other activities in collective services, social and personal.	58,5	41,4

Source: *Employment Survey* (annual average, 2002), INE.

## Unemployment

242. Finding a first job is more difficult to women than men, which indicates more difficulties for the young women to access the labour market.



## Unemployment rate by age group and sex

Age group	Women	Men
15-24	13,9	9,7
25-34	7,1	4,3
35-44	5,2	3,0
45 e more	3,2	2,9
Total	6,1	4,2

Source: *Employment Survey* (annual average, 2002), INE.

## Time spent in job hunting, according to sex

Time spent in job hunting	Women		Men		Female rate (%)
	thousands	(%)	thousands	(%)	
Less than 1 month	11,5	7,8	10,9	9,0	51,3
1 to 6 months	59,5	40,0	50,5	41,9	54,1
7-11 months	20,2	13,6	15,6	12,9	56,3
12-24 months	28,4	19,1	21,9	18,1	56,5
25 or more months	29,0	19,5	21,9	18,1	57,0
<b>Total of unemployment</b>	<b>148,7</b>	<b>100,0</b>	<b>120,7</b>	<b>100,0</b>	<b>55,2</b>

Source: *Employment Survey* (annual average, 2002), INE.

**Article 12****Equality in Access to Health Care**

243. Decree-Law n.259/2000 of October 17<sup>th</sup> regulates Act 120/99 of August 11<sup>th</sup>, that strengthened guarantees of the right to reproductive health, defining conditions for the promotion of sexual education and establishing access conditions of youngsters to health care in the scope of sexuality and family
244. The II National Plan for Equality foresees special measures for teenage pregnancy, one of the problems affects girls in the country – in 2001, of all children life-born, 6.1% were born of women less than 20 years old.
245. As said in previous reports, the Portuguese Constitution Guarantees health rights for all in its National Health Service.
246. Official policy considers family planning a human right and not a measure of health or demographic policy. Option on contraceptive methods is a personal decision of the woman, and infertility treatment is considered a component of family planning.
247. Decree-law no.259/2000 of 17<sup>th</sup> October regulates Law 120/99 of 11<sup>th</sup> August that strengthened guarantees of the right to reproductive health, defining conditions for the

promotion of sexual education and establishing access conditions of youngsters to health care in the scope of sexuality and family.

248. Volunteer sterilization, whether female or male, can only be chosen by persons more than 25 years old. Medical doctors have the right to conscience objection to this procedure.
249. Special attention is being given to teenage pregnancy which is still high in Portugal, 6.1% of the total births. In order to confront this problem the Second National Plan for Equality foresees some special measures in the districts with high incidence of this phenomenon.
250. Act 12/2001 of 29 May regulates emergency contraception, which constitutes the use by women of anti-conception pill on the first 72 hours after sexual intercourse without protection.
251. The abortion law remains as stated in our last report. Nevertheless, the Portuguese Parliament passed a Resolution n.57/2002 17<sup>th</sup> October determining the evaluation and assessment of the practice related to laws on family planning, sexual education and volunteer interruption of pregnancy.

**252. Some meaningful data:**

Doctors		Nurses	
Men	18488	Men	8163
Women	15952	Women	35697

(INE - 2003)

99.2% of the total births take place in health institutions.

As for HIV/AIDS the total number of cases in 2003 is the following:

Men	%	Women	%	Unknown
8 410	83.2%	1691,7	16,7	4

253. Even if women are still a minority, their rate growth is bigger than men's, and some campaigns are going on about this issue. This campaigns, that started with a seminar, are the outcome of a the cooperation between CEWR and the Portuguese Commission Against HIV/AIDS
254. In 2001, the most frequent cause of women's death was cardiovascular disease (44.1% women to 33.3% men). Men's cause of death was more related to car accidents, and cancer.
255. Life expectancy is also differentiated, it 74 years old for men and 80.6 years old for women.<sup>10</sup>

<sup>10</sup> National Institute of Statistics, 2003.

256. According to the last National Survey on Health (1998-1999), 33.9% of women consider their health status very good or good, against 49.5% of men. 24.2% of the women inquired consider their health bad or very bad, whether only 15.2% of the men are of the same opinion.

