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| Country-specific information - Portugal |

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Rights – 29 member organisations*

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Introduction

The WRNGOs acknowledge the efforts of the Portuguese State to implement the recommendations of the CEDAW Committee and that some developments took place in the period under review. Nevertheless, these fell short of expectations, and some of our concerns in the previous review were reinforced. Furthermore, new worrying trends are unfolding, namely hate speech against women¹, at a time when COVID-19 threatens to roll back women's rights before gender mainstreaming is even properly implemented.

Positive developments: improved legislation on women's participation in political and economic life, still falling short of 50/50 parity. In political life the threshold of parity is now 40%; on boards and audit bodies of public and listed companies, 33,3%. On top civil servants in public administration, in public higher education institutions and associations, 40%. Legislation was also improved to match obligations in the context of the Istanbul Convention, although "consent" is not yet a concept in the legislation – the chosen term is "cognoscible will" (*vontade cognoscível*). The translation into Portuguese of Article 25 of the IC needs to be improved as it impacts directly on the type of services available to survivors of sexual violence. Rape crisis or sexual violence referral centres for victims were translated as crisis centres (*centros de crise*) and, therefore, financial support to referral centres is not foreseen. There are only 2 specialized support services for victims of sexual violence for women and girls in Portugal.

As alerted in previous reports, the change in the scope of action of the former Commission for Equality and Women's Rights, as well as its new designation - Commission for Citizenship and Gender Equality – negatively impacted women's rights visibility, particularly after the adoption in 2018 of the Law on self-determination of gender identity and gender expression and the protection of sex characteristics. It is

¹ There is for the first time an extreme right party at the Portuguese Parliament "CHEGA". They discussed internally a motion proposing that women who perform abortions should have their ovaries cut. The motion was not approved. After media news, a Law school suspended a professor with 30 years of teaching who compared feminism to Nazism.



now common in Portugal, in social, political and educational areas, to see “sex” replaced by “gender”, with “genders” being increasingly referred to.

Consistent and reliable funding for WRNGO is yet to happen. Most WRNGO are funded via annual amounts derived from social gambling, established on a one-to-one basis by the Secretary of State for Citizenship and Equality. There are no transparent criteria on the way those funds are granted. WRNGO are also funded on a project-basis under specific funding programmes. This lack of reliable funding deeply impacts the functioning of WRNGO, especially regarding securing specialised staff and provisioning services to women and girls. We propose that WRNGO should be funded via State budget as are some foundations in Portugal. PpDM, as an umbrella WRNGO, should be granted a specific fund covering at least 4 years, in a similar way to platforms from other sectors (i.e., the platform of Development NGO).

Public policies in this area not yet properly implemented by municipalities at local level. Resistance is faced as regards the transfer of responsibilities to the municipalities on fighting violence against women.

COVID-19: impact on women’s rights and women’s participation in post-COVID-19 recovery efforts

The COVID-19 pandemic is strongly impacting on women’s human rights and on the living conditions of women and girls.

Women’s economic independence: Due to the **sexual segregation in the labour market:** (i) women are losing their jobs at a faster rate than men – working in often precarious contractual conditions in “client-facing sectors” such as hospitality, retail, different forms of therapy and others particularly affected by the crisis – 57% of people without a job in August 2020; (ii) women are more infected by COVID-19 than men 54.5%², – working in “caring facing sectors” also often in precarious working conditions in a sector structurally characterised by undervalued, low pay and low social protection jobs such as cleaning, nursing homes, hospitals, schools, supermarkets and food distribution services.

Reconciliation between work, family and private life: Confinement and telework measures are reinforcing the **traditional gender roles of women as the main carers** for children, older people and other dependants while they are juggling simultaneously their professional responsibilities from home and carrying out the bulk of the additional unpaid work. A situation making it impossible to separate work, family and private life and heavily mentally burdening women.

² although the death rate by COVID-19 is similar



Considering the **gender pay gap** of 17.8% (of earnings) in Portugal, when families were affected by lay off measures and schools were closed (middle March to June), many families decided that due to a lower income women would stay home - women were 81% of the beneficiaries from an exceptional family support measure to workers³ and 51% of the workers under the simplified layoff measure.

Poverty: women are 53% of the beneficiaries of the extraordinary support measure in view of reduced economic activity and 54% of the ones who asked for an extension of the income support allowance⁴.

Violence against women: Most domestic violence victims' support services are funded through social gambling which decreased during COVID-19. For this reason, the regular transfers of funding suffered delays while the number of women seeking support has increased, impacting deeply on the functioning of the services. In the words of the Secretary of State for Equality and Citizenship, 70%⁵ of pre-existing intimate partner violence situations worsened during the lockdown period. After that period, the number of support assistance to DV victims increased tremendously – for instance the national DV support line registered an increase of 180% of incoming calls between March and June when compared to the previous 2019's period.⁶

Sexual and reproductive health and rights: Portugal did not follow the WHO guidelines issued in May on child birth, having implemented a new-born separation policy, in which mothers testing positive for COVID-19 were kept separate from their new-borns for 14 days in spite of WRNGO concerns. Until October 9, pregnant women could not be accompanied during childbirth. In terms of abortion, in addition to the administrative barriers that still happen in some hospitals⁷, there were additional administrative barriers preventing abortion within the time limit established by law (until the 10th week⁸). In a hospital in Lisbon the number of requests for abortion exceeding the 10 weeks doubled and some hospitals even suspended this service⁹.

