



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

Distr.: General  
29 January 2008

Original: English

---

**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**

**Seventh periodic report of States parties**

**Portugal\***

---

\* The present report is being issued without formal editing.



## Contents

Foreword

Introduction

Article 1- Definition of discrimination against women

Article 2 - Obligations to eliminate discrimination

Article 3 - The development and advancement of women

Article 4 - Adoption of special measures aimed at accelerating de facto equality

Article 5 - Sex roles and stereotyping

Article 6 - Trafficking of women and exploitation of prostitution

Article 7 - Public and political life

Article 8 - International participation and representation

Article 9 - Nationality

Article 10 - Education

Article 11 - Employment

Article 12 - Equality in Access to Health Care

Article 13 - Social and Economic Benefits

Article 14 - Rural Women

Article 15 - Equality before the Law and in Civil Matters

Article 16 - Equality in Marriage and Family Law

## 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. On the 8<sup>th</sup> of March 2002, the President of the Republic, by Decree No. 15/2002, ratified the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.
3. In the follow-up of the implementation of the Convention, the Committee analysed Portugal's initial Report in 1986, the second and third Periodic Reports in 1991, and the fourth and fifth Reports in 2002.
4. The sixth Report of Portugal was submitted with some delay and its examination by the Committee was scheduled for the 42<sup>nd</sup> session. Taking into account that the last Portuguese Reports had been submitted in 2002 and that the sixth went only so far as 2003, it was decided to prepare a Seventh Report updating the information provided in the Sixth Report.
5. This is the seventh Report of Portugal to the Committee on the Elimination of All Forms of Discrimination against Women, under article 18 of the Convention. It relates to the period between 2004 and the first semester of 2007 and brings up to date information provided previously on the sixth Report.
6. In the consideration of the fourth and fifth Portuguese Reports, the CEDAW Committee expressed concern over some areas, which were already responded in the sixth Portuguese Report. However the present report also takes them into account and responds to the Committee's previous concerns.

## **Introduction**

The Constitution of the Portuguese Republic enshrines the principle of equality regardless of the sex of the persons and the promotion of equality between men and women as a fundamental task of the State.

The State is responsible for promoting equal opportunities at work, the reconciliation of professional activity with family life, equality in the exercise of civic and political rights and non-discrimination on the basis of sex in access to political positions.

The 2005/2008 National Action Programme for Growth and Jobs is a reference for strategic governance that aims at attaining economic growth and job creation, in a framework of public accounts' sustainability, social cohesion, competitiveness, and sustainable development.

This is a programme of public initiative, whose implementation will proceed in active partnership with civil society and private initiative and in which public policies assume the role of catalysts of a process of modernisation and change. In its conception, within the framework of a network of Coordinators reporting directly to the Prime Minister and integrating personal representatives from all ministers and programme coordinators essential for its success, consideration was given not only to operative documents that engage Government action, such as the Government Programme, the strategic national plan (Broad Options of the Plan) and the Stability and Growth Plan, the 2005/2008 National Action Plan for Employment, the National Plan for Equality (2003/2006 and 2007/2010) and the reference lines of the 2007/2013 National Strategic Reference Framework and of the Technological Plan, but also to multiple contributions from civil society, such as opinions on implementation of the Lisbon Strategy at both national and European level.

The equal opportunities policies for all and policies of equality of opportunities between women and men, identified as priorities in the framework document, are transversal to all measures, in particular with regard to a life cycle work approach. However, there are some more specific sectorial programmes which are more directly related to the national policies aimed at gender equality, such as the National Plans for Equality and against Domestic Violence and, more recently, the First National Plan against Trafficking in Human Beings, the Plan for the Integration of People with Disabilities or Incapacity, the Plan for the Integration of Immigrants and the National Plan for Social Inclusion. These plans are based on strategic intervention areas and identify the requisite implementation measures, responsible entities and result and process indicators.

## Articles 1 and 2

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

#### Direct and indirect discrimination: definitions

Under Portuguese Law<sup>1</sup>, direct discrimination is deemed to exist whenever, by reason of ascendancy, age, sex, sexual orientation, civil status, family situation, genetic heritage, reduced capacity for work, disability, chronic disease, nationality, ethnic origin, religion, political or ideological convictions or trade union membership, a person is subject to less favourable treatment than that given to another person who was or is in a comparable situation.

Indirect discrimination<sup>2</sup> is deemed to exist whenever a provision, criterion or practice, which is apparently neutral, may place people in a disadvantageous position in relation to others, on the grounds of ascendancy, age, sex, sexual orientation, civil status, family situation, genetic heritage, reduced capacity for work, disability, chronic disease, nationality, ethnic origin, religion, political or ideological convictions or trade union membership, unless the provision, criterion or practice in question is objectively justified for a legitimate purpose and the means to attain that purpose are necessary and appropriate.

Other factors of both direct and indirect discrimination are homeland, language, race, education, economic situation, origin or social status<sup>3</sup>. Orders or instructions based on any of these factors, which cause harm to anyone, are considered discriminatory<sup>4</sup>.

The harassment of an employee or a job applicant defined as undesired conduct related *inter alia* with gender, occurring during the recruitment process, at work or during vocational training, with the purpose or effect of undermining a person's dignity or creating an intimidating, hostile, degrading, humiliating or destabilising environment, amounts to discrimination<sup>5</sup>. Any form of undesired verbal, non-verbal or physical conduct of a sexual nature, with the above-mentioned purpose or effect is in particular deemed to be harassment<sup>6</sup>.

<sup>1</sup> Article 23, n.º 1, of the Labour Code, and Article 32, paragraph a) of n.º 2, of the Act 35/2004, of 29 July.

<sup>2</sup> According to n.º 1 of Article 23 of the Labour Code and paragraph b) of n.º 2 of Article 32 of the Act 35/2004, of 29<sup>th</sup> of July.

<sup>3</sup> Article 32, n.º 1, of the Act 35/2004, of 29 July.

<sup>4</sup> Article 32, n.º 3, of the Act 35/2004, of 29 July.

<sup>5</sup> Article 24, n.º 1 and 2, of the Labour Code.

<sup>6</sup> N.º 3 of Article 24 of the Labour Code.

## Penalising discrimination

Breach of the provisions regarding equality is generally punished as a very serious administrative offence<sup>7</sup> and the convictions may be published<sup>8</sup>. Currently, the Authority for Working Conditions (formerly the General Inspectorate of Labour) continues to prevent, monitor and punish gender discrimination.

## Monitoring and assessment

On 9 May 2007, the Government presented to the Parliament the Annual Report on the Progress of Equality between Men and Women in Work, Employment and Vocational Training 2005. Although mandatory since 2001<sup>9</sup>, it had never been made before<sup>10</sup>. Briefly it highlighted a strong growth in female employment alongside the persistence of a higher female unemployment rate compared to men; there is still a gender imbalance in sectors and occupations; the gender pay gap persists and is particularly felt at high skills levels, and women's access to the educational and training system is increasing steadily.

Since June 2007, the Commission for Citizenship and Gender Equality can receive complaints in the area of equality and non-discrimination in work, employment and vocational training. However, it is the Commission for Equality in Work and Employment that continues to offer mandatory prior opinions in cases of dismissal of pregnant, puerperal or breast-feeding women or fathers on paternity leave, and in cases of employers' denial of requests by workers with children aged under twelve to be granted reduced working schedules.

### Mandatory prior consultation of the Commission for Equality in Work and Employment

<b>Mandatory opinions</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>
<b>Dismissal of pregnant, puerperal or breast-feeding women</b>	33	50	56
<b>Right to benefit from reduced timetables, flexible hours and part time work for women and men with children aged under twelve</b>	25	17	23
<b>Other</b>	7	8	4
<b>Total</b>	65	75	83

Source: Commission for Equality in Work and Employment, 2007

<sup>7</sup> The fines imposed can vary from 20 to 600 units of account (one unit of account = € 89, between 2004 and 2006, and € 96 between 2007 and 2009).

<sup>8</sup> Article 642 of the Labour Code.

<sup>9</sup> Act 10/2001, of 21 May.

<sup>10</sup> It also contains a description of the legal regime on gender equality in work, employment and vocational training and on the protection of paternity and maternity, entered into force with the Labour Code (Act 99/2003, of 27 August, amended by Act 9/2006, of 20 March) and the Regulation of Labour Code (Act 35/2004, of 29 July, also amended by Act 9/2006, of 20 March).

### **Other political measures for eliminating discrimination**

Law 38/2004 of 18 August defined the general principles of the prevention of discrimination and the enablement, rehabilitation and participation of persons with disabilities. Including State measures to ensure that families of persons with disabilities have the right conditions for their full participation and specific measures to ensure reconciliation between working and family life for the person with disabilities and for their families.

The Basic Law on Sports and Physical Activity<sup>11</sup> lays down that everyone has the right to physical and sports activity, irrespective of sex, and that this activity should help foster a balanced, non-discriminatory situation between men and women. It says that it is up to the Central Government, in close articulation with the autonomous regions and local authorities, to adopt programmes designed to reconcile physical activity with people's personal, family and working lives.

---

<sup>11</sup> Law 5/2007 of 16 January.

## **Article 3**

### **The development and advancement of women**

#### **Governmental Mechanisms for Gender Equality**

##### **Commission for Citizenship and Gender Equality**

In view of the extensive restructuring of the Public Administration, the Commission for Equality and Women's Rights and the Mission against Domestic Violence were disbanded and replaced by the Commission for Citizenship and Gender Equality (CIG), in order to improve the promotion and implementation of gender equality.

The remit of the CIG<sup>12</sup> is to ensure the implementation of government citizenship policies and to promote and defend gender equality. It answers to the Secretary of State of the Presidency of the Council of Ministers.

Its duties also include promoting citizenship, making general recommendations on good practices in fostering gender equality and receiving and referring complaints about gender-based discrimination or violence.

Representatives of the CIG and of the government member in charge of gender equality have been sitting on different councils so that the gender factor is included in all fields.

The CIG can therefore participate in the National Vocational Training Council<sup>13</sup> and there is a representative of the government member in charge of gender equality on the National Occupational Health and Safety Council<sup>14</sup>, the Family Policy Council and the Family Advisory Council<sup>15</sup>.

Civil society, through a representative of the NGO Section of the CIG Advisory Board, is also represented on the National Social Security Council<sup>16</sup>.

##### **Commission for Equality in Work and Employment**

The other national mechanism for gender equality, the Commission for Equality in Work and Employment was maintained despite the reform. It kept its former structure; its tasks were adapted to the new labour regime; and it is currently working under the direction of the Ministry for Labour and Social Solidarity, in articulation with the member of Government in charge of gender equality<sup>17</sup>.

---

<sup>12</sup> The setting up of the CIG was approved by Decree-Law 164/2007 of 3 May.

<sup>13</sup> Decree-Law 39/2006 of 20 February.

<sup>14</sup> Decree-Law 121/2006 of 22 June.

<sup>15</sup> Decree-Law 155/2006 of 7 August.

<sup>16</sup> Decree-Law 52/2007 of 8 March.

<sup>17</sup> Decreto-Lei nº 79/2005, de 15 de Abril (modified by Decree-Law 201/2006, of 27 October).

Employers are required to seek the opinion of this Commission if they do not agree with the requests of reduced timetables or flexible time arrangements for women and men with small children. The opinion must be given within 30 days and if the opinion is negative only a court of law may authorise the employer to deny the employee's request.

It maintains the register of court decisions with regard to equality and non-discrimination between men and women at work, employment and vocational training, in order to provide information about any final decision<sup>18</sup>.

Until June 2007, it could also recommend legislative changes or propose measures related to equal opportunities in employment, work and vocational training.

The Commission for Equality in Work and Employment website<sup>19</sup> has been working since 8 March 2002 and it has had 2,003,436 users until June 2007.

The Commission for Equality in Work and Employment also attributes prestige awards to companies that distinguish themselves in the promotion of gender equality in the workplace ("Equality is Quality"). In the 2004 edition, 4 entities were distinguished (two awards and two honourable mentions) and, in the 2005-2006 edition, five (two awards and three honourable mentions).

## **Specific National Plans**

### **Second National Plan for Equality (2003-2006)**

The ex-post evaluation study of the Second National Plan for Equality (2003-2006) was made by a team of researchers of the Centre for Social Studies of the University of Coimbra.

The study evaluated the expected and actual impacts, both in general and in each intervention area (labour and employment; reconciliation of work and family; education and vocational training; reproductive and sexual health; culture; sports; media; power and process of decision making; poverty and social inclusion; immigrant and ethnic women minorities; violence against women; cooperation with the Community of Portuguese Language Countries). For each of these chapters, all the intended measures were analysed from the point of view of their implementation and impact. The weaknesses and strengths, as well as recommendations to overcome them, were also highlighted.

The results were conditioned by the lack of information regarding both process and outcome indicators. Gender equality official bodies' annual reports of activities constituted the main secondary source. The primary information system built encompassed: individual focused interviews (to equality focal points in the Ministries - Equality Counsellors - policy makers, NGO leaders and personnel working in the gender equality official bodies); focus groups (with several strategic groups); postal

---

<sup>18</sup> So far, that register contains only one court decision.

<sup>19</sup> [www.cite.gov.pt](http://www.cite.gov.pt).

surveys (of entrepreneurs and journalists); a self-administered survey of 406 students of senior high and secondary schools; and a telephone survey of 622 economically active persons aged 16 to 65.

The conclusions of the study highlight the difficulties of the gender equality mainstreaming policy in Portugal, during the period of enforcement of the Second National Plan for Equality: The measures with higher rate of execution were those committed to the two official mechanisms for gender equality – CIDM and CITE; an important part of the implemented measures were awareness-raising activities for gender equality issues, and occasionally pro-active initiatives leading to effective social change. Political and governmental instability originated a high turnover and a vulnerability to re-structuring of gender equality focal points in most Ministries; the inadequate planning and monitoring of the gender equality plan and the lack of any Specific, Measurable, Accurate, Realistic, Time-bound (SMART) goals.

In general, the research shows structural difficulties to implement gender equality policies such as: shortage of human and financial resources; insufficient knowledge and lack of statistical data about men's and women's social condition broken down by sex; a widespread limited concept of equality in public opinion, that paves the way for a lack of legitimacy to gender equality claims and intervention; inadequate knowledge about gender equality and adequate tools and techniques to promote it; lack of political commitment, notably at intermediary levels; rigidities of the policy design/decision making processes and reluctance to involve civic society in the governance model.

In the last part of the study, recommendations to surmount the main obstacles are suggested.

### **Second National Plan against Domestic Violence (2003-2006)**

An external evaluation of the execution of the Second National Plan against Domestic Violence (2003-2006) was also conducted. The main purpose of this Study was to assess the levels of execution and efficacy of the Second National Plan against Domestic Violence (IIPNCVD).

Its main points of reference were the contributions made by the activities conducted within the sphere of the Organisational Structure of the Mission Against Domestic Violence (EMCVD), which was the body that coordinated the execution of the IIPNCVD, by the Commission for Citizenship and Gender Equality (CIG), and by the specific measures of those of the Operational Programmes of the Third Community Support Framework with objectives in the domestic violence field: the Operational Programme for Employment, Training and Social Development (POEFDS), the Community Initiative Programme EQUAL (PIC-EQUAL), and the Operational Programme for Health (Saúde XXI).

The analysis employed a number of quantitative and qualitative methodological instruments, such as documentary analysis and surveys by interview and by questionnaire, as well as the information systems belonging to the IIPNCVD and the Operational Programmes in question.

In addition to looking at the pertinence and importance of the IIPNCVD, the study includes an analysis of the following aspects:

- internal coherence, in which is assessed the Plan's overall structure, its array of objectives, and its measures.
- external coherence, in which the political context was touched upon, the complementarity between the IIPNCVD and the various Sectoral Action Plans (Inclusion, Equality, and Health) was studied, as was the Plan's coherence with the Community financing instruments that have actions under way on the domestic violence front (POEFDS, PIC-EQUAL and Saúde XXI).
- the management and monitoring system, in terms of its pertinence, consistency and inter-institutional articulation, and the size, composition and competence of the Technical Support Unit allocated to the task of coordinating and executing the Plan.
- the degrees of the Plan's execution and efficacy for each intervention axis (Awareness-raising and prevention, Training, Legislation, Protection and Social Integration of Victims, Research, Women Immigrants, and Assessment).
- and lastly, the conclusions and recommendations, with separate recommendations for the Third PNCVD itself and for the medium and long-term.

In overall terms it was concluded that a significant level of both execution and efficacy were achieved in most axes and measures. Of particular note are the strengthening of the network of victim support services, with an increase in the number of shelters and other information and reception units, standardisation of the way in which shelters operate, a strengthening of the technical competencies of the professionals who intervene in the sector, an increase in the knowledge about the phenomenon of domestic violence thanks to the carrying out of a number of studies, and the incorporation of the concept of domestic violence in the new legislative framework.

### **Third National Plan for Equality - Citizenship and Gender (2007-2010)<sup>20</sup>**

The Third National Plan for Equality - Citizenship and Gender (2007-2010) is based on five strategic areas of intervention involving 32 goals and 155 measures associated with their success and process indicators and the bodies responsible for implementing them.

The plan aims to promote equality between women and men and covers a wide range of fields, namely health, education, employment, balance between work and family life, preventing violence against women, and social protection.

The five strategic areas of intervention are 1) Integrating a Gender Perspective in all policy fields as a requirement of good governance; 2) Integrating a Gender Perspective in priority policy fields; 3) Citizenship and gender; 4) Gender violence and 5) Integrating a Gender Perspective in the European Union, on an international level and in development cooperation. Their goals include the setting-up of a gender equality observatory.

<sup>20</sup> Council of Ministers Resolution 82/2007 of 22 June.

A grid is shown for all planned measures with their timelines, implementation and success indicators and the bodies involved.

### **Third National Plan against Domestic Violence (2007-2010)<sup>21</sup>**

The Third National Plan against Domestic Violence (2007-2010) has five strategic areas of intervention: 1) Informing, raising awareness and educating; 2) Protecting victims and preventing revictimisation; 3) Empowering and reinserting victims of domestic violence; 4) Qualifying professionals; 5) Learning more about the domestic violence phenomenon.

This plan takes a comprehensive approach to domestic violence, providing for measures to protect and empower victims and rehabilitate batterers to prevent revictimisation. This plan also has a grid of indicators for all planned measures with their timelines, implementation and success indicators and the bodies involved.

The fight against domestic violence focuses on producing positive structural changes and on the quality of responses given. It provides for concerted action between public authorities and NGOs.

### **First National Plan against Trafficking of Human Beings (2007-2010)<sup>22</sup>**

Portugal has approved the First National Plan against Trafficking of Human Beings (2007-2010) assigning, thereafter, as a strategic priority the implementation of an all-round approach to combat this reality effectively. Following the most recent developments in terms of the international approach, this includes situations of trafficking for both sexual and labour exploitation.

The Plan relies on four strategic areas of intervention each with its own implementation measures. To all these measures are assigned the entities responsible for their implementation and process and result indicators. The four strategic areas of intervention are: 1) Recognition and dissemination of information; 2) Prevention, awareness-raising and training; 3) Protection, support and integration; 4) Criminal Investigation and Punishment of trafficking.

This Plan's key structuring element is the symbiosis between the repressive approach to the combat of human trafficking and the promotion of human rights through the adoption of strategies to prevent, support, raise awareness, empower and include the victims.

It also contemplates an array of national mechanisms to identify specific contours, harmonise procedures and disseminate best practice. The highlights of this Plan are: implementing a register to be used by NGOs and by the criminal police, creating an observatory regarding issues of trafficking and holding an annual extensive forum encompassing all agents involved in this phenomenon. The promotion of an active, aware and conscious society as regards this reality is also an essential aspect.

---

<sup>21</sup> Resolution n.º 83/2007, of 22 June, of the Council of Ministers.

<sup>22</sup> Resolution n.º 81/2007, of 22 June, of the Council of Ministers.

The protection, support and integration of victims of trafficking are emphasised as areas of vital importance in this Plan. An effective combat against trafficking of human beings is not possible if intervention with the victims is neglected. The concession of a period of reflection offering psychological, medical and judicial assistance, with the help of an interpreter, the possibility of attributing a residence permit with access to official programmes leading to social integration are imperative elements for an effective human rights policy.

Finally, criminal investigation and repression of trafficking are indispensable factors given the transnational and constantly-changing aspect which requires cooperation with international institutions as well as the allocation of financial and human resources to address this phenomenon.

### **Other relevant political commitments and legal instruments**

The Broad Economic and Social Guidelines for 2005-2009<sup>23</sup> include several commitments for the implementation and promotion of gender equality policies, such as fostering education for all, combating the effects of gender, increasing women's participation in politics and in all decision-making areas and promoting reconciliation between work, private and family life.

One of the main guiding principles of Portugal's cooperation and foreign policy<sup>24</sup> is the pursuit of the goals enshrined in the 1979 Convention for the Elimination of All Forms of Discrimination against Women and the 1995 Beijing Platform for Action. As a result, the principles of respect for human rights and gender equality are also priorities in Portuguese cooperation.

The regulations of the Council of Ministers of the current Constitutional Government<sup>25</sup> stipulate that draft laws must include a gender impact assessment and use non-discriminatory language. One of the elements that accompany notes to projects in the government's lawmaking process is an assessment of the project's impact, when it might affect gender equality. They also provide for gender specifications to be neutralised or minimised in the drafting of laws by using inclusive or neutral forms.

Laws on young people's associations<sup>26</sup> enshrine a balance between the sexes and the promotion of gender equality as one of the criteria when considering applications for support from the Instituto Português da Juventude [Portuguese Youth Institute].

