



**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 535th meeting

Held at Headquarters, New York, on Friday, 18 January 2002, at 3 p.m.

Chairperson: Ms. Abaka

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The meeting was called to order at 3.05 p.m.

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

Fourth and fifth periodic reports of Portugal (continued) (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, the Portuguese delegation took places at the Committee table.*

2. **Ms. Ferrer** noted the positive strides Portugal had taken towards implementing the Convention and commended the Government on the public awareness campaigns it was conducting. She was also impressed by the emphasis placed on shared responsibility within families. She would be interested in receiving further information on the situation of women and children living in conditions of extreme poverty in the next report.

3. **Ms. Corti** said that although Portugal had achieved much considering its status as a relatively young democracy there were still some obstacles in place due, in part, to the patriarchal nature of society and the influence of the Church. She wished to know how the Government believed it could improve on its achievements.

4. Noting that refugees in Portugal had not integrated well into society and that there were also Portuguese refugees outside the country, she asked what consideration had been given to the plight of such refugees, many of whom were women living without the benefit of support systems.

5. The phenomenon of prostitution represented an urgent human rights issue. She wanted to know whether legal action had been envisaged to address the problem and whether, given the increasing incidence of prostitution activity across the border with Spain, the two Governments had concluded an agreement to curb the practice.

6. She considered the commercial exploitation of women in the media to be alarming and wondered what measures the Government intended to take to promote a positive image of Portuguese women. Finally, noting that the level of participation of women in local political life was rather low, she asked whether the

Government had mobilized all institutions, including political parties, in its efforts to encourage women to join in political leadership.

7. **Ms. do Céu da Cunha Rêgo** (Portugal) said that information on the Convention had been widely disseminated through various publications, incorporated into training activities and posted on a variety of web sites. In its efforts to mainstream the issue of equality in higher education, the Government had tried to stimulate enthusiasm for gender issues and to show educators how important it was for equality to be respected in all disciplines. Although equality was not part of the basic curriculum of law departments, women were increasingly participating in the sphere of labour law and consideration of women's issues in colloquiums and seminars was also on the increase. The Government's objective was to secure provisions for both paternity and maternity, in order to set men and women on an equal footing in the work force. Overall, issues relating to equality were being addressed at many levels.

8. As regards the preparation of the report, she said that a draft had been circulated to all non-governmental organizations for comment. At a later stage, the Government had convened a meeting in order to give those organizations the opportunity to participate further in the process and, to the extent possible, had integrated their suggestions into the final document.

9. Replying to the question on the political climate for women's participation, she said that overall, the climate was not fully conducive to women's participation and that girls were still being brought up to function in the private sphere. However, views of socially acceptable behaviour were evolving and the Government had developed a curriculum on leadership for women. It had also commissioned and disseminated the results of a study on gender and electoral behaviour. The main findings of the study — that the Portuguese electorate's reaction to women in politics was quite favourable and that some parties had actually benefited from having women candidates — had recently been presented at a seminar on leadership and equality, conducted by the Minister of Equality, and distributed to the country's political parties. The ensuing interviews and press coverage were helping to keep the snowball rolling. Indeed, according to recent newspaper reports there was to be an increase in the number of women candidates in the next campaign.

10. Turning to the question about education and the fight against illiteracy, she recalled that before the advent of democracy, compulsory schooling had been limited to four years for boys and three for girls. Boys had had further opportunities to learn to read when serving in the military or even preparing for a driver's licence. The situation was evolving, albeit slowly. To help the older generation of women catch up, the National Plan for Employment included a scheme for adult education that could be tailored to participants and that called for assessment and recognition of the learner's existing skills, including informal ones, and culminated in a certificate that could lead to further education or certification.

11. Regarding what was being done to help raise the level of the country's poorest women, she said that the National Programme for Social Inclusion sought to narrow the income gap between men and women by 2003.

