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

Second and third periodic reports

277. In accordance with a decision of the pre-session working group (see chap. II, sect. G), the Committee considered both the second and third periodic reports of Portugal (CEDAW/C/13/Add.22 and Corr.1 and CEDAW/C/18/Add.3) at its 183rd meeting, on 29 January (see CEDAW/C/SR.183).

278. The representative of Portugal stated that the legislation of Portugal was generally egalitarian, and in many respects advanced, and therefore attention should be given to the de facto situation of women. She pointed to positive indicators characterizing the situation of women during the reporting period. In 1989, women had constituted 42 per cent of the labour force and over 50 per cent of those attending school. In 1986/87, 58 per cent of the graduates of secondary school and 53 per cent of university graduates had been women. In those professions that had been open to women only after the

revolution, such as diplomacy or the judiciary, women currently constituted 10.5 per cent of diplomats, 14.2 per cent of judges and 26.7 per cent of public attorneys. Women continued to choose non-traditional areas of education such as law, social science, commerce and business administration, information and documentation, natural and exact sciences, mathematics, computer and medical sciences.

279. Critical areas to be dealt with, however, included: discrimination in employment; sexual harassment at the workplace; domestic violence; lack of support structures to reconcile family and professional responsibilities; and difficulties in obtaining real maternity protection for those on short-term contracts. She described a variety of programmes, measures and activities that had been elaborated by the Government and the equality commissions to redress the effects of discrimination and to establish de facto equality.

280. In response to a general question regarding the restructuring of the Commission on the Status on Women, she stated that the restructuring had not been completed although it was at an advanced stage. Members expressed the hope that the ongoing restructuring would give more power to the Commission for the implementation of its objectives described in the second periodic report. Replying to a follow-up question, the representative stated that there were examples of good cooperation of the Commission with non-governmental organizations representing a broad spectrum of political opinions and views.

281. In response to a follow-up question, the representative stressed the need for further work for equality among both adults and young people. The latter often had no experience of their own, and therefore were not aware of the problem until they faced it, for example, in the labour market or in the family.

282. Regarding article 2, the representative replied that, although it was not possible to state with certainty whether the Convention had been directly invoked before the courts, its articles related to employment had been cited in the opinions on complaints related to discrimination of the Commission for Equality in Work and Employment. Those legal opinions, after being approved by a tripartite commission and publicized, could be used further by either complainants or trade unions for the presentation of cases in courts.

283. Responding to questions on article 3, the representative stated that the Commission on the Status of Women had a consultative status and no enforcement powers; it had a global mandate and was responsible to the Prime Minister. Its budget was very small and amounted to 0.003 per cent of the State budget, excluding the social security budget, which was autonomous. She pointed out, however, that there were also other mechanisms for equality, with different budgets and mandates, linked to various institutions (such as the parliament or the Ministry of Employment). With reference to the Global and Intersectoral Plan for Equality that had been proposed by the Commission to the Government in 1990, the following areas of activity had been identified: culture, education and professional training; work and employment; health; social security; reconciliation of professional, social and family responsibilities; promotion of the participation of women in civic, political and public life, including the decision-making processes; and vulnerable women (including women who were single heads of household, migrant

women; female victims of prostitution, women in detention). With regard to the situation of elderly women, reference was made to a publication entitled "Women and aging", which had been elaborated and disseminated by the Commission. The publication contained information on women's retirement benefits; pensions and economic resources; educational and cultural opportunities; and means of social integration. Reference was also made to the issue of old-age benefits, which were the same for both men and women. Concerning questions on migrant women, she described some specific training courses aimed at the improvement of their qualifications, and their integration into the labour market, which had been supported by the Commission on the Status of Women and a number of Portuguese and European institutions. Twelve courses in such areas as embroidery, tapestry and cooking had been held in 1988/89 in five European countries. Similar courses would be held in 1991 in seven European countries. The selection of traditional fields of training was determined by the usually low level of education and poor qualifications of the trainees. The courses were accompanied by the provision of complementary information on women's rights, cultural identity, management and creativity. It was stated that the Commission on the Status of Women had no branches abroad and therefore it had limited possibilities to assist migrant women abroad.

284. Responding to questions under article 4, the representative stated that some special measures had been implemented in the area of professional training for women. She explained that a proposal to include a clause on temporary measures in the Constitution, promoted by women's organizations, had been rejected on strictly legal grounds, as the entire Convention, upon its ratification, had become an integral part of domestic Portuguese law.