Tax benefits in the 2007 State Budget<sup>27</sup> for patronage cover companies' donations to NGOs promoting the values of citizenship and the defence of human rights, women's rights and gender equality.

---

<sup>23</sup> Law 52/2005, of 31 August.

<sup>24</sup> Council of Ministers Resolution 196/2005, of 22 December.

<sup>25</sup> Council of Ministers Resolution 64/2006, of 18 May, amending Council of Ministers Resolution 82/2005, of 15 April.

<sup>26</sup> Law 23/2006, of 23 June.

<sup>27</sup> Approved by Law 53-A/2006, of 29 December.

The First Action Plan for the Integration of the Persons with Disabilities 2006 to 2009 was approved in 2006<sup>28</sup>. According to this plan, the State is responsible for adopting the necessary measures to guarantee that persons with disabilities have full recognition and enjoyment of their rights in a framework of equal opportunities, with special focus on multiple discrimination on the basis of sex and physical, intellectual, social, ethnic and cultural conditions. It includes measures to improve the quality of life of persons with disabilities and their families in access to rights, resources, goods and services.

---

<sup>28</sup> Council of Ministers Resolution 120/2006, of 21 September.

## Article 4

### Adoption of special measures aimed at accelerating *de facto* equality

#### Parity Law

In 2006 a Law establishing quotas for the participation of women and men in the lists of candidates for election<sup>29</sup> was approved. It states that any list of three or more candidates, for Parliament, the European Parliament and for Local Authorities must ensure a minimum participation of 33 per cent of each sex. In the cases of lists of candidates for election to the councils of civil parishes with 750 or fewer voters and municipalities with 7500 or fewer voters, the rule does not apply. Additionally, for the Portuguese and European Parliament, the candidates' lists should not have more than two persons of the same sex successively. If the lists do not respect these rules, the public financing of the electoral campaigns may be reduced. In 2011, the Parliament will evaluate the impact of this Law in the promotion of equal participation between women and men, and revise the Law as necessary.

#### Taxes

The Personal Income Tax Code has been amended<sup>30</sup> so that tax deductions are made for each taxpayer, irrespective of marital status. Deductions are higher for single-parent families, resulting in positive discrimination in their favour.

### Financial and Technical Support to Gender Equality NGOs

Under the Employment, Training and Social Development Programme, an NGO technical and financial support system was set up for 2003–2006 to “promote equal opportunities for men and women by increasing positive action and mainstreaming in all fields of activity by developing integrated strategies to promote the balanced participation of men and women in work, family life and decision-making and to create the right conditions for a change in the paradigm of social roles existing in our culture”<sup>31</sup>.

The NGO technical and financial support system sponsored a number of measures aimed at consolidating the role of NGOs in the pursuit of their goals in accordance with the Second National Plan for Equality, the Second National Plan against Domestic Violence and the Annual CIDM Plan of Activities, through 95 projects in Work, Employment and Vocational Training (58 projects); Domestic Violence or Violence in the Workplace (55 projects); Reconciling Family and Working Life (68 projects); Decision-Making (49 projects); Human Rights and Migration (29 projects) and Culture, Health and Sports (35 projects).

The 95 projects were based on three different types of strategy – Information and Awareness, Consolidation and Decentralisation and Community Intervention and Development aimed at social

<sup>29</sup> Organic law 3/2006, of 21 August, amended by declaration 71/2006, of 4 October 2006.

<sup>30</sup> Law 53-A/2006, of 29 December (2007 State Budget).

<sup>31</sup> Joint dispatch 186/2002, of 12 March.

change and more intervention by women and men in the most imbalanced, fragile areas and especially in employment and training, reconciling family and working life, sharing power and decision-making and domestic violence and violence in the workplace.

The projects were strongly oriented towards awareness campaigns and special attention given to domestic violence, as reflected by the setting-up of 10 offices for information and referral of victims of violence.

There were around 400,000 direct and indirect beneficiaries of these three strategies. They included strategic populations (educators, elected officials and local authority workers, directors and workers at social welfare institutions, associations and companies) and particularly fragile people and communities (unemployed women, single-parent families, migrant communities, domestic violence victims and social reinsertion income beneficiaries).

The many products resulting from the projects funded by the SATF – ONG were among its most important assets. After their quality and dissemination potential have been analysed, they will be published and distributed to form a gender mainstreaming strategy.

However, successive delays in payment of reimbursements placed many NGOs in a difficult financial situation and this delayed the start of planned activities. Special attention should therefore be paid in future State support of NGOs to ensure that financial constraints do not stand in the way of projects and their activities.

Two independent studies were conducted, one entitled “External evaluation of the implementation of the NGO technical and financial support system” and the other “The role of non-governmental organisations in the promotion of equal opportunities for women and men: practices and representations”.

The conclusions of the first of these two studies were as follows:

- Considerable contribution to the implementation of the Second National Plan for Equality and the Second National Plan against Domestic Violence.
- Better intervention capacity for inexperienced bodies with fragile organisational structures.
- Regular information campaigns.
- Projects were mainly multi-themed, with domestic violence and the balance between work and family generating most single-themed projects.

The conclusions of the second of these two studies were as follows:

- Civil society organisations combating specific forms of discrimination (such as disability) tend to place gender discrimination second. These organisations need specific awareness raising, as their multiplication power is vast.

- Most organisations lack institutionalised equality practices, meaning that an intense training programme is required, involving all those working in the field.
- The successes of some women's support centres set up under the NGO technical and financial support system show that they are a good way of territorialising policies, providing proximity services in sensitive areas like violence and unemployment and serving as an important example for other local organisations.
- The Commission for Citizenship and Gender Equality must strengthen its special partnerships with women's NGOs by ensuring their administrative and financial independence, substantially increasing their human and financial resources or reorganising the way they operate and strengthening the role of the Advisory Council. Following a model of good governance, women's organisations must be regarded as decisive political agents for the promotion of equality policies by increasing State support for their empowerment.
- Qualified coordination of projects by equality specialists or trainers.
- Developing monitoring capacity as the organisations have little experience.
- The involvement of organisations in publicly funded projects should be subject not only to evaluation of their equality competences and to the inclusion of equality in their statutes but also to the inclusion in their philosophy of emancipation of women and the promotion of equality between women and men.

An external assessment of the NGO technical and financial support system concluded that its impact resulted in "substantial improvements in the institutional network, bodies' greater organisational capacity and balanced participation by men and women in societal systems and dynamics"<sup>32</sup>.

### **Women in the military and police forces**

Taking into account the information provided in the previous report regarding the adoption of positive actions for the promotion of equality between women and men and the participation of women in the military and police forces, the present situation of women in these areas is as follows:

- In 2005 women entered for the first time to the Operational Battalion (specialised in public order) of the Republican National Guard (GNR) and at present four women have such functions. Since 2005 women can be integrated in GNR's Special Operations Company, although none have yet done so.
- The number of women who apply to join the GNR has been increasing: 3027 in 2004, and 3461 in 2006. In 2005, only 299 women applied. This resulted from the requirement, in that year, of having compulsory military service before entering the service. Regarding admissions to the GNR there is also an increase in the number of women: from 94 in 2004 to 144 in 2006. Consequently, the female rate in the GNR is rising, from 1,51 per cent in 2003 (see previous report) to 3,14 per cent in 2006.

<sup>32</sup> *in* Quatenaire Portugal, S.A. 2005.

Amongst officers the rate is 1,87 per cent (2006). Since the incorporation of the first women in the GNR in 1993, this security force has undertaken efforts to build or adapt physically its structures, regarding the specificities of the professional performance of both sexes.

- Between 2004 and 2007 the percentage of women in the Public Security Police (PSP) was around 10 per cent (9,97 per cent in 2004; 9,93 per cent in 2005; 9,85 per cent in 2006; and 9,34 per cent in 2007). In 2006 the percentage of women in policing functions in the PSP was 6,8 per cent.

- In the Foreign Nationals and Borders Service, the percentage of women is currently 45 per cent, ranging from 43 per cent, in 2005 to 44 per cent, in 2004 and 2006. In management ranks, in 2004 there were 47 per cent of women. This number fell in the following years: 45 per cent in 2005, 42 per cent in 2004 and 41 per cent in 2007 (in June). In the investigation career, women are less represented, 19 per cent to 20 per cent are women (19 per cent in 2004 and 2005 and 20 per cent in 2006 and 2007).

## **Article 5**

### **Sex roles and stereotyping**

#### **Research into gender relations in education**

The Commission for Equality and Women's Rights and the Science and Technology Foundation have signed agreements to set up a financial support line to promote, sponsor and disseminate scientific research into gender relations and policies for equality between women and men in Portugal. The aim of the research is to diagnose the situation in Portugal and use the information obtained to help political decision making on equality between women and men.

In 2004, 13 projects were funded under the first agreement, three in education and/or family dynamics. In 2006 the 18 projects funded under the second agreement were completed, four on school or family. Eight projects were funded under the third and last agreement, two of them on family.

#### **European Year of Equal Opportunities for All (EYEOA)**

The structure of the European Year of Equal Opportunities for All - 2007<sup>33</sup> was set up to prepare and guarantee the implementation of a programme of action under the supervision of the chairperson of the national authority on gender issues.

The national strategy for implementing the National Action Plan for the European Year of Equal Opportunities for All was based on the territorialisation of activities and the involvement of organised civil society in order to raise the population's awareness of discriminatory attitudes and change behaviours.

The fact that gender-based discrimination is transversal to different discriminations, making the phenomenon more serious and complex and creating dual or even multiple discrimination, is one of aspects found in the work, carrying a message that it is only by eliminating gender stereotypes that society can take a proactive attitude in the fight against other types of discrimination.

As these issues were addressed at a local level, it was possible to raise people's awareness of the problem and help them understand how it can affect society and how they can change their blocking attitudes.

In the first half of 2007, many information and awareness campaigns were waged all over the country to encourage a change in behaviour and in forms of organising society, research into gender stereotypes and discrimination and the involvement of political powers, civil society and the public. The following are examples:

- 23 municipal assemblies where statements of intent were presented by the parties involved in combating stereotyped and discriminatory behaviour were presented

---

<sup>33</sup> Council of Ministers Resolution 88/2006 of 18 July.

- A mobile exhibition in a large trailer truck containing computers, a plasma TV, a sound system and publicity material went to 15 of the country's 18 district capitals
- Decentralised regional awards for companies and civil society organisations demonstrating good practices in the area, in which gender equality (gender mainstreaming) was one of the criteria considered by the judges
- Theme discussion groups to debate these issues and suggest good practices. The discussion group on gender stereotypes focused on culture and addressed stereotypes in the different dimensions of culture, including literature, music, the arts and folk culture.
- Survey of research into gender resulting in the collection of 120 titles after responses came from 26 universities, 15 polytechnics and 52 research centres all over the country
- Involvement of the media in the problem of discrimination in general and gender discrimination in particular in order to raise public awareness and help change behaviours. There were programmes and interviews (press, radio and television) and advertising campaigns (leaflets, posters, billboards, banners, etc)
- Participation in around 70 events of the European Year of Equal Opportunities for All, including discussion groups, seminars, exhibitions, fairs, cinema and theatre, etc

### **Image of women in the military and the police forces**

In 2006 the advertising for admission to the GNR's ranks began to include pictures of women. In the advertising materials for the selection of future officers, such measure had already been undertaken.

The GNR, the PSP and the Foreign Nationals and Borders Service all have pictures of women officials in their respective websites.

## Article 6

### Trafficking of women and exploitation of prostitution

#### Legislation and policy measures

Portugal has ratified the United Nations Convention against Transnational Organised Crime and the additional Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children<sup>34</sup>.

Portugal is in the process of ratifying the Convention against Trafficking of Human Beings of the Council of Europe, signed in Warsaw on 16 May 2005. The First National Plan against Trafficking of Human Beings<sup>35</sup> used this Convention, among various others, as a reference document for its elaboration.

#### Criminal Code

The Criminal Code has been under revision and the new version, already approved, is expected to enter into force at 15 September 2007. Such revision targeted issues related with trafficking in human beings and the provisions related with this crime will read as follows:

Following several community and international obligations, including the signature in 2005 of the Convention of the Council of Europe against Trafficking in Human Beings, the revision of the Criminal Code aimed at combating serious criminal phenomena more effectively, including trafficking in human beings.

The definition of trafficking in human beings was updated, and will punish anyone who offers, delivers, entices, accepts, transports, harbours or receives a person for the purpose of exploitation (sexual, work or removal of organs), by means of violence, abduction or serious threat, deceit, fraudulent manoeuvre, abusing of power due to hierarchical or economic dependence, work or family relation, taking advantage of psychic disability or other situation of vulnerability of the victim; or by getting the victim's consent through control over him/her. The maximum prison sentence was raised from 3 to 10 years.

The concept of trafficking no longer requires a cross-border element and internal trafficking is also punishable. Another new feature is that the article punishes anyone who uses a person's services while knowing that she/he is the victim of trafficking. The retention, concealment, mutilation or destruction of identification or travel documents of a trafficking victim is also punishable.

The revision of the Criminal Code enshrines the criminal liability of legal persons. Crimes that can result in this kind of criminal liability include human trafficking. This means that, in addition to the

---

<sup>34</sup> Approved by Resolution 32/2004 of the Portuguese Parliament and ratified by Presidential Decree 19/2004, of 2 April.

<sup>35</sup> See Articles 1 and 2 of this Report.

individual criminal liability of the perpetrator, a legal person on whose account or in whose interest the crime was committed is also liable.

### **Immigration Law**

Portugal has a new law regulating the conditions of entry, stay and exit of foreigners from Portuguese territory<sup>36</sup>, which includes a period of reflection for the victims of trafficking. This legal instrument is a consequence of a European Union directive<sup>37</sup>, which appeals to the member States to implement legal, regulatory and administrative measures aiming to allow a period of reflection and possible concession of permit of residence.

During that period, the presumed victim cannot be subject to any process of expulsion, and medical, psychological, judicial and linguistic support among other services. The possibility of obtaining permission for residence for a period of one year, with the support referred to above, and also the opportunity to access official programmes and training courses to improve professional skills, are other aspects of this law which should be highlighted.

This new law criminalises marriages of convenience and those who promote and facilitate them, which are punishable by 1 to 4 years of imprisonment and 2 to 5 years, respectively.

This integrated and comprehensive intervention regarding trafficking of human beings, is not limited just to these instruments but assumes, in political terms, a clear transversal approach encompassing strategic interventions in various areas of social inclusion, immigration and gender.

Victims of human trafficking and illegal immigration who turn state's evidence may be given residence permits and certain rights. Victims with special needs, such as pregnant women or victims of sexual or other forms of violence, are entitled to medical and social assistance.

### **Other policy measures**

The National Action Plan for Inclusion<sup>38</sup> adopts a comprehensive model for shelter for the victims of trafficking, which aims to include: the implementation of a Temporary Shelter for the victims, a multidisciplinary support team, and the implementation of an Evaluation Commission for the victims of trafficking.

---

<sup>36</sup> Immigration Law n° 23/2007, of 4 July.

<sup>37</sup> Council Directive 2004/81/EC, of 29 April 2004, regarding the issuance of permits of residence to persons from countries outside the European Union, who are victims of human trafficking or may have been subject to measures to facilitate illegal immigration and who cooperate with the authorities.

<sup>38</sup> Council of Ministers Resolution 166/2006, of 15 December.

The Integration Plan for Immigrants<sup>39</sup> has a specific chapter relating to Trafficking of Human Beings, including provisions on the definition of the ‘victims of trafficking’, the creation of the Observatory of Trafficking of Human Beings and shelter for the victims.

Although the phenomenon of trafficking affects men, women and children indiscriminately, it is accepted that women are frequently the most vulnerable. Aware of this reality, the Third National Plan for Equality – Citizenship and Gender contemplates measures which address this reality, specifically the chapter on gender violence.

### **Investigation, Prevention and Combating Trafficking in Women**

In order to promote cooperation in combating trafficking in women for sexual exploitation and to support and protect its victims, Portugal has also fostered public and private institutions consolidating and implementing projects funded by EU initiatives, such as CAIM – Cooperação/Ação Investigação/Mundivisão [Cooperation, Action, Investigation, World View] funded by the EU EQUAL Initiative, which had its greatest impact between 2004 and 2008.

CAIM is a groundbreaking project in Portugal and involves a partnership taking multiple actions to deal with the problem of trafficking - the investigation components including the fight against and monitoring of those benefiting from the crime, through the Ministry of Justice and the Ministry of Internal Administration, which oversee the criminal police, and the components of victim protection and support through the Presidency of the Council of Ministers (Commission for Equality and Women’s Rights and the High Commissioner for Immigration and Intercultural Dialogue), International Organisation for Migration and the Family Planning Association.

In addition to this partnership, the project also began setting up a nationwide platform actively involving all public and civil society organisations working on the problem of trafficking. The project also facilitated coordination between Member States by setting up a database of victim resources, trafficking, surveys and sharing of good practices for building a proposal for a European monitoring system.

### **Research and Monitoring**

The purpose of the CAIM monitoring system for the trafficking of women, based at the Ministry of Internal Administration, is to conduct an accurate, independent, up-to-date analysis of trafficking in women for sexual exploitation and associated phenomena, not necessarily of a criminal nature.

In this observatory, the criminal police forces now use a single form for recording trafficking.

The following are some of the conclusions reached by the first study in Portugal on trafficking in women for sexual exploitation:

---

<sup>39</sup> Council of Ministers Resolution 63-A/2007, of 3 May.

Portugal is one of the destinations in Western Europe, although the incidence is considered medium rather than high. The picture may, however, be blacker because of the hidden nature of the problem.

The data indicate that, in Portugal, most victims of trafficking for sexual exploitation are Brazilian, followed by women from Eastern Europe (especially Romania) and Africa, with the numbers of Nigerian women increasing. The women come from fragile social settings and they are usually poor and have dependents, especially children, which makes them particularly vulnerable to trafficking networks. These women are young, usually no older than 35. Their youth has to do with the requirements of clients, and therefore of pimps, and there are more and more cases involving minors, a situation that can be expected to worsen further.

Data on the profile of traffickers show that, as a rule, Portuguese nationals are involved in these networks. In most cases they own the establishments and coordinate activities and the resulting profits. They also perform other jobs such as minders and carriers (e.g. drivers or even taxi drivers). Foreigners are usually involved as the victims' recruiters, carriers and sometimes controllers.

### **Support and social integration**

In addition to instruments for planning policy measures, such as the First National Plan against Human Trafficking, a model for locating, identifying and integrating victims of trafficking for sexual exploitation has been defined in order to establish an articulated process for assisting trafficking victims from the time they are first located to when they are integrated.

- Extension of the Immigrant Helpline by increasing networking and designing special registration documents, standardising data to be used by institutions with powers to locate potential trafficking
- Establishing a team involving police and NGO representatives, then setting up a committee to evaluate trafficking situations (provided for in the National Plan against Human Trafficking)
- Referring victims to shelters and guaranteeing their integration in Portugal or repatriating them, whichever they prefer

The project also included the setting-up of a temporary shelter (provided for under the National Action Plan for Inclusion) and it is expected to be made permanent by an inter-ministerial agreement.

One of the essential supports for this model has been a multidisciplinary, inter-institutional team that provides trafficking victims with immediate psychosocial, legal and interpreting and translation services.

### **Training and fostering competences**

From 2005 to 2007, training courses were given to different players. After initial training of 16 trainers, courses were then given to social practitioners (81), mediators (49) and police officers (46).

Following the training in trafficking in women, under the CAIM Project, the Public Security Police included, in 2007, in its course of policing of proximity, a module on trafficking in human beings.

Additionally a training kit was put together for specific action in trafficking of women for sexual exploitation. This modular kit contains training materials and resources for different audiences working either on prevention or on support and protection.

### **Visibility of the trafficking issue**

In addition to articles in national newspapers and participation in television programmes, the CAIM project waged campaigns aimed at present and future media professionals. The first phase included awareness-raising sessions on the problem for 30 journalists and 50 future journalists. In the second phase, the media professionals had the opportunity to design spots and compete to win a prize awarded by the project. Two of the 10 entries were chosen and will be widely broadcast in October 2007.

### **Seminars and other specialised meetings**

In 2006 the Foreign Nationals and Borders Service organised the first Luso-Brazilian Seminar concerning trafficking in human beings and illegal immigration, where politicians, experts and academics from both countries discussed these issues.

The CAIM Project also fostered an international seminar on trafficking and sexual exploitation and several work forums.

## Article 7

### Public and political life

In order to ensure women's participation in public administration, a Council of Ministers Resolution has enshrined the active promotion by the public sector, as employer, of a policy of equal opportunities between men and women, when it comes to the direct or indirect replacement of employees leaving the administration. This is aimed at the prevention of any form of discrimination when admitting new staff<sup>40</sup>. More detailed data on the Public Sector is provided under Article 11, subtitle "Data on the Public Sector".

As mentioned above (Article 4 of this report) a new Law<sup>41</sup> was approved establishing quotas for the participation of women and men in the lists of candidates for election.

### Data on Elections between 2004 and 2007

**Table 1: Portuguese Elected Members of the European Parliament - 2004**

Year	Members of Parliament		
	All	Women	Women (%)
2004	24	6	25

Source: Ministry of Internal Affairs

**Table 2: Elected Members of the Portuguese Parliament – 2005**

Year	Members of Parliament		
	All	W	W (%)
2005	230	49	21

Source: National Commission for Elections (CNE)

Both in Portuguese and European Parliaments, women represent 24 per cent to 25 per cent of the Members of Parliament, respectively (Tables 1 and 2). These numbers indicate an increase in the female representation, in the previous elections for these two parliaments the percentage was 20 per cent for both (see previous report).

