



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

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**Committee on the Elimination of Discrimination
against Women**

Pre-session working group

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**Responses to the list of issues and questions with regard to
the consideration of the sixth and seventh periodic reports**

Portugal*

* The present report is being issued without formal editing.



List of issues and questions with regard to the consideration of periodic reports

Portugal

The pre-session working group examined the sixth and seventh periodic reports of Portugal (CEDAW/C/PRT/6 and CEDAW/C/PRT/7).

Constitutional, legislative and institutional framework

1. The seventh periodic report refers to establishment of the Commission for Citizenship and Gender Equality, which replaced the Commission for Gender Equality and Women's Rights and the Mission against Domestic Violence. Please provide further information on the financial and human resources made available under this new structure for the implementation of the Government's gender equality policy and indicate whether resources and competencies of this new structure have been increased in comparison with the previous system. Please also describe the explicit mandate of the new Commission concerning gender equality and how it is organized to ensure the visibility of women's rights and gender equality issues throughout its functions, given its dual mandate.

Following the new organic law the recently created *Commission for Citizenship and Gender Equality* (CIG) - that replaced the *Commission for Equality and Women's Rights* - has been proceeding to the needed changes. In order to be able to respond to the new competences the personnel has been renewed and increased. CIG now has 63 permanent employees (full-time) and 25 non-permanent employees (also full-time).

Regarding the financial resources the Portuguese Government has been making an overall effort to reduce public expenditure. Hence the budget for 2008 - 3.523.767 €- is actually 5.58 per cent lower than the budget for 2007 - 3.732.031 €. The budget for 2008 will imply an effort of rigour and restraint, taking into account the new competences of CIG and its responsibilities in the implementation of three national plans: the Third National Plan for Equality, the Third National Plan against Domestic Violence and the First National Plan against Trafficking in Human Beings.

Taking this into account, the execution of these plans shall also rely on the sharing of expenses with other Ministries and Departments of the Public Administration as part of a gender mainstreaming strategy. In addition CIG has the possibility to apply to alternative financing sources, namely the European Union's structural funds and private institutions' patronage.

The mandate of the new Commission concerning gender equality is:

- a) To support the preparation and development of global and sectoral policy with regard to promoting citizenship and gender equality and to participate in the implementation of specific policies and corresponding linkage with integrated policies;
- b) To contribute to the amendment of the regulatory framework, or to its implementation, in respect of citizenship and gender equality, by preparing regulatory proposals, issuing opinions on

legislative initiatives or suggesting mechanisms to promote full and effective compliance with the regulations in force, in particular in the mainstreamed fields of education for citizenship, equality and non-discrimination between men and women, maternity and paternity protection, reconciliation of men and women's professional, personal and family life, fight against the forms of gender violence and support for victims;

- c) To prepare studies and planning documents to support political decision-making in the area of citizenship and gender equality;
- d) To promote education for citizenship and activities to raise civic awareness with a view to identifying situations of discrimination and ways of eradicating them;
- e) To promote activities that facilitate equal participation in economic, social, political and family life;
- f) To suggest measures and carry out activities to counter all forms of gender violence and support its victims;
- g) To support measures, projects or activities of NGO's with goals similar to CIG's;
- h) To offer quality awards to entities that adopt codes or follow examples of best practices in promoting gender equality, preventing gender violence and providing support to victims;
- i) To provide technical supervision of structures for assisting and caring for victims of violence and strategic coordination with other official sectors involved in such support;
- j) To keep public opinion informed and aware by working with the media, producing publications and maintaining a specialised documentation centre and library;
- k) To prepare general recommendations regarding best practices in promoting gender equality, especially at the level of advertising, the working procedures of educational structures, training and organisation of work in public and private sectors, as well as checking conformity with these best practices;
- l) Checking technical skills and conducting quality certification of persons and entities institutionally involved in the promotion and defence of citizenship and gender equality;
- m) Developing legal advice and psychosocial support services, especially in situations of discrimination and gender violence;
- n) To receive complaints regarding situations of discrimination or gender-based violence and to present them, when appropriate, by issuing opinions and recommendations to the competent authorities or to the entities involved;

- o) To ensure adequate forms of institutional participation for non-governmental organisations that contribute to the implementation of citizenship and gender equality policies;
- p) To organise, in accordance with the law, the national registry of non-governmental organisations whose statutory object is essentially the promotion of the values of citizenship, defence of human rights, women's rights and gender equality;
- q) To cooperate with international and European Community organisations and other equivalent foreign entities, with a view to participating in the broad guidelines regarding citizenship and gender equality and promoting their implementation at national level;
- r) To cooperate with national, regional and local public and private entities in projects and activities coinciding with the CIG's mission, in particular by establishing partnerships;
- s) To provide technical assistance to initiatives promoted by other entities in the area of citizenship and gender equality;
- t) To issue a favourable opinion on the signing of cooperation agreements that involve official state entities in the matter of supporting victims of gender violence.

The Commission for Citizenship and Gender Equality consists of one President, assisted by a Vice-President, and a Consultative Council. Its head office is in Lisbon and there is a branch in Oporto.

The Consultative Council of the Commission for Citizenship and Gender Equality comprises:

- The Inter-ministerial Section made of representatives of the various relevant Government departments, with the aim of mainstreaming gender equality into all policies;
- The NGO section made up of 40 national non-governmental organisations working on the same or similar objectives as the Commission;
- The Technical and Scientific Advisory Group is chaired by the member of the Government in charge of the CIG and besides the president and the Vice-president of the CIG is composed by 10 personalities with well known scientific skills in the fields of citizenship, human rights, women's rights and gender equality.

The internal organisation of CIG follows a structural model with nuclear and flexible organic units and multidisciplinary teams. The nuclear units are i) the Centre for Studies, Planning, Documentation and Training (CEPDF); and ii) the Northern Delegation.

The CEPDF i) develops and promotes studies on gender equality issues, human rights and prevention and fight against all forms of gender violence; ii) cooperates in the definition, monitoring and follow-up of the national and sectoral plans for the development of gender equality promotion and protection policies; iii) ensures the updating of the documentation centre and the specialised library; and

iv) promoting the elaboration of educative and information materials on gender equality and citizenship.

The Northern Delegation is in charge of the implementation of the plans approved, according to the specific priorities and needs of the region.

The flexible organic units are the Training Division, the Documentation and Information Division and the Juridical and Administrative Division.

The Training Division is in charge of i) the definition and promotion of initial and ongoing training for educative agents, equality counsellors and other stakeholders in the fields of gender equality, human rights and prevention and fight against all forms of gender violence; and ii) the elaboration of general recommendations regarding good practices in the training provided by public and private entities in these fields.

The Documentation and Information Division has the responsibility of i) keeping the public opinion informed; and ii) of giving out quality awards to organisations that have good practices or codes for the promotion of gender equality, gender violence prevention or support to the victims of gender violence.

The Juridical and Administrative Division is in charge of i) a legal advisory and psychosocial support office; ii) the examination of complaints regarding discrimination or violence cases; and iii) the monitoring and follow-up of the implementation of European Union's directives and jurisprudence, Conventions and other international instruments related to CIG's fields of work.

Taking into account the goals towards the support and management of projects regarding gender equality and citizenship, gender violence and the social network and municipalities, three multidisciplinary teams were created: Nucleus for the Promotion of Citizenship and Gender Equality (N-CIG), Nucleus for the Prevention of Domestic Violence and Gender Violence (N-VDVG) and the Nucleus for Regional and Municipalities' Cooperation (N-CRA).

The N-CIG is in charge of i) the development of national strategies for the promotion of citizenship and gender equality, namely the implementation of the measures set out in the national plans for equality; ii) the promotion of gender mainstreaming at all levels of the Public Administration and in the public and private institutions; and iii) the promotion of equal treatment, opportunities and attitudes between women and men in the labour market, in the access to culture and health care and in the reconciliation between professional, family and private life.

The N-VDVG is responsible for i) the development of the national strategies for the prevention and fight against gender violence, namely the implementation of the measures set out in the national plans for equality and against domestic violence; ii) the promotion of protection measures and capacity building for victims of domestic violence and gender violence, boosting their empowerment, their self determination and their social reinsertion; iii) promote the acknowledgement of female genital mutilation and the available prevention measures.

