



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

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**Committee on the Elimination of Discrimination
against Women
Forty-second session**

Summary record of the 864th meeting (Chamber B)

Held at the Palais des Nations, Geneva, on Monday, 3 November 2008, at 10 a.m.

Chairperson: Ms. Dairiam (Malaysia)

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The meeting was called to order at 10.05 a.m.

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

Sixth and seventh periodic reports of Portugal
(CEDAW/C/PRT/6, CEDAW/C/PRT/7,
CEDAW/C/PRT/Q/7 and
CEDAW/C/PRT/Q/7/Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of Portugal took places at the Committee table.*

2. **Mr. Esteves** (Portugal) conveyed the regret of the Portuguese Secretary of State of the Presidency of the Council of Ministers, who was unable to attend the meeting because he had been detained by urgent work in Lisbon.

3. **Ms. Pais** (Portugal) said that Portugal's sixth and seventh periodic reports had been drafted with input from various ministerial departments and, in the case of the seventh report, in consultation with non-governmental organizations (NGOs).

4. The Committee's previous recommendations had influenced the Government's policies. It had revitalized its two gender equality mechanisms: the Commission for Citizenship and Gender Equality (CIG) and the Commission for Equality in Work and Employment (CITE). CIG was integrated into the Presidency of the Council of Ministers and, in accordance with the Constitution, operated through the National Plan for Equality (PNI), the National Plan against Domestic Violence (PNCVD) and the National Plan against Trafficking in Human Beings (PNCTSH). The CIG Consultative Council comprised NGO and ministry representatives and human rights experts. CITE, a tripartite body composed of Government, worker and employer representatives, sought to prevent public- and private-sector, gender discrimination in employment and occupational training, to protect maternity and paternity and to promote the reconciliation of professional, family and personal life by issuing opinions and recommendations in relation to discrimination complaints. A 50 per cent rate of implementation of the aforementioned plans had been achieved by means of a financial package which drew on European Structural Funds for a total of €3 million through the National Strategic Reference Framework (QREN). Support was provided for women's entrepreneurship and business networking,

implementation of equality plans in local and central administrations and public- and private-sector companies, technical and financial assistance for NGOs, training projects for groups of strategic importance, and the development of good practices for reconciling professional, family and personal life.

5. The recently approved Equality Adviser Statute provided for the creation of intra-ministerial working teams with a view to the integration of the gender perspective into all sectors of public administration. Under a resolution adopted by the Government, all enterprises held by the State must implement equality plans that provided for equal pay, eliminated gender-based discrimination and fostered the reconciliation of professional, family and private life. Specific legislation provided for gender equality as a factor for local development and established local gender equality advisers. New instruments were being developed with a view to closer monitoring and evaluation of gender equality measures, particularly through the establishment of a Gender Observatory targeting, *inter alia*, domestic violence, and the ongoing creation of a Portal for Equality that provided information on all gender equality activities of the public administration.

6. Although domestic violence victims included children, older persons and persons with disabilities, the National Plan against Domestic Violence focused on women. It included measures ensuring victims' access to the national health-care services and other types of assistance, the provision of 35 victims' shelters, a pilot project for electronic surveillance of aggressors and a project for integrated multidisciplinary intervention. Domestic violence had decreased by approximately 10 per cent over the past 12 years, although the number of domestic violence cases reported to the police was on the increase as a result of women's rising confidence in the effectiveness of the system. A new law was being prepared with a view to enhancing judicial measures in that area.

7. The National Plan against Trafficking of Human Beings focused on a comprehensive response to the needs of women and children victims. Relevant activities included plans to set up an Observatory of Trafficking in Human Beings, creation of a shelter for victims and their children in cooperation with an NGO and the launching of the National Campaign Against Trafficking in Human Beings, in conjunction with the European Union Anti-Trafficking Day, with a view to

raising awareness of the problem among the general public and potential victims. In that connection, a leaflet, printed in nine languages, provided relevant information on the “SOS immigrant” hotline. Portugal was preparing a national action plan to implement Security Council resolution 1325 (2000) on women, peace and security and a programme of action to eliminate female genital mutilation in conjunction with the International Day against Female Genital Mutilation.