<sup>40</sup> Council of Ministers Resolution 38/2006, of 18 April.

<sup>41</sup> Organic law 3/2006, of 21 August, rectified with the declaration 71/2006, of 4 October.

**Table 3: Elected representatives for Town Halls, Municipal and Parish Assemblies and Civil Parishes – 2005**

Year	Town Halls			Municipal Assemblies			Parish Assemblies			Civil Parishes		
	All	W	W(%)	All	W	W (%)	All	W	W(%)	All	W	W(%)
2005	817	169	21	1873	415	22	13892	2906	21	5652	807	14

Source: Ministry of Internal Affairs

At the local level, with the exception of civil parishes, women represent now 21 per cent to 22 per cent of the members (Table 3). In civil parishes women are less represented, with only 14 per cent.

**Table 4: Elected representatives for Lisbon City Council - 2005 and 2007<sup>42</sup>**

Year	Members of City Council		
	All	W	W (%)
2005	17	6	35
2007	17	6	35

Source: Ministry of Internal Affairs

Several local elections occurred already with Organic Law 3/2006, of 21 August 2006, in force, notably the early elections for Lisbon City Council in 2007. The number of women elected was the same in both 2005 and 2007: they represent 35 per cent of the council members (Table 4).

**Table 5: Elected Members of Regional Legislative Assemblies - 2004 and 2007**

Year	Autonomous Region of Azores			Autonomous Region of Madeira		
	All	W	W (%)	All	W	W (%)
2004	52	6	12	68	7	10
2007	-	-	-	47	8	17

Source: Ministry of Internal Affairs

Fewer women are present in the regional legislative assemblies of Azores and Madeira. In Azores they are 12 per cent of the Members and in Madeira they were, in 2005, 10 per cent of the Members (Table 5). For exceptional political reasons, in the current year Madeira had another election and women are now 17 per cent of the Members.

<sup>42</sup> Due to exceptional political reasons new elections took place for the Lisbon Town Hall in 2007.

Despite the increase in the number of women in the regional parliament of Madeira between 2004 and 2007, it is still far from a balanced situation. The Organic Law 3/2006<sup>43</sup>, of 21 August does not apply in Azores and Madeira.

#### Feminisation of court system (provisional data for 2005)

Position	Women	Total	Feminisation rate (%)
<b>Judicial positions</b>	852	1,807	47.1
<b>Public prosecution</b>	589	1,180	49.9

Source: Ministry of Justice - Office of Planning and Legislative Policy

As regards the participation of women in trade unions, in 2006 the percentage of women who were effective members of the board of the two union federations in Portugal was as follows: UGT – 24,3 per cent and CGTP-IN – 24,2 per cent.

#### Participation of women in a number of councils and others bodies in 2006

Instance	Total members	Women	
		Number	%
Constitutional Court	13	4	30.8
Magistrates High Council	18	2	11.1
State Council	20	1	5.0
National Board of Education	67	18	26.9
National Council of Ethics for the Sciences of Life	21	5	23.8

<sup>43</sup> It establishes quotas for the participation of women and men in the lists of candidates for election (minimum participation of 33 per cent of each sex).

## Article 8

### International participation and representation

#### Participation of women in the international representation of the State

During the period under consideration, no active measures were taken to promote the participation of women in the international representation of the State. Nevertheless, the Ministry of Foreign Affairs implements the principle of non discrimination on the grounds of sex, both in applications to enter the diplomatic service and during the career. During the period under consideration, two diplomatic service entry competitions were held. In 2005, 30 applicants were successful: 18 were women. In 2007, 20 applicants were successful: 9 were women.

	<b>Total Number</b>	<b>Number of Women</b>	<b>% of Women</b>
<b>Diplomatic Personal</b>	503	148	29,4
<b>Technical Senior Officials</b>	136	96	70,6
<b>Heads of Department</b>	157	89	56,7
<b>Heads of Mission</b>	121	17	14,0

Ministry of Foreign Affairs – Secretary General’s Office, (30 June 2007)

#### Participation of women in international missions/organisations

From 2004 to June of 2007, 1409 members of the Public Security Police, the Republican National Guard and the Foreign Nationals and Borders Service participated in international missions, they included 37 women.

The Public Security Police and the Republican National Guard have no women leading international missions. Female officers in the national police forces have not yet reached ranks for such leading positions.

In the Foreign Nationals and Borders Service, 3 of the 5 officers in leading positions currently on service abroad are women.

The Republican National Guard is the only Portuguese organisation that is represented in the European Network of Policewomen.

#### Organisation for Security and Cooperation in Europe

Gender policies follow the organisation’s own guidelines on this matter.

**Nomination by Portugal for Seconded Posts in OSCE Field Operations, Secretariat and Institutions**

Year	%	(S1) Professional		(S2) Senior Professional		(S 3) Middle Management		*(S4) Senior Management		Seconded** Institutions		Total
		Men	Women	Men	Women	Men	Women	Men	Women	Men	Women	
2006	40%	6	6	2	2	1	-	-	-	3	-	20
2005	44%	17	11	2	5	4	-	-	-	1	3	43

\*Excluding nominations for Heads and Deputy Heads of Field Operations

\*\* Seconded posts in Secretariat and Institutions are not classified.

Ministry of Internal Affairs

OSCE - Organisation for Security and Cooperation in Europe - Secretariat

**Seconded Staff in OSCE Missions**

Year	Bosnia and Herzegovina		Croatia		Kosovo		Skopje		Other field activities		Total Seconded Staff	Total Women	% Women
	M	F	M	F	M	F	M	F	M	F			
2006	-	1	-	-	1	1	2	-	1	-	6	2	33%
2005	-	-	-	-	2	1	2	-	1	-	6	1	17%

OSCE Organisation for Security and Cooperation in Europe - Secretariat

## Article 9

### Nationality

The Portuguese Law guarantees equal rights between women and men as regards the acquisition, change or retention of nationality, as stated in the previous Portuguese reports.

The Portuguese Nationality Law was revised in 2004 facilitating since then that any woman who, according to previous Portuguese legislation, had lost the Portuguese nationality because of marriage can apply to have her Portuguese nationality restored, with effect from the date of marriage.

A foreigner who, until the date of the declaration, has an informal marriage for more than 3 years, with a Portuguese national may acquire Portuguese nationality, after recognition of this situation by a civil court<sup>44</sup>.

### Processes of Naturalisation of Foreign Citizens

Year	Entered			Granted			Rejected			Filed		
	MW	W	W (%)	MW	W	W (%)	MW	W	W (%)	MW	W	W (%)
<b>2004</b>	4925	1931	39	1413	608	43	403	146	36	14	5	36
<b>2005</b>	3802	1540	41	1655	618	37	222	74	33	9	3	33
<b>2006</b>	4146	1603	39	7662	3014	39	361	86	24	243	76	31

Note: MW = Men and Women; W = Women; W(%)= Percentage of women within the total

Source: SEF/MAI;

Regarding all the processes of naturalisation of foreign citizens taken up by the Foreign Nationals and Borders Service, 39 per cent to 41 per cent of the cases taken up, between 2004 and 2006, are from women and 39 per cent to 43 per cent of the cases granted are also from women (Table 1). Numbers of cases rejected and filed indicate a trend to a decrease in these types of outcomes for women, 36 per cent to 24 per cent and 36 per cent to 31 per cent, respectively.

<sup>44</sup> This possibility was established by the Organic Law 2/2006, of 17 April) but only entered into force with the Decree-Law 237-A/2006, of 14 December that regulates this Organic Law.

## Article 10

### Education

One of the priority issues in the programme of the 17<sup>th</sup> Constitutional Government is the development of adult education and training courses, based on a constant concern for ensuring gender equality. Recognising that “sex-based inequality is still present in many areas” of Portuguese society and adopting the principle of a “gender equality policy transversal to all other policies”, the programme regards education as one of the four areas in which “transversal gender equality can make an important qualitative difference” and commits to “promoting education for all, combating the effects of gender at school and in career choices”. The Broad Economist and Social Guidelines for 2005-2009 reassert its commitment to fostering an education that is aware of the effects of gender in school and working careers.

The National Qualification Agency has been set up to respond appropriately to the problem of Portuguese people’s qualifications while respecting the gender point of view. This public institute is overseen jointly by the Ministry of Education and the Ministry of Labour and Social Solidarity and is responsible for coordinating the implementation of policies on education and vocational training for young people and adults and developing and managing the system for the recognition, validation and certification of competences. The Reference Book of Key Competences for Secondary-Level Adult Education and Training takes non- discrimination on the basis of gender into account.

### General data on Education

#### The educational level of the Portuguese population aged 15 or over (in percentage, 2005)

Educational level	Men	Women	Total	(%) of women
None	8,7	17,7	13,4	68,9
Basic schooling	69,7	57,8	63,5	47,4
Secondary	13,6	13,6	13,6	52,2
Higher education	8,0	10,9	9,5	59,8
<b>Total</b>	<b>100,0</b>	<b>100,0</b>	<b>100,0</b>	<b>52,1</b>

Source: *Gender Profile*, INE

#### Percentage of girls enrolled in the different levels of schooling (%)

Educational level	% of women
Nursery schooling	49,2
Basic schooling 1st Cycle	48,6
Basic schooling 2nd Cycle	47,0

<b>Basic schooling 3rd Cycle</b>	49,4
<b>Secondary Schooling</b>	52,6
<b>Higher Education<sup>45</sup></b>	55,2

Source: *Education Statistics 2004/2005*, GIASE; Ministry of Education and OCES, Ministry of Science, Technology and Higher Education

#### Feminization rates in secondary schooling, by areas of study and courses (%)

Areas of study and courses	% of women
<b>General Education</b>	54,6
Scientific/Arts Courses (10 <sup>th</sup> grade)	57,9
General Courses (11 <sup>th</sup> and 12 <sup>th</sup> grades)	58,5
Technological Courses (10 <sup>th</sup> grade)	40,4
Technological Courses (11 <sup>th</sup> and 12 <sup>th</sup> grades)	43,6
<b>Specialised Artistic Education</b>	59,0
<b>Vocational Education – Vocational Courses of level 3</b>	44,6
<b>Qualifying Education – Education and Training Courses – Type 4 and 5 and Course of Complementary Training</b>	32,7
<b>Alternative Education</b>	50,1
<b>TOTAL</b>	<b>52,6</b>

Source: *Education Statistics 2004/2005*

#### Feminization rates in completion of higher education, by areas of study (2004) (%)

Areas of study	Women Graduates	% of women
<b>Education</b>	10 494	86,3
<b>Arts and Artistic Studies</b>	4 014	66,5
<b>Social Sciences, Business and Law</b>	12 754	64,9
<b>Sciences, Mathematics and Computers</b>	2 458	55,3
<b>Engineering, Construction and Transformation Industries</b>	3 194	33,4

<sup>45</sup> School year 2005-2006.

<b>Agriculture</b>	813	61,1
<b>Health and Social Protection</b>	9 289	79,8
<b>Services</b>	2 204	57,6
<b>Total</b>	<b>45 220</b>	<b>65,9</b>

Source: *Evolution of the number graduates at university level, by district and NUTS II: 1998-2004*, OCES, Ministry of Science, Technology and Higher Education

### **National Plans for Equality - Education**

Council of Ministers Resolution 184/2003 of 25 November set up the Second National Plan for Equality for 2003/2006. One of the fundamental areas of intervention of the plan, which included measures for implementing the convention, was Education, Training and Information. The five main measures for including gender and equality between women and men in the education system cover curricula, syllabuses and teaching materials; raising awareness of schoolbook publishers and the inclusion of gender equality as a quality criterion in textbooks and multimedia education products; initial and ongoing training of education and training professionals and campaigns for parents; organisation of schools in the awareness of the need for full integration of girls and boys in everyday school life and the prevention of exclusion, dropping out, violence and harassment; no gender-based school and vocational options; and sex education.

At the final evaluation of the Second National Plan for Equality the Council of Ministers Resolution 82/2007 of 22 June set up the Third National Plan for Equality – Citizenship and Gender for 2007-2010, which laid down the rules of a consolidation phase of national gender equality policy to meet national and international commitments.

In this plan, education, research and training are a priority and one of the main goals is to promote the inclusion of the gender factor in formal and non-formal education. Some of the measures designed to achieve these goals are:

- 1) Including the gender perspective as a structural element in the school *curricula*, project areas and civic education
- 2) Including the issue of gender in quality criteria for printed and multimedia teaching materials by raising awareness of schoolbook writers and publishers
- 3) Promoting school and vocational guidance without gender stereotypes
- 4) Including gender equality in the organisation and operation of schools and other education and training establishments in order to prevent discrimination and violence and guarantee interaction between the sexes in everyday school life

## **Evaluation criteria for textbooks and multimedia teaching materials**

The gender dimension was included in the criteria for assessing, certifying and accepting textbooks and Law 47/2006 of 28 August laid down that “assessment committees must also take into account constitutional principles and values, including non-discrimination and gender equality” (Article 11.2).

Concerning multimedia materials, the School Computer, Networks and Internet Taskforce signed an agreement with the Commission for Equality and Women’s Rights making it possible to include the gender factor in the evaluation of education software with regard to the use of language including the feminine and masculine and balanced representation of both sexes.

This system is already being tested and its future influence on changing stereotyped roles of women and men in multimedia products will mean that the evaluator pool set up by the School Computer, Networks and Internet Taskforce will have to include people with specific academic qualifications and gender training.

There are currently 55 evaluators in the pool, seven of whom (13 per cent) have this training. Their academic background is languages, biology, psychology and sociology and most of them are from the first and second cycles of basic education.

## **Teaching support**

Between 2004 and 2006, the Commission for Equality and Women’s Rights published scientific and didactic support materials for teachers at all levels of education. These materials mentioned women and gender issues’ studies conducted in Portugal and their main goal was to combat the invisibility of women and stereotyped gender-based conceptions in education.

In 2005 it began publishing works especially for schools to ensure that the role of women over time in all social spheres was considered during the development of basic and secondary school syllabuses. Around 9,000 copies were distributed nationwide, corresponding to 52 per cent of the publications distributed by the Commission for Equality and Women’s Rights in the field of education.

Between 2004 and 2006, the Commission for Equality and Women’s Rights published seven works for education, five of which were for teachers of history, civics, physical education and Portuguese in basic and secondary education and two for pre-school and non-formal education.

These publications were distributed nationwide (mainland and the Azores) to 60 higher education establishments with initial and ongoing teacher training and research centres working in gender issues; the three master’s degrees in Portugal in studies on women (Universidade Aberta de Lisboa) and gender, citizenship and education (Oporto and Évora universities); all secondary schools in the school library network (334); 30 teacher’s associations, including all language teacher’s associations; schools at all levels of education and teacher training centres of school associations in the north, centre and south of the country and NGOs with gender education projects.

## School projects

In 2006, under the Second National Plan for Equality, the Ministry of Education's Interdepartmental Equality Team, in collaboration with the Commission for Equality and Women's Rights, created a diagnostic tool for the inclusion of equality between women and men in school projects. The information gathered from 135 school groups showed that equality was not yet being regarded nor worked from the perspective of gender issues and relations between women and men.

The issue is still addressed sporadically (e.g. on International Woman's Day) and only 8 per cent of schools proved to have projects on the issue or based on gender relations. The tool was extremely useful for laying out strategies to be adopted in the Third National Plan for Equality - Citizenship and Gender over the next four years.

The NGO technical and financial support system, which includes Measure 4.4 – Promoting Equal Opportunities between Men and Women, funded 95 NGO projects under the Third Community Support Framework and its Employment, Training and Social Development Programme (POEFDS). Of these projects, 33 (35 per cent) involved awareness raising at schools and education communities (students, teachers, parents and other educating agents) in 53 mainland municipalities (17 per cent).

Five of these projects were aimed at teachers and students from basic and secondary education in 33 of these municipalities (north and centre coastal areas and the Algarve) focusing on equality between girls and boys and women and men (in six municipalities); domestic and conjugal violence (in 24 municipalities) and sports (in 4 municipalities). Regarding sports, a practical guide for physical education teachers aimed at eliminating sexist discrimination in sports at school was produced by Associação Mulher e Desporto (Woman and Sports Association) and around 600 copies were distributed to schools in Greater Lisbon and Greater Oporto.

## Health education

In September 2005, the Working Group on Sexual Education<sup>46</sup> was set up to propose and assess parameters for sexual education at schools. Sexual education was regarded in the broader scope of health education, which became one of the aspects of education projects at schools.

The working group ascertained that, in the areas of intervention addressed, the issues most dealt with in education were sexuality, sexually transmitted infections, family planning, pregnancy counselling and domestic violence. These activities have been undertaken by schools in partnership with specialists, health centres, NGOs and other community services. In addition to programmes for students, there are also activities for parents, non-teaching staff and the general community.

Many schools have student support offices to give health and family planning counselling.

---

<sup>46</sup> By Dispatch 19737/2005, of 13 September.

## Teacher training

Between 2003 and 2006:

- The Pedagogical Council for Ongoing Training (responsible for the accreditation of teacher training organisations and courses) gave equality and other accreditation to training courses on gender equality, citizenship, sexual education, civics and human rights education.
- Intended for pre-school and primary school teacher training, the Commission for Equality and Women's Rights, in partnership with Higher School of Education of Santarém, has republished (3<sup>rd</sup> edition) the coeducation manual *A Narrativa na Promoção da Igualdade de Género. Contributos para a Educação pré-escolar*, (Promoting gender equality, contributions to pre-school education) which is widely used by the Santarém school in initial and ongoing training for pre-school and primary school teachers and has been distributed to school associations, training centres, teachers and researchers in a total of 1,500 copies.

In 2006, the Commission for Equality and Women's Rights began publishing works, envisaging parents, on the promotion of gender equality in family education. It published a practical guide in partnership with Coimbra University. Thanks to teachers' receptivity, that year's edition of 2,500 copies ran out that same year. It was distributed to students in the Education Sciences course and the three master's degree courses in Portugal; parents' associations, teacher training centres and state and private schools in the context of ongoing training.

Between 2004 and 2006, 8,200 copies of the 16 publications from the Commission for Equality and Women's Rights for teachers and parents and guardians in general were distributed, accounting for 68 per cent of the works published and distributed by the committee in the field of education. They included two publications on the analysis of primary school textbooks from a gender perspective (Portuguese and maths), one on education strategies for promoting gender equality in the family and 13 resulting from the transnational pilot project *Coeducation: from the principle to the development of a practice*, which were still widely used in teacher training.

In the same period, the sub-theme *Education for Equality* was included in education for citizenship and in the subject areas for scrutinising research projects for the award of scholarships.

Special consideration was also given to equality in education for citizenship in the granting of sabbatical leave.

Under the Sacausef Project and the partnership between the Department of Innovation and Curricular Development of the Ministry of Education and the School Computer, Networks and Internet Taskforce on one hand and the Commission for Equality and Women's Rights on the other hand, the following initiatives were promoted by the Ministry of Education and coordinated by the Commission for Equality and Women's Rights:

- A seminar entitled *Gender equality in education: prospects, difficulties and lines of intervention* for evaluators and Ministry of Education's specialists was held. It included a presentation by a member of

the CEDAW Committee on the main international instruments for equality between women and men. Particular attention was paid to UN guidelines, such as the Convention on the Elimination of all Forms of Discrimination against Women.

- Three Workshops on gender and evaluation of education products were held for evaluators of the Sacausef Project in Lisbon, Oporto and Évora. The workshops were organised by a team of 10 trainers (from the Commission for Equality and Women's Rights, Minho, Oporto and Évora universities, Higher School of Education of Oporto and Youth Network for Equal Opportunities between Women and Men) belonging to the National Coeducation Network.

- Articles on the gender dimension in the design and evaluation of multimedia education products were included in the publications of the School Computer, Networks and Internet Taskforce for Sacausef evaluators and textbook publishers.

The following events were organised by the National Board of Education:

- A seminar entitled *The Right to Education and Education on Rights* introduced the subject of gender equality in education.

- Two seminars on the inclusion of equality between women and men in education were held as part of the National Debate on Education sponsored by the board by order of the Portuguese Parliament and Government. The seminars were organised by the women's NGO of the Advisory Council of the Commission for Equality and Women's Rights and Higher School of Education of Santarém, respectively. The first addressed action to be taken in basic and secondary education for the effective implementation of coeducation and the second focused on pre-school education and education for gender equality.

The National Coeducation Network of education, training and gender specialists has been extended to less represented areas such as sports, physical education and information and communication technologies. It has proved an essential resource for the promotion of gender mainstreaming in education and elimination of sex-based discrimination in formal and non-formal education in general and in the education system in particular.

The Commission for Equality and Women's Rights has maintained and extended this network and its members have cooperated and participated in the initiatives promoted under the Second National Equality Plan and the Commission's partnerships in education projects. Around 100 researchers and university lecturers from more than 25 academic institutions in Oporto, Braga, Coimbra, Leiria, Lisboa, Santarém, Setúbal, Évora, Beja and Faro belong to this network, along with members of NGOs such as the Portuguese Association of Women Studies, Association Women and Sports, Youth Network for equal Opportunities between Women and Men and UMAR - Union of Alternative and Response Women.

Between 2004 and 2006, 40 members of this network belonging to 15 institutions of higher education (eight universities and four polytechnics in mainland Portugal) and three NGOs were involved in the elaboration of publications of the Commission for Equality and Women's Rights distributed to

schools, in training and awareness campaigns organised by the Commission in partnership with the Ministry of Education (under the Second National Equality Plan and Sacausef Project) and with local authorities and in the Commission's education initiatives.

