



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

Distr.: General  
6 November 2015

English only

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

**Summary record of the 1338th meeting**

Held at the Palais des Nations, Geneva, on Wednesday, 28 October 2015, at 3 p.m.

*Chairperson:* Ms. Hayashi

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(*continued*)

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*The meeting was called to order at 3.05 p.m.*

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

*Combined eighth and ninth periodic reports of Portugal* (continued)  
(CEDAW/C/PRT/8-9; CEDAW/C/PRT/Q/8-9 and Add.1)

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

*Articles 7 to 9* (continued)

2. **Ms. Duarte** (Portugal) said that the procurement of prostitution was a criminal offence in Portugal. The issue of the legality of prostitution had been raised by several non-governmental organizations (NGOs) and political parties. The Government respected the right to freedom of expression, however, and did not interfere in such debates. The issue was not on the agenda of the Commission for Citizenship and Gender Equality (CIG), which she headed.

3. **Mr. Albano** (Portugal) said that numerous initiatives were in place to provide support services to prostitutes across the country. For example, there was an initiative aimed at reducing the health risks associated with prostitution, strategies to provide assistance to prostitutes of both sexes and to offer alternatives to those who wished to stop their involvement in prostitution and, in the case of the Algarve region, consultations were organized especially for foreign prostitutes.

4. **Ms. Cancela Carvalho** (Portugal) said that, in 2013, the Foreign and Borders Service had developed a special project to identify persons involved in prostitution, in particular street prostitution, and to provide improved mechanisms to support their reintegration into society.

5. **Ms. Casas** (Portugal), replying to a question on the principle of extraterritoriality as it applied to the offence of female genital mutilation, said that, in the past, the principle of extraterritoriality had been applied only in cases involving minors. However, the law had recently been amended to ensure that the principle was applicable to all crimes involving bodily harm. The conclusions of expert forensic and legal examinations were admitted as a form of evidence in cases of sexual violence under the Code of Criminal Procedure.

6. **Ms. Pereira** (Portugal) said that the Ministry of Health issued technical guidelines for all health professionals working in private and public hospitals or in primary health centres. A special nationwide health data platform was in place in which cases of female genital mutilation were registered.

7. **Ms. Duarte** (Portugal) said that sanctions provided for under the Parity Law involved reductions in the public subsidies received by the political parties represented in parliament if they failed to respect the prescribed percentages for the representation of male and female candidates. She had taken note of the Committee's recommendation concerning the more effective application of sanctions and the achievement of a more balanced representation of men and women in decision-making bodies.

8. As for the large number of women magistrates, judges and prosecutors, the elimination of direct discrimination had been the major driver behind the progress achieved in that regard. At present, gender equality was an important consideration in the selection of candidates for posts in the judiciary. The fact that women were less represented in the higher courts was partly due to the fact that it had only been 40 years since women had been allowed to enter the judiciary at all. The fact that the

Attorney General was a woman reflected the importance that her Government attached to gender equality. Women had also been barred from the diplomatic service until about the same time as the prohibition on women's participation in the judiciary had been lifted.

9. Numerous laws introduced since 2013 had made the balanced representation of men and women at decision-making levels in the private and public sectors a requirement. It was hoped that those legislative measures would translate into more concrete results in both the public and private sectors in the near future. Since 2012, candidates for senior posts in the government service were selected by means of a public competitive process. Vacancy announcements for all positions had to specify that the government service promoted gender equality and encouraged both men and women to apply.

10. **Ms. Andreia Marques** (Portugal) said that figures for 2012 indicated that 23.1 per cent of board members and 9.4 per cent of directors in the public sector had been women. Women represented 23 per cent of the staff in the legislative branch of government, 31.3 per cent of the persons in senior civil service positions and 54.1 per cent of middle managers in the civil service.

11. **Ms. Gíria** (Portugal) said that a number of new laws to increase the representation of women in senior positions had been introduced since 2013. In 2014, women had made up 9 per cent of the occupants of decision-making positions in the 20 biggest companies. In addition, in 2015, 11 per cent of the persons at the helm of private companies were women.

12. **Ms. Marques Ferreira** (Portugal), replying to a question on the application of the Parity Law in the Autonomous Region of Madeira, she said that the level of participation of women had been on the increase since 2011. Around 23 per cent of the members of the regional parliament were women. In 2014, 51.6 per cent of the persons in senior administrative and middle management positions had been women. In 2015, the percentage of women in such positions had increased to 51.7. In 2014, women had made up 23 per cent of the members of governing bodies in that region. By June 2015, that percentage had gone up to 30 per cent. Moreover, the regional health service and a number of regional development associations and other bodies were headed by women.

#### *Articles 10 to 14*

13. **Ms. Bailey** said that the voluntary termination of adolescent pregnancies was reportedly a serious problem for many migrant communities and in particular for girls of African descent. What measures had been introduced to ensure that the educational needs of such girls were met during and after pregnancy?

14. According to a study conducted in 2014, teachers were obliged to integrate sexual education into other subjects, in particular the natural sciences, which meant that secondary school students who were not enrolled in those courses did not have ready access to the sexual education programme. Had the Government considered making sexual education a separate, compulsory subject for all students? She would welcome information on the impact of the sexual education programme and on efforts to incorporate a gender perspective into the programme. Lastly, she wished to know whether the Government planned to eliminate the gender-based division of school curricula in secondary and higher education, which led to gender inequalities in the labour market.