The N-CRA i) coordinates CIG's activities regarding the national strategies for the promotion of citizenship and gender equality and fight against domestic violence to be implemented at regional and local levels; ii) fosters initiatives promoting the development of articulated strategies at the regional and local levels; iii) cooperates in the implementation of the measures set out in the national plans for equality and against domestic violence to be implemented by regional and local authorities and services.

2. Please elaborate on the concrete impact of the II National Plan for equality on the enjoyment by women of their human rights. Please also provide further information on the objectives of the III National Plan for Equality for the year 2007 – 2010, and indicate how the findings of the evaluation study of the II Plan are reflected in it. In particular, please provide information on the implementation of the recommendations suggested in the evaluation study of the II Plan with respect of the structural difficulties, including the realization of gender mainstreaming by all ministries.

According to the evaluation study on the implementation of the II National Plan for Equality the analysis of the impact indicators shows a positive image of the trends towards gender equality in the Portuguese society despite several weaknesses pointed out as regards the potential intervention of the Plan. In general the indicators on education, employment, decision-making and participation of women show an improvement, not only in the statistical indicators analysed but also in the results of a telephone survey conducted by the evaluation team to 622 persons.

Regarding Governance, in the past few years there was an increased effort towards the adaptation of the legal framework to the goals and methodologies of gender mainstreaming. This rendered visibility to the gender equality dimension in the functioning of certain institutions. Simultaneously, legislative actions were taken concerning the conditions of support to victims of domestic violence and the promotion of the implementation of the principle of parity in political decision-making. The increased capacity to support the needs of families, particularly through the enlargement of the network of infrastructures for child-care and older people as well as the longer opening hours of kindergartens and primary schools had a very important impact in the sexual re-division of work. The evaluation team affirmed that it is difficult to assess the influence of the II National Plan in these changes. However, the team considers that the existence of such a Plan plays an important role in the planning and definition of successful policies.

The implementation and consolidation of gender mainstreaming was affected by a number of weaknesses of the Plan itself as well as by the lack of the necessary conditions to its continuous adoption and integration. The following recommendations were made by the evaluation team:

- systematically set quantitative and time-bound measures, define responsibilities and identify the necessary resources;
- create a legal requirement so that all goals in public policies indicate quantitative targets for women and men;

- identify process and results indicators for the implementation, monitoring and evaluation of each action;
- set out calendars, mechanisms and responsibilities in the collection and treatment of the information.

These measures were taken into account in the elaboration of the Third National Plan for Equality as part of a constructive process of continuous improvement of gender equality policy measures, focusing in future needs and practical outcomes.

Throughout the first chapter of the Third National Plan for Equality – Citizenship and Gender, a framework is provided concerning the history and reality of equality between men and women. There are references to the legal, national and international instruments that bind Portugal to the promotion of gender equality. Additionally there is an introduction to each of the five Strategic Areas of Intervention.

Chapter II sets forth the 5 Strategic Intervention Areas: 1) “The Gender Perspective in all Policy Domains as a requirement for Good Governance”; 2) “The Gender Perspective in the Principal Domains of Policy”; 3) “Citizenship and Gender”; 4) “Gender-Based Violence”; 5) “The Gender Perspective in the European Union, at the International level and in Development Cooperation”.

The first area “The Gender Perspective in all Policy Domains as a requirement for Good Governance” contemplates 1 objective and 1 measure oriented towards the implementation of a Gender Equality Observatory, as well as 5 objectives and 21 measures related with the public authorities and the central and local Administration.

The second area “The Gender Perspective in the Principal Domains of Policy” identifies 8 major policy domains to be carried out in a total of 16 objectives and 76 measures: Education, Research and Training (4 objectives, 13 measures); Financial Independence (3 objectives, 19 measures); Reconciling professional, family and personal lives (2 objectives, 9 measures); Inclusion and Social Development (2 objectives, 10 measures); Health (2 objectives, 7 measures); Land-Use and the Environment (1 objective, 3 measures); Physical Activity and Sport (1 objective, 9 measures); Culture (1 objective, 6 measures).

The third area “Citizenship and Gender” contemplates 6 objectives and 28 measures divided into three sub-sections: Stereotypes (3 objectives, 13 measures); Citizenship Education (2 objectives, 9 measures); and Support provided to Non-Governmental Organisations (1 Objective, 6 measures).

The fourth area “Gender-Based Violence” pertains to the III National Plan against Domestic Violence (III PNCVD) to be implemented by means of 1 objective and 7 measures.

The fifth area “The Gender Perspective in the European Union, at the International level and in Development Cooperation” presents 3 objectives and 22 measures, divided into 3 sub-sections: The European Union (1 objective, 6 measures); The International level (1 objective, 6 measures); and Development Cooperation (1 objective, 10 measures).

Chapter III identifies the resources as well as the follow-up and evaluation methodologies which constitute the Plan's principal monitoring mechanisms.

In chapter IV all measures are set forth with the corresponding performance and result indicators, the entities involved and an implementation timetable.

The Plan includes an Annexe, which provides a glossary outlining all acronyms mentioned, as well as a list of some of the international instruments of reference used in the Gender Equality domain, in accordance with International Organisations and organised in chronological order from 2000 to the present day.

The intermediate report of the evaluation study of the Second National Plan for Equality was taken into account during the elaboration of the Third National Plan for Equality. Therefore, building on the remarks of the evaluation study, quantitative time bound goals and process and result indicators were created for every measure of the Third National Plan for Equality. Another aspect taken into account was the need to formally define the status, competences and responsibilities of the "Counsellors for Equality" and the Interdepartmental Teams of the various Ministries. This process is currently under way. For a better monitoring of the action of all the Ministries, regular, trimester meetings of the Inter-ministerial Section of CIG's Consultative Council were established with the goal of exchanging information about the ongoing implementation of the Third National Plan for Equality.

3. Please indicate the number of cases in which women have invoked the Convention on the Elimination of All forms of Discrimination against Women and/or the Constitution in domestic litigation to claim their rights of equality and non-discrimination on the ground of sex, and provide information on the redress obtained for acts of discrimination by both State and private actors, organizations or enterprises.

Portugal has no available data to answer this question. The current system to collect judiciary data disaggregates the processes by infractions or types of infractions and not by the legal basis of the processes.

4. Please provide information on measures taken to make widely known the Convention and its Optional Protocol including the Committee's recommendations and views, to the legal profession, women's organizations, and to the public in general.

In 2003 the former Commission for Equality and Women's Rights re-published in Portuguese the Convention on the Elimination of All forms of Discrimination against Women and its Optional Protocol in its Collection "Global Agenda". In this second edition 10.000 copies were made and 8326 copies were disseminated until December 2007.

The Commission also has a periodic magazine named "Notícias", with an edition of 4000 copies. In October 2007, number 79 of "Notícias" included the full Portuguese version of the Convention and its Optional Protocol. Both publications were widely disseminated among decision-makers, enterprises, municipalities, regional authorities, universities, research centres, women's non-governmental

organisations, libraries, gender equality mechanisms of foreign countries, researchers and other publics.

Political participation and decision-making

5. In its previous concluding observations the Committee urged the State party to take measures to increase the representation of women in elected and appointed public bodies, through, inter alia, the implementation of temporary special measures.¹ The seventh periodic report states that a law establishing quotas for the participation of women and men in the lists of candidates for election was approved in 2006. Please provide reasons for the regulation that public financing of electoral campaigns merely “may” be reduced in cases of non-compliance. Please also provide information on any other measures taken or envisaged by the Government to promote women’s participation in political and public decision making positions such as the civil service, public administration and membership in public councils and boards, including Azores and Madeira, where the electoral law does not apply.

Candidates lists that do not comply with the rules and quotas outlined in the Parity Law² may be modified to respect the rules. If the lists are not reviewed and corrected the penalty is always the reduction of public financing of electoral campaigns. The reduction of the amounts for the campaigns is not a mere possibility but rather a compulsory consequence of non-compliance.

Acknowledging the persistence of a low representation of women in decision making, the III National Plan for Citizenship and Gender Equality included the promotion of an equal representation of women and men in decision making among its goals. To achieve that goal, the Plan sets out the implementation of: i) awareness raising actions on the advantages of broadening the principles of the Parity Law and adopting positive and temporary special actions to other spheres of the public and private sectors and ii) training actions targeted at women, for the development of skills for participating in the public and political life.