The distribution of illnesses according to sex is the following:

Disease	Women	Men	Total
Diabetes	58,2	41,8	100,0
Asthma or related bronchitis	53,7	46,3	100,0
Chronic bronchitis	52,0	48,0	100,0
Allergies	61,1	38,9	100,0
High blood pressure	63,2	36,8	100,0
Back aches	60,5	39,5	100,0

Source: National Survey on Health (1998/1999)

257. It should be underlined that of the people inquired, 18.1% of the women had taken sleeping pills compared to 7% of the men.

258. Whether sports and leisure are concerned, the results were:

Activities	Women	Men	Total
Hard training and competition sports more than once a week	19,8	80,2	100,0
Jogging or other recreational sports, gardening, at least 4 hours weekly	34,9	65,1	100,0
Walking, biking or other light activities at least 4 hours weekly	44,3	55,7	100,0
Reading, watching television or other sedentary activities.	57,1	42,9	100,0

Source: National Survey on Health (1998/1999)

### Family Planning

259. According to Health Authorities<sup>11</sup>, all health centres throughout the country have family planning advisers those maybe general practitioners. The number of Family Planning consultations in Health Centers grew from 476 183 in 19990 to 748 022 in 2002. The percentage of women in fertile age, non pregnant and sexual active, which used contraception, has increased from 70% in 1983 to 79% in 1994.

260. The use of contraceptive methods is the following:

<sup>11</sup> *A saúde dos portugueses, 1997* Ministry of Health, General Health Direction.

Methods	1993 (%)	1997 (%)
Pill	52,3	62,3
IUD	10,0	9,7
Hormones injections	0,6	0,5
Condoms	9,3	14,6
Spermicidal	0,9	2,1
Natural methods	2,7	3,1
Coitus interrupts	17,6	7,1
Vasectomy and trumps interrupted	5,9	-
Others	0,6	0,5

One of the problems Portugal is facing nowadays is the number of adolescent girls giving birth which is , in 2003, 5,4% of the total number of births.

### Article 13

#### Social and Economic Benefits

261. The national social security system ensures equality between women and men in the access to all family benefits, in both the general and the non-contributive system.
262. Situations covered by the **general system** may be seen in the previous Portuguese Report to CEDAW.
263. Law n°19-A/96, of June 29, regulated by Decree-Law n°196/97, of July 31, should also be mentioned. It establishes the first legislative framework aimed at guaranteeing the right to a minimum income. Despite the fact that this right has a very wide field of application, it benefits a large number of women.
264. The guaranteed income consists of a cash benefit, attributed by the non-contributive social security system, which is granted in close co-operation with social integration programs.
265. The right to this benefit is granted to persons legally residing in the national territory, whose income, their own or of others living in the family household, is inferior to the established limit. The concept of family household includes the spouse or the person living in a common law marriage for more than a year, or underage relatives.
266. In 2000, the Law of the Guaranteed Minimum Income entered into force. Such as the previous law, the principle of the equality, considered as the non discrimination of beneficiaries for any reason, namely on the grounds of sex, is established in the Law number 17/2000 of 8th August.

267. Some of those changes regard the social insertion component of this measures, aiming to adjust programs to the situation of the people concerned and their families, with a view to create conditions to an autonomous social and economic life in the future.

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

	2001	2002	2003
No. of women	127.921	133.323	145.673
No. of men	95.559	99.311	108.454
<b>Total</b>	<b>223.480</b>	<b>232.634</b>	<b>254.127</b>