Within this framework, the strategy of regular distribution of information and documentation of the Commission for Equality and Women's Rights has strengthened and extended this network to teachers and students in degree courses and master's programmes in education sciences in Portugal (Master's Degree in Women's Studies at Universidade Aberta in Lisbon; Master's Degrees in Gender, Citizenship and Education at the Faculty of Psychology and Education Sciences at Oporto and Évora Universities).

### **Vocational training**

So far as the Institute for Employment and Vocational Training is concerned a series of measures and programmes have been implemented that directly or indirectly contribute to the promotion of equal opportunities for men and women. The measures and programmes include:

- Mainstreaming equal opportunities for men and women in vocational training and trainer training programmes.
- The grant of a child or dependent care allowance to all beneficiaries of employment and training measures and programmes, who attend training initiatives with both theoretical and practical content.

Measure 4.4 "Promotion of Equal Opportunities between Men and Women", is part of Line 4 – "Promotion of the Effectiveness and Equity of Employment and Training Policies" of the Employment, Training and Social Development Operational Programme (POEFDS) and seeks to promote gender equality via both positive actions and the mainstreaming of gender equality in all areas of activity.

In order to do this, the aim is to support actions that promote the balanced participation of men and women in work, family life and decision-making processes, to create the conditions to change the existing social roles paradigm.

The EQUAL Community Initiative is a programme funded by the European Social Fund, during the periods 2000-2006, to combat discrimination in the labour market and in access to employment by supporting innovative projects developed by entities associated in Development Partnerships.

EQUAL projects must comply with the following requirements: work in partnership, innovation, empowerment, gender equality, involvement of enterprises, product orientation, transactional cooperation, dissemination/incorporation of the innovation produced. The Initiative is organised around five major priorities: employability, entrepreneurship, adaptability, equal opportunities, and asylum seekers, in accordance with the structure of the National Plan for Employment. It should also be noted that projects based on the Programme's priorities, other than equal opportunities, are required to incorporate the gender dimension.

In the training centres under the direction of the Institute for Employment and Vocational Training, a module/referential entitled “Towards an active citizenship: Equality between men and women” has been available since December 2004 in the permanent training programme. Furthermore, an e-learning module based on that referential has been developed and has been available since November 2006 in the permanent training programme of the Institute for Employment and Vocational Training.

A summary analysis of the overall implementation of all employment and training activities promoted by the Institute for Employment and Vocational Training (including Jointly Managed Centres) also shows that the percentage share of men and women changed between 2004 and 2007 (1<sup>st</sup> semester). In fact, in 2004, 58 per cent of participants were women while, in 2007 (1<sup>st</sup> semester) this percentage was 56.6 per cent.

In summary, the following table shows that so far, in what the overall implementation of the main active employment and vocational training policies are concerned, women predominate among the beneficiaries, reflecting the share of female unemployment in total unemployment during the same period.

#### Trainees' distribution by type of training and sex, 2006/07

Type of training measures	2006				2007 (1st semester)			
	Men	Women	Total	% of Total	Men	Women	Total	% of Total
Apprenticeship	14888	8979	23867	37,6	10059	6316	16375	38,6
Education and training for youngsters	6425	3977	10402	38,2	5272	3451	8723	39,6
Courses of technological specialisation	503	93	596	15,6	393	59	452	13,1
Qualification	1717	1374	3091	44,5	625	422	1047	40,3
FORDESQ	695	2070	2765	74,9	384	1053	1437	73,3
Training for qualified unemployed	828	2264	3092	73,2	641	1960	2601	75,4
Education and training for adults (unemployed)	2383	7595	9978	76,1	2779	8494	11273	75,3
Training for unemployed	6865	12272	19137	64,1	3323	7309	10632	68,7
Training grants of individual initiative	329	264	593	44,5	236	220	456	48,2
EFA courses - disadvantaged	421	428	849	50,4	438	452	890	50,8
Professional training for disadvantaged	949	476	1425	33,4	262	192	454	42,3
Special training	90	77	167	46,1	24	32	56	57,1
Continuous training	42344	31934	74278	43,0	28821	22308	51129	43,6
<b>TOTAL</b>	<b>103891</b>	<b>130105</b>	<b>233996</b>	<b>55,6</b>	<b>70644</b>	<b>92041</b>	<b>162685</b>	<b>56,6</b>

FORDESQ: Training for qualified workers of the Social Protection and Employment Programme

EFA: Education and training for adults

Source: Institute for Employment and Vocational Training, Summary of the Employment and Vocational Training Programmes and Measures

Looking at the training co-financed in 2005 by the European Social Fund (Operational Programmes of the European Community Framework) female participation is significant (58 per cent). Nevertheless, female participation was predominant in Programmes linked to health and education issues (75 per cent and 71 per cent) but lower (41 per cent) in Programmes such as PRIME, which focuses on incentives and modernisation of the economy on the industry, energy and construction, transport, tourism, commerce and services sectors.

#### Number of participants by programme and sex, 2005

Operational Programmes	Women	Men	Feminisation rate %
PRODEP	126.984	52.564	71
POEFDS	216.756	180.000	55
POCI	5.830	4.935	54
POSC	46.968	36.653	56
POAGRO	23.540	17.400	57
POSAÚDE	36.511	12.041	75
PRIME	44.727	62.621	42
PO Norte	32.598	23.510	58
PO Centro	13.152	11.987	52
PORLVT	21.038	21.349	50
PORA	5.720	3.680	71
PROAlg	2.511	1.359	65
PRODESA	3.007	2.992	50
POPRAM	7.141	3.507	67
TOTAL QCA III	586.483	434.598	58

Source: In MTSS/CITE (2007) *Annual Report on the progress of Equal Opportunities in Work, Employment and Vocational Training – 2005*.

In this context, the Portuguese Government has drafted a proposal for reform of the active labour market measures, now under debate in the Permanent Council for Social Dialogue. Its central objective is to increase the efficacy of the active policies, a need that becomes more pressing in the present context of our labour market, as well as by the fact that as a result of the options taken in the future National Strategic Reference Framework, an assignable reinforcement of the financial resources allocated to this field is expected.

The government offer intends that the active labour market policies should play an important role in the structure of the labour market in three main connected areas:

- In the structure of the manual work offer, best able to meet the needs of the productive sector, mainly through qualification policies;
- In activating the unemployed, by encouraging them to intensify the efforts of looking for a job and promoting their professional (re)integration as quickly as possible. A regular and quick contact of the unemployed with the public services for employment is fundamental for the promotion of their placement in the labour market and the improvement of their

employability conditions (the beneficiaries of the passive policies are one of the main targets in this area);

- And in the attenuation of the dysfunctions of the labour market, whether those in general resulting from the asymmetries of information, whether those which penalise more some specific segments of the population and which, in more extreme cases, reflect a trend towards exclusion from the labour market.

So, the active policies play, whether alongside the employment offer, seeking to increase their volume and quality, whether as regards those seeking work, making efforts to improve the prospects and opportunities for integrating people, developing and valorising their qualifications, stimulating their capacities to access the available jobs and their motivation to look for a job.

Of course, active labour market policies cannot, by themselves, solve the problems of the labour market and are not enough for full exploitation of their potential, which is why their linkage and coherence with other policy areas is fundamental, in particular with economics and finance, innovation, education, social protection (with prominence for passive policies such as the unemployment protection regime) and the labour relations, due to their strong impact on the dynamics of employment and unemployment.

#### **Teacher training, mainland Portugal, 2004 – 1<sup>st</sup> half 2006**

	2004			2005			1 <sup>st</sup> half 2006		
	Total	H	M	Total	H	M	Total	H	M
Trainees	4,185	1,924	2,261	3,760	1,738	2,022	1,537	654	883

Source: Institute for Employment and Vocational Training, Summary of the Employment and Vocational Training Programmes and Measures

## Article 11

### Employment

#### General data on employment

The National Growth and Employment Programme 2005-2008<sup>47</sup> has been approved and equal opportunities issues is a transversal issue, with a specific approach to the life cycle. In what qualifications, employment and social cohesion are concerned, the programme promotes gender equality, equal opportunities for all and balance between social and working life. Its targets include increasing the female employment rate from 61.7 per cent in 2004 to 63 per cent in 2008 and 35 per cent of children aged between 0 and 3 with access to childcare services by 2010 (30 per cent in 2008).

As the last report presented by Portugal already announced, a new Labour Code<sup>48</sup> and its implementing Regulation<sup>49</sup> entered into force in 2003 and 2004, containing the legal framework on gender equality in work, employment and vocational training and on the protection of paternity and maternity. That same report set out the main amendments of the Labour Code. The amendments brought by the Regulation will be mentioned in this report where appropriate.

In vocational training courses where workers of one sex predominate, preference should always be given to workers of the other sex where applicable<sup>50</sup>. This preference also covers workers with little schooling, no qualifications, single parents or workers on maternity, paternity or adoption leave.

From 2004 till 2007 (1<sup>st</sup> semester) the female activity rate, for individuals aged between 15 and 64 years, rose and the male activity rate remained the same; but the difference between them is still significant – in 2007 (1<sup>st</sup> semester), women's activity rate is 68.6 per cent against 79 per cent for men.

#### Female and male activity rate by age groups and sex, 2004-2007 (1<sup>st</sup> semester)

	2004		2005		2006		2007 (1st semester)	
	Women	Men	Women	Men	Women	Men	Women	Men
15-24 years	39.5	47.6	38.9	46.9	38.7	46.6	37,5	44,2
25-54 years	80.6	92.2	81.8	92.4	82.7	92.9	82,7	92,8
55-64 years	44.8	62.8	46.1	62.4	45.1	62.7	46,3	62,4
65 years and more	12.4	25.6	13.2	24.6	13.2	24.6	13,8	24,6
15-64 years	67	79	67.9	79	68.4	79.5	68,6	79
Total (>= 15 years)	54.8	69.7	55.6	69.4	55.8	69.7	56,1	69,3

Source: National Statistics Institute, Labour Force Survey

The Eurostat data for the reference years 2004 and 2007 confirm that the activity rate in Portugal is higher than the EU25 average, particularly in the case of women. According to those data, the increase in activity rate in Portugal between 2004 and 2007 was due above all to an increase in female activity rate, which more than cancelled out the slight decline of the male activity rate during the same period.

<sup>47</sup> Council of Ministers Resolution 183/2005 of 28 November.

<sup>48</sup> Act n. 99/2003, of 27 August, amended by Act n. 9/2006, of 20 March.

<sup>49</sup> Act n. 35/2004, of 29 July, also amended by Act n. 9/2006, of 20 March.

<sup>50</sup> Law nº35/2004, of 29 July, regulating the Labour Code (approved by Law 99/2003 of 27 August).

Women's employment rate (women aged between 15-64 years) has stabilised between 2004 and 2007 (1<sup>st</sup> semester) - 61,7 per cent, and men's employment rate is decreasing (74.1 per cent, in 2004, to 73.6 per cent in 1<sup>st</sup> semester 2007).

The gender gap in employment rate has also been declining but at a less rapid rate than the activity rate. In both cases, however, Portugal exceeds the European average and the targets fixed for the female employment rate in the EU, 57 per cent by 2005 and 60 per cent by 2010.

### Female and male employment rate by age groups and sex, 2004-2007 (1<sup>st</sup> semester)

	2004		2005		2006		2007 (1st)	
	Women	Men	Women	Men	Women	Men	Women	Men
15-24 years	32.5	41.2	31.4	40.5	31.6	39.8	30,3	39
25-54 years	74.9	87.4	74.9	86.7	75.3	87.4	74,9	87
55-64 years	42.5	59.1	43.7	58.1	42.8	58.2	43,6	58
>=65 years	12.3	25.5	13.2	24.5	13.2	24.6	13,8	25
15-64 years	61.7	74.1	61.7	73.4	62	73.9	61,7	74

Source: National Statistics Institute, Labour Force Survey

In the 1<sup>st</sup> semester of 2007 the percentage of women employed with higher education is 18.9 percentage points above that for men, but the percentage of men with higher qualifications is 10.1 percentage points more than for women.

### Employed population according to educational level and sex (%), 2004-2007 (1<sup>st</sup> semester)

	2004		2005		2006		2007 (1st)	
	Women	Men	Women	Men	Women	Men	Women	Men
Basic	42.5	57.5	42.9	57.1	42.4	56.8	41,9	56,4
Secondary	48.9	51.1	49	51	52.2	52.8	52,1	53,0
University degree	59.5	40.5	59.2	40.8	60.4	39.6	62,9	44,0

Source: National Statistics Institute, Labour Force Survey

### Employed population according to qualification and sex (%), 2004-2007 (1<sup>st</sup> semester)

	2004		2005		2006		2007 (1st semester)	
	Women	Men	Women	Men	Women	Men	Women	Men
High Skill	44,0	56,0	44,6	55,3	45,6	54,5	44,9	55,1
Low Skill	46,6	53,4	46,8	53,2	47,4	54,9	46,2	59,0

Source: National Statistics Institute, Labour Force Survey

### Data on the Public Sector

A research project on gender equality in the Central Public Administration was carried out in 2004/2005<sup>51</sup>. The main goal of this research was, first, to characterise the gender situation in the

<sup>51</sup> Rato, H. (coord.) *et al* (2007) Gender Equality in Portuguese Central Public Administration. Oeiras: INA.

Portuguese Central Public Administration, and secondly, to increase the knowledge about interactions between the gender issues, the dominant organisational culture patterns and governance.

Portuguese Central Public Administration is highly feminised. In 2004, in all Ministries (excluding the Armed and Security Forces), the feminisation rate was 70.8 per cent. The Armed and Security Forces are the only areas where the presence of women was very low (feminisation rate of 11.7 per cent).

Only in the Ministries of Education and of Culture, where the participation of women is high, are the feminisation rate in the higher wage levels equivalent to the overall feminisation rate (for the >€5200.00 level the rates are 80 per cent and 50 per cent respectively).

In some ministries there are no women at all in the >€5200.00 level – National Defence, Tourism and Environment, Territory Management and Social Security, Family and Child affairs Ministry (which has the highest feminisation rate - 80 per cent).

**Ministries by global feminisation rate and by feminisation rate in the higher wage levels, 2004**

Ministries	Global feminisation rate (%)	Feminisation rate in higher wage levels (%)	
		€3400.01 to €5200.00	>€5200.00
<b>Presidency of the Council of Ministers</b>	57.7	31.3	22.6
<b>National Defence (excluding Armed Forces)</b>	48	6.5	0
<b>Internal Affairs (excluding Security bodies)</b>	52.7	39.1	30.8
<b>Agriculture, Fishery and Forests</b>	49	47.9	40
<b>Health</b>	74.2	60.6	39
<b>Education</b>	78.6	64.7	80
<b>Finances</b>	55.3	33.2	12.1
<b>Justice</b>	55.8	47.6	30.7
<b>Foreign Affairs</b>	58.2	53.8	64
<b>Social Security, Family and Child affairs</b>	80	45.4	0
<b>Tourism</b>	65.7	7.6	0
<b>Economic Activities and Labour</b>	63.3	36.8	42.9
<b>Culture</b>	69.3	53.3	50
<b>Science, Innovation and Higher Education</b>	54.3	38.5	12.4
<b>Public Works, Transports and Communications</b>	52.5	21.8	22.7
<b>Cities, Local Administration and Housing</b>	38.9	35.2	50
<b>Environment and Territory Management</b>	57.7	22.2	0
<b>Subtotal excluding Armed &amp; Security forces</b>	70.8	48.5	34.5

Source: General Retirement Fund, December 2004, non published data. *In Rato, H. (coord.) et al (2007) Gender Equality in Central Public Administration. Oeiras: INA*

## Part time work

The additional workload to which women are subject in taking care of their families, together with the high female employment rates, which in most cases involves full-time work – unlike other EU countries where many women work part-time – means that the situation is especially demanding for working women in Portugal. In the Portuguese labour market, part-time work has always been relatively insignificant. According to the 2007 (1<sup>st</sup> semester) Labour Force Survey, 16.8 per cent of women work part-time, compared with 8.1 per cent for men.

In Portugal women and men work mostly full time. This is mainly due to the impact of part-time work on family disposable income. Part-time work is generally a stopgap solution for the majority of men and women in Portugal. From 2004 till 2006 the number of women with full time work increased while that of women with part time work decreased. Nevertheless, part time work is more feminised.

### Men and women in full time and part time work, 2004-2006

	2004		2005		2006		2007 (1st semester)	
	Number (thousands)	%	Number (thousands)	%	Number (thousands)	%	Number (thousands)	%
<b>FULL TIME</b>								
Men	2.586,10	57	2.572,30	57	2.582,40	56	2552,4	56,5
Women	1.957,50	43	1.974,20	43	1.994,70	44	1968,7	43,5
<b>PART TIME</b>								
Men	198,1	34	193,2	34	207,3	36	225,7	36,2
Women	381,2	66	382,9	67	375,1	64	398,5	63,8

Source: National Statistics Institute, Labour Force Survey

## Night work

The female weight among the employed population with night work has been increasing slightly (from 33,3 per cent in 2004 to 34,7 per cent in 2006).

### Night workers by sex (percentage)

	Women	Men
<b>2004</b>	33.3	66.7
<b>2005</b>	33.3	66.7
<b>2006</b>	34.7	65.3
<b>2007 (1st semester)</b>	32,8	67,2

Source: National Statistics Institute, Labour Force Survey

## Vertical segregation

According to the Employment survey of the National Statistics Institute, we can state that female population has a majority share of employment in the following professions: “Professionals”, “Clerks”, “Service workers and shop and market sales workers” and “Elementary occupations”. Among “Service and shop and market sales workers”, women outnumber men by more than two to one. The employment structure by occupational status is presented in the following table:

## Break down of employment by occupational status

unit: thousands	2004				2005				2006			
Professional status (ISCO)	Total	Male	Female	F/Total (%)	Total	Male	Female	F/Total (%)	Total	Male	Female	F/Total (%)
<b>TOTAL</b>	<b>100,0</b>	<b>100,0</b>	<b>100,0</b>	<b>45,7</b>	<b>100,0</b>	<b>100,0</b>	<b>100,0</b>	<b>46,0</b>	<b>100,0</b>	<b>100,0</b>	<b>100,0</b>	<b>45,9</b>
Legislators, senior officials and managers	9,0	11,1	6,4	32,8	9,1	11,2	6,7	33,9	7,7	9,6	5,5	32,8
Professionals	8,5	6,6	10,8	57,9	8,6	6,8	10,7	57,3	8,7	6,9	10,8	57,2
Technicians and associate professionals	8,3	8,9	7,6	41,7	8,6	9,0	8,1	43,5	8,8	8,9	8,7	45,3
Clerks	10,1	6,6	14,2	64,1	9,9	6,8	13,6	63,1	9,6	6,8	12,7	61,2
Service workers and shop and market sales workers	13,2	7,8	19,7	68,0	13,6	8,1	20,0	67,8	14,4	8,4	21,4	68,3
Skilled agricultural and fishery workers	11,0	10,3	11,7	48,9	10,9	10,0	12,0	50,6	10,8	10,2	11,6	49,2
Craft and related trades workers	18,9	27,2	8,9	21,6	18,7	27,1	8,7	21,6	19,7	28,7	9,1	21,2
Plant and machine operators and assemblers	8,2	11,9	3,8	20,9	8,0	12,2	3,1	17,9	8,0	12,0	3,3	18,8
Elementary occupations	12,3	8,4	16,9	62,7	12,1	8,0	16,9	64,4	11,8	7,6	16,8	65,2
Armed forces	0,7	1,2	0,1	8,7	0,6	1,0	0,1	7,6	0,6	1,0	0,1	9,2

FONTE: INE-Portugal, Employment Survey

Men and women are not evenly distributed across the Portuguese labour market among the major occupational categories and economic activities. In 2007 (1<sup>st</sup> semester) women are predominant among professionals (58.4 per cent), administrative staff (60.2 per cent), and concentrate above all in service activities (74 per cent) and elementary occupations. Occupations related to industrial production, i.e. plant and machine operators, are mostly occupied by men (82 per cent and 82.1 per cent respectively). The same is also true of senior managers (54.2 per cent of whom are men).

#### **Feminisation of the employed population by occupation and sex (%), 2007 (1<sup>st</sup> semester)**

<b>Occupation</b>	<b>Women</b>	<b>Men</b>
Managers	24,5	54,2
Professionals	58,4	43,1
Technicians and associate professionals	44,8	57,7
Administrative staff	60,2	36,0
Service workers and shop and market sales workers	74,0	34,2
Skilled agricultural and fishery workers	48,1	51,6
Craft and related trade workers	22,3	82,0
Plant and machine operators and assemblers	17,5	82,1
Elementary occupations	67,6	36,4

Source: National Statistics Institute. Labour Force Survey

It should be noted that between 2004 and 2007 (1<sup>st</sup> semester) the percentage of women increased in the better qualified groups, from 45 per cent to 45.6 per cent. However, while it rose between 2004 and 2005 (32.8 per cent to 33.9 per cent) it fell again between 2005 and 2007 (24.5 per cent) among senior managers. The percentage of women in elementary occupations also rose from 62.7 per cent to 67.6 per cent while their representation among plant and machine operators declined from 20.9 per cent to 17.5 per cent.

Vertical segregation is still prevalent with women workers concentrated in lower levels. In 2005, only 37.6 per cent of managers, 43.6 per cent of middle management and 26.3 per cent of chargehands and team leaders were women.