285. In relation to article 5, the representative clarified that existing laws (Decree Law 330/90) did not contain any provisions aimed specifically at the protection of the image of women, but prohibited any publicity against the "dignity of the human being" that would "contain any discrimination on the grounds of race or sex". Financial sanctions were provided to penalize vacancy announcements of a sexist nature (Decree Law 491/85). Activities of the Commission at the Ministry of Employment included information campaigns addressed to advertisers in the mass media, often leading to the submission of complaints to the Advertising Council. With regard to changes in attitudes and traditional sex roles, she said that there were some signs of improvement, such as the tendency for women to have broader rather than traditional aspirations, the diversification of women's choices in the educational and professional fields, and the greater sharing of household and family responsibilities between men and women. Two studies had been initiated by the Commission in order to evaluate the situation. With regard to questions on sexual harassment, she said that the law had no special provisions for such behaviour and that there was a need to define sexual harassment in order to adjust legal measures to combat it. The matter had been included in one of Commission's proposals to the Government. The recent study on sexual harassment had concluded that it was a serious problem that often had consequences for the health and working capacity of women, their ability to find jobs and their family life. Women felt that they had no formal support and often did not complain, either assuming that it would be useless or fearing the consequences if they did so. With regard to pornography, she said that it was subject to certain legal regulations limiting the exhibition, sale of and access to pornographic goods, including films. In response to a

question on violence against women, she said that the issue had not yet been the subject of national studies and there were no provisions to create women's shelters by the State. According to the latest data collected by the Commission's information centres, 30 per cent of the cases brought to their attention included the dimension of violence against women, particularly in the family. In order to raise awareness, the Commission had elaborated and distributed two brochures and three leaflets on the subject.

286. Regarding article 6, she said that Portugal had not yet become a party to the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (General Assembly resolution 317 (IV)), but the subject had been studied with the intention of ratifying that Convention. A brochure on the subject had been published by the Commission in order to raise the awareness of women. In reply to a follow-up question, she admitted that there were difficulties in collecting information on prostitution and indirectly intervening. The importance of prevention through information and assistance was emphasized.

287. Responding to questions on article 7, the representative confirmed that, despite some political declarations, namely by the Prime Minister, on the need to increase women's political participation, there were no quotas for women. She referred to the quotation from the report (CEDAW/C/18/Add.3, para. 18) that "politics is a world of power and, as such, remains a masculine preserve". The existing statistics showed that out of the 61 members of the Government, 4 were women (the Ministers of Budget, Culture, Public Administration and Regional Development); there was no woman in the Council of State; only one female judge out of 13 judges in the Constitutional Court; and female parliamentarians constituted 10 per cent of the membership of Parliament. In order to improve the situation, the Commission had proposed some measures focused on three main objectives: extension of knowledge on the effective participation of women at all levels of political life; identification and eradication of the obstacles; and promotion of women's participation in public administration, political parties and trade unions, in particular in posts subject to political nominations at the national and international levels. The measures had also included the possibility of introducing into educational programmes the topic of political participation as a requirement for democracy, the creation of a roster of qualified women and an information campaign to raise consciousness.

288. Responding to a question on the law regulating the rights of women's organizations, she said that there were only general rules concerning all non-governmental organizations. A new law on the rights of women's organizations, which had been proposed to Parliament on 8 March 1989 by women of all parties, had a purely political meaning as the draft did not include any financial provisions. However, since 1988, the budget of the Commission had been increased by some additional resources that were meant to support women's organizations in consultative status with the Commission.

289. In response to a follow-up question with regard to the participation of women in decision-making, the role of women's networks was emphasized. She observed that it was often easier to improve the situation at the national level than at the local level.

290. In response to a question under article 8, she said that a high official of the United Nations had promised to provide the Commission with updated information on existing vacancies so that candidates could be actively sought.

291. Referring to questions on article 10, she stated that the educational programmes aimed at promoting the diversification of choices for women in education included:

(a) A campaign organized under the auspices of the Ministry of Education directed to all secondary schools advising girls of new professional options, which was supported by written and audio-visual material;

(b) A campaign organized by the Commission and the Institute of Employment and Professional Training entitled "Technical professions - professions with a future".

292. In addition, training activities for vocational counsellors and professional guidance officers had been organized by the Commission. Pilot courses in non-traditional areas, such as management, electricity, plumbing and computers, had been organized by various institutions. Progress had been achieved in professional training as a result of the positive measures undertaken since 1988, as indicated by the degree of participation of women in two of the training schemes. Participation had increased from 17.2 and 23 per cent in 1986 to 41.1 and 33 per cent in 1989, respectively. The representative admitted that there was no systematic way of monitoring progress in women's education and training although the percentage of girls attending schools was generally high, and the Institute of Employment and Professional Training had been making reports on professional training.

293. With regard to the issue of elderly women and illiteracy, she said that there were literacy programmes for all citizens, independent of gender. There were, however, more women in adult literacy courses because of the higher percentage of illiterate women in society. With regard to the project for non-sexist education and training for teachers, she referred to the first stage of the project entitled "Change of attitudes", which had been discussed in detail in the second periodic report, and to a specific project entitled "Education for equality", which had been carried out in 1988 by a higher school of education. The Commission had been involved in implementing both parts of the project, which was part of the European Community network. With regard to the high percentage of women teachers in kindergartens and grammar schools compared with the low percentages at higher level educational institutions, she noted that such a tendency had been apparent in many countries and had its roots in the prevailing traditional roles relating to child care and in the low prestige and low salaries associated with those professions. However, a slight improvement had been noted. In 1984/85 92.2 per cent of women teachers had been at the primary level and 27.9 per cent at the third level; in 1986/87 the percentages had been 92.2 and 31.0, respectively.