12. Turning to health issues, she said that men were still far worse off than women when it came to alcohol and drug use and the related risk behaviours; teenage pregnancies had declined since 1974.

13. **Ms. Calado** (Portugal) said that, according to European data, 9 per cent of Portuguese women over the age of 15 reported drinking alcohol more than once a week; 8 per cent smoked, the lowest rate in Europe. In the 1980s, 12 per cent of all births had been to teenage mothers; that percentage had been cut in half. Contraceptives and consultations for both men and women were provided free of charge through the national health service. Most health centres had consultation services for teenagers, and some offered them special education on responsible sexuality and safe sex.

14. **Ms. do Céu da Cunha Rêgo** (Portugal), responding to the question on the budget and resources available to the national machinery, said that the figure given in paragraph 4 of document CEDAW/PSWG/2002/I/CRP.2/Add. 1 referred solely to the Commission for Equality and Women's Rights and to the previous year. The Ministry of Labour funded its own Commission for Equality in Labour and Employment, which operated under the joint supervision of the Minister of Labour and the Minister of the Presidency. The updated figure, including all elements, would be closer to 1.5% — still too small a figure. Exactly how much the Government was

investing in equality would be much clearer if mainstreaming were accompanied by gender budgeting, in which the budget of each ministry would show the relevant funds.

15. She drew attention to the fact that substantial community funds were available for programmes, alongside government funding and said that, for the first time, a budget line for non-governmental organizations (NGOs) was being included in the third Community Support Framework Programme. The funds would be made available not just for NGO activities and projects but for strengthening and empowering the organizations themselves, as a way of investing in a strong civil society.

16. Turning to the question on immigrants, she pointed to some progressive legislation, for instance on the right to family reunification. Most immigrants were from former Portuguese-speaking colonies and some 46 per cent were women. While problems persisted, there were many programmes for integrating immigrants and some also for combating discrimination against women in their own immigrant communities.

17. On the issue of prostitution, she said that in Portugal as elsewhere, there was a major debate over whether prostitution should be viewed as a voluntary form of work or as a kind of violence; Portugal tended to the latter interpretation. Prostitution itself was not criminalized; traffickers and those who exploited others were a different matter. A seminar on trafficking and prostitution had been organized in 1999. A difficult grey area for labour inspectors was how to deal with women working in bars.

18. **Ms. Braga da Cruz** (Portugal) said that as the population of foreign prostitutes varied from year to year, the figures in the report were not completely up to date. The trafficking of women between the north of Portugal and Galicia was being studied as part of an interregional project financed by the European Union which also provided for training of staff to assist the women concerned. Prostitutes were not punished, but the trafficking of women, especially if carried out by criminal gangs, was an offence. Nevertheless prostitution was a burgeoning sector of the underground economy. In order to help the victims of trafficking, Portugal was introducing a raft of measures which included steps to promote the social integration of the women (either in Portugal or in their countries of

origin), vocational training, shelters and witness protection schemes.

19. Turning to the question regarding incest, she explained that under the Penal Code, incest was classified among crimes against sexual self-determination and in the section dealing with the sexual abuse of minors. Hence incest was treated as a punishable offence and a more severe sentence could be imposed if the crime had been committed by a person with whom the victim had emotional ties, or who was in a position of authority over the young person.

20. **Ms. Rosmaninho** (Portugal) said that the High Commissioner for Immigration and Ethnic Minorities had played a key role in initiating reception programmes for immigrants over the previous six years. All the programmes in question were described on the web site of the High Commissioner.

21. **Ms. do Céu da Cunha Rêgo** (Portugal) replying to the question about the media and television advertising said that, since sexual stereotyping was still prevalent in advertisements, there were plans to set up a national authority that would balance the right to freedom of expression and women's fundamental right to respect and equality and to a non-discriminatory public image and also keep an eye on all forms of cultural and artistic expression. Unfortunately, they were still only plans.

22. **The Chairperson** invited members to make general comments about the Portuguese report.