#### **Employees according to level of qualification and sex, 2005**

	<b>Women</b>	<b>Men</b>
<b>Managers</b>	37.6	62.4
<b>Middle management staff</b>	43.6	56.4
<b>Highly-qualified professionals</b>	45.1	54.9
<b>Qualified professionals</b>	37.3	62.7
<b>Semi-qualified professionals</b>	60.7	39.3
<b>Non-qualified professionals</b>	52.3	47.7
<b>Foremen/forewomen and team leaders</b>	26.3	73.7
<b>Apprentices</b>	50.8	49.2
<b>Unknown level</b>	38.5	61.5

Source: MTSS/DGEEP, List of Personnel

## Horizontal segregation

Looking at the gender distribution by activity, the feminisation rate is higher in sectors such as “Health and social work”, “Education” and “Hotels and restaurants”. Male relative weight is higher in sectors such as “Construction”, “Mining and quarrying”, “Fishing” and “Electricity, gas and water supply”.

### Employed population by economic activity and sex (%), 2007 (1<sup>st</sup> semester)

	<b>Women Men</b>	
Agriculture	48,9	51,0
Fishing	7,5	92,5
Mining and quarrying	6,9	93,1
Manufacturing	42,0	58,0
Electricity, gas and water supply	23,2	76,6
Construction	5,0	95,0
Wholesale and retail trade; repair of motor vehicles	45,1	54,9
Hotels and restaurants	58,7	41,3
Transport, storage and communication	24,8	75,2
Financial intermediation	45,4	54,6
Real estate, renting and business activities	50,7	49,3
Public administration and defence, compulsory social security	37,2	62,9
Education	76,0	24,0
Health and social work	83,8	16,2
Other community, social and personal services activities	55,0	45,0
<b>Total</b>	<b>46,0</b>	<b>54,0</b>

Source: National Statistic Institute. Labour Force Survey

The differences noted are also reflected in terms of the nature of the employment contracts in question. Despite the trend towards a decline in the preponderance of temporary employment contracts and towards narrowing the gap between men and women, the proportion of female workers with this type of contract has invariably exceeded the corresponding proportion of male workers: 22.4 per cent of women and 21.4 per cent of men, in 2007 (1<sup>st</sup> semester), as against 21.1 per cent of women and 18.7 per cent of men in 2004.

### Employed population with a non-permanent contract by sex (%), 2004-2007 (1<sup>st</sup> semester)

	<b>Total</b>	<b>Men</b>	<b>Women</b>
<b>2004</b>	19,8	18,7	21,1
<b>2005</b>	19,5	18,7	20,4
<b>2006</b>	20,6	19,5	21,7
<b>2007</b>	21,8	21,4	22,4

Source: National Statistic Institute. Labour Force Survey

## Equal Pay

The gender pay gap refers to the differences between the wages earned by women and by men. The estimates of the gender pay gap may differ, depending on the source of data available and their limitations and the methods used. As a consequence, results may vary among different studies even for the same country.

Using data from Lists of Personnel<sup>52</sup>, an administrative source compiled by the Ministry of Labour and Social Solidarity, Table 1 provides data, from 2002 till 2005, concerning monthly base salary in euros by qualification levels, for women and for men, as well as the ratio of women's average gross monthly base salary to men's average gross monthly base salary and also the difference between men's and women's gross monthly base salary.

Although a positive trend is in place, a gender gap persists regarding both wages and earnings. In 2005 women's monthly basic wage was 19.3 per cent lower than that of men. Taking into consideration the monthly earnings (thus including other salary components) the gender gap is wider: 22.6 per cent.

### Average monthly basic wage (€) by sex, 2004-2005

	Women	Men
2004	647	809
2005	674	836

Source: MTSS/DGEEP, List of Personnel

### Average monthly earnings (€) by sex, 2004-2005

	Women	Men
2004	748	974
2005	778	1.005

Source: Ministry of Labour, List of Personnel

Looking at the gender wage and pay gap by qualification level, it is noticeable that it is wider in the higher levels of qualification. Among managers, women earn around 814 euros less than men.

<sup>52</sup> "Lists of Personnel" is an administrative source compiled by the Ministry of Labour and Social Solidarity. Some sectors of activity are however deficiently covered, as the Public Administration and the Agricultural sector where enterprise organizations have more weaknesses.

### Average monthly basic wage and earnings (€) by level of qualification and sex, 2004

Level of qualification	Basic wage				Earnings			
	Men	Women	W/M (%)	Gap (euros)	Men	Women	W/M (%)	Gap (euros)
Total	808,68	647,32	80.0	161,35	973,85	747,81	76.8	226,05
Managers	2.163,18	1.596,73	73.8	566,45	2.473,63	1.810,00	73.2	663,63
Middle management staff	1.422,47	1.224,36	86.1	198,11	1.691,44	1.396,98	82.6	294,46
Foremen/forewomen and team leaders	988,23	853,09	86.3	135,14	1.196,08	996,84	83.3	199,24
Highly-qualified professionals	1.125,67	998,8	88.7	126,88	1.413,91	1.185,60	83.9	228,3
Semi-qualified professionals	643,21	572,59	89.0	70,62	783,6	668,4	85.3	115,2
Qualified professionals	553,68	475,14	85.8	78,53	685,28	543,05	79.2	142,23
Non-qualified professionals	471,2	422,65	89.7	48,56	567,84	480,65	84.6	87,19
Apprentices	432,71	411,59	95.1	21,12	500,6	468,25	93.5	32,35
Unknown level	665,9	547,8	82.3	118,1	818,29	629,32	76.9	188,97

Source: Ministry of Labour, List of Personnel.

### Average monthly basic wage and earnings (€) by level of qualification and sex, 2005

Level of qualification	Basic wage				Earnings			
	Men	Women	W/M (%)	Gap (euros)	Men	Women	W/M (%)	Gap (euros)
Total	835,6	674,11	80.7	161,53	1005,1	778,16	77.4	226,96
Managers	2382	1681,67	70.6	700,08	2722,2	1908,11	70.1	814,13
Middle management staff	1467	1274,47	86.9	192,4	1751,4	1451,44	82.9	299,95
Foremen/forewomen and team leaders	1029	882,08	85.8	146,51	1240,5	1029,53	83.0	210,94
Highly-qualified professionals	1164	1026,27	88.1	138,02	1449,2	1218,12	84.1	231,09
Semi-qualified professionals	654,8	586,74	89.6	68,02	797,72	683,58	85.7	114,13
Qualified professionals	564,9	485,24	85.9	79,61	698,5	555,07	79.5	143,43
Non-qualified professionals	480,3	431,14	89.8	49,15	576,78	489,92	84.9	86,86
Apprentices	448,9	422,73	94.2	26,21	521,02	480,51	92.2	40,51
Unknown level	677,4	588,13	86.8	89,31	824,32	674,86	81.9	149,46

Source: Ministry of Labour, List of Personnel.

Analysing gender pay gap by activity, it becomes clear that there is a large earnings gender gap in the activities where female participation is higher – for instance, in 2005, under the item “other community, social and personal services activities” women earn 58,4 per cent of men’s earnings and in the health sector 66,9 per cent. In some activities like “Transportation, storage and communication”, “Mining” and “Construction” data reveal that women are better paid, the opposite of what happens generally, but the explanation lies in the different occupations performed by women in these activities.

**Ratio of women's average gross monthly base salary and earnings to men's average gross monthly base salary and earnings by activity (%), 2004-2005**

	2004		2005	
	Basic wages	Earnings	Basic wages	Earnings
Total	80	76,8	80,7	77,4
Agriculture	83	82,6	83,2	82,4
Fishing	90,8	95,6	82,5	91,8
Mining and quarrying	106,6	99,8	109	101,7
Manufacturing	70,3	67,8	70,1	67,6
Electricity, gas and water supply	98,5	89,1	99,7	89,7
Construction	109,4	105,9	109,6	105,6
Wholesale and retail trade; repair of motor vehicles	79,5	79,6	79,8	79,9
Hotels and restaurants	79,7	78,5	79,4	78,3
Transport, storage and communication	112,6	103,1	114,9	105,4
Financial intermediation	81,4	78	80,8	77,3
Real estate, renting and business activities	76,6	75	76,8	75,6
Public administration and defence, compulsory social security	100,8	97,4	104,3	101,1
Education	79	76,8	78,4	76,4
Health and social work	70,7	69,5	69,6	66,9
Other community, social and personal services activities	60,2	58	60,3	58,4
International organisations and extra-territorial institutions	95,2	95,4	101,6	105

Source: Ministry of Labour, List of Personnel

### Maternity and paternity

Maternity leave may last for 150 days at the choice of the working mother<sup>53</sup>. In this case, the workers covered by the general social security scheme are entitled to maternity benefit (the daily amount corresponds to 80 per cent of the reference remuneration of the beneficiary). Maternity leave of 150 days may be shared with the father on the terms explained in the last report (under Paternity Leave or Absence, Paragraph 15).

During paternity leave, working fathers are entitled to the same protection against dismissal as mothers<sup>54</sup>.

### Reconciliation between work and private and family life

The sixth revision of the Constitution<sup>55</sup> expressly laid down that it is up to the State to promote a balance between work and family life through concertation of different sectoral policies.

<sup>53</sup> n. ° 1 of the article 68° of the Regulation of the Labour Code.

<sup>54</sup> n. ° 4 of the article 98° of the Regulation of the Labour Code.

<sup>55</sup> Constitutional Law n° 1/2004, of 24 July, Article 67, n° 2.

In 2006, two Programmes were launched in order to increase the availability of care infrastructures<sup>56</sup>:

- the Expansion Programme of the Social Equipment Network (PARES)<sup>57</sup>, aiming at supporting the enlargement, development and consolidation of the equipments and social answers' network for children, elderly and people with disabilities;
- the Support Programme to Investment in Social Equipments (PAIES)<sup>58</sup> aiming at stimulating the investment in social equipments by supporting private initiative.

Also with a view to facilitating reconciliation for parents, it determined that pre-schools and primary schools must remain open until at least 5.30 p.m. and a minimum of eight hours a day<sup>59</sup>.

In order to promote the reconciliation between private, family and working life in state-owned enterprises, a resolution was adopted<sup>60</sup>, approving the principles of good governance in State-owned enterprises and requiring them to adopt equality plans designed to achieve real equality of treatment and opportunities for men and women, eliminate gender-based discrimination and allow a balance between private, family and working life.

### **Unpaid work<sup>61</sup>**

Women do three hours more of unpaid work (housework and family care) than men, which extends women's working day to 12 hours and 49 minutes (comparatively men's working day is about 10 hours and 56 minutes).

When the analysis is restricted to the employed population these differences remain. Men's involvement in paid work is of 9 hours and 11 minutes compared to 8 hours and 4 minutes for employed women. As regards household and family care work, in average, employed men spend 1 hour and 38 minutes a day compared to 4 hours and 7 minutes spent by employed women.

### **Unemployment**

So far as unemployment is concerned, women are also a particularly vulnerable group. Women's unemployment rate is higher than men's (9.7 per cent as against 6.8 per cent in 2007 – 1<sup>st</sup> semester, i.e., a difference of 2.8 percentage points) even in areas where unemployment is low.

<sup>56</sup> National Action Plan for Employment (2005-2008). Follow-up Report, 2006, Ministry of Labour and Social Solidarity.

<sup>57</sup> Regulation n.º 426/2006, of 2 May, and Dispatch n.º 105162006, of 11 May.

<sup>58</sup> Regulation n.º 869/2006, of 29 August.

<sup>59</sup> Dispatch 12591/2006, of 16 June.

<sup>60</sup> Council of Ministers Resolution 49/2007, of 28 March.

<sup>61</sup> Source: own calculations based on the *Survey on the occupation of Time 1999* (INE). In MTSS/CITE *Annual Report on the progress of Equal Opportunities in Work, Employment and Vocational Training – 2005*. Lisbon (2007).

### Unemployment rate by sex, 2004-2007 (1<sup>st</sup> semester)

	Total	Men	Women
2004	6.7	5.8	7.6
2005	7.6	6.7	8.7
2006	7.7	6.5	9.0
2007	7.9	6.8	9.7

Source: National Statistic Institute, Labour Force Survey

Contrary to the EU25 trend, where unemployment has dropped, in particular unemployment among women, in Portugal the unemployment rate of women increased between 2004 and 2007 (1<sup>st</sup> semester).

It should also be noted that the difference between male and female unemployment rates is particularly high among young people (15 to 24 years of age), with a gap of 5.9 percentage points in 2007 (1<sup>st</sup> semester). However among persons aged between 55 and 64 years of age, the unemployment rate is higher among men (+1.3 percentage points).

One of the major causes of the higher female unemployment rate is the fact that the size of the female labour force has increased much faster than the male labour force. For this reason, it has also been more difficult for the employment market to absorb this increase in the female labour force.

It should also be noted that, while unemployment is much higher amongst those with low educational qualifications (less than nine years of compulsory education), which naturally reveals the country's structural deficit in terms of education and training in relative terms, the differences in unemployment rates by sex are also more pronounced among those with higher educational qualifications, where women are overrepresented. This situation is, to a great extent, a reflection of the fact that in Portugal, in average, women tend to spend longer periods in initial training than men. For example, women are currently in the majority among higher and even secondary education students.

### Unemployed population by age group and sex (%), 2004-2006

	2004		2005		2006		2007 (1st semester)	
	Women	Men	Women	Men	Women	Men	Women	Men
15-24	51.1	48.9	52.7	47.3	50.3	49.6	53.5	46.3
25-54	55.0	45.0	55.2	44.8	58.1	41.9	58.3	41.7
55-64	40.8	59.1	38.8	61.2	36.5	63.5	40.0	59.9
15-64	52.7	47.3	53.1	46.9	54.5	45.5	55.7	44.3

Source: National Statistic Institute, Labour Force Survey

The weight of unemployed women in the total unemployed population, between 2004 and 2007 (1<sup>st</sup> semester), registered an overall increase – from 52.7 per cent to 55.7 per cent. In the following

table it is also noticeable that the feminisation rate of the unemployed population looking for a new job is increasing.

### Unemployed population looking for 1<sup>st</sup> or new job by sex (%), 2004-2007 (1<sup>st</sup> semester)

UNEMPLOYED POPULATION	2004			2005			2006			2007 (1st semester)		
	Women	Men	Femini- zation	Women	Men	Femini- zation	Women	Men	Femini- zation	Women	Men	Femini- zation
Looking for 1 <sup>st</sup> job	14,2	12,7	55,4	16,0	11,5	61,0	14,3	13,1	56,5	14,0	13,0	54,7
Looking for a new job	85,8	87,3	52,2	84,0	88,5	51,8	85,7	86,9	54,2	86,0	87,0	52,5
	100,0	100,0		100,0	100,0		100,0	100,0		100,0	100,0	

Source: National Statistic Institute, Labour Force Survey

### Unemployment time by sex (%), 2004-2007 (1<sup>ST</sup> semester)

DURATIONS OF UNEMPLOYMENT	2004			2005			2006			2007 (1st semester)		
	Women	Men	Femini- zation	Women	Men	Femini- zation	Women	Men	Femini- zation	Women	Men	Femini- zation
<= 11 months	41,9	44,5	51,5	38,4	41,3	52,1	37,7	36,2	55,6	40,1	38	56,7
12 and more month	38	36,8	53,9	40,1	40,1	54	39,2	40,8	53,6	37,7	39,1	54,5
25 and more months	20,1	18,7	54,7	21,5	18,6	57,6	23,1	23	54,7	22,2	22,9	54,6
	100	100		100	100		100	100		100	100	

Source: National Statistic Institute, Labour Force Survey

## Article 12

### Equality in Access to Health Care

#### Meaningful data on the health status of the population

##### Demographic indicators

Portugal's life expectancy at birth is convergent with the EU average. In 2005, the average life expectancy at birth in Portugal was 78.2 years, while the EU 15 average was 78.8 years (OECD, 2006). There is a remarkable difference between estimates of life expectancy for men and women in Portugal: 81.4 years for women and 74.9 years for men.

#### Life expectancy at birth

	1995	2000	2001	2002	2003	2004	2005	2006	2025
<b>Women</b>	79,0	79,9	80,4	80,6	80,6	81,0	81,4	81,8	83,0
<b>Men</b>	71,8	72,9	73,4	73,7	74,0	74,5	74,9	75,2	77,0

Source: INE, estimates of Portuguese resident population, 2007

##### National Survey on Health

In Portugal, the National Health Interview Survey (NHIS) of 1995/96, 1998/99 and 2005/06 included the question "In general, how do you consider your health?" to measure self-perceived health status. In general terms, men and women registered a positive improvement in the self appreciation of their health. A smaller percentage of women than men were positive about their health. At the same time, more women had negative feelings about their health than men.

#### Self-perceived Health Status of the Portuguese Continental Population

	NHIS 95/96			NHIS 98/99			NHIS 05/06		
	M	F	Total	M	F	Total	M	F	Total
<b>Good/very good</b>	35,6%	25,4%	29,4%	38,5%	27%	31,3%	59,3%	47,4%	53,2%
<b>Fair</b>	41,1%	41,5%	41,3%	41,6%	43,7%	42,9%	30,2%	35,1%	32,8%
<b>Bad / very bad</b>	23,3%	33,1%	29,3%	19,9%	29,3%	25,8%	10,4%	17,5%	14,1%

Source: NHIS 1995/96, NHIS 1998/99, NHIS 2005/06

##### Resources in health

The number of physicians per capita in Portugal was 3.4 per 1000 population in 2005, above the OECD average of 3.0. As in most other OECD countries, the number of doctors per capita rose between 1990 and 2005. According to the "Order of Physicians", there were 34 255 medical doctors in Portugal in 2004. Data from the General Directorate of Health showed that 23 389 of these were employed by the National Health System in 2004. General practitioners/family doctors, those specialised in family medicine, accounted for 29.5 per cent of the total number of doctors in the National Health System.

The Table below shows that there were 4.6 nurses per 1000 inhabitants in Portugal in 2005, a much lower figure than the average of 8.6 in OECD countries. Portugal has increased the ratio of nurses to inhabitants but still has one of the lowest ratios in Europe. In 2005, it was 4.6 while the EU average was 8.6 per 1000 inhabitants in 2005. Approximately, 74 per cent of the nurses work in central and district hospitals, while 20 per cent work in primary care services and 3 per cent in psychiatric services.

### Health care personnel per 1000 inhabitants, 1990, 1995, 2000-2004

	1990	1995	2000	2001	2002	2003	2004
% total health employment	2.3	2.7	2.8	2.7	2.8	2.8	--
Practising physicians	2.8	3.0	3.2	3.2	3.3	3.3	3.4
GPs	--	0.4	0.4	0.4	0.4	0.5	0.5
Practising specialists	0.9	1.6	1.8	1.8	1.8	1.9	2.0
Practising dentists	0.2	0.3	0.4	0.5	0.5	0.5	0.6
Practising pharmacists	0.6	0.7	0.8	0.8	0.8	0.9	0.9
Practising nurses	2.8	3.4	3.7	3.8	4	4.2	4.4

Source: OECD, 2005

### Consultations

The reported number of consultations with all doctors in Portugal was 3.9 consultations per capita in 2005, while the EU average was nearly seven consultations per year.

### Number of consultations per capita, year, and sex

	Number of doctor consultation per capita and year (primary health care and hospitals)	Number of consultations per year
<b>National Health Plan Goal 2010</b>	4	
OECD average	6,8	
Portugal 2002	3,5	38 765 902
Portugal – continent (2004)	3,9	39 511 335
Portugal – continent (2005)	3,9	
<b>Portugal – Consultations by sex</b>		
<b>2004</b>	<b>Men: 1,6</b> <b>Women: 2,3</b>	
<b>2005</b>	<b>Men: 1,7</b> <b>Women: 2,2</b>	

Source: High Commissariat of Health, 2007

### Health care personnel per 100 000 inhabitants

	2004	2005
Practising Specialists	247,1	254,8
General Practitioner	46,6	47,2
Practising Nurses	397,2	447,9

Source: High Commissariat of Health, 2007

### Number of consultations per population, year and sex

	2004		2005	
	Men	Women	Men	Women
Consultations with general practitioner	0,9	1,4	0,9	1,4
Consultations in health centres and hospitals	1,6	2,3	1,7	2,2

Source: High Commissariat of Health, 2007

### Mortality Indicators

Child health indicators have improved significantly since the 1970s and are currently near the average European level. The infant mortality rate fell from 24.3 per 1000 in 1980 to 3.5 per 1000 in 2005.

	1980	1990	2000	2004	2005
<b>Mortality rate (per 1000 female adults)</b>	8.7	9.6	9.5	9	-
<b>Mortality rate (per 1000 male adults)</b>	10.6	11.1	11.2	10.5	-
<b>Infant deaths per 1000 births</b>	24.3	11	5.5	3.9	3.5

Source: WHO Regional Office for Europe, 2007; OECD, 2006; INE, 2005.

### Main causes of death

The leading causes of death since the 1980s have been diseases of the circulatory system, cerebrovascular disease and malignant neoplasms. According to the General Directorate of Health, these are likely to remain the main causes of death of the Portuguese population for the coming years.

Diseases of the circulatory system, together with malignant neoplasms, accounted for over 50% of deaths in 2004. The mortality rates of these diseases have exceeded the EU average over recent decades, despite the clear downward trend. In contrast, Portugal has one of the lowest mortality rates from cardiac ischemic disease in the EU.

<b>Causes of death</b>	<b>2000</b>	<b>2003</b>	<b>2004</b>
Diseases of the circulatory system	272.1	244	217.2
Cerebrovascular disease	139.8	113.2	97.6
Ischemic heart disease	61.1	59.6	54.2
Malignant neoplasm	169.4	159.4	154.3
Disease of the respiratory system	66.8	55.2	49
Disease of the digestive system	31.4	32.3	31.6
Diabetes mellitus	21.1	27.3	26.1
Land transport accidents	12.4	16.7	14.5

Source: General Directorate of Health

### **Cardiovascular Diseases**

Diseases of the circulatory system, namely strokes, coronary disease and ischemic heart disease are the main causes of mortality in Portugal.