294. Turning to questions under article 11, the representative stated that, although the situation of elderly women differed according to their status and income, pensions were generally low. With regard to part-time work regimes for civil servants with dependants or with children under 12 years of age, information was provided on an administrative instruction that was meant to

clarify that regime and adapt it to Law 4/84. That instruction on part-time work had not been addressed to women, however, but to both men and women. She said that part-time work was not a major problem in Portugal, as it involved only 6.4 per cent of employed women.

295. She said that social support structures for children, which, according to the Constitution should be provided by the State, were not sufficient, particularly nurseries for children below three years of age. In smaller communities, family assistance and day-care mothers were of basic importance, but in practice some parents had no access to such facilities. In terms of equality in work and employment, reference was made to Decree Laws 392/79 and 426/88 which were being applied in both the private and public sectors. She said that a systematic, coherent programme of positive action had been applied since 1988 in the area of professional training of women, which took the form of:

(a) Incentives to employers who integrated or trained women in traditionally masculine professions;

(b) Financial support to women who created their own employment or jobs for other women. Some of those programmes had been complemented by other measures, such as the financing of day nurseries. She noted that in spite of national and international standards, real wage differentials remained at the same level: in 1988 and in 1989, the pay of women amounted to 78.1 per cent and 76.7 per cent, respectively, of that of men.

296. Turning to the issue of fathers taking parental leave, no data were available. Tradition and wage differentials were mentioned as factors that determined who would take parental leave. With regard to the impact on women's employment of the country's entry into the Common Market, both the positive and negative aspects were mentioned. The positive effects included professional training and the potentially greater opportunities of employment. The unemployment rate in Portugal had become one of the lowest in Europe. However, women constituted two thirds of all unemployed persons and many women were working under short-term contracts. With regard to a question concerning domestic workers, it was stated that their status was guaranteed by law and they were therefore assured of some social rights.

297. Referring to questions under article 12, she said that advice on contraceptives and family planning was legally provided to young people in family planning centres that had been established specifically for youth and, where those did not exist, in centres for the general population. Since 1979, the Commission had conducted several campaigns on the issue addressed to both men and women. All forms of contraception were freely available and some were partly subsidized by the State if prescribed by a private doctor. As regards abortion, Law No. 6/84 provided for situations in which abortion was allowed. Detailed information on the subject had been provided in the first periodic report. There were no statistics on the subject and the promotion of a study on the implementation of that law was under consideration. In reply to a follow-up question, she confirmed that there was a lack of information on the incidence of abortion, particularly those which were clandestine. With regard to AIDS, she said that special programmes were targeted at both men and women including campaigns to promote an awareness of the problem of women and AIDS.

However, it had been noted recently that, as in other countries, the number of infected women was growing faster than that of men.

298. On article 13, she said that although there were no specific legal or other provisions for a single parent, the social support scheme, described in the second periodic report, had been applied in practice to any parent.

299. Turning to article 14, the importance of the issue of rural women was stressed. The representative drew attention to various programmes for rural women that had been conducted by the Commission, which comprised professional training in management, cooperative organization and marketing, as well as basic education, literacy and family planning. The high percentage of women farm workers was partly attributable to the fact that the spouse of a farmer, regularly working on the farm, would be considered by law as an independent worker and, as such, entitled to all social security rights. The law had been introduced in January 1987 in accordance with a European Community directive concerning independent workers in the agricultural sector. She said that there were no data available on the number of companies that had been formed by husband and wife, nor were studies available on the situation of women participating in such companies. It was assumed that they provided equal opportunities to both partners. With regard to the unpaid work of women, she said that work that was regarded as domestic work was not included in the national accounts. Women working in family enterprises were sometimes not remunerated even if they were considered independent workers for social security purposes. They accounted for 4.2 per cent of the total number of women workers.

300. In reply to questions raised under article 16, she said that, in terms of both constitutional principles and civil law, both spouses had the same duty to contribute to the maintenance of the family, although their contributions could take different forms, such as work in the house or education of the children. In order to facilitate such parental roles without prejudice to economic independence, a variety of measures, such as flexible working hours and special opening hours, could be helpful. In addition, the Commission had undertaken, together with non-governmental organizations, information campaigns on the issue of sharing family tasks.

301. She said that the physical ill-treatment of a spouse would be subject to criminal proceedings defined by the Penal Code. However, she said that it was the intention of the Government to tackle the issue of wife-battering and domestic violence against women by awareness-raising, providing various forms of assistance to women, including provision for economic independence, and changing fundamental attitudes.

302. The Committee commended the representative for the clear and substantive presentation and emphasized the value of the practical approach being taken to translate the Convention into the promotion of de facto equality.