³ Medida de apoio excecional à família para trabalhadores

⁴ Rendimento social de inserção

⁵ https://www.rtp.pt/noticias/pais/cerca-de-uma-dezena-de-detidos-em-lisboa-e-setubal-por-violencia-domestica_n1237614

⁶ https://www.rtp.pt/noticias/pais/cerca-de-uma-dezena-de-detidos-em-lisboa-e-setubal-por-violencia-domestica_n1237614?fbclid=IwAR0OBMK0EqyFLNmX77GGYuTekKy4Wc2Bhgf-KTyVCmbti_O9K5D_4VLg-g8

⁷ <https://www.sabado.pt/portugal/detalhe/20190225-1313-regulador-deteta-barreiras-no-acesso-a-aborto-legal-em-tres-hospitais-do-sns>

⁸ Since the previous PpDM's shadow report to CEDAW (2015), the changes on the law of abortion that were approved by our Parliament in July 2015 (rendering almost impossible for women to make an abortion on their own choice), were eliminated in September 2015, after elections to the Parliament.

⁹ <https://expresso.pt/coronavirus/2020-10-03-Aborto-cai-40-durante-a-pandemia>;
<https://mag.g.sapo.pt/atualidade/atualidade-nacional/artigos/menos-abortos-durante-a-pandemia>



In terms of **women's death rate** it is to be noted that in the period March-September 2020, the death rate of women increased by 14% in comparison to the average in the same period in 2015-2019, while men's death rate increased only 11%.¹⁰ This might reflect the impact of the pandemic on the living conditions of women.

WRNGOs were very vocal in calling the attention of politicians to the disproportionate impact of COVID-19 on women and girls. We acknowledge the efforts made, although, mostly concentrated on domestic violence. **The draft recovery plan, currently under preparation by the government, does not take into consideration a proper gender perspective/gender budgeting. Investment in the care sector, mainly sustained by women – the one that kept society running when there was a general lockdown – is not identified as a key sector at the same level as the digital and green transition.** Furthermore, we cannot identify targets and measures related with equality between women and men, except from a general reference on axis (4) Welfare State. "It is worth mentioning the suggestions for evaluating programs in this area, considering their impact on reducing inequalities, namely gender inequalities" (page 19).¹¹

Updated information in relation to CEDAW implementation

Parliament: To the best of our knowledge, the Parliament did not take any measure regarding CEDAWs implementation in the period under review. **The only initiative was taken by the PpDM in 2016 when, requesting an audition to the Sub-Commission for Equality and Non-Discrimination at the Parliament (this Commission exists since 2007) and presenting a publication with the shadow report and CEDAW's Concluding Observations in Portuguese**¹².

CEDAW visibility: CEDAW's General Recommendations were translated, published, and widely disseminated by PpDM¹³ (not the State) including the 4 General Recommendations adopted in the period under review. The Public Prosecution Service recently published them¹⁴, and we offered the national machinery – CIG - to publish them on its website, as well. **In general, there is still a lack of knowledge in public administration and the judiciary on CEDAW.**

¹⁰ Own calculations. Source: INE (08.10.2020), *Acompanhamento do impacto social e económico da pandemia – 27º reporte semanal*. Available at:

https://www.ine.pt/xportal/xmain?xpid=INE&xpgid=ine_destaques&DESTAQUESdest_boui=455861346&DESTAQUE_Smodo=2

¹¹ <https://www.portugal.gov.pt/download-ficheiros/ficheiro.aspx?v=adea3696-9c73-41db-a4a5-6e6b36488f7f>

¹² https://plataformamulheres.org.pt/site/wp-content/ficheiros/2016/05/Brochura_CEDAW_Abril_2016_VFinal.pdf

¹³ <https://plataformamulheres.org.pt/projectos/cedaw4all/recomendacoes-gerais/>

¹⁴ <http://gddc.ministeriopublico.pt/faq/recomendacoes-gerais>



Articles 1: Elimination of legal discrimination and 2: Elimination of real discrimination (policy measures)

According to CEDAW article 2 all forms of discrimination against women on the ground of sex must be addressed and eliminated without delay, but State Parties must also fight and eliminate discrimination against women on the ground of **gender**, understood according to CEDAW's General Recommendation Nº28, Para. 5, as the discriminations deriving from **“socially constructed identities, attributes and roles for women and men and society's social and cultural meaning for these biological differences resulting in hierarchical relationships between women and men and in the distribution of power and rights favouring men and disadvantaging women”**. These are discriminations that affect all women as a collective in all societies irrespective of their personal characteristics, such as age, ethnicity, religion and/or sexual orientation.