Violence against women

6. The Evaluation of the II National Plan against Domestic Violence notes an increase in the number of shelters and information/reception units, a standardization of their operational procedures and the increase of awareness and technical competence among the professionals dealing with violence against women. The seventh periodic report also notes the creation of the National Network of Domestic Violence Centres in 2005. Please provide concrete information on the assistance these Centres provide to the women victims of domestic violence and the geographic coverage of these centres. Please provide further information on the current number of shelters and information/reception units throughout the country, their admission criteria, whether they are equipped to receive women with disabilities or children with disabilities, the mode of financing them, including the financial support of victims while in shelters, and

¹ See *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 38 (A/57/38)*, Part One, para. 338.

² Organic Law no. 3/2006, of the 25th of August 2006.

whether shelters are available and accessible in all regions. Please also elaborate more concretely on the objectives of the III National Plan against Domestic Violence, whether the recommendations of the evaluation of the II National Plan are reflected in it, and provide information on the financial resources allocated for the implementation of the Plan.

The main goal of the National Network of Domestic Violence Centres is to provide the whole of the national territory with specialized and qualified responses for the victims of domestic violence. These Centres provide a multidimensional assistance, including legal, psychological and social support. They are an integrated community response that involves public and private entities so that the local resources are fully utilised and invested in improving the support to victims of domestic violence.

In a first stage, an assessment was made to identify the districts that did not have support structures for victims of domestic violence. Ten districts out of 18 (all of which of the interior of the country) did not have community responses in this field. Therefore since 2005 six centres have already been created, namely in Bragança, Viseu, Leiria, Castelo Branco, Viana do Castelo and more recently in Beja. A cooperation Protocol for the creation of one of these Centres in Évora and three other Protocols are being negotiated.

There are 38 shelters in Portugal, distributed as follows by districts: Viana do Castelo (1), Braga (1), Porto (5), Vila Real (1), Bragança (1), Aveiro (3), Coimbra (4), Leiria (1), Lisboa (5), Setúbal (4), Évora (2), Beja (2), Faro (2), Açores (3) e Madeira (3). NGO's and private institutions working in the social area are responsible for the management of these shelters.

The admission of women victims of violence and their children in shelters is made upon proposal and referral by one the following entities: Commission for Citizenship and Gender Equality; reception centres for victims; social security services; municipal centres for social support; other shelters.

The admission requirements in a shelter are: i) referral by one of the entities referred above; ii) presentation of the situation by the technical team (of one of these entities) responsible for the assessment of the case; iii) acceptance by the victim of the internal rules of functioning of the shelter.

In case of emergency and upon referral by the security forces in cooperation with the shelters, a women victim of violence and her children can be taken in a shelter for a period of up to 72 hours, before the assessment by the technical team referred previously.

The private spaces in shelters must be designed with a view to guarantee the effective privacy and mobility of disabled people. The victim can get financial support from the social services of either the central administration or the municipalities.

The recommendations of the II National Plan Against Domestic Violence Evaluation Report were all included in the III National Plan against Domestic Violence (PNCVD). The need to indicate process and result indicators, to set time bound goals and measures, to specify each measure concretely and to ensure a higher involvement of the other Ministries are some of the more transversal recommendations taken into account. In more detail the following can be highlighted:

- Define quantitative and qualitative goals and targets for the III PNCVD in general and for each specific Area and Measures.
- Develop experimental projects and disseminate the respective good practices identified: i) collect good practices in the application of the current model of the standardised police report; ii) implement an experimental programme for the application of electronic means of surveillance of the aggressors sanctioned with restraining orders; iii) define and implement prevention programmes to avoid the repeated offences; iv) create specific responses for domestic violence cases in the health care units; v) implement, in each Regional Health Administration, a pilot experiment, through the creation of a network of multidisciplinary services for appropriate detection, follow-up, and intervention that promote an integrated approach to the various problems related to domestic violence.
- Define and implement parental training on issues related to gender and domestic violence.
- Implement groups of mutual assistance for domestic violence victims.
- Facilitate priority access of victims of domestic violence to social housing, within the scope of the social network by celebrating protocols with the municipalities, creating a system of incentives to support house renting and facilitating access of the victims of domestic violence in an institutionalisation regime to the available assistance programmes, in order to promote their autonomy.
- Design guides of good practices targeted at professionals in various areas of intervention, namely health, education, training, as well as for the security forces.
- Promote the qualification of educational and training professionals: design, in articulation with the competent entities, modules on gender violence and domestic violence; carry out training actions for education and training professionals qualifying them to report and follow-up on the students/trainees that are directly or indirectly victims of situations of domestic violence.

7. The seventh periodic report describes training efforts with respect to professionals involved in protecting and assisting victims of domestic violence, responding in part to the Committee's previous concluding observations.³ Please describe measures that have been taken to this effect regarding the judiciary, and evaluate whether the increase in the number of reported cases of violence against women corresponds to an increase in investigations, prosecutions and punishment of perpetrators. Please also indicate whether the amended Criminal Code and the amended Code of Criminal Process containing specific regulations with respect to violence against women and its investigation and prosecution have entered into force and whether they have already been applied, and if so, with what effect.

³ See *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 38 (A/57/38)*, Part One, para. 332.

Apart from the data about training efforts with respect to professionals involved in protecting and assisting victims of domestic violence, already included in the VII Portuguese report, at present Portugal has no additional available data.

At this moment there is no available data regarding 2007/2008 on whether the increase in the number of reported cases of violence against women corresponds to an increase in investigations, prosecutions and punishment of perpetrators.

The amended Penal Code and the amended Code of Criminal Procedure entered into force on the 15th of September 2007. Taking into account the relatively short period since then, Portugal does not have available data regarding the application of the amended articles yet.

8. The sixth periodic report states that the Government is planning to criminalize female genital mutilation and improve the health care of victims of this practice (para. 22), but the seventh periodic report does not mention this initiative. Please provide updated information on the legislative measures taken in this respect and their impact. Please also provide statistical information on the scope of female genital mutilation in Portugal and results of the measures taken for its prevention.

Article 144 of the Criminal Code (serious offence to physical integrity) was amended to include in paragraph b) the act of taking or affecting, in a severe way the capacity to have sexual pleasure. This crime is punished with the penalty of imprisonment from 2 up to 10 years. This amendment to the Criminal Code entered into force in 15th September 2007.

Recently a working group with several representatives of Ministries and civil society was created with the goal of elaborating a National Plan to eradicate female genital mutilation. The working group is included in a DAPHNE Project and its mentor is the Secretary of State of the Presidency of the Council of Ministers (the same responsible for the CIG). The elaboration of this Plan will be concluded in the course of 2008.

9. In its previous concluding comments, the Committee expressed concern about the fact that incest is not defined explicitly as a crime in the Penal Code.⁴ Please provide information on any possible legislative measures taken in this respect.

Incest is indeed a crime explicitly foreseen and punished in the Portuguese Penal Code. In a country such as Portugal, with a continental law system, the Criminal Law is drafted in order to have general and abstract provisions and then specific provisions on aggravation and attenuating circumstances. For instance: there are provisions on rape and sexual abuse and then there are provisions where the aggravating factors are foreseen. In the example given, rape and sexual abuse are considered aggravated offences when committed by certain persons, in certain circumstances (such as with extreme violence or when the victim of abuse or rape is under the tutorship or labour dependency of the accused) or when they result in certain consequences (such as pregnancy, HIV contamination).

⁴ Ibid., para. 333.

Incest is, therefore, considered aggravated rape (if committed by a parent, a sibling, a grandparent and so on) or aggravated sexual abuse depending on the acts practised. Thus, the penalties for these crimes are aggravated in 1/3 of its minimum and maximum limits. The offender can also be prevented from exercising parenthood, tutorship or curatorship by a period of 2 to 15 years.

Trafficking and exploitation of prostitution

10. Please provide information on the scope of the new provisions on trafficking in the Criminal Code, which was to enter into force on 15 September 2007. Please provide statistical data or estimates on the numbers of women and girls who are victims of trafficking. Please also provide an analysis of the trends and numbers of criminal proceedings initiated in cases of alleged trafficking in women and girls, including the outcome of any court proceedings and sentences imposed.

