



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

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

Twenty-sixth session

Summary record of the 534th meeting

Held at Headquarters, New York, on Friday, 18 January 2002, at 10 a.m.

Chairperson: Ms. Abaka

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The meeting was called to order at 10.20 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Fourth and fifth periodic reports of Portugal (CEDAW/C/PRT/4 and 5; CEDAW/PSWG/2002/I/CRP.1/Add.2 and CEDAW/PSWG/2002/I/CRP.2/Add.1)

1. *At the invitation of the Chairperson, Ms. do Céu da Cunha Rego, Ms. Leitão, Ms. Pinheiro, Ms. Braga da Cruz, Ms. Rosmaninho and Ms. Leite (Portugal) took places at the Committee table.*

2. **Ms. do Céu da Cunha Rêgo** (Portugal), introducing the fourth and fifth periodic reports of Portugal (CEDAW/C/PRT/4 and 5), said that the Government of Portugal attached great importance to promoting de facto equality between men and women. In 2001 it had created the post of Secretary of State for Equality, which she now held, in order to promote de facto gender equality enabling both men and women to live independent lives, with equal access to employment, knowledge, leisure time and power in public and private life. To that end, the Portuguese Government had recently tabled two bills in Parliament: an equality bill, which was designed to promote the participation of women in public life and increase the number of women in elected bodies, and a bill aimed at promoting the participation of men in private life by guaranteeing them the right to paternity leave. However, as the Prime Minister had recently resigned and a general election was due to take place soon, the two bills would not become law during the present session of Parliament.

3. The Government also emphasized the importance of awareness training on gender equality and had developed courses for various groups, including employers, lawyers, labour inspectors and the general public. In addition, in May 2001, Parliament had adopted a law aimed at enhancing the capacity of the relevant bodies to combat gender discrimination in employment and vocational training, and a law calling for an annual report to Parliament on developments in that regard. The second national plan for equality between women and men was in the final stage of preparation. It had been drawn up and had the effect of restructuring of the bodies dealing with equality and increasing the role of non-governmental organizations.

It also laid down guidelines for equal participation by men and women in decision-making, work and family life, improvement of the legal system in order to guarantee equality, and more effective policies to promote equality in both public and private sectors. Gender budgeting was to be introduced into the national budget for 2002.

4. The Portuguese Parliament had approved for ratification the Optional Protocol to the Convention and the Rome Statute of the International Criminal Court, and Portugal's instrument of acceptance of the amendment to article 20, paragraph 1, of the Convention had recently been deposited with the Secretary-General. The Fourth World Conference on Women, held in Beijing in 1995, had prompted a number of other initiatives, including the incorporation of more detailed provisions on equality in the Portuguese Constitution when it had been revised in 1997, and the establishment of the Observatory for equality in collective bargaining as part of the 1997 Global Plan for Equal Opportunities. Portugal's presidency of the European Union in 2000 had also seen the adoption of various initiatives relating to equal opportunities, the reconciliation of work and family life, and the prevention of violence against women.

5. Many non-governmental organizations in Portugal were involved in developing and implementing policies to promote equality and lobbied politicians for support both nationally and internationally. They also took direct action in training and the prevention of violence and were fully supported by the Government. The Government was committed to the principle of mainstreaming equality into all public policy. Despite its efforts, inequalities between men and women still persisted; however, it was to be hoped that continued measures designed to combat the causes as well as the effects of inequality would steadily improve the situation.

6. **The Chairperson**, thanking the representative of Portugal for her presentation, welcomed Portugal's acceptance of the amendment to article 20, paragraph 1, of the Convention and expressed the Committee's hope that her country would soon ratify the Optional Protocol.

7. **Ms. Goonesekere** said she was happy to know that more women were entering traditionally male-dominated fields of work; however, more progress was still needed before achieving full equality

between men and women. She wondered how the Convention was integrated into the domestic legal system and asked whether, and how, constitutional rights could be invoked to challenge discrimination before the courts. With regard to violence against women, she expressed concern at the use of general or abstract definitions of crimes in the Portuguese penal system. She would like to understand how those general definitions could be applied for the purposes of prosecution and punishment of the perpetrators, especially since the standard of proof in serious crimes such as rape and incest was often very high and specific definitions would seem necessary, on which to base a criminal proceeding. Similarly, although the report stated that the Portuguese Constitution and Portuguese law established equality between women and men, there did not appear to be effective mechanisms to protect women against family violence. She therefore requested more information on how the laws and constitution relating to that objective were enforced in practice.