For some years in Portugal, **the progressive elimination of the concept of sex in common language, the media and in documents, the aggressive reaction of some groups when we call for non-discrimination on the grounds of sex** (since they deny the existence of biological sex), **the lobby for its progressive erasure in legal records and its replacement by the concept of gender considered interchangeable with the concept of self-determined gender identity lets go of CEDAW's consensual definition of gender**. It ignores the structural male domination over women upon which all countries and societies are grounded, organized and function.

An example of that is the **controversy generated by the compulsory discipline of Citizenship and Development** which began to be taught in the school year 2017-18, and extended in 2018 to all schools in the country with the aim of promoting a more just and inclusive society through education.

This was **also the year of the adoption of Law 38/2018 of 7 August on the right to self-determination of gender identity and gender expression, and the protection of sex characteristics, including guarantees and measures on a variety of matters such as legal documents, healthcare and education, as well as the prohibition of surgeries on intersex children**. Order No. 7247/2019 of August 16, established the administrative measures that schools must adopt for the purpose of implementing the provisions of article 12(1) of Law No. 38/2018 - measures on the prevention and promotion of non-discrimination; mechanisms for detecting and intervening in risk situations; conditions for adequate protection of gender identity, gender expression and sexual characteristics of children and young people, and training addressed to teachers and other professionals.

The discipline of Citizenship and Development **includes topics such as health and sexuality education including gender identity, gender equality**, volunteering, or road safety. In the **sub-theme identity and gender**, students are asked to develop awareness of being a unique person as regards sexuality,



identity, gender expression and sexual orientation - the subject being treated differently according to the level of education - as well as developing a positive attitude towards gender equality. **The fact that the concept of education for women's human rights and for equality between women and men is usually replaced by the concept of education for gender equality and often confused with sexuality education including gender identity lead to a melting pot of concepts often designated by "gender ideology" and the refusal of education for equality between women and men.**

A manifesto signed by 100 personalities contesting the discipline as being obligatory was presented to the President of the Republic, following which, another manifesto with 8000 signatures, defended its obligatory character. The manifesto against Education for Citizenship criticizes the introduction in schools of what it calls the "gender ideology" perceived as something with an "ideological orientation" and "no scientific sustainability" raising consciousness objection by the opponents of this discipline.

This is a matter of great concern for women's NGOs as we consider that gender equality is about not having women's biological sex determining the way women are treated and valued in societies; it is not about abolishing the biological sex and replacing it by self-determined gender identity. This should be made clear. The concept of sex which has implications on the discrimination experienced by more than half of the population cannot disappear, even if a small percentage of the population self-determined gender identity, gender expression and sex characteristics do not correspond to the sex assigned to them at birth.

The **National Strategy for Equality and Non-Discrimination**¹⁵ (2018-2030) and its 3 action plans on equality between women and men, violence against women and domestic violence and on LGBTIQ+ have monitoring committees where NGO's have a sit. However, the monitoring committee of the National Strategy never met, and the ones of the Action Plans met only twice.

Article 3: Measures, including legislation, in particular in the political, social, economic and cultural fields, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

National machinery: Portugal needs a solid and sustainable framework for the promotion of women's human rights and equality between women and men. It is therefore necessary to restructure the national mechanism - CIG - so that it is once again focused on women's human rights and equality between women and men. Multiple and intersecting discrimination should be addressed in this framework.

¹⁵ In Portuguese: ENIND (Estratégia Nacional para a Igualdade e Não-discriminação)



This is particularly significant in what concerns the **composition of the Section of NGOs of its Advisory Board** which includes NGO's whose statutory purpose is not only focused on women's rights and equality between women and men, but extends to e.g youth, faith, cooperation for development, poverty etc.. It also includes organisations as observers, such as an organisation which actively promotes the non-scientific concept of parental alienation¹⁶. The criteria for the inclusion are unknown.

As a result of that composition, **the ONG elected by the Section of NGOs to integrate the national delegation to the last CSW session (CSW 64) was an ONG defending and promoting LGBTIQ rights**, in spite of 2020 being a pivotal year for the accelerated realization of equality between women and men and the empowerment of all women and girls, marking the 25th anniversary of PFA and 5th anniversary of the 2030 Agenda.