Several articles of the Criminal Code were amended, including the crime of trafficking in human beings. These amendments entered into force in 15th September 2007.

The ancient provision, punished the providers of sex markets, referring only to the international trafficking in human beings, aiming to combat the so called “international trafficking in human beings” for the purposes of exploitation of prostitution or other forms of sexual exploitation. The essential elements of this crime were the following: i) trafficking in human beings to a foreign country; ii) executed through violence, serious threat, contrivance, fraudulent manoeuvres, abuse of the authority that results from an hierarchal dependent relation, an economic or work relation or any specially vulnerable situation of the victim, alluring, transporting, providing shelter or allocating a person or offering him/her the conditions; iii) aiming at the practice of prostitution or sexually relevant acts.

The law demanded that the fact had occurred in a foreign country for it to be considered a crime of trafficking in human beings. The penalty for this crime was the imprisonment from 2 up to 8 years and could be aggravated if the offender was carrying a sexually transmitted disease or if the victim was under 14 years old. If the trafficking in human beings was committed at a national level (leading to the practice of sexual acts inside Portugal) it was regarded as a different crime, namely under the articles on sexual exploitation of the former Criminal Code.

In the present wording of the Criminal Code there is a new definition of the *iter criminis* (Artº. 160 - Trafficking in human beings):

“No. 1: Any person who, delivers, allures, solicits, accepts, transports, provides shelter or allocates another person for purposes of sexual exploitation, labour exploitation or organ removal:

a) by means of violence, kidnapping or serious threats;

b) by means of contrivance or fraudulent manoeuvres;

c) abusing the authority that results from an hierarchal dependent relation, an economic, a work or family relation;

d) taking advantage of a mental incapacity or a specially vulnerable situation of the victim; or

e) through obtaining the consent of the person that has control over the victim; shall be punished by a sentence of 3 up to 10 years of imprisonment.

No. 2: The same penalty shall be applicable to any person, who, by any means, allures, transports, provides shelter or allocates a minor or surrenders him, offers him/her or accepts for sexual exploitation, labour exploitation or organ removal.

No. 3: In the case foreseen in the previous paragraph, if the actor uses any of the means foreseen in the subparagraphs of paragraph 1 or acts professionally or with profit intention, shall be punished with imprisonment from 3 up to 12 years. “

The new wording also makes a new, wider, characterisation of the crime of trafficking in human beings. The penalty was aggravated and now ranges from 3 up to 10 years. A person that has knowledge of the crime and uses the services resulting from it can be punished up to 5 years of imprisonment. The punishment for the retention of passports or identity documents goes up to 3 years of imprisonment. If the victim is minor, the punishment is up to 12 years of imprisonment.

The following data, provided by the Ministry of Justice and the Ministry of Internal Affairs, regards the total of trafficked persons without desegregation by sex or age. Nevertheless, the analysis made by the agents working in the field report that the majority of the cases involve women and girls.

Cases of trafficking for sexual exploitation investigated or prosecuted*

	2001	2003	2005	2006
Investigated	11	24	30	19
Prosecuted	46	51	67	65

*Note: This data includes defendants at the trial stage in crimes of trafficking in human beings and pandering.

The Permanent Security Observatory, created under the project CAIM (Cooperation-Action-Investigation-Mundivision), is located in the Ministry of Internal Affairs. One of the goals of the Observatory is to collect quantitative and qualitative data from the various institutions working in the field of trafficking in human beings. There are several elements, such as the Standardised Registration Guide, that allow the collection of data, thus proving enhanced knowledge of the phenomenon and the relevant social and geographical dynamics. Although the implementation and functioning of this structure has already started (some data have already been collected) it is still in a consolidation phase.

11. The seventh periodic report refers to the new law regulating conditions of entry, stay and exit of foreigners from Portuguese territory, which provides, inter alia, for the possibility of

issuing victims of trafficking with residence permit valid for one year. The report also notes that the State party will take a number of measures under the I National Plan against Trafficking of Human Beings (2007 – 2010). It also states that there are more and more cases of trafficking in minors and that this situation is expected to worsen. Please provide information on the number of residence permits issued, the implementation of the measures envisaged under the Plan in general, and with respect to trafficked girls in particular, and the financial resources allocated for the implementation of the Plan.

Nowadays, Portugal has a reflection period for victims from 30 up to 60 days starting either from the moment the authorities ask the victims' collaboration, either from the moment the person expresses the desire to collaborate, or from the moment the alleged victim is signalled. A residence permit, valid for 1 year and renewable for equal periods (1 year), can also be given to victims of trafficking.⁵ Since this law was only recently adopted there is no data regarding the number of residence permits issued.

Nationally, trafficking in human beings remains a hidden phenomenon, which dynamics and identifying elements have yet to be the object of a thorough analysis. In order to act and fight against this social phenomenon, knowledge of its broad scope is required, hence the concern to make "knowledge and spreading information" the first strategic intervention area. Increasing knowledge will most certainly result in a better and more adequate adaptation of the measures to our reality and their adoption so that it is possible to evaluate and mitigate the impact of this burden on our society.

In this sense, the adoption of national instruments, such as the standardised registration guide, the creation of an observatory for trafficking in human beings and the development of an annual forum extended to all agents involved in this domain will prove to be important analytical and information mechanisms to determine trafficking specifications in Portugal as a country of transit, origin or destination.

The second intervention area is subdivided into three main sections: "prevention, awareness raising and training". Prevention and awareness raising instruments are essential to combat human trafficking in its initial phase. Raising awareness in society in general by fostering informative campaigns is a crucial element. Additionally, in Article 160 of the Penal Code, besides the express criminalisation of the offender and punishment of human trafficking situations, a clear message is sent to society regarding collective responsibility and the prohibition of any type of permissive/omitting behaviour in the identification/awareness of trafficking situations. Training is also a key element when trying to obtain consistent and effective results. It should encompass, as extensively as possible, all agents directly involved in this field, consequently allowing for a greater level of specialisation and harmonisation of criteria and methodologies.

The "Protection, Support and Integration" of trafficking victims is another extremely important area. To effectively combat human trafficking, it is critical to adopt a set of measures having the concerns and interests of the victims as a common denominator. The following, among others, are indispensable elements in the promotion of an effective human rights policy:

⁵ Immigration Law - Law n.º 23/2007, 4th July.

- the granting of residential permits; access to official programmes dedicated to the insertion of trafficking victims in social life; psychological and judicial support and the voluntary and safe return of trafficked victims to their country of origin. Ensuring the most adequate witness protection mechanisms in criminal investigations/judicial processes is also very important.

This problem's strong transnational element imposes the need not only to further develop cooperation with international institutions, such as Europol and Interpol in the fight against organised crime, but also to make available human and financial resources in order to combat it. The revision of the sanctions' regime for collective persons is, thus, another proposal in this Action Plan with the goal of sanctioning the entities which operate under the logic of a parallel and illegal economy.

Some of the measures envisaged under the plan in general are the following:

Strategic area of intervention 1

- To develop a monitoring system concerning the problem of trafficking in human beings;
- To annually create a work forum, involving Government entities, NGO's working in this field and security forces/services in view of allowing the sharing of updated knowledge and defining ongoing strategies that follow-up on the changes of the problem of trafficking in human beings;
- To prepare an annual report, with the description and systematisation of the Portuguese situation regarding trafficking in human beings, and contextualising the problem, providing statistical data, characterising the entities and persons involved, describing the main routes and suggesting measures that should be implemented. This report should be translated into English and made available on the Internet;
- To prepare an easy to read, informative leaflet on trafficking in human beings, namely specifying the places where trafficking victims may request assistance.