8. According to a 2007 national survey conducted as follow-up to the Beijing Platform for Action in the context of the Portuguese presidency of the European Union, Portuguese women, especially older women and single mothers, were at greater risk of poverty than men. Accordingly, the Government had increased the number of kindergartens, raised benefits for older persons, expanded maternity, paternity and adoption benefits and increased family allocations.

9. In the field of education, women accounted for a majority of beneficiaries of the New Opportunities initiative, launched in 2005 to upgrade basic education and training levels for young persons and adults and require a minimum of nine years’ schooling. Gender equality issues had also been addressed in a two-year forum entitled “Education for Citizenship”.

10. In the area of sexual and reproductive health, a new law provided for the voluntary interruption of pregnancy in a public hospital at no cost during the first 10 weeks. Two assisted reproductive technology centres provided support to couples infected with HIV/AIDS.

11. Legislative improvements related to the promotion of gender equality included the 2006 Parity Law, under which the underrepresented sex must account for at least 33 per cent of the list of candidates in municipal, national and European Parliament elections; amendments to the Criminal Code regarding domestic violence, trafficking in human beings and female genital mutilation; a new Labour Code, which, inter alia, facilitated the reconciliation of professional, family and personal life; and amendments to the divorce law that eliminated the concept of guilt and introduced human rights violations as grounds for divorce.

12. **The Chairperson** congratulated the Government of Portugal for the leadership that it had provided during the drafting of the Optional Protocol to the

International Covenant on Economic, Social and Cultural Rights.

Articles 1-6

13. **Ms. Schöpp-Schilling**, after congratulating Portugal for its gender equality efforts, particularly in the area of legislation, noted that the sixth and seventh reports (CEDAW/C/PRT/6 and CEDAW/C/PRT/7) contained only sporadic information about the autonomous regions of the Azores and Madeira and asked whether there were plans for reporting on the gender equality policies implemented in those regions. She asked how the NGOs represented in CIG were selected, and wondered whether all relevant NGOs and parliament had been consulted in preparing the reports; whether the Committee’s concluding observations would be transmitted to the Council of Ministers and to parliament; and whether the Committee’s general recommendations were disseminated broadly. She would welcome information on mechanisms being considered by the Government with a view to raising judges’ and lawyers’ awareness of the provisions of the Convention in relation to national law and court decisions. Lastly, she would like to know whether the €3 million in European Structured Funds that the delegation had mentioned were earmarked solely for Portugal or for other European Union member States as well.

14. **The Chairperson**, speaking as a member of the Committee, asked what operational measures had been taken for the implementation of Act No. 27/2008 on asylum-seeker status and whether they included gender-sensitive guidelines for systematic assessment of the motives and nature of the persecution experienced by female asylum-seekers in their countries of origin.

15. **Ms. Neubauer** asked whether the focus on discrimination against women might become diluted by CIG’s role as a central machinery for combating discrimination not only against women, but also men and children. She would like to know whether there were separate Government agencies for, on one hand, developing general anti-discrimination policies and programmes and, on the other hand, promoting equality between women and men, apart from the Office of the Secretary of State of the Presidency of the Council of Ministers. She would also like to learn more about the financial and human resources of CITE and its capacity to carry out its tasks. She regretted that much of the

data provided in the reports, including information on the users of CITE services, were not disaggregated by sex. Lastly, she asked how many equality advisers had been designated, how many inter-departmental teams existed in the various ministries and in how gender equality responsibilities were addressed by the Government and by local authorities.

16. **Ms. Gabr** observed that Portugal's new gender equality mechanism did not enjoy a higher institutional status than its predecessor and that greater political resolve was needed on the part of the Government. She wondered whether the extensive variety of funding sources allowed for effective and prompt implementation of programmes. Referring to female genital mutilation, she requested information on policy regarding immigrant women, who were primarily concerned by the practice. Some of the NGOs excluded from the new mechanism had operated for 13 years; she asked how NGOs were funded and what was the situation regarding their involvement in programmes financed by the European Union.