Another example is the representation of the NGO section of the Advisory Council at the Economic and Social Council¹⁷. Law n° 108/91, August 17. Article 3 n.º 1 u) states "A representative of the women's associations represented on the advisory board of the Commission for Citizenship and Gender Equality, collectively considered". This is now being interpreted as not being restricted to women's associations but encompassing all associations represented as effective in the NGOs section of that Advisory Board, arguing that the formulation of that provision was based on the legal framework in force in 1991, when the NGOs section had not yet seen its tasks extended to areas other than women's rights. **It is therefore necessary to restructure the composition and working methods of this advisory board.**

Legislation: Although there is by now a law aiming to eliminate the gender pay gap (Law 60/2018, of August 21), the foreseen created mechanisms to promote equal pay between women and men for equal work and work of equal value are only applicable, during 2019-2020, to companies with 250 and more employees and from 2021 onwards to companies with 50 and more employees. In Portugal 96,2% of companies have 10 or less employees, 3,2% have less than 49 employees and only 0,6% of companies employed over 50 people. The law of equal pay for equal work and work of equal value should be expanded beyond the largest companies, considering that the vast majority of companies in Portugal are micro, small and medium-sized (where most women are working), and include mandatory procedures for work-life balance.

Gender mainstreaming: Sex-disaggregated data / gender impact assessment of legislative acts / gender budgeting: sex-disaggregated data is not yet systematically collected, and when it exists is not used to develop relevant political documents e.g. the National Reform Plan. In the area of criminal data,

¹⁶ https://www.cig.gov.pt/wp-content/uploads/2020/09/ONG_15_setembro2020.pdf

¹⁷ <http://www.ces.pt/>



specifically on domestic violence, there is sex-disaggregated data of numbers of victims and perpetrators but no other relevant characteristics e.g. age.

Although it is mandatory to perform **gender Impact assessment of normative acts** (Law No. 4/2018, of February 9), it is not properly done by the Government, e.g. the rectified (due to the COVID-19) State Budget of 2020. As regards gender budgeting, since 2018 the Law on State Budget includes an article on gender budgeting. In 2018, a pilot-project was implemented involving 5 Ministries with the technical support of PpDM. PpDM developed and implemented a methodological guide to public services including a tool for gender budgeting, a training curriculum on gender budgeting and gave technical assistance to the civil servants implementing gender budgeting. A final report of the pilot-project was published. However, in 2019 and 2020, and despite the law, there were no significative developments regarding gender budgeting.

Furthermore, since **2018 there is in Portugal a Legal Regime for Gender Impact Assessment of Normative Acts** (Law No. 4/2018, of February 9) which stipulates that the draft legislative acts prepared by the central and regional administration, as well as bills submitted to the Assembly of the Republic, must be accompanied by a gender impact assessment. **However, most of the legislative acts are considered to be gender neutral**, which shows lack of awareness and knowledge. WRNGOs requested **the Sub-Commission for Equality and Non-Discrimination at the Parliament** access to information regarding the nº of projects of law and proposals evaluated as having impact / not having / not applicable, and the justifications for the classification, but there is no systematised information in this regard.

Male violence against women and girls: in 2018, 60% of homicide victims in Portugal were women and in 2019 41%. Most women were murdered by their partners: 81% in 2018; 60% in 2019 ¹⁸.

Public awareness of domestic violence and of women's access to justice increased significantly in 2019 due to the high rate of femicides that year (31 in DV context), some cases of flagrant misogynistic judicial decisions and several failures of the system of prevention and protection of the victims brought to day light.

Sexual violence: Girls were 79% of all children sexually abused between 2015-2019, men being the perpetrators (96%)¹⁹. During the same period, around 91% of reported adult rape victims were women and 98% of rapists were men²⁰. There are only two support services for women survivors of sexual violence. They are partially funded by social gambling, Ministry of Justice, and project applications. Due

¹⁸ RASI 2018 and 2019

¹⁹ Annual Report on National Security, years 2015-2019

²⁰ Annual Report on National Security, years 2015-2019



to decreases in social gambling in the COVID-19 context, funding transfers were affected, although the number of women and girls seeking support has increased. It is urgent to grant financial support to specialized services in sexualized violence in the community, promoted by women's NGOs.

Domestic violence: In Portugal persists a gender-neutral approach to violence against women and girls. Although in 2019 women were 76% of domestic violence victims and men were 82% of perpetrators, domestic violence is not considered a gendered crime. It is time to frame the laws, policies and system practices keeping in mind that this is male violence against women and girls and ensure proper funding in State budget for fighting it.

In the social, legal, and cultural fields, victims are often judged and blamed for the crimes affecting them. Media still often reports these crimes as "passionate" and increased responsibility should be placed upon media and journalists to improve the language they use to describe violence against women and girls, victims and offenders. Statistics for crimes victimizing women and girls increased steadily every year, during this period, with prevalence statistics often underestimated – due to underreporting, stereotypes such as the “false accusation” myth and the passive normalization of male violence. A clear policy on prevention of male violence against women and girls should entitle prevention campaigns by authorities aimed at offenders, potential offenders and bystanders – rather than aimed at women and girls.

Prosecution rates are very low, but conviction and prison sentences rates are even lower. All these factors deter the victims from seeking justice and fail to dissuade perpetrators. There should be a push forward to effective prosecution of crimes against women and girls, aiming at higher conviction rates and prison sentences.

Economic violence was poorly incorporated into the legislation on domestic violence as material loss (*perda material*), thus lacking a wide range of economic abuse.