Strategic area of intervention 2

- To promote cooperation in the development of strategies and common means of action in view of preventing and combating trafficking in human beings by means of regional and international bilateral mechanisms;
- To create and promote the message "Zero Tolerance" as regards trafficking in human beings and its related problems by developing advertising campaigns and raising public awareness;
- To prepare informative written materials on trafficking in human beings for sexual exploitation purposes targeted at prostitutes, clearly indicating the characteristics of trafficking victims to facilitate understanding as well as outlining the means of support that may be provided;
- To provide training to judges and security forces/services on the assistance methodologies and emotional support given to trafficking victims;

- To ensure the development of a police training manual that includes the different dimensions of the phenomena of trafficking in human beings;
- To encourage specialised training for professionals who come in contact with trafficking victims and work in social and health services so that they may better comprehend the idiosyncrasies of a trafficking victim's characteristics, his/her complexities and needs. These training courses should also include understanding of legal measures of support and integration, services and structures to be involved when in contact with potential trafficking situations and strategies that ensure appropriate and immediate services;
- To encourage continuous training for all professionals and civil society organisations working directly or indirectly with trafficking victims on the most recent characteristics and dynamics of this problem as well as renewed methodologies and forms of action.

Strategic area of intervention 3

- To create an Information and Support Call Centre for victims of trafficking in human beings;
- To establish partnerships with public and private institutions, which have developed cooperation agreements with the government, to provide and render services to trafficking situations;
- To inform trafficking victims of their rights, as well as specifying the different procedures available to them in indemnity claims;
- To provide free, adequate and confidential medical, psychological, social and judicial services;
- To create a best practices guide to be used by governmental and non-governmental organisations that render support and services to trafficking victims;
- To create multidisciplinary teams to analyse the advantages of judicial psychology and cultural mediation, serve as intermediaries and promote the psycho-emotional stability of trafficking victims in view of rendering immediate support and avoiding the re-victimisation of trafficked persons;
- Develop and implement a support model for the trafficking victims that want to voluntarily return to their country of origin;
- To favour the integration of trafficking victims in society and in the labour market by providing them access to official programmes, professional training, possible entrepreneurship incentives and increased financial support in the celebration of judicial settlements for their integration in the workplace;
- To channel part of the goods and assets apprehended in human trafficking investigations and convictions into the indemnity/compensation claims of trafficking victims so that they may re-structure their lives and have new opportunities without constraints.

Strategic area of intervention 4

- To implement a standardised registration guide to be applied by security forces and services in human trafficking situations;
- To reinforce adequate cooperation and articulation between security forces and services;
- To reinforce adequate cooperation and articulation between security forces and services;
- To reinforce cooperation with international institutions, such as Europol and Interpol, as well as encouraging the development of bilateral agreements.

The financial resources allocated for the implementation of this Plan are from the Commission for Citizenship and Gender Equality. The measures under responsibility of each Ministry rely on the financial resources allocated to each department.

Some of the measures outlined have already been developed since the adoption of the Plan in June 2007, namely the following:

- The first national study on “Trafficking of Women for Sexual Exploitation in Portugal” has been conducted and will soon be published;
- An easy to read informative leaflet on trafficking in human beings, namely specifying the places where trafficking victims may request assistance was prepared. The leaflet was translated into various languages and disseminated among governmental and non-governmental organisations that provide public services and assistance;
- Preparation of the standardised registration form with clearly defined indicators that always ensure the confidentiality of the gathered information and the non-identification of the trafficking victims;
- Building up on the regional and international bilateral mechanisms to promote both cooperation in the development of strategies and common means of action in view of preventing and combating trafficking in human beings, a training action was carried out in cooperation with IOM in Angola for Government Officials;
- The implementation of a reflection period from 30 up to 60 days and residence permit, valid for 1 year and renewable for equal periods, for victims of trafficking entered into force in 2007;
- An Information and Support Call Centre for victims of trafficking in human beings is in place, despite not functioning autonomously but rather through the SOS Immigrant support call centre, whose professionals received specific training in trafficking in human beings and available support services;
- A shelter house for victims of trafficking was created;

- The legal provisions on the need to provide medical and psychological care to victims of trafficking were included in the Immigration Law, adopted in 2007;
- The adoption of a comprehensive and relational approach to suppressing trafficking in human beings was included in several legal instruments such as the Immigration Law and its regulating legal diplomas and the Criminal Code, adopted in September 2007;
- The revision of the Criminal Code also included the widening of the definition of trafficking in human beings, the punishment of the client, the criminalisation of withholding, hiding or damaging of identification documents and the criminal responsabilisation of collective persons.

Some measures of the First National Plan shall be implemented already during 2008, namely:

- Conclusion of the setting up of the Observatory and the development of a system to monitor trafficking in human beings;
- Inclusion of the issue of trafficking in human beings in the proximity police programmes and techniques;
- Production of the first module of a training handbook for police action;
- Wide dissemination of the single registration guide;
- Implementation of an awareness raising campaign on trafficking in human beings.

Several actors are involved in the development of these 4 activities, namely the Public Security Police the National Republican Guard, the Foreign Nationals and Borders Service and the Judiciary Police. The financing for the development of these actions is still under negotiation.

12. The seventh periodic report states that the National Action Plan for Inclusion and the Integration Plan for Immigrants include provisions for the creation of a shelter for the victims of trafficking. Please provide information on the implementation of these projects, the number of places in the shelter(s), and the rules regarding admission.

Presently Portugal has one shelter for victims of trafficking, with place for six persons. This measure was adopted under the National Action Plan for Inclusion and the Integration Plan for Immigrants. The 1st National Plan against Trafficking in Human Beings (2007-2010) also plans to implement protocols with NGOs so that other shelters are created.

13. The sixth periodic report refers to a number of goals of the ISADORA project, which are aimed at protecting women practising prostitution (para. 107). There is no reference to these projects in the seventh periodic report. Please provide information on the measures taken to achieve the goals of the project and their impact. Please also provide information whether any other projects of a protective and rehabilitative nature are currently being implemented for women practising prostitution.

Project, ISADORA, coordinated by the Northern Delegation of the Commission for Citizenship and Gender Equality and conducted in cooperation with Spain, aimed at the protection of women practising prostitution and implemented the following actions/measures:

- Research: a study regarding women practising prostitution was developed by two Universities. This study identified and characterized women that live from prostitution in clubs and apartments in the northern interior region of Portugal, close to the border with Spain. This study, which was published in 2005, identified their problems and living/working conditions.
- 9 professional training actions: to promote professional training for these women to make them able to access the labour market. These trainings focused on different subjects: i) initial training in ICT (4 training actions); ii) Portuguese for foreigners (1 training action); iii) How to take a step forward towards integration (1 training action); iv) initial internet skills (1 training); v) handicraft and other forms of expression (1 training action); vi) actors, context and risks of prostitution (1 training action). A total of 63 women, both Portuguese and Spanish, participated in these training actions.
- Reflection meetings: the first meeting had 54 trainers and the second had 57 trainers. The second meeting was divided into workshops, one on “Training, employability and inclusion”, one on “Intervention: what changes” and one on “Prostitution: what are we speaking of?”.

Sex roles and stereotyping, education

14. Both the sixth (paras. 89 – 91) and seventh periodic reports describe a number of measures aimed at raising awareness of gender-based stereotypes and directed towards their elimination. Please indicate whether there are plans to launch any new awareness-raising campaigns and whether the impact of such campaigns are monitored on a regular basis through surveys on attitudes and behaviour regarding women’s and men’s roles and tasks.

In the Third National Plan for Equality – Citizenship and Gender Equality (2007-2013) there is a specific sub-area addressing gender stereotypes and among the several measures therein awareness raising activities can be found. One approach is the joint work with the media, to make the media professionals and decision makers aware of the need to achieve actual gender equality as well as of their responsibility in altering stereotypes and promoting citizenship. The Plan also sets out that a national campaign to raise awareness and draw attention to the importance of the principle of Equality between Women and Men in increasing access to employment, in career promotions and reaching decision-making positions, as well alerting people to discriminatory situations based on gender stereotypes shall be carried out. There has not been an approach in which a systematic survey on attitudes and behaviours is included in the process of carrying out awareness raising campaigns.

15. The seventh periodic report describes the inclusion of gender-based evaluation criteria for textbooks and multimedia teaching materials, as well as the distribution of new didactic support materials for teachers at all levels of education. Please provide information on whether

any textbooks and multimedia teaching materials have been rejected on the basis of the new criteria and whether the study of the new didactic support materials for teachers has become an integral and mandatory part of initial and ongoing teacher training and final examinations.

According to the Portuguese Ministry of Education no text books or multimedia teaching materials have been rejected on the basis of the new criteria. The study of the new didactic support materials for teachers is not a compulsory and integral part of initial and ongoing teacher training and final examinations.