8. **Ms. Livingstone Raday** expressed concern that the vast majority of police files involving violence by men against women, showed that there had only been 205 prosecutions of men for domestic violence and, in 2000, 69 convictions leading to imprisonment. Even if women often did not complain of domestic violence for cultural reasons, since 1998 the Public Prosecutor had the authority to initiate criminal proceedings on his own initiative (p. 4). She was concerned that full emphasis was not being given to prosecution and punishment of domestic violence.

9. She also believed there was some discrepancy in the figures regarding the wage gap between men and women; the per hour wage gap seemed to have increased from 1994 to 1998 (p. 11) yet that trend did not seem to be reflected in the salary figures for men and women provided (p. 12), especially since women generally tended to work fewer hours overall than men. She also wondered why no figures had been provided for the period since 1998.

10. Commenting on the Commission for Equality in Work and Employment (CITE) (p. 13), and its role in hearing complaints relating to gender discrimination, she requested more information on the types of complaints made and the complaint procedure as well as the outcome of the Commission's deliberations. She also wondered why the complaints brought before the Commission seemed to involve almost exclusively

maternity-related complaints and stressed that the Committee was also interested in discrimination with regard to access to employment, promotion, wages, etc.

11. **Ms. Manalo** sought information on why gender mainstreaming had been difficult to implement, as indicated in the delegation's responses (para. 4); were the obstacles related to inadequate training, lack of political will, bureaucratic opposition, lack of understanding, etc.? She also stressed the need to further reform the Penal Code to contain specific provisions criminalizing violence against women such as rape, incest, marital rape, harassment and trafficking in women and children. Reliance on abstract or general formulations could work against the victims, especially specifically in crimes targeted against women by leaving room for prosecutors, judges and the defendants to ignore violations of women's dignity and integrity. In the case of marital rape, for example, if vague or abstract laws allowed the system to tolerate a complaint being withdrawn by the victim, putting an end to proceedings, then the system would have failed in its obligation to protect the victim.

12. **Ms. Gabr** said that while progress had been made in combating stereotypes about women, there was a lack of practical implementation of the laudable principles contained in the Constitution and legal texts. She commended the Government's efforts to promote education about women's rights and to involve non-governmental organizations but stressed the need to do more to improve the image of women in the media and fight against tolerance of violence against women and establish penalties for specific crimes of violence against women, as for example, incest. More must also be done to improve the lot of rural women, women living below the poverty level and older women.

13. **Ms. do Céu da Cunha Rêgo** (Portugal) said that her Government's strategy for improving awareness of women's issues stressed training and education for strategic groups such as labour leaders, judges, teachers, but it was difficult to make rapid progress where traditional attitudes remained strong. Since the development of the National Action Plan on Employment in 1998, which gave priority to equal opportunity, efforts had been made to educate and change attitudes. In addition to promoting women's right to equality, the Government tried to stress the advantages and increased satisfaction which would accrue to men if, for example, they shared the burden of family obligations with women; it pointed out that

women were unfairly disadvantaged in the labour market because of their maternal and family obligations. She agreed that the media sometimes perpetuated stereotypes but noted that the media had been targeted for specific awareness programmes and there were many women journalists. She recognized, however, that much more work needed to be done to develop a balanced view of men and women and their roles in society.

14. While the Commission for Equality in Work and Employment (CITE) heard complaints on discrimination, there was no information on gender discrimination complaints, if any, brought before the courts. The Judiciary Studies Centre of the Ministry of Justice was endeavouring to identify the reasons why women did not utilize that recourse. Complaints had to be brought in person or by unions but none had been reported to date. Her Government was troubled by that circumstance and had held a public hearing on the problem. It had even prepared brochures and documentation to make women aware of their rights and encourage them to bring complaints before the courts. Although the Commission was mandated to hear all complaints of discrimination, in reality, virtually all involved some aspect of maternity, such as lost wages during absences, lack of availability, which was why the Government's priority tended to be to stress increasing the role of men, encouraging paternity leave and benefits on a par with maternity-related benefits for women, so that both sexes would be equal and maternity could not be used as an excuse to discriminate against women.