Children are far from being rightfully considered as direct victims when they are exposed to or witness DV. The report produced by the Istanbul GREVIO Committee (2019)²¹ found that family courts' decisions on custody and visitation rights fail to give sufficient consideration to the rights of victims and the impact of violence against women on child witnesses when seeking to determine the best interest of the child. Most statutory agencies involved in cases of DV involving children are still giving priority to the presumed best interest of the child is to maintain regular contact with both parents at all costs regardless of the

²¹ The Convention of the Council of Europe on Preventing and Combating Violence Against Women and Domestic Violence entered into force in 2014 (Portugal ratified the Istanbul Convention in 2011). The evaluation of the implementation of the IC in Portugal happened between the end of 2017 and during 2018. The Portuguese Platform for Women's Rights and the Association of Women Against Violence together with 26 NGO produced the shadow report.



violence children have witnessed. Children are treated by courts as mere witnesses and forced to testify in front of the perpetrator and others in the courtrooms, in some cases repeatedly²². Family courts should always liaise with law-enforcement, prosecuting agencies and victim's support services, and it should be made mandatory to verify whether there are issues of violence which would warrant restricting custody and visitation rights. Family courts would tremendously benefit from a public repeal of harmful unscientific theories such as "parental alienation" which perpetuate the "false accusation" myth. Children placed in shelters for women victims of domestic violence outnumber women. However, due to lack of adequate financial support, shelters do not always include specialised staff to help children.

Article 4: Temporary special measures aimed at accelerating de facto equality between men and women and special measures aimed at protecting maternity

The progressive elimination of the concept of sex and its replacement by the concept of gender considered interchangeable with the concept of self-determined gender identity undermines the purpose of temporary special measures. What do we want to achieve when adopting temporary special measures, including legislative measures to guarantee parity or even balanced representation of women and men in political decision-making or in corporate boards? 50/50 representation of women and men or 50/50 representation of people who identify themselves as women or as men? A trans person was already included in a candidates' list to fulfil the percentage of women. How shall we monitor the impact on women of the measures adopted by the State to increase the participation and representation of women in various spheres of the political and public life?

Article 5: Elimination of gender stereotypes. Recognition of maternity as a social function and of the common responsibility of men and women in the upbringing and development of their children

The progressive elimination of the concept of sex and its replacement by the concept of gender considered interchangeable with the concept of self-determined gender identity prevents taking into account the specificities of girls and women's socialization process, aggravates the invisibility of the barriers that hamper or limit women's participation and representation; it renders invisible structural discrimination on the grounds of sex and makes it impossible to analyse structural inequalities between women and men (such as wage inequalities, poverty, time use, decision-making). It renders impossible to have statistics disaggregated by sex (woman/man) and forces us to analyse reality as if it was sexually neutral - when, moreover, our international commitments and efforts are to ensure the provision of data and information disaggregated by sex and not by genders (how many?).

²² Although we notice the increasingly use of recorded statements of children in courts, in cases of domestic violence



In our view, the concept of sex must be taken into account “to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women” (CEDAW article 5)

Language and communication: There is no concerted and coherent policy in Portugal within public institutional communication. The widespread use of a strongly androcentric language and the systematic use of the universal masculine persist. This is all the more serious as there is a growing preference for alternatives such as “equality between the genders” which constitute new ways of silencing and hiding women, through their non-nomination. Gender is a new generic that excludes and conceals women (and men). Given that it coexists with the use of the universal masculine in all media and public communication, the concealment of women is reinforced²³.

The National Strategy for Equality and Non-Discrimination²⁴, through the National Plan for Equality between Women and Men²⁵, includes a measure aimed at the public sector on inclusive institutional language/communication. So far, however, practical and visible effects in the overwhelming majority of public institutions are to be achieved, both centrally and locally, in external and internal communication/information.

There is no multisectoral policy focused on communication, namely language, involving and committing all ministries to a set of defined rules. A recent episode demonstrating the resistance of adopting sex-inclusive language happened within the Ministry of Defence: a set of rules were supposed to be adopted but there was resistance coming from associations of military people and the Ministry withdraw the initiative. Additionally, monitoring of institutional, external, and internal public communication is not taking place. Conversely, the only activities happening so far are short-training and awareness campaigns carried out in public organisms (e.g. general directorates, institutes, municipalities) on their initiative.

Media: Despite sporadic progress in the media and a greater presence of women in televised debates and commentary (political) programs, a strong sexist stereotype, particularly on television, prevails in the media sector. This becomes clear when looking at the use of the universal masculine and the sex of those who are invited to speak as well as the subjects they’re invited to speak about.

There are no specific policies in Portugal targeting companies/organizations and the different professional groups that work and contribute to what the media (television, radio, and press) broadcasts and publishes.

