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Committee on the Elimination of  
Discrimination against Women  
Fifth session

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Concluding comments of the Committee on the Elimination of  
Discrimination against Women: Portugal

Initial report

111. The Committee considered the initial report of Portugal (CEDAW/C/5/Add.21 and Corr.1 and Amend.1) at its 67th, 68th and 73rd meetings, on 11, 12 and 14 March (CEDAW/C/SR.67, 68 and 73).

112. The report was introduced by two government representatives. The first speaker stated that the Government of Portugal was fully committed to the implementation of the Convention and he added that the Constitution of the Portuguese Republic enshrined the principles of equality between men and women in all spheres of life. He added that the report already showed that the obstacles to eliminate discrimination derived from economic, social and cultural factors.

113. The representative of Portugal referred to the Revolution of 25 April 1974, which had introduced new legal, social, cultural and economic reform with far-reaching implications for the standards and fabric of Portuguese society. Structural changes were introduced which were of an ongoing nature.

114. He explained that the Revolution also had brought along new perspectives in the field of human rights and in the changing of attitudes and added that women themselves were more and more aware of the need to change attitudes and conditions; women also were more aware of their role in all spheres of life. The Commission on the Status of Women, a governmental body placed under the Prime Minister's Office, was in charge of promoting the improvement of the status of women. He stated that equality need not be understood to mean merely that women should have the same

rights and responsibilities as men, but that differences between the sexes should not be obstacles to the full realization of their personalities and to their full participation in society.

115. The second government representative remarked that the report had been prepared in 1982 and submitted to the Committee in 1983. The text had to be updated and therefore an addendum had been prepared containing recent developments, as well as a brochure updating statistical information to 1985.

116. The other representative of the Government of Portugal stated that some specific projects had been developed, such as programmes in the media, organization of seminars and elaboration of reports. A project entitled "Changing teachers' and students' attitudes on sex roles" had been carried out under the responsibility of the Commission on the Status of Women. This project, which had begun before at the primary school level, had now been extended to other levels.

117. She noted that the participation of women in decision-making positions still remained low. However, more women had been admitted into the diplomatic service.

118. She also added that the Commission for Equality in Work and Employment had been created to monitor and ensure any discriminatory practice. This Commission received and evaluated complaints by women who felt discriminated against. Another new element was the passing of a new law on the protection of maternity and paternity. This new law embodied a new philosophy which stressed the social function of both maternity and paternity. The replacement of the advertising code by a new law regulated the way the image of women was used in advertising. The advertising commission was in charge of its implementation.

119. She further explained that other projects implemented under the aegis of the Commission on the Status of Women had included family planning information through the media, research on women in Portuguese life, training of health personnel, pilot projects located in depressed areas on illiteracy eradication, maternal and child care, permanent information services on legal questions and research on women.

120. The representative of Portugal concluded by saying that much remained to be done, especially in bringing reality closer to the letter, in the elimination of outdated traditions, stereotyping and sexism and in combating the double burden carried by women. Progress was encouraging, she stated, since women's rate of access to higher education had risen from 43.5 per cent in 1970 to 57.4 per cent in 1984 and women's rate of graduation from 34.4 per cent in 1970 to 54 per cent in 1980. Women, however, were 59.4 per cent of the unemployed and only 6 per cent in Parliament. Yet, she stated, at the recent election for President of the Republic, for the first time there had been a woman candidate.

121. Members of the Committee commended the two representatives of the Government of Portugal for their presentation of the report and thanked them for the additional information provided, both verbally and as contained in the supplement. Most members congratulated the representatives on the efforts displayed by the Government of Portugal and by the progressive legislation passed, which clearly demonstrated the political will of Portugal to implement the articles of the Convention.

122. Several experts asked what were the reasons for the persistence of obstacles, in view of such advanced legislation; it was not understood why the report cited apathy as being the cause for slow progress. Some experts suggested that the

reality of women carrying the double burden as well as lack of day-care facilities, social benefits support and lack of opportunities might be at the core of the obstacles facing the full integration of women and it was asked whether the Commission on the Status of Women was carrying out research on this problem. Another expert asked whether more information could be provided on the structure of the Commission, its outreach in remote areas and whether its work was carried out by mass organizations or other type of similar organizations.

123. Also, concerning the above remark, it was asked what kind of traditional and cultural practices and traditions were hampering the advance, and what role religion was playing in this regard.