15. **Ms. Leitão** (Portugal) said that since it was compulsory for employers to ask for the approval of the Commission for Equality before dismissing an employee for maternity-related reasons, most of the cases brought before it involved maternity. The Commission could also deal with matters such as access to employment, conditions of work, etc. She stressed that if the Commission denied the employer the right to fire an employee, only a court could overrule that decision. The Commission also issued opinions on discrimination in job advertisements and dealt with a host of telephone, mail and fax requests for information. The Commission was cooperating with the Observatory for equality in collective bargaining to ensure that women's issues were reflected in labour agreements. She also noted that the statistics provided by the delegation only involved the private sector; the

situation of women was much more positive in the public sector.

16. **Ms. Pinheiro** (Portugal) said that statistics on wages depended on sources and collection methods. According to one source, in 1998 women's salaries had averaged 60 per cent of men's. In the private sector, however, that figure was considerably higher. According to another source, women's salaries in the combined private and public sectors were 5 per cent lower than men's. Women held high posts in the public administration, and some earned salaries that were higher than those of men. The employment rate for women in Portugal was the highest in the European Union. It increased lately faster than the employment rate for men, and Portugal therefore soon expected to achieve parity.

17. **Ms. do Céu da Cunha Rêgo** (Portugal) said that all the rights protected by the Convention were recognized by Portuguese domestic law, and that under the Constitution any right protected by a domestic law could be evaluated by the courts. All persons therefore had the constitutional right to legal protection against any form of discrimination although it had never been invoked before the courts. Since there was no jurisprudence on the subject, the Government could only draw on the views of employers and employees. Accordingly, Portugal was conducting studies and seminars to encourage people to speak up for their rights.

18. In connection with its work the Commission for Equality and Women's Rights had drawn up a gender-budgeting plan, which she hoped would go into effect in the coming year. Gender budgeting was a complicated matter, and must be introduced gradually.

19. In Portugal, seven Secretaries of State had participated in the International Day for the Elimination of Violence Against Women together with non-governmental organizations and other agencies. Solemn commitments had been made to combat such violence, and an agreement had been concluded to provide an additional ten crisis centres for victims.

20. **Ms. Braga de Cruz** (Portugal) said that all forms of domestic and sexual violence, including trafficking in women and female genital mutilation, were considered human rights violations. The Portuguese Government was developing projects, in conjunction with non-governmental organizations and with the European Union, to provide victim support services, to

establish shelters, and to conduct consciousness-raising campaigns. Important legislative advances had included the enactment of laws protecting victims of violence, developing a national plan to combat violence against women, establishment of a network of crisis centres for victims, and providing compensation for victims. The Penal Code had been amended, to stipulate that domestic abuse was a public crime; it also prohibited offenders from approaching women against whom they had committed an act of violence.

21. Studies were being conducted on the social costs of domestic violence. The Commission for Equality and Women's Rights had set up 24-hour hotlines for victims. There were two national offices providing them with legal, psychological and social assistance and efforts were being made to encourage cities to create similar offices. By the end of 2002, 100 more places would be added to the existing 155-bed centres for women victims. Moreover, many non-specialized shelters throughout the country could accommodate another 800. The Commission for Equality and Women's Rights provided training for their staffs in issues related to violence against women.

22. In 2000, 150 men had been prosecuted, a large number on charges of domestic violence against women. Some cases were under investigation or pending judgement. There was therefore no discrepancy in the figures.

23. Under the Portuguese Penal Code, incest was a crime against a child, and when committed by a member of the family, was considered to be aggravated. Any citizen could enter a complaint of abuse, and the police were obliged to receive it.

24. The Commission for Equality and Women's Rights was working hard on the problems of forced prostitution and trafficking in women, and projects were under way to train staff working with victims and to conduct studies about prostitutes working on the street as well as in houses and restaurants. In addition, an agreement on transborder trafficking between Spain and Portugal was under consideration, and a working group was formulating suggestions for European initiatives seeking to stop trafficking.