²³ Although Law n.º 4/2018, of 9 February makes specific reference to non-discriminatory language

²⁴ In Portuguese: ENIND (Estratégia Nacional para a Igualdade e Não-discriminação)

²⁵ In Portuguese: PAIMH (Plano para a Igualdade entre Mulheres e Homens)



In this case, as well, actions have been episodic, mostly happening in public universities and designed for media students rather than media professionals. Except for CIG²⁶ produced videos in 2017 (within the EEA Grants program), and now (2020) with the campaign of the Council of Europe on sexism that is being implemented in Portugal by PpDM, there have been no campaigns focusing on sexist stereotypes, gender roles, women's rights, and equality between women and men. International Women's Day itself has not deserved the launching of a campaign in years.

Families non-formal education: Specific policies on non-formal education are still absent. Families are also not being mobilized enough to counteract the reproduction of sexist stereotypes in the context of non-formal and family education. The regular and continuous use of campaigns aimed at the general population is a crucial awareness strategy that has not been used. Nothing has been done in terms of policies specifically aimed at non-formal education.

Article 6: Measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women

Although the current Portuguese legislation covers a greater range of sexual crimes, there are still gaps for some types of sexual crimes e.g. sexualized violence on the internet, purchasing sex, and pornography.

Being in prostitution is not a crime in Portugal; pimping and sexual exploitation is a crime. Nevertheless, in the period 2015-2018 the number of convicted people for the crimes of pimping and trafficking of human beings have heavily decreased 34% - from 71 convictions in 2015 to 47 in 2018.²⁷

It is also important to mention that 67% of all victims of the crimes of pimping and child pornography are less than 16 years old.

The consumption of online pornography has an impact on how girls, young women and women live their sexuality. Pornography has also a clear link with prostitution and with trafficking of human beings (specially girls and women) for sexual exploitation. During the COVID-19 pandemic the consumption of online pornography increased but there are no agencies in Portugal monitoring this phenomenon. This is particularly dangerous when there is a lack of supervision over the contents available on the internet, social media, online platforms, that are easily accessed by children (including at schools).

In relation to trafficking in women, it is clear that there are systematic failures in the identification of victims of sexual exploitation, reflected in the absence of reliable official figures (e.g., in 2019, victims of trafficking for sexual exploitation represent the lowest number of the overall traffic victims - 13%). This is

²⁶ Commission for Citizenship and Gender Equality - CIG

²⁷ And if we consider the numbers of convicted people from 2011, the decrease is even higher (less 60%):



deeply connected to the fact that some member organizations of the national Network of Support and Protection to Trafficking Victims advocate for “sex work” and legalizing pimping, in contradiction with human rights treaties ratified by Portugal, and do not properly identify victims of trafficking for sexual exploitation. It is for us quite obvious the need to advance on proper identification of victims of trafficking for sexual exploitation and to define clear membership requirements for organizations working against trafficking in human beings.

During the period of the lockdown due to the COVID-19, prostitution did not stop. The major webpages with hundreds of “commercials” of prostitution maintained their regular functioning even during the period of the State of Emergency. Women in the system of prostitution were particularly affected during that period, not having stopped their prostitution practices and putting themselves at a higher risk of being infected by COVID-19. Alongside, there are a lot of women in prostitution who go frequently from one city to another, not having a home of their own; some of these women were left without any social support and in order to have ends meet they lowered the price of sexual practices, raised the number of men and circulated among cities even more. Even if women in prostitution presented some of the COVID-19 symptoms, they could not stop in order to survive and they would not go to any health care service to get any medical assistance as they were afraid of having to reveal the name of the men who paid to have sex with them.

During the period of the lockdown, PpDM wrote several letters to the Portuguese Government demanding for specific support for women in prostitution but did not receive any reply.

Article 7: Measures to eliminate discrimination against women in the political and public life

Included in the introduction and in article 3 - legislation – special temporary measures aimed at increasing women’s representation at political decision-making.

Article 10: Elimination of discrimination to ensure equal rights in the field of education and equality between women and men through education

There is a Student Statute where “inclusion” is part of the “values” dimension, but no value or principle refers to equality, equal opportunities, or rights of choice for women and men.

The [National Strategy for Education for Citizenship \(ENEC\)](#)²⁸ underscored the importance of education for citizenship at schools and defined the themes that should be addressed within its scope. Of the 17 themes

²⁸ In Portuguese: Estratégia Nacional de Educação para a Cidadania



listed, 6 are mandatory throughout schooling (in all cycles) and one of them is Gender Equality. For the first time, educational policies credit gender equality as essential for citizenship.

However, ENEC is not a legal diploma as it was not published in Portugal's Official Gazette and is therefore not legally binding. To this date, ENEC remains a diploma available on the Ministry of Education (MoE) / Directorate-General of Education's (DGE) [website](#)²⁹. MoE's commitment is therefore fragile.