23. **Ms. Schöpp-Schilling** observed that despite increased efforts to combat discrimination, the new legislation which had been passed still fell short of the demands of the Convention. She was particularly concerned about the persistence of sexual stereotypes in education and advertising and stressed the need for a much larger campaign to combat them. Teachers should be made aware of the problem so that, in the classroom, they could question the stereotypes encountered in the textbooks and thus encourage a more progressive attitude.

24. The Government should focus more on disadvantaged women, because a first general drive for more equality usually benefited middle-class women. She wondered whether the Government had taken steps to ensure that the people monitoring the implementation of the plans fully understood the way

that women's issues affected all the areas concerned? She enquired about the percentage of women on the Consultative Council and in the working group at the Ministry of Labour and whether the men on those bodies were fully aware of the implications of those issues.

25. Discrimination against women in the labour market seemed to be regarded as a corollary of discrimination against men in the home. She believed that that approach was wrong because, while men's lack of involvement in caring for children or the older members of the family was a problem that needed to be addressed, it was on a quite different plane to discrimination against women in what was plainly still a patriarchal society. Discrimination against women in such societies stemmed from the inferior status of women and their lack of resources and power. That fact should be borne in mind when policy was being formulated.

26. **Ms. Regazzoli** congratulated Portugal on the progress it had made and said that, although the question regarding the budget had not been adequately answered, she realized that at a time of budgetary restrictions it was difficult to obtain the resources that women's affairs required. She hoped that more women candidates would come forward at the next general election, because she was absolutely convinced that if women could be persuaded to take part in politics, all the goals described by the delegation could be achieved.

27. **Ms. Achmad**, while congratulating the Portuguese delegation on the detailed information and responses it had given, expressed concern about the lack of results achieved by the national machinery to foster women's rights. She asked if there were any plans to train those responsible for the implementation of policy and whether professional people were given appropriate training for, without such training, all the efforts to enhance women's lives would be in vain.

28. She asked who had initiated the draft law introducing quotas, referred to in paragraph 13 of document CEDAW/PSWG/2002/1/CRP.2/Add.1, and whether there had been any opposition to it. In her own country, similar legislation had been proposed by women's groups and while politicians had outwardly expressed support for it, deep down they were against women's participation in the political arena. She also

wished to know whether quotas existed for decision makers appointed to posts in the public sector.

29. While the report had specified the percentages of women in Parliament and in political parties, she felt that it was important to provide some idea of the areas in which those women were active. Were they confined to committees which were traditionally the preserve of women, or were they also members of the Defence Committee?

30. **Ms. Aouij** saluted the delegation's determination to secure progress. The head of the delegation had underscored the need to persuade men that they had everything to gain if women acquired equal status. While it was clear that the principle of equality had been made a national priority in Portugal, she regretted that no specific targets had been set for each sector.

31. The most difficult question to answer was how to improve women's everyday lives. She wondered whether women themselves should be asked in surveys what issues they regarded as most important. The number of women in decision-making posts was still disappointing, despite strenuous efforts to improve it. For example, there were no women in the Higher Judicial Council, although there were many women judges. Since article 109 of the Constitution recognized that it was essential for both sexes to participate in political life and that the law must promote equality, perhaps it would be possible to take advantage of that provision and adopt laws that fostered a change in attitude.

32. **Ms. Shin** praised the State party for its successful dissemination of the Convention and the Optional Protocol and asked how it planned to publicize the Committee's concluding comments on the fourth and fifth periodic reports.