17. **Ms. Belmihoub-Zerdani** noted that despite specific questions asked by the Committee in the past, the delegation had failed to provide data on particularly disadvantaged categories of women such as female refugees and asylum-seekers, Roma women and women belonging to other ethnic minorities or living in areas not favourable to agriculture, particularly in the Azores and Madeira. She requested detailed information regarding those groups.

18. **Ms. Pais** (Portugal) said that the Azores and Madeira had regional autonomous Governments and that measures taken on the continent were not automatically implemented in those areas. The reports had been brought to the attention of civil society through various meetings, but not all NGOs had responded. Although the seventh report had not been submitted to parliament, that body often invited CIG and CITE to participate in hearings on issues such as domestic violence and human trafficking. It was not clear whether the Convention was taken into consideration by the courts; however, CIG cooperated with the unit responsible for the training of judges with a view to including the Convention in the following year's curriculum and planned to hold a seminar for members of parliament and magistrates on the incorporation of its provisions into gender equality rules and into the plans developed by various organizations. A Portuguese translation of the

Convention had been printed in thousands of copies and disseminated, together with the Optional Protocol, through a magazine published by CIG and posted on the web sites of, inter alia, the Home Office and the Justice Department.

19. Equal rights and non-discrimination were guaranteed by law and the relevant legal framework, based on the Constitution, was constantly improved. In 2007, Portugal had coordinated the European Year of Equal Opportunities for All. Of the €83 million in European Structural Funds, €20 million had been allocated to NGOs according to rules giving priority to the least developed regions, namely, the inland rural areas. The Government was committed to promoting gender mainstreaming through appropriate strategies in the central Government, local authorities and enterprises.

20. **Ms. Quaresma** (Portugal) said that Act No. 27/2008 had incorporated into Portuguese law recent European Union directives on processing applications for asylum. Visas could be granted at the border to victims of human trafficking or gender-related persecution and refugees were placed in centres while their applications were being processed.

21. **Ms. Alvarez** (Portugal) said that the Government was committed to dealing with asylum matters in accordance with the rules established by the Office of the United Nations High Commissioner for Refugees (UNHCR) and, under a series of laws covering all areas of vulnerability, had adopted measures to protect women and children at risk. The Government applied a quota for the resettlement of refugees from other host countries. The gender aspect was taken into account systematically in dealing with applications for refugee status.

22. **Ms. Ventura** (Portugal) said that all Portuguese legislation on sexual and reproductive health was applicable to Madeira.

23. **Ms. Pais** (Portugal), referring to the relationship between CIG and CITE, said that while the CITE budget had remained constant, the budget for CIG projects had increased considerably, as a 30 per cent contribution by the State made it possible to fund the remaining 70 per cent of the cost of gender equality activities from European Structural Funds. CIG employed 53 regular and 29 contractual agents as compared to its predecessor's 49 and 7, respectively. Thus, gender equality activities had not been diluted

but amplified. No NGOs were formally excluded from CIG; on the contrary, all NGOs could participate, at least as observers, in its activities and could apply for funds.

24. **Ms. Viveiros** (Portugal) said that the Azores had an advisory board for women's rights and planned to implement cross-cutting measures designed to ensure gender equality. A network established in order to meet social security needs comprised such facilities as maternity protection help desks, psychological and social care centres, training programmes for young mothers and professional reintegration units. A survey on domestic violence was in progress. Programmes for victims of violence and aggressors, reintegration into professional life and women at risk were being implemented. Social development projects targeting women through microcredit had been launched and the number of women entrepreneurs had almost doubled in a relatively short period. Women accounted for 51 per cent of minimum insertion wage recipients and for an increasing proportion of the work force. Literacy campaigns had been launched. Continental Portugal's electoral law on gender parity did not apply to the Azores; in that area, it applied its own provisions, adopted in the 1980s.

25. **Mr. Albano** said that two successive plans, running through 2011, were being implemented in Madeira within the national framework for gender equality promotion. The basic objectives pursued were positive action, awareness-raising and increasing women's participation in decision-making. The regional authorities were responsible for the implementation of gender equality policies and comprised units which corresponded to continental Portuguese ministries.