To support teachers, the MoE published Education References for 14 of the 17 themes established by ENEC. Gender Equality is the only mandatory topic for which there is no Education Reference. Thus, each teacher lectures on what they personally think gender equality means. Despite having published other scientific-pedagogical materials on the topics of gender equality and citizenship. The MoE hasn't provided any comprehensive program for the training of teachers on gender equality (although being prescribed by ENEC). The training carried out at the national level was centred on the curricular implementation of Education for Citizenship, including the new subject of Citizenship and Development and the ways of assessing students, rather than the topics of the subject. This is an important aspect considering that the other themes, both mandatory and optional, have been worked on by schools for a long time now. Gender equality is a new topic in the curriculum and requires specialized training that should have been provided by the MoE in direct articulation with CIG, as was the case in the past (2013-2015).

In 2016, CIG, financed by POISE³⁰, extended the training of strategic audiences to teachers. But the impact of this measure is very small, due to the low number of entities that applied it. This funding is largely unknown by educational and teacher training institutions. There was no policy at the national level, specifically aimed at teacher training centers in school associations (the main entity that ensures the continuing training of teachers) regarding gender equality.

Nonetheless, since 2008, CIG did put forward, "[Gender and Citizenship Education Guides as a strategy for gender mainstreaming in the education system](#)", in hopes that the Guides would be widely used at all school levels (except universities).

The project shows how CIG undertook a concerted and coherent strategy regarding the Guides, based on strategic partnerships. Global data concerning 2019's results are available at CIG's webpage. However, there are no published reports nor was an evaluation carried out on the results of this particular project.

²⁹ The restructuring of basic and secondary schools' curriculum was carried out - Decree-Law No. 55/2018, 6th of July - and this is where the discipline of Citizenship and Development emerges. But what the subject consists of, its content and goals, is established by ENEC, which has not been published in Portugal's Official Gazette.

³⁰ POISE - Operational Program for Social Inclusion and Employment; In Portuguese: Programa Operacional Inclusão Social e Emprego



Thus, NGOs have taken on the role (at least partially) when it comes to teachers' training on the topic of gender equality. This means that part of teacher training on gender equality is being carried out by NGOs.

Despite many of CIG's publications effectively showing concern for gender mainstreaming, there are no specific policies targeting school publishers.

The feminization rate of ICT graduates remains low in Portugal. 20.8% in 2018, a number below the ones obtained between 2000 (26%) and 2006 (22%)³¹. In Engineering courses (except those in the areas of chemistry, biology, and environment), low rates of feminization persist, despite the girls' success on these topics during secondary school.

Although mandatory school goes until the age of 18, most Roma girls are taken out of school at the age of 12-14 (when they reach puberty). The State provides an alternative, the distance learning system or online schooling,³² although it requires a parent or relative as a tutor, which is not compatible with the education level of most of the Roma community and, therefore, professionals from different backgrounds become tutors and girls are segregated from the majority society.

Sexual education is compulsory since 2009; however, it is centred on the prevention of sexually transmitted diseases and pregnancy. In most cases sexual health is limited to the use of condoms and does not focus on the prevention of violence in intimate relationships. Prevention normally consists in random awareness-raising sessions, not promoting behaviour change. Early motherhood is still a reality in Portugal: between 2015-2019, 10.781 girls gave birth.³³

Article 11: Measures to eliminate discrimination against women in the field of employment. Measures to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work

A lot of women do not see their educational and professional qualifications levelled to the work they are doing. More frequently qualified women are employed in areas and/or professions not compatible with their qualifications - this is quite evident regarding migrant women. Qualified young women take almost the double of time to be employed as young men.

³¹ Source: PORDATA

³² This is foreseen by law for children who are chronically ill or who are children of parents with travelling professions

³³ Own calculations. Source:

https://www.ine.pt/xportal/xmain?xpid=INE&xpgid=ine_indicadores&indOcorrCod=0001541&contexto=pgi&selTab=tab10&xlang=pt



Low-paid and precarious jobs are still a reality to a significant part of women – 31% of employed women receive the minimum wage compared to 21% of employed men.

A gender pay gap persists despite all political measures in place. Women are still the main caregivers for children, older people and people with disabilities, allocating on average per day 4 hours and 23 minutes on domestic and caring activities. In that sense, on average, only 68% of the overall working time of women is paid (when considering paid (professional) and non-paid (domestic and caring) working time).³⁴ This has a huge impact on the physical and mental health of women, and on their professional performance. There is a programme focusing on the reconciliation between work, family and private life (Programa 3 em Linha) but has not yet proven any structural change.

A better understanding of the maternal role and its biology needs to be protected. This should be particularly evident on the way the so-called “parental leave” considers specific time for women – only 2 weeks (for physical recovery). Although fathers should be able to have time to care for new borns, mothers should have sufficient time and support to breastfeed exclusively for at least the first 6 months, as per the WHO guidance. There should be an improvement of the legislation of the so-called “parental leave” securing 6 months of maternal leave, and granting the same amount to fathers to be used after, in order to reduce gender discrimination at work.