a) Data Base on 16th May/2005

	2001			2002			2003		
	Women	Men	Total	Women	Men	Total	Women	Men	Total
<b>Employees</b>	1.511.998	1.902.049	<b>3.414.047</b>	1.521.735	1.904.915	<b>3.426.650</b>	1.505.855	1.861.079	<b>3.366.934</b>
<b>Independent workers</b>	245.337	319.795	<b>565.132</b>	219.566	274.822	<b>494.388</b>	205.669	251.393	<b>457.062</b>
<b>Members of organisms with statuses</b>	89.575	217.443	<b>307.018</b>	101.710	241.413	<b>343.123</b>	98.214	238.193	<b>336.407</b>
<b>Domestic service</b>	173.249	1.901	<b>175.150</b>	169.590	2.325	<b>171.915</b>	166.136	2.447	<b>168.583</b>
<b>Social Security for volunteers</b>	4.338	3.782	<b>8.120</b>	4.697	3.574	<b>8.271</b>	5.058	3.666	<b>8.724</b>
<b>Unknown</b>	2.657	4.941	<b>7.598</b>	22.514	30.247	<b>52.761</b>	31.243	39.397	<b>70.640</b>
<b>Others</b>	31	424	<b>455</b>	22	658	<b>680</b>	21	966	<b>987</b>

#### Registered Persons with remuneration (employed or other) contributing to S.S. in 2001,2002,2003

##### Quantification by sex and qualifications

	2001	2002	2003
<b>Women</b>	227.823	204.745	195.652
<b>Masculino</b>	198.917	178.973	172.038
<b>Total</b>	426.740	383.718	367.690

### PEOPLE RECEIVING SOCIAL INSERTION INCOME FROM 2001 TO 2003

	2003
<b>Feminino</b>	30.445
<b>Masculino</b>	25.933
<b>Total</b>	56.378

#### NOTES:

a) Data Base on 16th May/2005

### People Receiving Guaranteed Minimum Income from 2001 to 2003

268. According to data referring to the first semester 2003, women constitute 69% of all benefited by this income, which shows their increased vulnerability to poverty. The beneficiaries of this income are the following types of families:

Family Type	Number	%
Couple with no children	1 582	7,5
Couple with children	9 774	46,7
More than couple with children	1 125	5,4
Single Parent - Woman	5 563	26,6
Single Parent – Man	310	1,5
Woman alone	1 148	5,5
Man alone	1 420	6,8
		100,0

Source: Social Security Statistic Data

269.32, 1% of families receiving this benefit are either women alone or women supporting children.

### Programmes and measures in preparation to support the family

270. The State recognises its duty to protect and develop the family, considered a basic institution of society. The implementation of family supports and specific service to help families, in areas concerning house work, health, hygiene and education, in order to

facilitate the reconciliation of family and professional life and the acquisition of family specific skills. In order to do so, it has been supporting the creation of micro-firms that will render services to families in important areas of everyday life.

271. It soon will be able to implement the following measures:

#### **Support to families with special needs**

In order to reinforce personal and social skills of family members in need, and simultaneously improve their employability, there will support to the organization of short vocational training actions, developed by public and private non-profit organization that will include:

- Health care prevention
- Home accidents prevention
- Basic techniques of first aid;
- Basic rules of hygiene and nutrition;
- Parental training
- Basic care of elderly, children and other dependents,
- Other areas considered relevant in developing the quality of life in families and promote their integration in the community.

#### **Local initiatives to promote employment in the area of family support**

272. This project includes a funding regime, that includes support to the creation of working positions and investments, which will include employment local initiatives in the area of family services.

273. The services of family support will be created mainly in the following areas:

- Support to the elderly and people with special needs in their families, including home support and leisure activities;
- Children care, including baby-sitting and support to children with learning disabilities;
- Teaching support to children, youngsters and adults, at home or in studding rooms
- Support in home work, including the cooking or delivery of meals, laundry, needle work, etc.
- Financial and technical support is also foreseen for the training sessions for the promoter of local initiatives of employment that do not have the Professional experience or knowledge of the activities they want to develop. The physical and financial execution of these measures, established for 2004, were established in 2003 as follows:

Family support	Nº Working positions to be created	117	469
Training-Families in need	Nº of trainees	375	1 500

274. In Portugal since a few decades we may see a demographic change, with a growing number of senior citizens and low birth levels. Women's life expectancy being larger than men's, leads to a majority of women in the elderly population.