The National Programme for Prevention and Control of Cardiovascular Diseases was launched in 2003 and updated in 2006 with the goal of reducing cardiovascular risk in the following fundamental areas:

- improve epidemiologic surveillance of cardiovascular pathologies;
- encourage citizens to be responsible for their own health;
- improve the organization of health care services, especially with regards to periodic health teams and the approach to precordial pain and stroke;
- promoting respect for good clinical and therapeutic practices.

In 2006, the implementation of Referencing Networks for Cardiovascular Emergencies was defined as a main priority with a greater involvement of emergency Fast Tracks for myocardial infarction and stroke so as to improve accessibility of emergency patients to the most suitable hospitals.

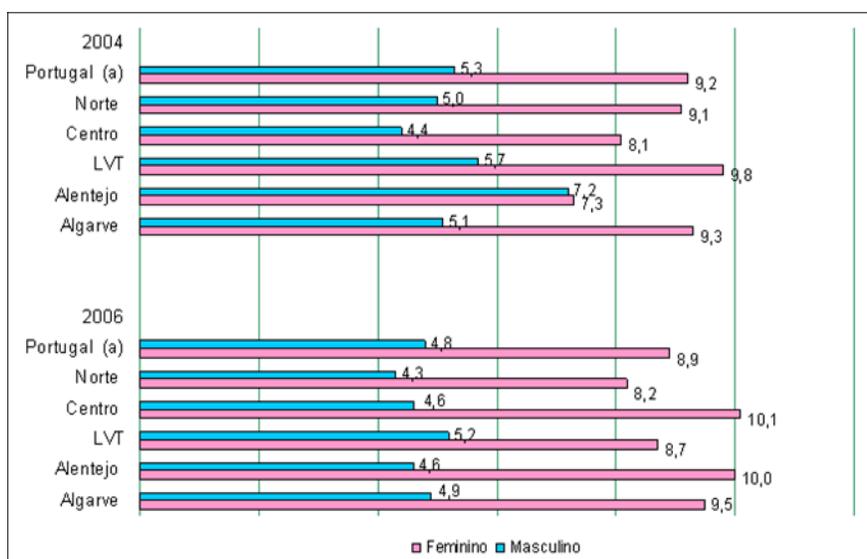
The early detection of hypertension, in particular in individuals with increased cardiovascular risk, the correct therapeutic pathway (pharmacological and non pharmacological) and accomplishing the objectives of blood pressure control has long constituted the intervention priorities of the health care service providers. These are accompanied whenever possible, by screening campaigns that fit with local and regional planning and realities as well as awareness campaigns.

### Diseases of the circulatory system (SDR/100.000 inhabitants)

	1981	1991	2001	2003
<b>Total</b>	439,7	366,6	251,9	242
<b>Cerebrovascular disease</b>	252,2	202,5	124,9	111,2
<b>Ischemic heart disease</b>	81,5	78,2	58,7	59,4
<b>Acute myocardial Infarction</b>	55,2	58,3	42,6	43,1

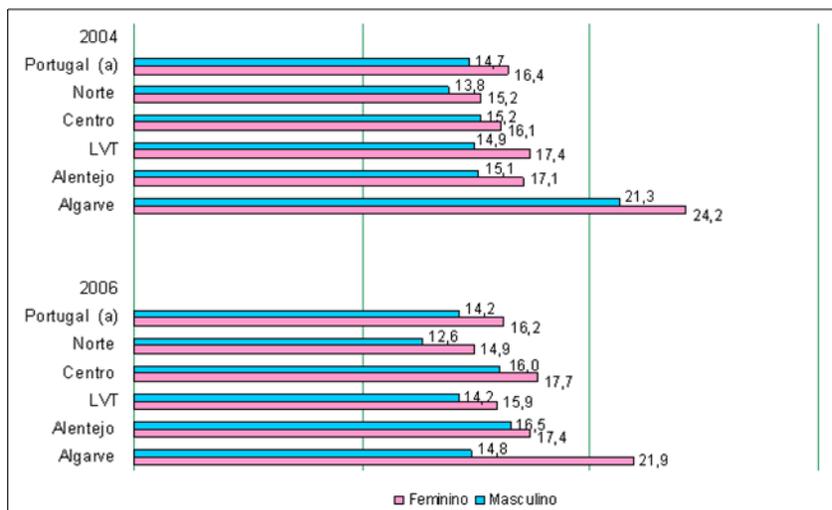
Source: OECD Data 2006

### Mortality rate by ischaemic cardiac disease – percentage of intra-hospital death by region and sex



Source: High Commissariat of Health, 2007

### Mortality rate by stroke - percentage of intra-hospital death by plan region and sex



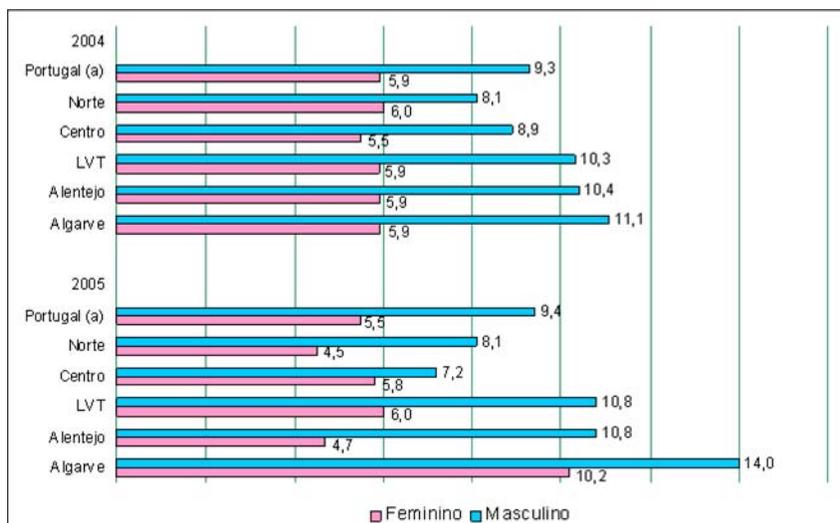
Source: High Commissariat of Health, 2007

### Malignant Neoplasms

Malignant Neoplasms are the second main cause of death in Portugal. Malignant neoplasms have a strong impact on patients and their families with significant repercussions for social and economic structures, which is why they constitute one of the priorities of the National Health Plan. Therefore, the National Programme for Prevention and Control of Oncologic Diseases has been created.

The aim of this Programme is to reduce the incidence and mortality rate of cancer through a set of measures that include education and health promotion; screening and early diagnosis; improved quality in diagnosis and correct and timely treatment. It also intends to enable the continuity of care in different geographical locations and by multiple professionals. This will enable better adapted care that will meet the needs and maximize the efficacy and ease of utilisation, thereby increasing the satisfaction and comfort of oncologic patients.

### Mortality rate by rectal and colon cancer before age 65/100 000 inhabitants by region and sex



Source: High Commissariat of Health, 2007

### HIV/AIDS

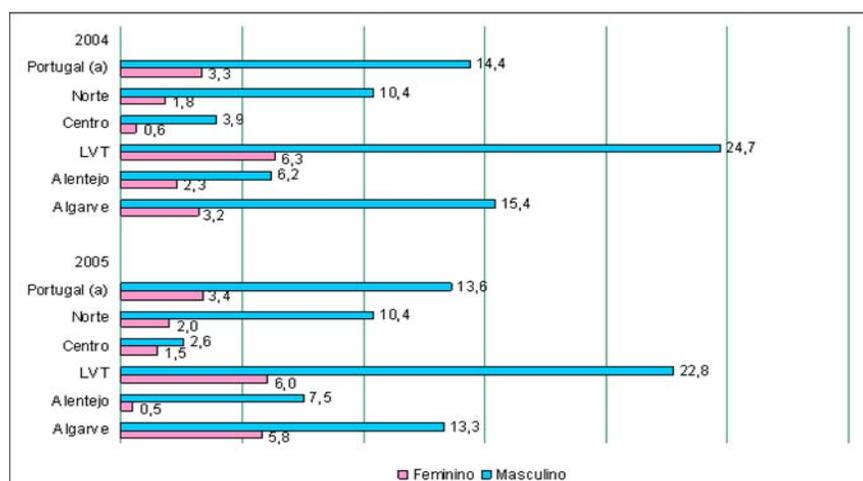
Portugal has one of the highest rates of prevalence of Human Immunodeficiency Virus (HIV) infection in Europe, more than twice the highest rates observed elsewhere in the EU. According to the Communicable Disease Surveillance Centre of National Institute of Health, Dr. Ricardo Jorge (INSA), a total of 30,366 HIV/AIDS infection cases in different stages of disease had been notified by 30 December 2006.

The National Programme for the Prevention and Control of HIV/AIDS infection – 2007-2010 proposes to reduce the number of new HIV infections in Portugal and to reduce the number of new cases and of deaths caused by AIDS by at least 25%. It also proposes to contribute internationally, through public help, to the reduction of HIV transmission and to raise the quality of care for and support to people suffering from HIV infection or from AIDS. In order to achieve these two goals, eleven priority areas have been identified:

- knowledge of the infection;
- prevention of the infection, with special attention to the most vulnerable populations;
- access to early detection of the infection and appropriate referral;
- access to state of the art treatment;
- ensuring continuous care and social support for those infected and affected;

- reducing stigma and discrimination;
- sharing of responsibilities with relevant stakeholders;
- ensuring continuous training;
- promoting research;
- develop international cooperation;
- monitoring and evaluation.

### Mortality Rate by HIV/AIDS before 65 years old/100 000 inhabitants, by region and sex



Source: High Commissariat of Health, 2007

## Tuberculosis

In 2005, 426 717 cases of Tuberculosis were notified in the WHO European Region. The overall notification rate averaged 48 cases per 100 000 inhabitants, with large variability between countries in recent years.

Portugal has an incidence of 31/100 000 inhabitants, high above the EU average incidence of 12.8/100 000. Nevertheless the current incidence rate reveals a decrease by half in the risk of contracting tuberculosis during the last 17 years in Portugal.

The number of both total and new tuberculosis cases has been decreasing over the last decade. Statistics of the National Programme against Tuberculosis show that the rate of detection of new cases has been above the WHO target (70 per cent). However, it gradually decreased from 95 per cent to 78 per cent between 2002 and 2004.

The incidence rate went down from 49/1000 inhabitants in 1995 to 35/1000 inhabitants in 2004. The rate of successful treatment affects both the subsequent incidence rate and is a major factor in controlling the emergence of drug-resistance strains.

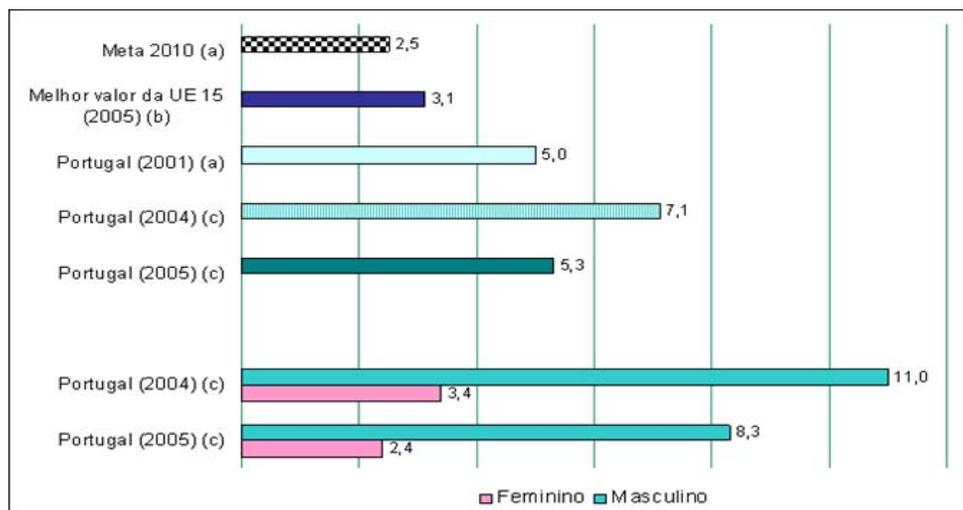
Another indicator of progress is the very significant decrease in multi-resistant tuberculosis cases in the last decade, mainly by means of a dramatic increase in successful re-treatment cases.

#### New cases of notified tuberculosis (rate per 100.000 population)

1998	1999	2000	2001	2002	2003	2004	2005
47,1	46,4	41,1	38,8	41	36,4	34,3	31

## Suicide

### Standardised mortality rate by suicide before 65 years old / 100 000 inhabitants



Source: High Commissariat of Health, 2007

In Portugal the suicide rate increased from 5/100.000 inhabitants in 2001, to 7.1/100.000 in 2004 and decreased in 2005 to 5,3/100.000.

## Alcoholism

Excessive alcohol consumption has numerous harmful effects on health. High alcohol intake increases the risk for heart, stroke and vascular disease, as well as liver cirrhosis and certain types of cancer. Alcohol also contributes to death and disability through accidents and injuries, assault, violence, homicide and suicide.

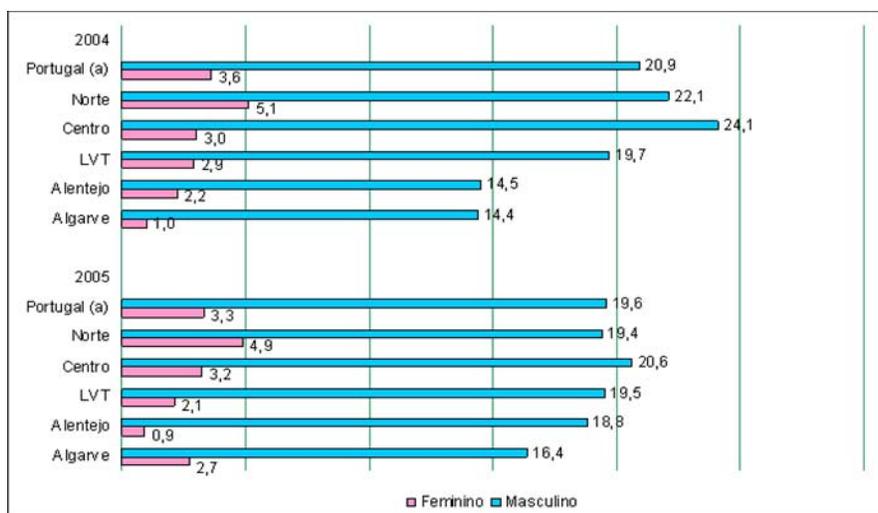
Alcohol consumption, as measured by annual sales, stands on average across OECD countries at 9.5 litres per adult.

Despite the favourable trend to a decrease in the alcohol consumption in Portugal, this consumption level is still high and must be reduced. It is necessary to adopt more actions such as health education, awareness-raising on the dangers of excessive alcohol consumption, therapeutical answers to alcoholics and advertising restrictions.

One of the impacts of alcohol consumption that has been subject of increased attention is its relation to driving and road traffic accidents. Portugal has the highest rate of mortality related to alcohol in Europe. Around 40 per cent of those killed in road traffic accidents have traces of alcohol in the blood (24,4 per cent of accident victims have blood alcohol levels over 0,2 g/l and 18,6 per cent over 0,5 g/l).

The mortality rate from chronic liver disease and cirrhosis adjusted to age has significantly decreased in Portugal during the last three decades (from 20.4/100.000 in 1970 down to 10.4/100.000 in 2003) and is now far below the average value in the countries of the European region (22.8/100.000). Nevertheless, in 2004 chronic liver disease was responsible for 1.6% of the total of deaths in Portugal with a rate of 15.6/100.000 inhabitants.

### Standardised mortality rate by alcohol-related disease before 65 years old / 100 000 inhabitants, by region and sex



Source: High Commissariat of Health, 2007

## Family Planning

Among the measures implemented in the area of family planning, we can mention: the availability in all pharmacies of all means of contraception provided for by the legislation in force; the promotion of effective interaction between youth care centres, hospitals, and outpatient units with a view to extending the scope of family planning and maternal health consultations to reach adolescents and young people, who constitute a particularly vulnerable group; the improvement of access to contraceptive means and methods in order to prevent unwanted and unexpected pregnancies, especially in particularly vulnerable groups marked by social exclusion, economic need, or difficulties of access to the public health network; and the reduction of waiting times for ligation or vasectomy operations.

<b>Family Planning</b>	<b>2004</b>	<b>2006</b>	<b>Var 04/06</b>
Hospitals with specific family planning consultation	93,3%	95,8%	2,7%
Hospitals with protocols with health centres related to risk or surgical contraception	71,1%	82,6%	16,2%
Hospitals with internal rules for family planning of pregnancies in risk and women with abortion complications	51,1%	88,6%	73,4%
Hospitals with contraceptives for family planning consultation	n.a.	67,4%	--
Hospitals offering emergency contraception and family planning in the Emergency Service	n.a.	48,9%	--
Health Centres with stock of contraceptives for 6 months	14,8%	35,6%	140,5%
Health Centres with specific consultations for teenagers	n.a.	57,3%	--

n.a.: not available

Source: Directorate General of Health, 2006.

## Use of contraceptive methods (percentage)

The main estimates from Fourth National Health Survey 2005/2006, provide some conclusions. In the first place, the pill continues to be the method most used by Portuguese women. and the condom is beginning to be widely used by the youngest generations. In 1980s, only 30 per cent of the women interviewed used the pill, but in the 1990s the rate rose to 60 per cent (52,3 per cent in 1993 and 62,3 per cent in 1997). In 2005 it increased to 66 per cent.

While in the 1980s only 8 per cent of the population used the condom, this percentage rose to 9,3 per cent in 1993, 14,6 per cent in 1997 and 13 per cent in 2005.

We also witnessed a significant reduction of the percentage of women in Portugal using *coitus interruptus* as a contraceptive method, which is highly unreliable. While in 1980,38 per cent of the population used this method, in 1993 it was 17,6 per cent, in 1997 it decreased to 7,1 per cent and in 2005 it was down to 4 per cent.

<b>METHODS</b>	<b>1980</b>	<b>1993</b>	<b>1997</b>	<b>2005</b>
Pill	30	52,3	62,3	66
IUD	-	10	9,7	9
Hormonal injections	-	0,6	0,5	0
Condoms	8	9,3	14,6	13
Spermicidal	-	0,9	2,1	0
Natural Methods	-	2,7	3,1	2
<i>Coitus Interruptus</i>	38	17,6	7,1	4
Vasectomy and tubal ligation	-	5,9	--	0
Others	-	0,6	0,5	1

Source: NHIS 95/96, NHIS 98/99, NHIS 05/06

### Teenage pregnancy

One of the objectives set out in the Third National Plan for Equality - Citizenship and Gender was to reduce adolescent pregnancy. According to the High Commissariat for Health, the rate of adolescent mothers in total births in Portugal fell by 18,6 per cent between 2001 and 2005 (down from 5,9 per cent in 2001 to 4,8 per cent in 2005).

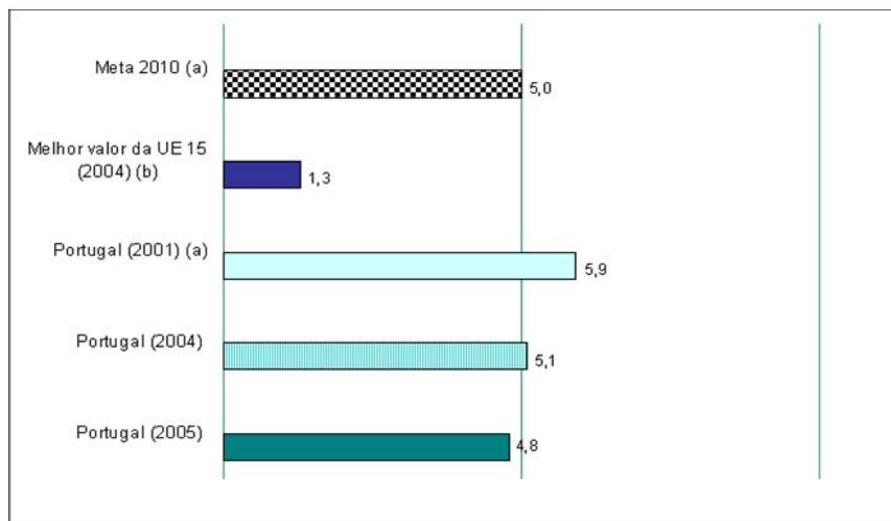
The actions developed within the scope of family planning were important and contributed towards the reduction in the percentage of live births by adolescents mothers (from 10,6 per cent in 1979 to 5,0 per cent in 2005). The number of births to adolescent fathers showed a downward tendency: 1570 in 2004 (approximately a quarter of the number of births from adolescent mothers). For 1 per cent of all births in 2004 (1116 births), both parents were adolescents, and 313 births were registered in 2004 to mothers aged under 16 years.

### Rate of adolescent mothers/ total births (age < 20 years)/100 live births) in Portugal and by region

	<b>2004</b>	<b>2005</b>
<b>Portugal</b>	5,1	4,8
<b>North</b>	5,1	5,0
<b>Centre</b>	4,7	4,4
<b>Lisbon</b>	5,0	4,6
<b>Alentejo</b>	6,2	6,0
<b>Algarve</b>	5,9	5,2

Source: High Commissariat of Health, 2007

### Rate of adolescent mothers/ total births (age < 20 years)/100 live births)



Source: High Commissariat of Health, 2007

### Abortion legalised

In February 2007 a referendum took place in Portugal on the legalisation of abortion up to ten weeks. 59.24 per cent of Portuguese voters were in favour of this proposal (only 43,6 per cent of registered voters turned out to vote).