Employment and reconciliation of work and family life

16. The seventh periodic report mentions legal provisions to give preference in vocational training to workers of the underrepresented sex and describes a number of vocational training initiatives funded by European Union programmes. Please provide information on whether the preferential provisions have been applied and describe their impact since 2004, as well as any obstacles encountered.

In 2007, the increase in employment (+0.2 per cent, in annual terms) derived from the growth in female employment (+0.4 per cent) and the stabilization in male employment (0.0 per cent). Despite this slight increase of total employment the unemployment also increased (+4.9 per cent; +20.8 thousand unemployed), though clearly less than in 2005 (15.7 per cent). The unemployment's recent evolution is mainly associated with the intense restructuring process that the Portuguese economy has been going through in the recent years, together with a great effort of the country's budget deficit control, which naturally also had an impact in the dynamics of the labour market.

According to data from the Labour Force Survey of INE (National Statistics Institute), in 2007 there were 448.6 thousand unemployed, corresponding to an unemployment rate (15-64 years old) of 8.5 per cent. By the end of 2007 there were over 390 thousand unemployed persons registered in Employment Centres (59.7 per cent women), corresponding to a decrease in the global volume of registered unemployed population of 13.8 per cent compared to the same period in 2006.

		2005			2006			2007		
		T	M	W	T	M	W	T	M	W
INE	Employment	5122,5	2765,4	2357,2	5159,5	2789,7	2368,9	5169,7	2789,3	2380,4
	Unemployment	422,3	198,1	224,2	427,8	194,8	233,1	448,6	196,8	251,8
PES	Unemployment	479,4	206,2	273,2	452,7	192	260,6	390,3	157,3	233

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

Trainees' distribution by type of training and sex, 2004/07

Type of training measures	2004			2005			2006			2007 (3rd trimester)		
	Men	Women	% of Women	Men	Women	% of Women	Men	Women	% of Women	Men	Women	% of Women
Apprenticeship	16869	10114	37,5	16481	9740	37,1	14888	8979	37,6	11036	6846	41,8
Education and training for youngsters	401	65	13,9	4037	2134	34,6	6425	3977	38,2	6074	3960	45,4
Courses of technological specialisation	420	60	12,5	439	97	18,1	503	93	15,6	420	60	13,3
Qualification	3778	3264	46,4	3102	2605	45,6	1717	1374	44,5	595	430	41,1
FORDESQ	2386	6420	72,9	2141	5692	72,7	695	2070	74,9	379	1058	73,6
Training for qualified unemployed	262	624	70,4	414	1125	73,1	828	2264	73,2	724	2271	87,3
Education and training for adults (unemployed)	1052	4578	81,3	1300	5281	80,2	2383	7595	76,1	3255	9905	87,9
Training for unemployed	6186	12551	67,0	6582	11877	64,3	6865	12272	64,1	3903	8439	79,4
EFA courses - disadvantaged	227	548	70,7	284	404	58,7	421	428	50,4	545	535	60,1
Professional training for disadvantaged	1170	506	30,2	1467	572	28,1	949	476	33,4	262	192	42,3
Special training	122	205	62,7	146	155	51,5	90	77	46,1	22	32	57,1
Continuous training	30275	25245	45,5	32592	25863	44,2	42344	31934	43,0	37137	29871	58,4
TOTAL	63146	64180	50,4	62963	63343	48,7	78106	71339	47,8	64352	63399	60,3

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

EFA: Education and training for adults

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

The main projects developed under the EQUAL Initiative, in the area of Equal Opportunities for Women and Men aiming to support actions contributing for the European Employment Strategy, were the following:

- Project "Social Dialogue and Equality in Enterprises": the project aimed at supporting employers of 9 enterprises to implement and promote good practices in the fields of equality and non-discrimination between women and men in the labour market, the protection of maternity and paternity and the reconciliation between professional, private and family life. The following activities are ongoing: (i) create instruments to promote gender equality and the reconciliation of professional, private and family life in the enterprises; (ii) encourage the adoption of good practices in the enterprises regarding the abovementioned fields; (iii) conceive and test self-evaluation and monitoring instruments of gender equality in the enterprises; and (iv) develop strategies and instruments to support the incorporation of gender equality in Enterprises' Social Responsibility.

- Project "Act for Equality": the project aimed at disseminating products for training in equality between women and men and products resulting from the intervention for equality between women and men in enterprises.

- The project "Revalue work to promote equality" must be highlighted, due to its importance in terms of collective bargaining. It is a project co-financed by the EQUAL Programme, developed in partnership with other entities. It aims at developing and testing a functions' analysis methodology, centred in the work's value which, in the future, will allow a true application of the principle "equal salary for equal work or of equal value" and may be applied to various activity sectors. In 2006, a questionnaire was applied to nearly 7500 people and protocols established for the realisation of the study. Two workshops took place, one named "Functions' analysis methodology centred in the work's

value and gender neutral” and one named “Working conditions, equality and work’s value in collective hiring”. There was also a transnational seminar “Gender and Age Equality”. Currently, job’s analysis is still ongoing.

The information available is included in the Annual Report on the Progress of Equality between Men and Women in Work, Employment and Vocational Training 2005 that can be found in annex to the present document.

17. Both the sixth (para. 42) and seventh periodic reports state that the Authority for Working Conditions (formerly the General Inspectorate of Labour) has powers to prevent, monitor and punish direct and indirect gender discrimination. The seventh periodic report also states that since June 2007, the Commission for Citizenship and Gender Equality can also receive complaints in the area of equality and non-discrimination in work, employment and vocational training. Please provide further information on the differences between their respective mandates, the types and number of cases examined, and punishments imposed. Please also provide an assessment of the fact that two different authorities are handling complaints related to employment.

The CIG is able to receive complaints in all areas regarding gender discrimination. Some of these complaints fall under the specific scope of the CIG. Whenever the CIG had no competence it should refer the complaints to the competent governmental body.

The specific competence that was moved from the CITE - Commission for Equality in Work and Employment to the CIG in June 2007 was the ability to recommend legislative changes or propose measures related to equal opportunities in employment, work and vocational training.

The information available, regarding the intervention of the Authority for Working Conditions is included in the Annual Report on the Progress of Equality between Men and Women in Work, Employment and Vocational Training 2005 that can be found in annex to the present document.

18. The seventh periodic report states that vertical segregation of women and men is still prevalent in the labour market and that women with higher education have difficulties accessing adequate jobs and salaries, a tendency verified in the statistics attached to the report. Please provide further information on any measures taken or envisaged, including temporary special measures, to address vertical segregation of the labour market, both in the public and private employment sectors, and facilitate the access of women with higher education to work and salary levels corresponding to their qualifications.

In order to reduce the gap between men and women with regard to entrepreneurship, Portugal has carried out some actions towards the promotion and support of women’s entrepreneurial initiatives through incentives and flexible and innovative consolidation forms.

The Employment, Training and Social Development Operational Programme (POEFDS), financed by the European Social Fund, contemplated a measure, named "Support to Female Entrepreneurship",

aimed at the creation of support networks for female entrepreneurship, which could provide training specially adjusted to the creation and consolidation of micro and small enterprises.

That measure focused on the approval of training/consultancy actions, aimed at the creation, development and consolidation of micro and small enterprises run by women. It also supported the creation of inter-enterprises networks, which facilitate the access to information on training or markets, thus promoting the access to self-employment and the reinforcement of skills such as self confidence, leadership, negotiation and management ability, in an atmosphere of permanent disclosure of business opportunities.

Until November 2007, around 142 projects were approved, reaching an investment of around 9.889.484 Euros. About 3 728 women took part in the training courses and around 1 050 women participated in consultancy actions. Moreover 387 women were supported in the starting up of their enterprises.

Further information on measures aimed at combating vertical segregation in the labour market is available in the Annual Report on the Progress of Equality between Men and Women in Work, Employment and Vocational Training 2005 that can be found in annex to the present document.

19. Both the sixth and seventh periodic reports indicate that a salary gap of 22.6 per cent in men's favour still persists. The sixth periodic report states that to eliminate a salary gap it would be necessary to improve anti-discrimination laws and the efficacy of their enforcement (para. 231). Please provide information on legislative and other measures taken or planned in this respect and the employment sectors affected. The seventh periodic report also states that the salary gap is wider at higher levels of professional qualification than the lower levels. Please provide information on any measures other than legal measures taken to address the salary gap, in particular with respect to women's higher professional qualifications, and the impact of these measures.