26. **Ms. Marinho** said that Roma were considered full citizens and were entitled to the same services as the rest of the population. The Association of Roma Women was particularly active on gender issues, especially with regard to young people; it addressed the issues of human trafficking, women's literacy and female entrepreneurship. Rural women were targeted by regional development projects aimed at enhancing their employment and entrepreneurship. The main challenges for rural women related to the need for literacy, equal opportunity and follow-up programmes.

27. **Ms. Gaspard** said that there had been a misunderstanding of the Convention's provisions on special temporary measures, which the delegation had

confused with measures for eradicating violence against women; she urged the delegation to study the Committee's general recommendation No. 25. It was unclear whether the one-third minimum quota for candidates of either sex was an enforceable obligation, whether it applied to all elections and whether it was a temporary special measure. She asked whether a similar law applied to the Azores and Madeira. There was a risk that temporary special measures might be interpreted as ceilings.

28. **Ms. Pais** (Portugal) said that in some cases, the scope of temporary special measures was surpassed by sustainable improvements. Considerable training and awareness-raising efforts targeting both men and women were being made with regard to gender issues. As conditions changed, the interpretation of the laws would evolve accordingly. Domestic violence was a complex problem which could involve murder; the aggressors were criminally liable, but not under domestic violence provisions.

29. **Ms. Viveiros** (Portugal), referring to the Azores, said that CIG encouraged political parties to take steps to increase the number of women on their lists of candidates.

30. **Ms. Pais** (Portugal) added that the law on the quota for candidates applied to all elections. Its implementation would be monitored and any parties that failed to comply with its provisions would lose their subsidies.

31. **Ms. Schöpp-Schilling** requested further clarifications regarding the mandate of CIG and asked whether the national plans adopted by the Council of Ministers were implemented by the Commission or by the ministries. She would welcome information on whether CIG played an advisory role, initiated laws applicable to the areas of jurisdiction of individual ministries or concluded agreements with the ministries with a view to specific action. Lastly, she asked for confirmation of her understanding that the CIG staff and relevant ministry personnel were paid from the State budget while projects such as those carried out by NGOs were financed under the State budget and from European Structural Funds to the extent of 30 and 70 per cent, respectively.

32. **Ms. Neubauer** asked how many gender equality advisers had been appointed by the ministries and whether advisers had also been designated at the local level.

33. **Ms. Gaspard** said that since the Portuguese State had ratified the Convention, the Government should ensure and report on its implementation throughout the national territory, including the autonomous regions. She also asked whether any women had sued for damages as victims of homophobia.

34. **Ms. Pais** (Portugal) said that the National Plan for Equality included complex measures carried out by various ministries at the same time. CIG was responsible for implementing those plans through inter-ministerial cooperation. To that end, objectives had been defined and procedural, outcome and deadline indicators had been formulated. Plan implementation was evaluated in accordance with the Committee's recommendations. There were 16 equality advisers in the central units; local administrations enjoyed autonomy and appointed their own advisers as they saw fit. CIG, however, provided training for those local advisers. The report's lack of information on the autonomous regions was a gap that would be filled in the future. There was growing awareness of homophobia and further studies would be funded in that area as part of the efforts to combat all forms of discrimination in cooperation with NGOs and with the European Economic Area.

35. **Ms. Schöpp-Schilling** asked at what level of authority the gender focal points were appointed in the ministries and whether the Government could mandate the local authorities to appoint gender equality officers.

36. **The Chairperson**, speaking as a member of the Committee, asked whether the coordinating role of CIG meant that it could enforce the implementation of gender equality plans, or whether it was purely advisory in nature.