275. Woman being the majority of the elderly results in their isolation, although Portugal is one of the European countries where this situation is scarcer. The percentage of women with more than 65 years old and more, living alone is 29% in Portugal whether the average of European Union is 44%. For men, values are 12% in Portugal and 16% average in the European Union.

## **Article 14**

### **Rural Women**

#### **Economic considerations**

276. The land classified as rural in Portugal represents 82% of the total surface of Portugal. Agriculture is a very important economic sector in the rural areas and women's participation may be evaluated with the following indicators:<sup>12</sup>:

- 23% of all agriculture producers are women.
- Of these, 30.8% is more than 65 years old, 26.4% is between 55 and 64 years old and 22.3% have 45 to 54 years old. That means that 80% of women agriculturists' age are more than 45 years.
- The Northern and Central regions of the country represent, respectively, 44.7% and 34.7% of all agriculture producers in the country.
- The education level of women agriculturist producers is:
  - Basic schooling (42.4%),
    - Reading and writing (24%),
    - Illiterate (19.2%),
    - Secondary agriculture schooling (0.13%)
    - Politechnical or university agriculture degree (0.24%)
- 94% of all women agriculture producers only have practical Professional training
- 83,4% of all women agriculture producers work part-time in their properties
- Full time workers (16,6%) have 45 years old or more
- 14% of all women agriculture producers have other paid jobs outside their farms, and these jobs are mostly in the service sector.

277. Portugal is the second largest U.E country in what concerns agriculture active population sector (12.5%).

278. At this purpose, the female population is equivalent to man population. Still the feminine active population is aged and has a low scholarity level. The majority of the women work in small properties.

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<sup>12</sup> Fonte: INE – Recenseamento Geral da Agricultura – 1999.



279. Also, if we discern between manager and producer people, we will check that the percentage of manager women is equivalent to the producer ones.

280. The majority of women working in agriculture do it in a part-time system, except when they don't belong to the family who owns the property. In this case, they work at full system. More specifically, the majority of the women workers are employed in enterprises on a quarter-time basis. This means that most women working in agriculture do it in a family help system.

#### **Legal system**

281. The Portuguese rural law, do not make any distinction of the sex of agriculture workers.

So legal system we can't find any discrimination.

282. But, "in facto", in spite women's importance in the sector, their position is not very strong.

They are involved in a familiar system, where they work only on a quarter-time basis. Still this situation is recognized by the EU, which had published a law to promote a real equality between sexes.

#### **Associative organization**

283. Women in agriculture are organized in associative terms since for almost twenty years.

Her association aims to help agriculture women in training and giving information and of other kind of actions to promote a more active participation in their professional life, so it will become possible to eliminate some customs and practices which constitute real discrimination against women.

284. In this area, there is a clear public orientation assumed in the AGRO PROGRAMME to strengthen women's participation in society and to promote the equality between women and man, not only in the law, but also "in facto".

#### **Public policies**

285. This orientation is based on the comunitary law – Reg. (EC) n° 1260/99, from de Council the 21st June 1999, whose main objective is to promote the equality in what concerns the opportunities for both sexes.

286. So this association is being strongly supported by the state with different projects, of which we underline some specific objectives:

- Develop and create skillfulness and continuous valuation methodologies aiming to prevent accidents and professional diseases in various agricultural sub-sectors;
- To create material suitable for long distance training intended for the training of intermediary office staff of PME (small and medium companies) who be responsible for the planning and implementation of skills in the agricultural sector;

- To certify long distance training procedures;
- To establish support for continuous assessment of PME working conditions by creating a manual of skills and control checklists to be adapted to the specifically for different intervention work in the agricultural productive process;
- To create didactic material, simple and objective, to directly make agricultural workers aware of the range of work safety measures;
- To promote health and safety for the agricultural families by creating awareness, particularly in agricultural women, of the pressing need for reorganising the area in the home/agricultural exploitation.
- To put in perspective the importance of working organization in the development of agricultural exploitation and to dignify agricultural work;
- To train and create an awareness among the technicians/workers of the essential role they may play as defenders of labour safety and health in the agriculture sector, while at the same time being the privileged participants who maintain contact with farmers;
- To incentive the establishment of a network of a model companies who may lead in the dissemination of exemplary practices.