The estimates of the gender pay gap may differ, depending on the source of data available and their limitations and the methods used. As a consequence, results may vary among different studies even for the same country.

Using data from Lists of Personnel, an administrative source compiled by the Ministry of Labour and Social Solidarity, Table 1 provides data, from 2002 until 2006, concerning monthly base salary in Euros by qualification levels, for women and for men, as well as the ratio of women's average gross monthly base salary to men's average gross monthly base salary and also the difference between men's and women's gross monthly base salary.

The gender gap persists regarding both wages and earnings. In 2006 women's monthly basic wage was 19.4 per cent lower than that of men. Taking into consideration the monthly earnings (thus including other salary components) the gender gap is wider: 23.8 per cent.

Average monthly basic wage and earning (€) by sex, 2004-2006

Average monthly (€)		Women	Men
Basic wage	2004	647	809
	2005	674	836
	2006	693	860
Earning	2004	748	974
	2005	778	1.005
	2006	801	1.037

Source: MTSS/GEP, List of Personnel

Looking at the gender wage and pay gap by qualification level, it is noticeable that it is wider in the higher levels of qualification. Among managers, in 2006, women earn around 807 Euros less than men.

Average monthly basic wage and earnings (€) by level of qualification and sex, 2006

Níveis de qualificação	2006									
	Basic wage					Earning				
	Total	Men	Women	W/M(%)	GAP (euros)	Total	Men	Women	W/M(%)	GAP (euros)
Total	789,22	860,83	693,46	80,6	167,37	935,97	1036,91	801,01	77,2	235,90
Managers	2113,01	2373,29	1675,82	70,6	697,47	2421,71	2722,77	1916,04	70,4	806,73
Middle management staff	1396,98	1490,68	1277,53	85,7	213,15	1637,69	1784,12	1451,02	81,3	333,09
Foremen/forwomen and team leaders	1022,61	1061,65	913,14	86,0	148,51	1228,85	1284,23	1073,54	83,6	210,69
Highly-qualified professionals	1115,19	1175,88	1042,12	88,6	133,76	1343,48	1443,62	1222,92	84,7	220,70
semi-qualified professionals	642,66	669,88	596,02	89,0	73,86	772,40	818,18	693,96	84,8	124,21
Qualified professionals	543,66	592,85	509,61	86,0	83,23	648,18	736,30	587,17	79,7	149,12
Non-qualified professionals	468,34	493,57	440,53	89,3	53,04	550,73	595,15	501,78	84,3	93,37
apprentices	448,75	461,55	436,20	94,5	25,35	521,59	543,50	500,09	92,0	43,41
Unknown level	647,66	683,36	580,26	84,9	103,10	779,12	839,72	664,70	79,2	175,02

Source: Ministry of Labour, List of Personnel

Analysing gender pay gap by activity, it becomes clear that there is a large gender pay gap in the activities where female participation is higher – for instance, in 2006, under the item “other community, social and personal services activities” women earn 58 per cent of men’s earnings and in the health sector 69.6 per cent. In other activities, like “Transportation, storage and communication” and “Construction”, data reveal that women are better paid, the opposite of what happens generally, but the explanation lies in the different occupations performed by women in these activities.

Further information on measures aimed at combating the gender pay gap in the labour market is available in the Annual Report on the Progress of Equality between Men and Women in Work, Employment and Vocational Training 2005 that can be found in annex to the present document.

20. The seventh periodic report states that the Annual Report on the Progress of Equality between Men and Women in Work, Employment and Vocational Training 2005 highlighted, inter alia, a strong growth in female employment alongside the persistence of a higher female unemployment rate compared to men. The statistics attached to the report confirm this fact, and the report also states that the difference between male and female unemployment rates is particularly high among young people (15 to 24 years of age). Please provide information on any targeted measures taken or envisaged to reduce unemployment among women and their impact. Please also explain the reasons why no Annual Report, although requested by law since 2001, was written until 2005 and presented to Parliament in 2007, and elaborate on provisions put in place to comply with the law.

Following a demand of the President of the Parliament to the Minister of the Parliament Affairs (XV Constitutional Government), on the 8th October 2003, as to the feasibility of the elaboration of the Report foreseen by the Law n.º 10/2001, of the 21st of May, the Secretary of State of Labour (XV Constitutional Government) attributed its elaboration to CITE – Commission for Equality in Work and Employment, by dispatch of 7 de November 2003, and data were requested to several of the entities involved (IEFP- Institute for Employment and Vocational Training and General Inspectorate of Labour).

Only during the XVII Constitutional Government the Cabinet of the Secretary of State of Employment and Vocational Training determined the constitution of a working group, coordinated by CITE. The reasons for the previous lack of execution of Law no. 10/2001, of the 21st of May, are unknown.

By determination of the Secretary of State of Employment and Vocational Training on the 25th of September 2007, the preparation of the Annual Report on the Progress in Equal Opportunities between Women and Men in Work, Employment and Professional Training 2006 is in progress.

21. The seventh periodic report states that a Council of Ministers' resolution was adopted requiring state-owned enterprises to adopt equality plans in order to promote de facto equality of treatment and opportunities for men and women, eliminate gender-based discrimination and allow a balance between private, family and working life. Please indicate whether the resolution is legally binding and whether sanctions apply in cases of non-compliance; how many plans have been adopted; and which authority monitors their implementation. Please also provide information on the nature of the other measures contained in the resolution, including their implementation and impact.

The State owned enterprises are required to adopt as a principle of good governance equality plans, following a diagnosis of their situation, in order to achieve actual equal treatment and opportunities between women and men, to eliminate discriminations and to allow the reconciliation between professional, family and private life.

There is an annual control of the fulfilment of this requirement through the information provided by the enterprise to the Government and the public about the way its mission was accomplished, the

degree of fulfilment of its goals and the way its social responsibility policy was conducted. Following the basic rule of comply or explain, the enterprises that do not adopt and/or implement equality plans must explain the reasons behind it.

The Ministry of Finances must also promote an annual global evaluation of the degree of fulfilment of these principles and the respective conclusions must be included in the annual report on the situation of this sector of the State.

This Resolution also determined that the behaviour of State-owned enterprises must be ethically flawless as regards the compliance and respect for certain rules such as those related to taxes, concurrence, consumer protection, environment and labour, including non-discrimination and promotion of equality between women and men.

The CIG has already hold meetings with the Administration of some State owned companies in order to support them in the elaboration of such equality plans. Also a guide on how to design and implement Equality Plans is about to be disseminated.

22. The seventh periodic report refers to the creation of two new Programmes to enlarge social equipments, PARES and PAIES, to support a balance between employment and family work. Please provide detailed information on the availability and accessibility of such care infrastructures with respect to the care of children, the elderly and persons with disabilities in both urban and rural areas, and whether these new structures provide adequately paid working opportunities for women.

There are two new Programmes to enlarge the network of social equipments, PARES and PAIES. They provide support in order to create new places aiming at a 50 per cent increase for children, a 10 per cent increase for elder people and an increase of between 10 per cent to 17.5 per cent for disabled people.

These programmes have a selection mechanism of applications to promote territorial equality.

Equal pay for women follows the rules of the sector in the labour market.

Health

23. Although the seventh periodic report gives data on the health situation in the country, it does not disaggregate that data by sex. Please provide such disaggregated data, as well as information on whether any research on illnesses and their symptoms specific to women has been conducted.

24. The sixth periodic report states that the rate of growth of HIV infections among women is higher than that of men (para. 253). Please provide further information on HIV/AIDS prevalence among women, in particular whether the situation has changed since the submission of the sixth periodic report, and the measures to provide all pregnant women with HIV with the

necessary drugs to prevent transmission of the infection from mother to child. Please also indicate whether the National Programme for the Prevention and Control of HIV/AIDS Infection (2007 – 2010) mentioned in the seventh periodic report contains any specific measures targeted to reduce the number of infections among women.

There is currently no evidence of the feminisation of the HIV/AIDS infection in Portugal.