25. Portugal had signed and publicized the major international agreements on trafficking in women, as well as the Convention on the Rights of the Child. Projects were under way both in Lisbon and in the north, and training was being provided to staff.

Unfortunately, no statistics were available on trafficking in women, a number of trafficking rings had recently been rounded up and tried by the courts.

26. **Ms. Romaninho** said that a new law enacted in the past four years had established that domestic violence was a public crime. This was an important breakthrough because, as the Committee's General Recommendation No. 12 pointed out, statistics on domestic violence were essential. New guidelines had now been introduced, which included the requirement that the nature of the weapon should be specified.

27. Domestic violence was a serious crime, and constituted 23 per cent of all crimes against physical integrity committed in Portugal. In fact, 11 per cent of the murders committed in 2000 were cases of domestic violence. New figures showed that 69 per cent of cases of domestic violence occurred between partners, and 31 per cent involved violence against an elderly person. While statistics has been improved and were to be found on an official web site, much more had to be done.

28. A pilot project had instituted two specialized police units to deal with victims of domestic violence. Small, comfortable rooms had been installed in police stations for women victims. In addition, over 3,500 new police recruits working on the streets had been trained in victim support and domestic violence services. A booklet had been published containing lists of telephone numbers of all pertinent services.

29. Only five years earlier, police regulations had been altered in order to permit women to join the police force. There were already about 1,400 women members, including over 200 officers, trained to deal with women victims of violence.

30. **Ms. do Céu da Cunha Rêgo** (Portugal) said that the Guaranteed Minimum Income Act, which provided benefits to households in economic need and parents under 18 years of age, had given the Government a new instrument with which to fight the feminization of poverty. Of the 691,000 beneficiaries of a Guaranteed Minimum Income, 68 per cent were women.

31. **Ms. Leite** (Portugal) said that 50 per cent of agricultural workers were women, and their contribution to the sector was vital for rural development. The Ministry of Agriculture worked with 48 local rural development associations to design local rural development plans with a mandatory gender

equality component giving priority to projects benefiting women. A computerized database was available to the local groups, as well as technical assistance.

32. **Ms. Gaspard** said that she would like more information about the status of the Convention in domestic law, including the general awareness of its provisions among actors in Government and civil society and its place in legal education. She also asked if the report to the Committee had received any attention in the media and whether the delegation would hold a press conference on the Committee's reactions. The report noted the legal and constitutional equality of men and women, but in the next report, it would be helpful to hear more about the impact of laws and programmes, especially in such areas as domestic violence, prostitution and trafficking.

33. In the report, a distinction had been made between forced and voluntary prostitution, yet it could be argued that all prostitution was forced by social factors, especially poverty. The high incidence of unwanted pregnancies also indicated that education on reproductive health and contraception was needed.

34. **Ms. Acar** said that the formal framework for gender equality existed in Portugal, the Convention was directly applicable in domestic law, and Government cooperation with non-governmental organizations was impressive. Yet some contradictions remained in the national mechanisms for achieving equality, as evidenced by the insufficient budget allocations for gender concerns. She would like to have the delegation's appraisal of the position of male decision makers on women's rights and whether the political atmosphere was conducive to addressing gender issues seriously. She would also like to know whether party platforms included gender equality issues, if special temporary measures were on the political agenda and if the new laws adopted in May 2001 had been fully implemented. It would also be interesting to know the gender distribution of high-level political appointees, which would reflect the commitment of the leadership to gender equality.

35. Freedom of expression was no excuse for violating rights, and continued vigilance over the media was essential in eliminating gender stereotypes. She found it surprising that the illiteracy rate for women was double that of men, and would like to know what was being done to remedy the situation. She

would also like to hear details of the strategy for removing the education gap between men and women which was apparent from the table given in the responses to the list of issues.

36. **Ms. González** asked whether the five-fold increase in the number of cases of domestic violence reported in 2000 could be attributed to the fact that reporting was being encouraged or to other causes. The report contained no information on trafficking in girls, and she wondered if that also could be attributed to a lack of official reporting of such crimes. It was very important to address the question of preventing paedophilia and child pornography. More information about the crime of incest was also needed. The next report should include statistics on alcohol and drug abuse among women and youth and information on any special programmes relating to the health of rural women.

The meeting rose at 1 p.m.