Law 16/2007, of 17 April 2007, permits the voluntary interruption of pregnancy during the first 10 weeks of pregnancy, free of charge at a public hospital. Under the new law, in the first 10 weeks of an unwanted pregnancy, women will be able to seek safe abortion services without fear of criminal prosecution.

The legal instrument regulating the application of Law N° 16/2007 was approved in June 2007 and established the conditions, administrative procedures, technical and logistic conditions and relevant information to be provided to the pregnant women to be used in official or officially-recognised health establishments.

Women who go to the National Health System for an abortion are exempted from the service fee. A reflexion period of 48 hours is imposed, and within two weeks following the abortion these women must attend family planning education sessions to be informed on contraceptive methods.

### Medically Assisted Procreation

In 2006 a new Law was adopted on medically assisted procreation (Law No. 32/2006 of 26 July 2006). This Law regulates the following techniques of medically assisted procreation: artificial insemination; *in vitro* fertilisation; intracytoplasmic sperm injection; embryo, gamete, or zygote

transfer; pre-implantation genetic diagnosis; and other equivalent or subsidiary laboratory techniques of gamete or embryo manipulation.

The National Council for Medically Assisted Reproduction, which was set up by this Law, is responsible for giving opinions on ethical, social and ethical questions in medically assisted reproduction.

Only people who are married, not under legal or de facto separation, or common-law couples living together for more than two years may use medically assisted reproduction techniques.

## Article 13

### Social and Economic Benefits

The new general bases of the Welfare System<sup>62</sup> enshrine the principles of equality (non-discrimination of beneficiaries on the grounds of sex, for example) and solidarity (by transferring resources among citizens in order to ensure equal opportunities for all and guaranteed minimum social income for the most disadvantaged) as the main guidelines for the whole social security system. This Law also requires the creation of special conditions for the promotion of natality by favouring a balance between private, family and working life and particularly taking into account the necessary time to care for children.

Currently<sup>63</sup> there is the “scheme for employees”, the “scheme for self-employed workers” and the “voluntary social security scheme”, all of which form part of the General Social Security Scheme, and additionally there are also the “non-contributory schemes”. These schemes cover sickness, maternity, occupational illnesses, unemployment, family responsibilities, disability, old age and death. The range of protection varies from scheme to scheme. There also exists, in addition to the schemes already mentioned, a “special social security scheme for agricultural activities” that covers disability, old age, death and family responsibilities (of agricultural pensioners).

Data from 2004 to 2007 show that women represent about 57 per cent of all the beneficiaries by the social security schemes under the non-contributory system, and about 46 per cent under the contributory system, highlighting their particular vulnerability to poverty.

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

unit: persons	2004	2005	2006	2007 - S1
<b>TOTAL</b>	272.787	297.486	301.418	294.277
<b>Female</b>	156.277	169.781	171.935	168.833
<b>Male</b>	116.510	127.705	129.483	125.444

S1: 1<sup>st</sup> semester of 2007  
Source: Social Security Statistics

In 2003, the “Social Reinsertion Income” Law<sup>64</sup> entered into force. Just like the previous “Guaranteed Minimum Income” Law, it respects the principle of equality, forbidding any kind of discrimination of beneficiaries, notably on the grounds of sex. Some of the changes introduced have to do with the social insertion component of these measures, aiming to adjust programmes to the

<sup>62</sup> Approved by Law 4/2007, of 16 January.

<sup>63</sup> Law n.º 4/2007, of 16 January, establishes the general bases for the welfare system and maintains the legal and regulatory norms approved under Law n.º 28/84, of 14 August, 17/2000, of 8 August and Law 32/2002, of 20 December.

<sup>64</sup> Law n.º 13/2003, of 21 May (rectified and republished by the Rectification Declaration n.º 7/2003, of 29 May; modified by Law n.º 45/2005, of 29 August, rectified by the Rectification Declaration n.º 76/2005, of 25 October), substituted the previous “Guaranteed Minimum Income” and created the “Social Reinsertion Income”. This Law is regulated by Decree-Law n.º 283/2003, of 8 November, whose full text is published in annex to Decree-Law n.º 42/2006, of 23 February.

situation of each person and their family size, and it may include complementary support for health care, education, transport and housing.

The “social insertion income” consists of a payment included in the solidarity subsystem and a social insertion programme aimed at ensuring that people and their families have the resources to satisfy their minimum needs and favouring progressive insertion into social life, work and the community.

For a person under 18 to be entitled to “Social Insertion Income”, she has to meet the law’s requirements and be pregnant or have dependent minors under their exclusive care, whether being married or living in a common-law union for more than one year.

### People receiving Social Reinsertion Income (RSI), by sex

	2004	2005	2006	2007 – S1
<b>Total</b>	86.147	202.035	339.328	331.108
<b>Female</b>	46.119	107.838	181.45	176.996
<b>Male</b>	40.028	94.197	157.877	154.112

Source: Social Security Statistic Data

According to data from 2004 to 2007, women represent about 53.5 per cent of all beneficiaries of this income, which still shows their heightened vulnerability to poverty. The major increase from 2004 and on is due to the end of the previous “Guaranteed Minimum Income”.

The beneficiaries of the Social Reinsertion Income are the following types of families:

### Beneficiaries of Social Reinsertion Income (RSI), by family type

unit: families	2004	2005	2006	2007 - S1
<b>Total</b>	31.063	71.621	123.540	119.914
<b>Couple with children</b>	8.714	18.540	19.780	15.671
<b>Couple with nochildren</b>	4.106	7.888	8.410	7.031
<b>Woman or man alone</b>	8.022	16.544	18.897	14.912
<b>Single Parent (woman or man) with children</b>	6.600	13.921	15.659	12.262
<b>Mixed (with one non parental member)</b>	2.479	12.204	58.130	67.933
<b>Enlarged (two or more couples or single parents)</b>	1.110	2.345	2.323	1.815
<b>Extent (with non parental related members)</b>	10	135	295	259
<b>Grand parents with children</b>	22	44	46	31

Source: Social Security Statistic Data

A significant increase of mixed type of families can be observed in 2006 and 2007 (in the first semester of 2007, mixed families already represented more than half of all Social Reinsertion Income beneficiaries).

### People receiving Guaranteed Minimum Income (GMI) in 2004, by family type and sex

unit: family type	Number	%	
<b>Total</b>	<b>95.841</b>	<b>100</b>	
Couple with no children	13.296	13,9	
Couple with children	30.061	31,4	
More than couple with children	3.995	4,2	
Single Parent - Woman	20.784	21,7	
Single Parent – Man	1.336	1,4	
Woman alone	13.713	14,3	
Man alone	12.391	12,9	
Other	265	0,3	
unit: persons	Mulheres	Homens	Total
<b>Total</b>	<b>149.623</b>	<b>131.968</b>	<b>281.591</b>
Untitled	82.638	103.112	185.750
Titled	66.985	28.856	95.841

Source: Social Security Statistic Data

In 2004, 36 per cent of the families receiving the “Guaranteed Minimum Income” benefit were either women alone or women supporting children.

The “Social Insertion Income” provides for special benefits for the families of the physically or mentally disabled or people with chronic diseases or highly dependent elderly people. The amounts of these benefits are defined in Ministerial Order 105/2004 of 26 January.

### Unemployment benefits

In the last two years the majority of people receiving unemployment benefits were women. This is consistent with the fact that women spend longer times than men in finding a new job.

### People receiving unemployment benefits, by sex

unit: persons	2004		2005		2006	
	Total	Female % Total	Total	Female % Total	Total	Female % Total
<b>TOTAL</b>	534.829	43,6	558.001	56,1	559.070	56,2
Unemployment benefit	371.636	45,9	398.018	53,9	399.966	54,1
First social unemployment benefit	85.984	37,9	72.522	61,4	67.580	61,2
Subsequent social unemployment benefit	76.590	38,5	86.973	61,4	91.062	61,8
Extension of social unemployment benefit	619	40,5	488	60,2	462	60,6

Source: Social Security Statistic Data

### Women and entrepreneurship

According to this year's edition of the Observatory of Enterprise Creation<sup>65</sup>, in Portugal, about a third of entrepreneurs are women. The large majority of them, almost 90 per cent, intend to be actually involved with their business, which is very relevant. From these, three-quarters hold at least half of the partnership, while 30 per cent have a majority participation in their companies. Furthermore, about a quarter own 100 per cent of the partnership, being the only entrepreneur of the company. It may be noted that among the younger entrepreneurs (26-35 years old), the proportion of women tend to be a little larger, around 40 per cent, reflecting a more balanced gender representation among the new generations.

Former experience in conducting a business is more common among male entrepreneurs (more than half of them have already had an entrepreneurial initiative in the course of their working life). However, around a third of women entrepreneurs have also had a similar experience in the past, and business management is not a novelty to them.

In spite of this, it is also true that the proportion of businessmen among new entrepreneurs is larger than the proportion of businesswomen. Moreover, the results of this survey show that more women than men were employees immediately before conducting these entrepreneurial initiatives and that the proportion of women who were previously unemployed or housewives/housekeepers is considerably larger. Some differences of profiles thus prevail.

The possibility of being creative or to innovate, of guaranteeing economic stability of the family or seizing an opportunity are the major reasons for creating a business in Portugal, for both men and women. However, women tend to value most economic factors, notably financial stability, whilst men give relatively more importance to the possibility of creating new things.

Personal fulfilment, another important motivation for conducting an entrepreneurial initiative, either for men or for women, is also of special importance for women (almost 40 per cent of women pointed it out, against 28 per cent of men). This has probably something to do with their former professional

<sup>65</sup> The Observatory of Enterprise Creation in Portugal is a project conducted by IAPMEI (Portuguese Public Agency for SME Support and Innovation) since 1999, with the collaboration of the Portuguese Network of Business Formalities Centres. Entrepreneurs are surveyed at the moment of the legal constitution of their partnerships.

experiences. In fact, although the large majority of entrepreneurs (women or men) consider themselves satisfied or even very satisfied with their former careers, women tend to show more dissatisfaction, particularly in the cases in which they were previously unemployed or did house work. Understandably enough, personal fulfilment has special importance in these situations.

### **Women and public support schemes aiming at entrepreneurs and businesses**

Although no positive actions exist in those programmes, during the period considered by the present report, Portuguese female entrepreneurs and businesswomen are important beneficiaries of the incentive schemes from the Incentives Programme for the Modernisation of Economic Activities (Third Community Support Framework).

Regarding the incentive schemes managed by the Portuguese Public Agency for Small and Medium Enterprises' Support and Innovation (IAPMEI), 54 per cent of the projects selected in 2006 and in the first semester of 2007 to benefit from financial support to investment were promoted by companies with female partners (over 99 per cent of which were Small and Medium Enterprises – SME's). These projects refer to investments of more than 324 million euros and will benefit from more than 83.4 million euros of incentives.

In the field of skills development, IAPMEI conducts a training and action programme<sup>66</sup> directed to managers of micro and small enterprises. Around 30 per cent of the managers involved until now are women. There is another programme<sup>67</sup> that promotes the integration of highly qualified young professionals in SMEs. Among all beneficiaries of this programme, which was launched in 2006, the majority (51,5 per cent) are women.

At the same time the on going programmes aiming to foster entrepreneurship, although not specifically designed for women, are also entirely open to their participation and they managed to effectively attract this target group. In fact, during the 2006 and 2007, considering the support to 200 projects, the composition of the teams was the following: 45 per cent, only men team leaders; 30 per cent, men and women team leaders; and 25 per cent only women team leaders; which means that the majority of the projects actually involved and benefited women's entrepreneurship.

Although it is clear that women have been important beneficiaries from the public support programmes, one recognises that some positive actions should be adopted in certain fields, in order to give additional opportunities to this group.

So, IAPMEI is currently working in the design of the "Women entrepreneurship programme". This programme, still in the outlining stage, aims to contribute for the change of the company profile of Portugal (still mainly composed by men, as mentioned above), fostering the appearance of new women managers and new companies in strategic innovative sectors, promoting the identification of new business opportunities, as well as improving the dynamic of concretisation of innovative projects driven by women.

---

<sup>66</sup> "Programa Gerir" - (Management Programme).

<sup>67</sup> "QIPME" (Highly Qualified Professionals in SME Programme).

The “Women Entrepreneurship Programme” is based on a systemic approach, providing different types of support (information, technology assessment, training, mentoring, coaching, incubation, and others), covering different stages of the start-up process. In this context, the main targets of this programme are highly qualified women (in the scientific, technological and management fields), with a strong entrepreneurial capacity and wishing to develop new projects in the new technological areas.

Besides the public initiatives mentioned above, there are several other projects running, aiming at promoting equal opportunities for men and women in the business field, promoted by the civil society, notably by local or professional associations, confirming the growing recognition of the importance of the subject in Portugal.

### **Poverty and social inclusion**

The national strategy for social inclusion is mainly based in the National Plan for Inclusion 2006-2008, and comprises the following political priorities: (i) combat poverty among children and the elderly, through measures ensuring their basic citizenship rights; (ii) correct disadvantages in education and training/qualification; and (iii) overcome discrimination against people with disability and immigrants.

Among the various measures the following should be highlighted: (i) Social Insertion Income; (ii) Solidarity Complement for the Elderly; (iii) Social Network Programme; (iv) Local Contracts for Social Development; (v) Programmes to Enlarge Social Equipments (PARES and PAIES); (vi) Continued Care Network; (vii) Housing Comfort Plan for Elder People; and (viii) Elder People’s Integrated Support Programme (PAII).

At the level of social minimum, the Social Insertion Income/Guaranteed Minimum Income (RSI/RMG), created by Law No 13/2003, of May 2003, substituting Guaranteed Minimum Income, was reinforced in 2006, with Decree-Law no 42/2006, of 23 February 2006. The logic of intervention is based on family follow-up by Local Insertion Nucleus and Private Institutions of Social Solidarity, through specific protocols, relying on making a good use of community resources for support to the situations identified as of extreme need, was changed, through the amendments conferred by Law n° 45/2005, of 29 August 2005, as well as through its own intervention strategy, reinforcing the insertion component for beneficiaries, on either the social dimension, or that of professional integration.

Still within the social protection domain for people most in need, the Solidarity Complement for the Elderly was created through Decree-Law 323/2005, of 29 December 2005, aiming to reduce poverty among people aged 65 or more<sup>68</sup>, in a more effective and socially equitable manner, by trying to provide the elderly with an annual income of not less than 4200€. This amount is aimed at old-age beneficiaries of survival pensions or equivalent, in any social protection system, national or foreign, legally resident in Portugal. The elderly claimant’s income and domestic situation are examined and a monthly pecuniary amount may be awarded, with a complementary character to his/her incomes and

<sup>68</sup> Through a phased application: in 2006, only for individuals aged 80 or more; in 2007, for those aged 70 or more; from 2008, for all the universe of people financially in need aged 65 or more.

with the aim of easing the situation of existing monetary need, in a quicker way than would be possible through a pension increase strategy.

In 2006, the Solidarity Complement for the Elderly targeted only on those aged 80 or over, was claimed by 24,228 older people, with a total of 18,684 beneficiaries. Of these, 13 653 are women and the remaining 5 031 men. The average monthly amount (12 times per year) per beneficiary was of €79.67<sup>69</sup>. On average, the near 18 thousand beneficiaries with an active claim at the end of the year saw their incomes increased by nearly 30 per cent, thus, if not removing them from monetary poverty, at least strongly diminishing its intensity and severance. Currently, the Solidarity Complement for the Elderly covers near 50.000 people aged over 70 (with extension to those aged 65 or over from 2008 on), whose incomes were truly below the poverty line, allowing them an average monthly income's increase of nearly 80€.

Combating poverty and social exclusion, besides being the domain of services and social and health equipments, is also being developed through proximity networks which, identifying problems and specificities characteristic of a certain territory can develop specific intervention strategies. In this context, there are the Local Contracts for Social Development <sup>70</sup>, whose territories are previously selected according to known needs, where the respective Municipalities are invited to develop a project, together with a coordinating NGO, organised from Local Social Networks, through intervention partnerships in a strategic axis – family and community; job and training and accessibilities and information. Initially, 30 Local Contracts for Social Development will be developed, and five projects are currently under a protocol.

---

<sup>69</sup> Source: Institute of Informatics and Statistics of the Social Security.

<sup>70</sup> Dispatch no 396/2007, of 2 April.

## Article 14

### Rural Women

#### Economic considerations

Land classified as rural in Portugal represents 85.4 per cent of the total area of the country. Agriculture is a very important economic sector in rural areas and women's participation may be evaluated through the following indicators<sup>71</sup>:

- 25.7 per cent of all farmers are women<sup>72</sup>;
- of these, 22.7 per cent are more than 65 years old, 26.5 per cent are 55-64 years old and 30.2 per cent are 45-54 years old. This means that 79.4 per cent of women farmers are more than 45 years old;
- the Norte (northern) and Centro (central) regions of the country account for 35.7 per cent and 37.1 per cent, respectively, of all the farmers in the country;
- the education level of women farmers is:
  - primary education (56.0 per cent),
  - reading and writing skills (20.9 per cent),
  - illiterate (17.8 per cent),
  - secondary education in agriculture (0.2 per cent),
  - degree in agriculture (polytechnic or university) (0.3 per cent);
- 90.7 per cent of all women farmers only received practical vocational training;
- 80.9 per cent of all women farmers work part-time in their farm holdings;
- Full-time workers (16,5 per cent) are 45 years old or more
- 15.9 per cent of all women farmers have other off-farm gainful employment, mostly in the services sector

Portugal ranked tenth in the European Union (25 Member States) in economically active population working in the agricultural sector (7.7 per cent), in 2005. The average among the EU25 was then

<sup>71</sup> Source: INE – *Farm Structure Survey – 2005* and Eurostat - 2005.

<sup>72</sup> "Women farmers" are women who own the farm holding; "women working in agriculture" are women who work for other farm holders.

4,8 per cent. Economically active feminine population working in agriculture is aged and has a low education level. Most women work in small farm holdings.

The majority of women working in agriculture do so part-time, unless they are part of the household who owns the farm. In this case, they work full-time. This means that most women working in agriculture do it to help their own family.

As regards the employed population, the agricultural sector accounts for more than 11.7 per cent of all employees. The proportion of women and men working in the sector is very similar, but the men's is higher than the women's, although this proportions stabilised between 2004 and 2006.

Employed population per main activity sector						
Portugal	gender	2003	2004	2005	2006	2006/2005
		thousand people				%
Employed population	MF	5 118	5 123	5 123	5 160	0,7
	M	2.787	2.784	2.765	2.790	0,9
	F	2.331	2.339	2.357	2.370	0,5
Agriculture, forestry and fisheries	MF	642,1	618,1	606,2	603,8	-0,4
	M	328,7	320,9	301,9	310,4	2,8
	F	313,4	297,2	304,4	293,4	-3,6
Industry, construction, energy and water	MF	1 652,8	1 596,0	1 566,6	1 577,2	0,7
	M	1 174,7	1 136,1	1 128,6	1 130,6	0,2
	F	478,1	459,9	438,0	446,6	2,0
Services (SIC G to Q)	MF	2 823,1	2 908,6	2 949,8	2 978,4	1,0
	M	1 283,6	1 327,2	1 335,0	1 348,6	1,0
	F	1 539,4	1 581,5	1 614,8	1 629,8	0,9

Source: INE, Employment Statistics

Of the total population working in the agricultural sector in 2005, women farmers accounted for 25.7%, distributed as follows:

Description	Year: 2005
<b>% per age class</b>	
15 to 34	27.0
35 to 44	31.2
45 to 54	30.2
55 to 64	26.5
≥ 65	22.7

% of total women farmers per NUTS 2 <sup>73</sup>	
Norte	35.4
Centro	37.1
Lisboa	2.7
Alentejo	11.9
Algarve	4.6
Açores	4.8
Madeira	3.6

<sup>73</sup> NUTS - Nomenclature of Territorial Units for Statistics. For further information, please see: [http://ec.europa.eu/eurostat/ramon/nuts/basicnuts\\_regions\\_en.html](http://ec.europa.eu/eurostat/ramon/nuts/basicnuts_regions_en.html)

<b>% education level in women farmers</b>	
Cannot read or write	17.8
Can read and write	20.9
Basic education - 1st cycle	44.0
Basic education - 2nd cycle	8.9
Basic education - 3rd cycle	3.1
Secondary agricultural education	0.2
Secondary non-agricultural education	1.7
Agricultural Polytechnic / University	0.3
Non-agricultural Polytechnic / University	3.1

<b>% agricultural vocational training for total women farmers</b>	
Exclusively practical training	90.7
Short term training	5.4
Long term training	2.1
Long and short term training	1.3
Full training	0.5

<b>% of on-farm working time for total women farmers</b>	
Part-time	80.9
> 0% to < 50%	47.2
>50 to < 100%	33.7
Full-time	19.1
<b>% of full-time women farmers per age class</b>	
15 to 34	0.5
35 to 44	2.1
≥ 45	16.5
45 to 54	2.1
55 to 64	4.8
≥ 65	5.5

<b>% of total women with off-farm gainful employments</b>	
	15.9
% in the tertiary sector	71.4

Source: INE – *Farm Structure Survey – 2005* and Eurostat - 2005

## Associations

Women working in agriculture have been organising themselves in associations for almost twenty years now. These associations aim at helping women farmers to obtain training and information and organise all kinds of actions to promote a more active participation of women in their professional life, in order to eradicate customs and practices which constitute actual discrimination against women.