124. Several experts requested additional information and empirical data on education and literacy levels, impact of education on rural women, including vocational training, levels and sectors of women's employment, especially in the light of the fact that women were a majority of the population. One expert asked whether such demographic imbalance was due to migration of the male population. Another expert requested more information on population by sex and location.

125. It was noted that the Government had identified within the taxing system some evidence of discrimination against women and that this experience could be shared with other countries. Another expert also pointed out that the report acknowledged the fact that more women were unemployed than men and that equal remuneration remained a problem. It was asked what measures were being taken to remedy this situation.

126. Other experts asked for more information on women's participation in State or provincial assemblies, in local communities, and percentages on women's involvement in trade unions, both as members and as employees.

127. Several experts noted with praise the efforts being carried out to eliminate stereotyping in the media and education, and asked how the Commission had tackled this task, whether through textbooks or pamphlets, movies, by supervising programmes and publications, or other methods. It was also asked whether this effort extended also to pornography and, in this connection, whether prostitution, which was not penalized by law, was a prevailing phenomena. If this were so, it was further asked whether efforts at rehabilitating the prostitutes were being contemplated by the Commission on the Status of Women.

128. Several experts, referring to the report and the existence of domestic violence, asked whether the Government had the intention of subsidizing shelters for victims, both men and women. It had also been noted that abortion was forbidden by law and some experts also asked whether there had been any progress in repealing such a law.

129. One expert requested information on laws regarding legal and consensual unions and what provisions existed in case of divorce regarding property rights, child custody and residence.

130. Another expert expressed satisfaction with the provisions recently created to grant subsidies to parents with sick children and asked whether the grant was in the form of a percentage of salary. If so, whose salary? It was also noted that a father could now take leave to care for his children and it was asked to what extent men had used this provision.

131. Information was sought on the experience of the implementation of the provisions banning sex discrimination in working life. It was further noted with satisfaction that victimization was forbidden by law.
132. Several experts asked what types and amount of subsidies were given regarding child care centres and maternity leave and whether this leave was also extended to the father. One expert noted that more information was required on social welfare facilities extended to rural women; in addition, statistics on women who were employed in agriculture and other non-service sectors of the economy, as well as what pensions, grants, incentives or subsidies were provided to them. Another expert requested clarification on law 4 of 1980 and asked what grounds were deemed juridically acceptable to dismiss a pregnant woman and whether a woman on maternity leave retained both full salary and the same employment.
133. It was also asked why were military and equivalent services not open to women's employment and what was considered "equivalent". Other experts asked why were provisions regarding maternity and working hours not applied to civil servants.
134. One expert also asked for information on women's peace activities or movements in Portugal.
135. The representatives of the State party thanked the Committee for the interest it had shown in Portugal's initial report. Since many of the questions raised by the experts overlapped, they proceeded to address their replies in the order in which the questions were asked and included as many elements as possible which would also answer subsequent questions on the same subject.
136. One of the representatives stated that initiatives had already been taken both by government and non-governmental organizations regarding activities for the International Year of Peace. Requirements for the building of peace included equality of the sexes and women's participation in development. Special programmes for youth, cultural initiatives, exhibitions, seminars and other activities were being planned.
137. Referring to the effectiveness of special temporary measures favouring women, the representative answered that there had not been any case of preferential treatment, particularly regarding access to work. Regarding vocational training courses, the percentage of women's participation can be considered still low, 11.1 per cent, per the data of 1984.
138. In regard to the implementation of article 5 of the Convention, one of the representatives explained that, although Church and State were separate entities, 80 per cent of the population was Roman Catholic. This certainly influenced the thinking as regards measures on abortion. In answer to several questions regarding the project on attitudes and gender roles, she stated that it would be continued and that evaluation of new pedagogical material as well as the broadening of its scope and outreach was taking place.
139. Measures concerning the suppression of prostitution were being taken. The accession by Portugal to the Convention on the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others was now following the necessary procedures. With regard to pornography, the representatives stated that detailed regulations had been prepared and were, at present, pending approval in a revised New Advertising Code.

140. One of the representatives referred the members of the Committee to the supplementary information provided which stated that 6 per cent of the members of Parliament were women and only 4.2 per cent were elected at the local level. Women represented 17 per cent and 24 per cent of the members in leading bodies of the two trade union confederations operating in Portugal and 30 per cent and 46 per cent of the total members. The most representative women's organizations belonged to the Consultative Council of the Commission on the Status of Women, which was directly under the supervision of the Prime Minister's Office. In this way, women's organizations were participating and contributing to the formulation and implementation of Government policies concerning the status of women. There was one office of the Commission in the north of the country.