The diagnosis of HIV/AIDS in women in general and in pregnant women in particular is included in the norms of the General Directorate for Health as regards Women's Health (Pregnancy Surveillance and Birth and Sexual and Reproductive Health).

Access to HIV/AIDS treatment in Portugal is free of charge, including vertical transmission prevention, treatment and assistance to women and children infected with HIV/AIDS.

As regards the Plan of Action, the specific measures outlined are related to the female condom and Women's Health and Sexual and Reproductive Health.

25. The seventh periodic report states that the new law 16/2007 of 17 April 2007 permits voluntary interruption of pregnancy during the first 10 weeks, free of charge and performed in a public hospital. Please provide further information on the conditions, administrative procedures, technical and logistic conditions and the relevant information to be provided to the pregnant woman laid down in the instrument regulating the application of the law, approved in June 2007, and about the number of interruptions carried out since entry into force of the law. Kindly also provide information on death and /or illnesses related or due to illegal abortion prior to the coming into force of the new law, as requested by the Committee in its previous concluding comments.⁶

According to Law no. 16/2007, the voluntary interruption of pregnancy by choice of the woman must be preceded by a medical consultation, with the objective of confirming the pregnancy, its dates and providing the necessary information so that the woman can decide freely and in conscience. The issue of contraceptive methods should also be discussed in order to begin its use as early as possible after the interruption of the pregnancy.

Once the circumstances that allow the voluntary interruption of pregnancy have been confirmed, the woman receive the relevant information about the methods available (surgery or medication), according to the time of the pregnancy, the woman's health status and the risk factors involved. Further information is provided on the type of procedure involved, the advantages, the risks, the possible complications of the different methods and the probable time necessary to get back to the normal routine and to sexual activity. There is also the possibility of providing a specific support by a psychologist or a social assistant whenever considered necessary by the attending doctor, as well as written information on the social support provided by the State in case the woman decides not to interrupt the pregnancy.

⁶ See *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 38 (A/57/38)*, Part One, para. 346.

Situation of particularly vulnerable groups of women

26. The statistics attached to the seventh report show that 17.8 per cent of women farmers are illiterate and 56 per cent of them have primary education only. In comparison, only 0.2 per cent of women farmers have secondary education in agriculture and 0.3 per cent a degree (polytechnic or university). Please provide information on government's efforts to reduce the illiteracy rate of rural women and enhance their possibilities to acquire formal professional qualifications. Please also elaborate on measures targeted to enhance equal opportunities of rural women under the three regional development programmes supported by the European Agricultural Fund for Rural Development (mainland Portugal, Azores and Madeira).

27. The Committee on the Elimination of Racial Discrimination, in its concluding observations (2004), invited the State party to take more effectively into account, in all programmes and projects planned and implemented and in all measures adopted, the situation of Roma women, who are often victims of double discrimination (CERD/C/65/CO/6, para 13). Please provide information on the actual situation of the various forms of multiple discrimination encountered by Roma women and women belonging to other ethnic minorities and/or of non-Portuguese origin, as well as any measures developed and undertaken to address their situation.

28. Please elaborate on the measures adopted in the First Action Plan for the Integration of the Persons with Disabilities (2006 – 2009) which are aimed at promoting the rights of women with disabilities and report on their implementation and results. Please also provide information on the status of the ratification process of the Convention on the Rights of Persons with Disabilities that Portugal signed on 30 March 2007.

The First Action Plan for the Integration of Persons with Disabilities has no specific measures regarding women with disabilities and its measures are addressed to persons with disabilities.

In Portugal a Vocational Training and Employment Programme for People with Disabilities was created with an intervention strategy based in an existing network and aiming at promoting the employability of people with disabilities with increased difficulties in accessing or maintaining a job situation or in pursuing a career. In the context of measures foreseen in the Action Plan for the Integration of People with Disabilities and Incapacity, the following initiatives were developed, among others:

- creation of a database on gesture language interpreters, to ease the access of deaf people to services and answers of Job Centres;
- signature of a protocol with six big enterprises, among which a bank, for their participation in the effort of creating effective equal opportunities in the access of people with disabilities to employment, job and professional integration, including in their human resources and hiring policies, in their contracts for acquiring services, and by creating spaces universally accessible and by using equipments accessible to people with different characteristics;

- creation of a methodology and instruments to organise training for people without conditions to access full labour occupations;
- undertake a project to develop the process of work re-adaptability of people acquiring disabilities in their adult and professional life, starting an experimental implementation in 10 Professional Rehabilitation Centres;
- outline a methodology to ensure the access of people with disabilities to training actions targeted to the general public, with the support of Centres and Professional Rehabilitation Nucleus approved by the Public Employment Service as Specialized Resources Centres;
- e-learning training on entrepreneurship skills, for unemployed people with disabilities.

The ratification of the Convention on the Rights of Persons with Disabilities and its Optional Protocol are of the utmost importance for the Government of Portugal. At the present, these processes are following the internal legal procedures, namely through the General Attorney's Office and the Ministry of Labour. The Portuguese Government is striving to deposit the instruments of ratification by the end of this summer, during the General Assembly treaty event.

29. Data from 2004 – 2007 show that women represent a majority of all beneficiaries of the non-contributory social security schemes as well as persons receiving Social Reinsertion Income, which, according to the report, highlights their vulnerability to poverty. Please provide information on the measures taken or envisaged, in particular under National Plan for Inclusion, to address this situation and on their impact on women and girls.

According to the National Action Plan for Employment (2005-2008) - Follow-up 2006, concerning the execution plan of the main active employment and vocational training policies, the beneficiaries' distribution according to the sex shows a greater predominance of women (around 75 per cent in 2005). It is to be noted the particularly high predominance of women as beneficiaries of all measures to support job creation (except in the creation of self employment), to develop occupational activities and to support professional transition from protected employment to the open labour market as well as of beneficiaries of adults' training.

Concerning the recent policy measures taken under the National Plan for Inclusion 2006-2008, those mentioned in the Seventh CEDAW Report of Portugal should be highlighted. The measures taken or envisaged, in particular under National Plan for Inclusion, to address this situation and its impact on women and in reducing women's vulnerability to poverty, include the following:

- The PROGRIDE – Programme for Inclusion and Development is aimed at fighting poverty and social exclusion through financial support to projects involving local partnership, including municipalities, and with a multidimensional scope;
- The Action Programme for an Inclusive Labour Market provides several support measures for the creation of jobs, professional training, skills and technical and financial support targeted at people

with specific difficulties in entering and remaining in the labour market and at workers with a low degree of education and skills;

- Regarding microcredit measures, technical and financial support is provided for the self employment of people with specific difficulties in entering the labour market. This measure is targeted both at women and men. Between 1999 e 2007 this support was provided to 747 unemployed people;
- Some positive actions to give additional support to single parent families were adopted, namely by increasing the family allowance;
- DOM Plan, implement a plan to qualify Shelter networks for Children and Youth to encourage continuous improvement to protect and promote the rights of the children and sheltered young people. In 2007, 21 protocols were established and 103 protocols shall be signed in the course of 2008;
- Early Intervention Programme and Parental skills, in the autonomous region of Madeira, to foster an early intervention for children at risk up to 6 years, as well as the development and promotion of the parental skills of the families;
- PARES, a programme to support the expansion, development and consolidation of the social equipments, infrastructure and service network in mainland Portugal investing in the creation of new places in social support facilities and other support measures targeted at children, the elderly and people with disabilities and increasing the capacity of the equipments in 50 per cent. Between 2005/2006 the capacity of the equipment installed was of 62.2 per cent for 3 year-old children, 76.4 per cent for 4 year-old children and 93.7 per cent for 5 year-old children. The goal for 2007 was to create 12.300 new places. The data regarding the effective accomplishment of this goal is not available yet;
- the “Escolhas Programme”, programme to promote social inclusion of children and young people from more vulnerable socio-economic backgrounds, in particular descendents of immigrants, in view of promoting equal opportunities and increasing social cohesion. One of the goals was to finance 121 projects to support education, training and the occupation of 48.091 children and young people until 2007. The data regarding the effective accomplishment of this goal is not available yet.

Autonomous regions of Azores and Madeira

30. While the reports give some information on the protection of women’s human rights in the Azores and Madeira, a full picture of the de jure and de facto situation of women living in these autonomous regions is lacking. Please provide detailed information in this regard.