287. To add to this list, there is also a protocol, recently signed by this association and the Government, which aims to incentive women to invest and become more responsible for the enterprise results.

### Professional Training for Rural Population

	Total			Nível 2			Nível 3		
	WM	W	Female rate.(%)	WM	W	Female rate.(%)	WM	W	Female rate(%)
<b>Total</b>	<b>1401</b>	<b>375</b>	<b>26,8</b>	<b>58</b>	<b>16</b>	<b>27,6</b>	<b>1343</b>	<b>359</b>	<b>26,7</b>
Agriculture / animal	1214	319	26,3	46	10	21,7	1168	309	26,5
Agriculture / gardening	103	39	37,9	12	6	50,0	91	33	36,3
Agriculture /hunting	66	17	25,8				66	17	25,8
Fisheries Other	18	0	0,0				18	0	0,0

### Article 15

#### Equality before the Law and Civil Matters

288. The situation has not changed since the last report submitted by Portugal. Article 13 (2) of the Portuguese Constitution specifically prohibits any discrimination based on sex and this is respected by the laws and regulations presently in force, including on subjects such as legal capacity, movement of persons and freedom to choose one's residence and domicile.

289. Although law guarantees full equality, in practice problems persist; thus, some positive measures have been adopted (inter alia, in the field of employment, see Article 4) with the purpose to accelerate *de facto* equality and in accordance with Article 4 of the Convention.

## Article 16

### Equality in Marriage and Family Law

290. Family and marriage are ruled by civil law which establishes, as stated in the Portuguese Constitutional Act, equal rights and duties for women and men. (See: I Report of Portugal, 1985).

291. In January 2003, the Office of National Coordination for Family Issues was established with the function of coordinating and promoting programmes and policy measures for family support. This Office works in straight cooperation with CEWR and CEWE.

292. Marriage, in the terms of the Civil Code, is a legal contract celebrated between two persons of different sex that want to build a family in total communion of life. These two persons have reciprocal duties of respect, fidelity, common residence, cooperation and mutual assistance. There is no head of family and both, husband and wife have to agree on decisions about common life. Nevertheless, *de facto*, there are inequalities in conciliation of work and family responsibilities for both husband and wife, but mainly for the wife who takes responsibility for most family matters.

293. Social stereotypes still persist, as well as family violence against women (see Article 3), thus considerably diminishing the status of women inside the family and within marriage. Women still carry most responsibilities for family tasks and children care.

294. Legal obligation towards children are independent of their parents' situation, married or otherwise. Both parents have the same duties and decision capacity over the children.

295. Act n.7/2001 of the 11<sup>th</sup> May adopted protective measures to couples living together that are not legally married. These couples may be of the same sex and have the right to the protection of the family home, holiday's benefits and local preference for employment in Public Administration as any married couple. They also have the same IRS regime, social security etc. Still, couples of the same sex cannot adopt children.

### Divorce

296. In a divorce situation the rights and obligations related to properties and any other assets, child support and parenting are duties of both members of the couple. Still it is current practice that most children, especially under the age of three, are in their mother's custody.

297. Decree-Law n.272/2001 of 13<sup>th</sup> October transferred the capacity of decision on voluntary jurisdiction from judicial courts to Civil Registry Conservatories and the Office of Public Prosecution. So, in case of divorce by mutual consent, the Conservatory has the capacity to

decide on child support, the family house, name changes, etc, as long as it is agreed upon by both husband and wife. Otherwise

**Statistical Data on marriage and divorce**

298. Indicators from the National Institute for Statistics show, for 2002, 56 391 marriages (3.4% less than 2001) and 27 805 divorces (more 46% than 2001)

**Domestic violence**

299. With the view to counter domestic violence, an interim evaluation has been undertaken, on December 2001, of the National Plan of Action Against Domestic Violence (1999-2002).

300. The implementation of such Plan of Action shall be supervised by a Monitoring Centre on Domestic Violence, chaired by CIDM, which will elaborate an annual report thereon.

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