37. **Ms. Pais** (Portugal) explained that, pursuant to a Council of Ministers resolution, advisers were appointed by the Minister and usually came from the technical branch. Where necessary, CIG provided training to advisers, who were selected from among highly qualified candidates and acted as focal points; their main task was to raise gender awareness within the administration. CIG tried to ensure the coordinated adoption of legislative measures necessary for gender mainstreaming and had drawn up cooperation protocols with about one sixth of the country's approximately 300 local administrations, which were expected to decide how they would apply the gender equality policy. The overall strategy for policy implementation

within the various ministries involved 11 working groups on sectors such as health, culture or sport and comprised representatives of CIG, technicians from the ministries and members of NGOs. Such a structure would also be set up in the autonomous regions. Work carried out by the local authorities would be monitored systematically.

38. **Ms. Pimentel**, noted that under the Criminal Code, incest was not explicitly defined as a crime but merely constituted an aggravating circumstance of, inter alia, rape and sexual abuse. She stressed the significance of the issue and asked whether a debate on incest was taking place in Portugal in view of the new legislation on prevention, protection and assistance to victims in relation to domestic violence. She also enquired as to the situation regarding gender stereotypes, including among the Roma, which tended to cause girls to drop out of school. Lastly, she would welcome information with regard to reports of inadequate support for victims of domestic violence in inland districts, including the existence of shelters where they were admitted along with persons involved in other forms of delinquency.

39. **Ms. Begum** asked whether the available shelters operated in accordance with any unified standards and policies, such as rules for the training of caregivers; whether, over and above domestic violence, all violence, including sexual violence, was recognized as a national problem; and whether asylum-seekers had access to the shelters provided for domestic violence victims. Furthermore, she would welcome information on any convictions for domestic violence and on the reported unwillingness of many women to file complaints owing to a lack of evidence or witnesses.

40. **Ms. Hayashi** requested the delegation to elaborate on its perception of gender-based violence as a serious national problem affecting all women, in view of the Committee's general recommendations Nos. 12 and 19 and the General Assembly's Declaration on the Elimination of Violence against Women (A/RES/48/104) of 1993, the scope of which went beyond domestic violence. The lack of statistical data made it impossible to assess the victims' experience. She would also welcome information on any relevant guidelines, on the nature of the awareness-raising and law-reform initiatives financed with the funds described; and on specific measures taken to increase judges' awareness of the issue of violence against women.

41. **Ms. Neubauer** asked how many alleged victims of trafficking had availed themselves of shelter services, how many had received temporary residence permits, how many had cooperated with the authorities, what their primary countries of origin were and whether domestic trafficking in women and children took place.

42. **Mr. Albano** (Portugal) said that female genital mutilation was proscribed by law. Trafficking in human beings was a crime typified in the Criminal Code. Portugal had ratified the Council of Europe Convention on Action against Trafficking in Human Beings. In 26 cases, human trafficking victims had received 30- to 60-day temporary residence permits. Approximately 100 notifications regarding such victims had been received. Their main countries of origin were Croatia, Romania and some sub-Saharan countries, including Nigeria.

43. **Ms. Pais** (Portugal) said that the Ministry of Justice was responsible for ensuring the protection of young people at risk through specialized committees operating throughout the national territory. New refugee reception centres had recently been set up and a number of meetings with NGOs had been held to discuss the management of such establishments, which were used to only 80 per cent of their capacity. Protection measures included electronic surveillance of aggressors. Victims who used the shelters were satisfied with the treatment received. Shelters were accessible to persons with disabilities. A campaign was planned with a view to identifying young people, particularly girls, who were victims of emotional abuse. Measures taken to speed up the judicial processing of cases involving violence included training, a protocol for judges and workshops organized by, inter alia, the Portuguese Association of Women Jurists. Although women's participation in elections was essential, a long-term focus was necessary. Gender stereotypes should be deconstructed by introducing the notion of equality into young peoples' perception of girl-boy relationships.

44. **Ms. Augusto** (Portugal) said that in order to break down gender stereotypes, official textbooks addressed equality and citizenship issues. For the same reason, other pedagogical material, such as games, had been developed and innovative approaches were being introduced across the various disciplines. Sexual health education was obligatory.

45. **Ms. Pais** (Portugal) stressed that the Government took comprehensive steps against female genital mutilation.

The meeting rose at 1 p.m.