Article 12: Measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning

Maternal mortality rate: has been showing a slow but consistent increase in the past 10 years, placing Portugal in the 4th worst place amongst European countries, with a maternal mortality rate of 10,4 / 100.000.³⁵

Sexual and reproductive rights of women in pregnancy, childbirth: monitoring by WRNGO of women’s childbirth experience since 2014 raise alarm about the treatment of pregnant women during childbirth and suggest serious deficits in ensuring that women give their full and informed consent to medical interventions during childbirth. Also, there are reports of disrespectful and abusive treatment of women by health professionals, including extensive use of episiotomy, inductions, an excessive number of caesareans, artificial rupture of the membranes, membrane sweeping for the induction of labour, forceps and vacuum extractor. In the private sector, caesarean rate stands excessively at 66%.

³⁴ Own calculations. Source: http://cite.gov.pt/asstscite/downloads/publics/INUT_livro_digital.pdf, pp 140.

³⁵ <https://www.pordata.pt/Portugal/Taxa+de+mortalidade+materna-619>



Most hospitals have pre-signed forms that are presented to women as a means of “pre approving” all the medical interventions. Sometimes migrant and foreign women were made to sign the forms, without being provided with a translator.

Birth Plans, through which many women attempt to communicate their consent and refusal regarding their labour and birth, is still widely viewed with suspicion, made fun of or refused by hospital institutions, more often than not.

Legally speaking, "obstetric violence" is a non-existent phenomenon in Portugal. The legal cases in which obstetric violence occurs do not reveal the extent of violence in childbirth and are judged to be cases of mere medical negligence.

Despite the sexual and reproductive rights of women in pregnancy, childbirth and the postpartum period are protected in Portugal by the Law 15/2014, there is still a general lack of awareness about this issue by civil society in general and by health professionals, who often dismiss women's rights.

Female biology and physiology remain ignored in medical intervention. Public bathrooms are still equally divided, with architects designing spaces that don't consider that women take up to 2.3 more time in the toilet as men and many schools grant the same bathroom time to girls and boys, although girls require more time due to cloths and when menstruating.

FGM and broader harmful practices still exist in Portugal. Girls' and women survivors of FGM have no specialized medical services to provide re-constructive surgeries and no psychological support.

Surrogacy: on an “altruistic” basis, it is possible for women (in 3 specific situations) to have another woman “carrying their child”. The law does not foresee any financial or health support to women if something, in result of the pregnancy, happens to them (for instance, a permanent illness).

Article 13: Measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights

Poverty is still a reality affecting in particular women: in 2019, at-risk of poverty and social exclusion rate for women was 22.2% and for men 20.8% - this means that almost 1 in 4 women is at-risk of poverty. However, after social transfers, poverty decreases for women (17.8%) and men (16.6%).

81% of people receiving a survivor pension and 70% of those receiving the Solidarity Supplement for the Elderly are women (2020).

Most informal carers of older persons and/or persons with disabilities in Portugal are women (60 %). The shares of women and men involved in informal care of older persons and/or people with disabilities



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several days a week or every day are 8 % and 6 %.³⁶ And 59 % of all informal carers of children are women.³⁷

Recently it was adopted the Statute of the informal carers, attributing a financial amount per month to the informal carer. Although it seems quite a relevant proposal, by now it only covers 9% of all the Portuguese territory, and it is only available to people without a salary and when the entire household monthly earnings are less than 526,57€.

Highly qualified migrant women often work in jobs that require low qualifications, and migrant women with low qualifications work in the domestic/care sphere and in very precarious situations. Roma women face discrimination in terms of access to employment and self-employment and there is a high prevalence of early motherhood compared to the average population in the country.

Article 14: Measures to ensure the application of the provisions of the present Convention to women in rural areas. Measures to eliminate discrimination against women in rural areas

In 2016, about half of the population engaged in family farming were women (48%), but they were only 1/3 of single agricultural producers (34%) and 29% of permanent agricultural workers³⁸. This means lower gains for women in agriculture, since they are concentrated in categories that are less paid.

Article 15: Equality between women and men before the law on civil matters

The problem is the law implementation.

Article 16: Measures to eliminate discrimination against women in all matters relating to marriage and family relations

Roma girls are affected by forced, arranged and early age marriages, often ignored by all authorities. WRNGO working within the Roma communities often encounter girls around the age of 14-15 years living with their supposed spouse in non-formal marriages.

³⁶ Data of 2016. Source: EIGE <https://eige.europa.eu/gender-equality-index/thematic-focus/work-life-balance/caring-for-older-persons/PT>

³⁷ Data of 2016. Source: EIGE <https://eige.europa.eu/gender-equality-index/thematic-focus/work-life-balance/caring-for-children/PT>

³⁸ INE (2017), *Inquérito à estrutura das explorações agrícolas, 2016*. (own calculations) Available at https://www.ine.pt/xportal/xmain?xpid=INE&xpgid=ine_destaques&DESTAQUESdest_boui=281413215&DESTAQUESmodo=2