## Public policies

Within the framework of a European Union Council Regulation<sup>74</sup>, on support for rural development by the European Agricultural Fund for Rural Development, which takes into account concerns about equal opportunities for women and men, three regional development programmes were drafted (mainland Portugal, Azores and Madeira).

These programmes provide for the need to promote equal opportunities and to reduce gender inequalities.

The importance given to the diversification of agricultural activities should be stressed. This measure is intended to support activities in farm holdings which are usually carried out by women, although men still manage the farm.

Experience has shown that there is a predominance of women both in local development associations and in jobs created by these projects.

## Vocational Training for Rural Populations

According to the 2006 report of the European Union's "AGRO" programme, the situation of vocational training and trainees in actions both of measure 7.1, where trainees are involved in agriculture, agro-industry and rural development, and of measure 7.2, intended for the training of trainers, is as follows:

AGE	Action 7.1				Action 7.2			
	Covered		Concluded		Covered		Concluded	
	M	F	M	F	M	F	M	F
<25 years	7 704	10 117	7 513	9 821	398	704	373	649
25-45	18 041	27 109	17 686	26 535	4 665	4 356	4 507	4 577
45-65	19 115	20 312	18 938	20 067	1 933	961	1 958	948
≥65 years	5 543	1 373	5 476	1 341	60	10	61	10
<b>Total</b>	<b>50 403</b>	<b>58 911</b>	<b>49 613</b>	<b>57 764</b>	<b>7 056</b>	<b>6 031</b>	<b>6 899</b>	<b>6 184</b>

The highest attendance rate occurs in the 25-45 year class, since women prevail in this age class. The 45-65 year class is also significant.

<sup>74</sup> Council Regulation (EC) no. 1698/2005, of 20 September 2005.

EDUCATION	Action 7.1				Action 7.2			
	Covered		Concluded		Covered		Concluded	
	M	F	M	F	M	F	M	F
< 4 years	2 390	2 319	2 369	2300	4	0	4	0
1 <sup>st</sup> cycle (4 years)	18 971	22 285	18 823	22 018	47	27	47	26
2 <sup>nd</sup> cycle (6 years)	8 996	15 453	8 845	15 082	45	65	43	63
3 <sup>rd</sup> cycle (9 years)	8 367	8 348	8 142	8 112	142	105	141	100
Secondary ed.	7 942	7 315	7 763	7 113	594	307	577	304
University degree	3 622	3 111	3 557	3 061	6 040	5 630	5 913	5 503
Master/PhD	115	80	114	78	184	197	174	188
<b>Total</b>	<b>50 403</b>	<b>58 911</b>	<b>49 613</b>	<b>57 764</b>	<b>7 056</b>	<b>6 331</b>	<b>6 899</b>	<b>6 184</b>

As to education, the most relevant group is the one with the first cycle of basic education (four years).

TYPE OF TRAINING	Action 7.1				Action 7.2			
	Actions	Hours	M	F	Actions	Hours	M	F
Modules ICT	231	26 397	1 247	2 283	27	1 353	549	541
Actions ICT	67	20 509	460	722	11	372	40	46
Modules ENV	1 199	61 894	7 810	9 517	298	7 804	1 159	1 083
Actions ENV	760	43 841	5 802	3 972	32	4 677	331	363
Modules CAP	153	17 058	1 024	1 440	6	103	48	36
Actions CAP	31	5 431	311	511	1	94	8	9
Probationary period	0	0	0	0	1	10	35	15
Abroad	10	394	90	93	0	0	21	18
<b>Total</b>	<b>2 451</b>	<b>175 524</b>	<b>16 744</b>	<b>18 538</b>	<b>376</b>	<b>14 413</b>	<b>2 191</b>	<b>2 111</b>

This table shows specific training types: information and communication technology (ICT), environment (ENV) and capacity building (CAP); once again, women provide the largest contribution to total training actions.

TRAINING AREAS (%)	Action 7.1			Action 7.2		
	Actions	H	M	Actions	H	M
Handicrafts	1.2	0.1	1.2	0.0	0.0	0.0
Training for teachers and trainers	0.1	0.0	0.1	22.8	19.3	25.8
Business science	0.7	0.4	0.8	0.3	0.0	0.0
Trade	0.6	0.6	1.3	1.1	0.8	0.6
Marketing and advertising	0.1	0.1	0.1	0.5	0.3	0.2
Accountancy and taxation	0.4	0.9	0.8	1.4	1.9	1.1
Management and administration	0.9	1.6	2.4	1.9	5.3	4.2
Secretarial and administrative work	0.0	0.0	0.0	0.3	0.0	0.0
Computers - user	2.4	1.7	2.3	0.8	1.0	2.0
Finance, banking and insurance	0.0	0.0	0.0	2.7	2.2	2.6

Food industries	4.9	2.8	6.7	12.8	5.4	7.1
Agriculture, forestry and fisheries	0.9	5.4	5.7	5.4	21.9	13.8
Crop and animal production	51.9	43.2	47.8	22.3	18.1	12.9
Floriculture and gardening	2.1	2.1	4.0	0.3	0.1	0.2
Forestry and hunting	6.1	5.3	6.0	2.7	3.2	2.9
Veterinary sciences	0.4	0.5	0.2	0.0	0.0	0.0
Tourism and leisure	0.7	0.3	0.8	0.0	0.0	0.0
Environment protection	25.4	33.5	18.2	17.4	16.4	19.9
Health and safety at work	0.3	0.1	0.3	2.4	1.3	2.4
Protection of persons and property	1.0	1.0	1.2	1.4	1.1	1.1
Architecture and urbanism	0.0	0.4	0.0	2.7	1.4	2.3
Mathematics and statistics	0.0	0.0	0.0	0.8	0.3	0.8
<b>Total (no.)</b>	<b>5 966</b>	<b>49 613</b>	<b>57 764</b>	<b>591</b>	<b>6 899</b>	<b>6 184</b>

In terms of training areas, crop and livestock production, and environment protection stand out.

According to this information, there is a significant contribution of measures of support for vocational training with gender equality purposes. There is even a larger participation of women in most actions performed.

---

## Article 15

### Equality before the Law and Civil Matters

There have been no changes during the period under reference.

## Article 16

### Equality in Marriage and Family Law

Ministerial Order 701/2006 of 13 July regulated enrolment of people who live or have lived in a common-law union with the beneficiary, even if the beneficiary has already deceased, in the civil servants' social protection system as family beneficiaries.

The goals of the Plan “100 commitments to family policy (2004-2006)”<sup>75</sup> are the recognition of the family as a basic social unit, an increase in the global, integrated nature of sectoral policies affecting the family, the promotion of the presence of the family in society, the fostering of inter-generation solidarity and shared responsibilities, the promotion of the development of the family life cycle and family stability, the encouragement of balance between family and work responsibilities and support for families with special needs. Whenever linked to the family, priority areas of intervention were conjugality and parenthood, childhood and youth, education and training, ageing, community, culture and leisure, health, information society and social security.

Decree-Law 155/2006, of 7 August, set up the Family Policy Commission and Family Advisory Council to ensure the involvement of the different ministries and NGO representatives in the assessment, design and implementation of political measures impacting on the family. The commission reports to the minister in charge of labour and social solidarity in strategic articulation with the minister responsible for gender equality, to whom it can make recommendations.

---

<sup>75</sup> Council of Ministers Resolution 50/2004, of 13 April.

**General Recommendation No. 19 (XI session, 1992) of the CEDAW Committee**  
**General Recommendation No. 12 (VIII session, 1989) of the CEDAW Committee**  
**Violence against Women**

Taking into account the CEDAW Committee's Recommendations No 19 and No 12, regarding the obligation of States to report on violence against women, Portugal presents the following information under this topic:

Up until the end of 2004, the Commission for Equality and Women's Rights was responsible for implementing the Second National Plan against Domestic Violence. In early 2005, this responsibility was transferred to the new Domestic Violence Taskforce<sup>76</sup>, which later came under the dual supervision<sup>77</sup> of the Secretary of State for the Presidency of the Council of Ministers, who is responsible for gender equality issues and the Minister of Labour and Solidarity.

The main job of this taskforce was to articulate the intervention required by the Second National Plan against Domestic Violence and the Government's other sectoral action plans, such as the National Plan for Equality, the National Plan for Social Inclusion, National Plan for Employment, National Plan for the Prevention of School Dropouts, National Health Plan and the Plan for Social Audits and Monitoring of the Protection of Minors, Elderly and Disabled.

In April 2007, under the Council of Europe initiative "Parliaments United in Combating Domestic Violence against Women", the Portuguese Parliament<sup>78</sup> said that the combat against violence against women, including domestic violence, was a priority on its political agenda in terms of national representation and constituencies. It announced a series of measures that it plans to adopt, including amending existing laws on domestic violence, the promotion of the victims' awareness of their rights and the promotion of a non violent culture, the reinforcement of victim protection and repression of offenders and awareness of all players involved.

**Data on Domestic Violence** (registered by the security forces)

**Table 6: Domestic violence reports and indicator of violence among partners**

<b>Year</b>	<b>Number of reports</b>	<b>Reports relating to violence between partners</b>	<b>Proportion of reports related with violence between partners among total reports (%)</b>
<b>2004</b>	15541	13259	85
<b>2005</b>	17422	14975	86
<b>2006</b>	20595	17340	84

Source: Ministry of Internal Affairs

<sup>76</sup> Council of Ministers Resolution 21/2005, of 28 January, approving the annual report on the Second National Plan against Domestic Violence and setting up the Domestic Violence Taskforce answering to the Minister of Labour and Social Solidarity.

<sup>77</sup> Council of Ministers Resolution 104/2005, of 27 June.

<sup>78</sup> Parliamentary Resolution 17/2007, of 26 April.

**Table 7: Number of victims, by sex, and indicator of gender differences in victimisation**

Year	Number of victims	Number of female victims	Proportion of female victims in total (%)	Male ratio of victims ( <i>ratio Men/Women</i> ) (%)
2004	15810	13575	86	16
2005	17021	14482	85	18
2006	20678	18033	87	15

Source: Ministry of Internal Affairs

During the period 2004-2006 there was an increase in the number of reported cases of this type of crime. This trend results from diverse factors, specifically the system of registration for this crime, which became autonomous, and a higher social visibility for this phenomenon, which contributed to an increased number of victims' reports.

Most of the reported crimes of domestic violence relate to violence between partners, 84 per cent to 86 per cent of cases occur in the context of intimate relationships (Table 6). In addition, most victims are women: in 85 per cent-87 per cent of the cases it is a woman who suffers violence (Table 6). For each 100 women who are victims of such crime there are only 16, 18 or 15 men victims (2004, 2005 and 2006 respectively) (Table 7). Between 2004 and 2006 the discrepancy between female and male victim rates remains similar.

A free domestic violence victim information helpline has been in operation since 1998 to give victims information, support and advice. Between 2004 and the first half of 2007, it received 17 034 calls, 7 177 were related to violence in the family.

### **Nationwide psychosocial assistance for victims of domestic violence**

In 2005 the National Network of Domestic Violence Centres was set up to provide an integrated response to cases of domestic violence and improve on existing resources. As this support network is complementary to the shelter network, priority was given to setting up crisis centres in the districts where there was no support for victims. Coverage of the whole country is expected to be achieved by the end of 2007.

In 2006 an assessment commission was set up to evaluate the shelters<sup>79</sup>. It submitted a final report on its findings in October 2006.

All shelters' internal regulations must be approved in advance by the Commission for Equality and Women's Rights, so that their organisation is standardised and validated.

Decree-Law 201/2007 of 24 May exempted domestic violence victims from healthcare fees.

<sup>79</sup> Regulatory Decree 1/2006, of 25 January, regulates the organisation, operation and supervision of shelters.

A resources guide was published in 2006 listing all existing public and private resources in the area of domestic violence. It was distributed to the entities and practitioners providing direct or indirect support in the area.

Generally speaking, a considerable investment has been made in the quantity and quality of psychosocial responses – crisis centres, emergency help lines and shelters by public bodies and civil society.

### **Preventing and fighting Violence against Women / Domestic Violence**

The results achieved in this area had to do with an assessment of the possibility of improving victim safety. In the period in question, the report provided for by Council of Ministers Resolution 17/2006, of 12 January, assessed the appropriateness of the use of electronic surveillance methods to control offenders' movements and measures to keep them away from their family homes.

In 2005 an objective, easily understandable leaflet on domestic violence victims' rights and obligations in criminal cases was drafted and widely distributed.

As of January 2006, a standard notification was created, which will make it possible to gather more accurate, detailed statistics on domestic violence recorded by the police. This form allows the analysis of several variables characterising the victim, the perpetrator and the context of the aggression thus allowing the production of reliable internationally comparable indicators on the extension and configuration of the phenomenon.

Under the Integrated Programme of Proximity Policing<sup>80</sup> proximity and victim support teams were created. Among the purposes of these teams are the prevention of domestic violence, support of the victims and follow-up after violence. In 2006 there were 240 agents in these teams, divided amongst all 22 sub-units (one in each metropolitan and regional command). This pilot-project will be extended to other sub-units.

In 2006, the Public Security Police had 142 offices for crime reporting and victim support, set up to offer a specialised service, suited for violent crimes and situations when the victims are more vulnerable: the elderly, children, women and disabled persons, ensuring better support, protection and referral.

In 2004 began the creation of the offices "NMUME" (women and children nucleuses) by the Republican National Guard (GNR). These offices are specially designed to deal with victims of domestic violence. In June 2007 there were 250 offices distributed throughout the national territory, offering privacy and conditions of comfort.

The GNR also receives specialised training to integrate this service and priority is given to women officers, since most victims of domestic violence are women. In June 2007, 29 per cent of the officers

---

<sup>80</sup> Strategic Directive 10/2006, of 15 May, of the Public Security Police.

in the “NMUME” were women. The number of hours dedicated to the problems of violence against women has been increasing in the different training programmes of this police force.

Considerable progress has been made in police and judicial practices, thanks also to the growing investment by the ministries concerned in awareness campaigns and training of police and prosecutors, speeding-up of judicial and police evidence-gathering procedures, charges and appropriate penalties for offenders.

### **The Criminal Code**

The Criminal Code has been under revision and the new version is expected to enter into force on 15 September 2007. The provisions related with Domestic Violence are as follows.

Domestic violence is for the first time a typified crime (Article 152), punishable by 1 to 5 years of imprisonment. This crime consists in the infliction, whether repeatedly or not, of physical or psychological mistreatment, including corporal punishment, freedom restriction and sexual offenses to a partner, ex-partner, person of the same sex or different sex that have maintained or have a relationship analogous to that of partners, or to a person who is vulnerable due to age, deficiency, sickness, pregnancy or economic dependence living with the perpetrator.

Under this revision, the lower limit of the penalty is raised to 2 years whenever the victim is a minor; the crime occurs with the presence of minors; occurs in a shared residence; or occurs in the residence of the victim.

If from the facts result a severe offence to mental integrity the agent is punished with 2 to 8 years of imprisonment and if the result is the death of the victim the punishment is 3 to 10 years of imprisonment.

The measures for protection of the victims can include: prohibiting the offender from having any contact with them, banning the offender from the victim’s home and/or workplace, which can be monitored by technical means from a distance; prohibition of using firearms and holding firearms licence (from 6 months to 5 years); and obligation to attend programmes to prevent domestic violence. The offender can be banned from exercising paternal authority, tutelage or family authority (from 1 to 10 years).

Under this new version, the killing of the partner, ex-partner, person of the same sex or different sex with whom the offender has or had a relationship analogous to that of partners, even without cohabitation, or against a progenitor of common descendent in the first degree, is held to be qualified murder, punishable by 12 to 25 years of imprisonment (Article 132).

In the new circumstances hatred based on the colour or sex of the victim (among other factors) is also held to be qualified murder.

## **Code of Criminal Process**

The new Code of Criminal Process has also been revised and was already approved. It is expected to enter into force on 15 September 2007 and in this new version, some articles relating to Domestic Violence are mentioned below.

Regarding the prohibitions and behaviour required of the offender, Article 200 of the Code of Criminal Process, under the new law, reinforces the prohibition on the offender to contact certain persons *in any way*. It also includes new measures such as the prohibition of acquiring or using firearms or handing over, within a fixed term, firearms or other objects which might facilitate the practice of another crime, and the possibility of obliging the offender, with his/her consent, to follow an addiction treatment, in an appropriate institution, should such an addiction have contributed to the criminal act.

Article 281, concerning the provisional suspension of a process, determines that such measure is possible when several conditions are met. Under the new law, another condition is included: the absence of a previous application of this measure in the context of a crime of the same nature. A new form is given for two others conditions, the first regarding the absence of a high degree of guilt and the other regards the absence of previous convictions for a crime of the same nature (instead of criminal antecedents).

Separately or cumulatively, certain rules of behaviour can be imposed to the offender. The new provision provides for the offender to undertake a service of public interest, besides the payment of some amount to the State or Private Institutions of Social Solidarity. New rules are included: attendance at certain programmes and activities; requirement to live in a certain place and prohibition to frequent certain associations and attend certain meetings.

Under the terms of this article, in domestic violence cases which are not aggravated by the result, the prosecution may, at the explicit and voluntary request of the victim, decide to suspend the process, with the agreement of the judge and the offender, once two conditions are met: if no previous application of this measure in the context of a crime of the same nature, and no previous conviction for a crime of the same nature.

In cases of domestic violence, the maximum period of the suspension is 5 years (Article 282).

## **Act 23/2007, of 4 July**

Under the new law which regulates the entry, stay, exit and expulsion of foreigners from the national territory (Law 23/2007, of 4 July 2007), if the holder of a residence permit is convicted of domestic violence, an autonomous residence permit can be granted to family members for the usual term (two years) (Article 107).

## **Greater visibility for the domestic violence phenomenon**

In the period in question, several campaigns were waged against domestic violence. They required the production and distribution of awareness-raising material, much of it in 2007, involving civil society and bodies dealing with domestic violence. These campaigns used different media and mobilised social agents from the areas of health, education, social intervention, local authorities, etc.

The visibility of the phenomenon was increased in debates and news reports on the problem on radio and television as well as in the press. In schools, there has been considerable involvement on the part of teachers and students in written and graphic works, among others, on the subject of domestic violence. Awareness-raising campaigns were waged in schools, involving students and teachers, and at local authorities, as these activities were considered the best form of primary prevention, which is a priority of the Second and Third National Plans against Domestic Violence.

## **More projects**

Between 2004 and 2006 there was a peak number of projects promoted by public and private bodies. They included activities related to domestic violence, which can be explained by more public funds for NGOs working in the area.

Decree-Law 56/2006, of 15 March, states that the areas receiving funds from national lottery games attributed by the Ministry of Labour and Social Solidarity should include the fight against domestic and gender-based violence.

## **More training and research**

The activities undertaken focused on initial and ongoing multidisciplinary training of the target populations most directly involved in assisting and protecting victims of domestic violence, i.e. police officers, experts from NGOs, prosecutors, healthcare professionals and lawyers, among others.

For example, the Northern Region Branch of the Commission for Equality and Women's Rights organised training courses and awareness raising campaigns involving 1 979 people between 2004 and the first half of 2007. Training and awareness raising reference points were introduced to meet the needs of different audiences, such as healthcare professionals, police officers, social workers, shelter teams and the general public.

During 2005, the Internal Security Coordinating Office implemented the training of 260 staff members of the police authorities on Violence against Women. Topics included sociological comprehension of the phenomenon, interviewing techniques, support to and referral of victims and perception of the violence cycle.

Following this initiative, the Public Security Police replicated the trainings and in May 2006 394 training actions involving 7496 staff members had already been organised.

In 2005, 2006 and the first half of 2007, several national and international seminars were organised by the Domestic Violence Taskforce and by civil society organisations providing an opportunity to share, update and systematise knowledge in the area. Some examples are the seminars “Prevention of Domestic Violence: local policies and proximity intervention”, “Domestic Violence: Integrated Intervention”, “Health and Domestic Violence”, “Equality Policies – Gender Violence, and Shelters: Feminist Intervention for different audiences”.

There were also courses requiring articulation with Portuguese and foreign entities, such as the courses “Violence in Intimate Relationships – Crisis Intervention”, “Creating a Process of Change for Men who Batter” and “*Por nuestro Bien: un proceso de Cambio Personal y Social*”, the last two provided by trainers from the Duluth Domestic Intervention Project, which has been considered a reference in United Nations studies and documents.

In what research was concerned, a public call for tenders was issued for a national survey of gender violence in order to update data obtained in the 1995 Violence against Women survey.

A working group was also set up by the National Statistical Institute to measure domestic violence from data collected by the police, which will be included in the institute’s gender database.

As part of the creation of resources for the rehabilitation and clinical treatment of batterers who voluntarily wish to change their behaviour provided for in the Second National Plan against Domestic Violence, a study entitled “Dealing with Domestic Violence Offenders in Portugal –Preliminary Study”, published in 2005, was carried out and will give tips as to the implementation of the measure.

The “Tripartite Study for Sustained Fight against Domestic Violence” conducted in 2004 involved three main components – identification of methods and indicators to be used in a census and analysis of research; intervention and training in the area of violence in Portugal during the last fifty years; and preparation of guides for assisting victims and producing information materials on the issue of domestic violence.

As a member of the Council of Europe and in the framework of the Council of Europe’s Campaign to Combat Violence Against Women, including Domestic Violence, Portugal organised one of the five scheduled regional seminars, which demonstrates the effort and investment in the implementation of the successive national plans against domestic violence and also in the growing involvement of civil society.