33. **Ms. do Céu da Cunha Rêgo** (Portugal), replying to Committee members' questions, acknowledged the disparity between de jure and de facto equality in Portugal and said every effort would be made to step up measures to remedy the situation. The persistence of stereotypes would be countered by a strong public awareness campaign under the Employment and Social Development Plan of the third Community Support Framework. Efforts to assist vulnerable groups of women included an initiative to reduce income disparity under Portugal's National Programme Social Inclusion, as well as specific projects for various target groups, such as rural women, prostitutes, immigrants

and victims of violence. In response to Ms. Schöpp-Schilling's question, she said that that six-weeks paternity leave and job security for fathers on paternity leave had been deliberately introduced to create genuine balance by integrating men more fully into the private realm of the home as an increasing number of women entered public and professional life. It was vital to allay men's fears of women's power of procreation and their dominance in the home. Greater balance might reduce men's anxiousness to distance themselves from women in the professional world and their unwillingness to share power.

34. The draft proposals for both 25 per cent and 33 per cent parity had been elaborated by the Government on the basis of a study by female jurists and constitutional lawyers representing the whole spectrum of political parties, and with input from male legal experts as well. Owing to changes and replacements, women currently accounted for 21 per cent of the members of Parliament, but sat on all parliamentary commissions. Interestingly, however, the number of men on the Parliamentary Commission for Parity, Equal Opportunities and the Family was very low. She had been gratified by the degree of interest shown in her office during budget hearings before the Parliamentary Commission on Rights, Freedoms and Guarantees and the Parity Commission.

35. She recognized that the media were helping to combat stereotypes and stressed the importance of gender awareness in journalism training. In December 1999, her office had participated in a seminar on discriminatory advertising, together with journalists and the owners of advertising and temporary employment agencies, which had culminated in the elaboration of a code of conduct. Classified ads had been scanned and evaluated for gender discrimination on a daily basis since that time, and the Government was now recommending amendments to that code with a view to achieving further progress. The exercise had been carried out in conjunction with the General Inspection of Labour and the government entity responsible for monitoring working conditions. A linguistic group had also been formed to study masculine and feminine gender in the Portuguese language as a factor in discriminatory advertising and in other forms of discrimination.

36. Replying to the question on human resources, she said that a curriculum had been developed to train human resources trainers and that Pillar IV of the

National Employment Plan provided for the professional certification of equal opportunity consultants and trainers. In addition, the “Equality is Quality” award was an incentive to companies to institute best practices concerning equal opportunities for women and men, modelled on the Belgian experience. The National Employment Plan called for additional experts to work with individual companies on formulating equal opportunities plans; such services were eligible for remuneration under the Community Support Framework.

37. In reply to a question by Ms. Aouij, she said that, although the Government’s first Global Plan for Equal Opportunities had lacked specific quantitative targets, it would be introducing them for each Ministry, as well as evaluations, on an annual basis.

38. Noting that women had not become eligible for the judiciary and diplomatic corps until the 1974 Revolution, she said there was, however, one female member of the Higher Judicial Council, a well-known jurist who had been responsible for most of the existing legislation on women’s rights. Women accounted for about half the members of the Public Prosecutor’s office, although they did not occupy high-level positions. In 2000, they had represented 46.3 per cent of all attorneys and there were three female members of the Constitutional Court.

39. She would do her utmost to disseminate the Committee’s concluding comments and would appreciate an opportunity to engage in a constructive dialogue with the Committee concerning any questions or problems in that regard.

40. **The Chairperson**, recalling that, in the previous meeting, the delegation had indicated that the media were more attuned to racial than gender discrimination, stressed the dual impact of racial discrimination on women.

41. She expressed the sincere hope that the Committee’s concluding comments and the whole tenor of its discussions with the State party would be disseminated as widely as possible, including to Parliament and to civil society, particularly non-governmental organizations.

42. Lastly, with regard to the State party’s remarks on women in politics, she drew attention to the Committee’s general recommendation No. 23 on article 7, which recognized that the aggressive nature of

politics was an obstacle to women’s equal participation. She was certain that full implementation of the Convention would change that aspect of politics from aggressiveness to assertiveness.

43. **Ms. do Céu da Cunha Rêgo** (Portugal) thanked Committee members for their questions, ideas and suggestions and pledged that every effort would be made to disseminate the proceedings as widely as possible.

The meeting rose at 5.15 p.m.