141. The representative also referred to the participation of women in international organizations and stated that the questions of discrimination had never been raised. However, during 1984-1985, the percentage of women on the diplomatic staff of the Portuguese Mission to the United Nations was 50 per cent and 27 per cent of the geographical quota allocated to Portugal by the United Nations was occupied by women.

142. The representative noted that information regarding employment of women and its distribution by sectors was included on page 49 of the supplement distributed, showing, for example, that 30 per cent of the women employed were in agriculture; 23.3 per cent in manufacturing industries; 13.3 per cent in trade, restaurants and hotels; and a total of 23.3 per cent in health, education and other sectors. The rate of unemployment among women was 15.1 per cent as compared with 7.7 per cent for men.

143. As to provisions regarding maternity leave, one representative stated that during the 90 days of maternity leave, women workers received full salaries or an equivalent amount which was paid by the social security system. Child-care facilities were operated through private and public institutions for profit in some cases and as a service in others. In public institutions, the fees depended on the income level of the family or the individual, calculated according to established scales. Recently, the Government had approved legislation giving the framework for a more unified system of day-care and family crèches. The representative recognized the need for more of these free services.

144. In reply to other questions raised by the Committee, the representative stated that civil servants had the same rights as other workers in regard to time off for breast feeding and flexible working hours. The latter also applied to fathers who had children under the age of 12 or in special circumstances and a leave of absence up to 30 days to take care of a sick child. The representative also explained that under the general law, workers that stay off work for a period of six months to two years in order to take care of a sick child keep all their rights except remuneration. However, special collective labour agreements covering the great majority of workers can, and in fact do, recognize a more favourable treatment. Furthermore, the representative added, no woman could be dismissed on the grounds of pregnancy, and in regards to equal pay for equal work, the fact that the average salary was lower for women than for men was explained by the other fact that women were still concentrated in less qualified and lower paid jobs. A draft law on the military service for women on a voluntary basis would be discussed by the Parliament. Regarding the percentage of women working in professional fields, the representative stated that 52.5 per cent of the total number of workers in the scientific and liberal professions were women.

145. As to statistical information on education, the representative stated that some of this data had been already included in the supplement referred to above. For example, women were 47.9 per cent of the total attending primary-level schooling; 47.7 per cent of the preparatory level; 51.8 per cent of the secondary level; and 47.1 per cent of higher education. These figures corresponded to the period 1982-1983. An increase of up to 57.4 per cent had been registered in the entry of women to higher education during 1984-1985. Adult illiteracy was being corrected through educational corrective programmes and 54.2 per cent of women were attending them. Co-education was a rule in State schools.

146. The representative also stated that children born out of wedlock had the same rights as children born within marriage, community of acquired property was the normal marriage contract and divorce laws were in strict conformity with the principle of equality of treatment. Common law or consensual unions did not enjoy the same rights but entitlements to medical care and certain pension benefits to be allocated from the inheritance in case of death of the companion could be obtained through the courts. Regarding family violence, besides the legal provisions contained in the Penal Code referred to in the supplement, there were only very few facilities, provided by non-governmental organizations.

147. The Committee had referred to the special situation of rural women in Portugal and the representative noted that most women in rural areas worked in agriculture and that they represented 50 per cent of the total number of workers. He added that a majority of them were non-remunerated workers in small family-owned enterprises. The Ministry of Agriculture was implementing a programme on family economics and nutrition through its rural extension service. This programme had an information component on women's rights. The Commission on the Status of Women, on the other hand, was providing advice on the organization of women co-operatives in the north of the country, as well as a pilot project on integrated development which included sanitation, health and education, family planning and literacy. The United Nations Fund for Population Activities had been supporting these efforts. It recently finished a project on the training of rural women of the north for co-operative work organized under the auspices of the European Social Fund of the European Economic Community. Finally, the representative added, women's organizations had also been involved in community development projects in the Alentejo, northern and central part of the country. Furthermore, she clarified, there was no legal discrimination against rural women in social welfare benefits. A special widowhood pension was granted to women aged over 35 years; men only qualified at age 65 or if they were disabled.

148. The representative of the State party answered a question in regard to a statement made in the initial report, that lack of motivation and not apathy was probably the cause of the slow progress in the integration of women. Present economic constraints had prevented the Portuguese Government from allocating more rapidly the sufficient resources to build a larger infrastructure and support for women. However, the integration of women had become State policy, she concluded.