15. **Ms. Acosta Vargas** said that she would like to know how the Government assessed the results of its education policy for the period from 2010 to 2015, in particular in terms of its effectiveness in eliminating gender stereotypes. The

Committee would be interested to learn more about the impact of that policy on teachers and students. What impact had the educational manuals and textbooks prepared by Portugal within the framework of Beijing + 20 had and how had those results been evaluated?

16. She wished to know whether there were any specific mechanisms in place to ensure that teenage migrant girls were shielded from racist stereotypes within the education system. She was aware that the families of Roma girls often prevented them from attending school once they had reached puberty. The fact that such girls were perceived by their families as future wives and mothers had resulted in numerous forced teenage marriages. She would like to know what steps the schools took to protect Roma girls from such harmful cultural practices, to uphold their right to education and to discourage them from dropping out of school. It would be useful to know how the efforts to integrate the Roma community were linked to the Government's national strategy on education.

17. **Mr. Brunn** said that he would like to know whether there were plans to develop a national strategy to tackle the problem of female unemployment, in particular in the service sector. Information on efforts to prevent horizontal and vertical job segregation and to ensure equal pay for work of equal value for men and women would be very useful. He wished to know what measures were being taken to prevent discrimination related to pregnancy and maternity in employment and to prevent Roma, migrant and older women from being excluded from the labour market. Were there plans to amend legislation to ensure the effective implementation of International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189)? Information would be welcome on the follow-up given to the complaints concerning labour market violations that had been submitted to the Commission for Equality in Labour and Employment (CITE) and to its counterpart in the Autonomous Region of Madeira.

18. **Ms. Arocha Dominguez** said that she wished to know why the law on abortion had been amended in April 2015 in ways that introduced a number of restrictions and additional procedures. She would be interested to learn more about the Government's position with regard to the right of women to choose the number and spacing of their children. Since women wishing to terminate their pregnancy were required to consult four health professionals and abortion was only permitted in the first 10 weeks of pregnancy, women might have difficulty in fulfilling that requirement. It would be useful to know what steps the Government was taking to protect the confidentiality of women who consulted health professionals on the issue of abortion.

19. She would like to know why the episiotomy rate was so high in Portugal and how the Government planned to bring that rate into line with the corresponding international recommendations. According to one source, many women who had given birth felt that they had not been properly informed about certain medications or the risks associated with Caesarean sections. In addition, many were of the opinion that doctors resorted to Caesarean sections too often. She would be interested in hearing the Government's views in that regard.

20. She wished to echo the concern raised by the Committee on the Rights of the Child in 2014 regarding the degree of leeway that Portuguese schools had in designing sex education programmes. What steps were being taken to standardize and ensure the efficiency of such programmes?

21. Although the State party had indicated that Roma women had the same access to public services, including mammograms, as other women, it had also reported that Roma women rarely consulted a gynaecologist or had papanicolaou tests. Could the delegation explain what steps were being taken to address that situation?

22. **Ms. Duarte** (Portugal) said that citizens could propose legislative amendments for submission to parliament for consideration and one such initiative had resulted in certain abortion procedures having been changed. However, since the implementing regulations for the amended law had not yet been approved, the same rules as those in place prior to the adoption of the legislative amendments continued to apply for the time being.

23. **Ms. Costa** (Portugal) said that the Ministry of Education, in partnership with CIG, had established a gender equality training programme for teachers and had mainstreamed a gender perspective across all school subjects. Comprehensive sexual and reproductive health education had been made compulsory for all school-age children in 2009. Women were well represented in the fields of science and research and had outnumbered men at the PhD level in recent years.

24. **Ms. Andreia Marques** (Portugal) said that the Government remained committed to doing away with negative gender stereotypes and had published several handbooks on gender and citizenship for teachers which had been recognized by the European Commission as examples of best practice for promoting gender equality.

25. **Ms. Costa** (Portugal) said that concerted efforts had been made to build a high-quality, inclusive national education system for all students, including vulnerable and disadvantaged groups such as the Roma.

26. **Ms. Pereira** (Portugal) said that women had to pay a small administrative charge of €7.75 to undergo an abortion and their medical records remained confidential thereafter. As to the number of episiotomies performed during childbirth, additional written information would be provided to the Committee at a later date. Roma women had access to health care on the same basis as other citizens. Data protection laws prohibited the disaggregation of statistics by race or ethnicity, so the exact number of Roma women who had sought medical treatment was not known. However, a recent national survey of the Roma community had indicated that 92 per cent of Roma households had a family doctor.

27. **Ms. Duarte** (Portugal) said that the Government had taken steps to prepare for the entry into force of the ILO Domestic Workers Convention, 2011 (No. 189), and would bring domestic labour laws into line with its provisions.

28. **Ms. Casas** (Portugal) said that the Government had launched the “Choices” programme to promote the inclusion of disadvantaged children in society and had adopted specific measures to overcome the discrimination facing Roma children and children of African descent. The programme was intended to reduce the dropout rate for vulnerable children and improve their basic reading and writing skills. A large number of Roma children had benefited from the support provided under the scheme, and there had been a significant increase in the number of Roma girls who completed their secondary education.

29. **Ms. Gíria** (Portugal) said that the Labour Code had been amended in 2015 to strengthen the maternity protection offered to women. In order to promote the sharing of family responsibilities between men and women, the Government had increased the duration of compulsory paternity leave by five days. It had also adopted policies to protect pregnant women in the labour market and facilitate their return to work following the birth of their child. Considerable efforts had been made to close the gender pay gap and to encourage companies to publish disaggregated salary data. A series of initiatives had also been launched to increase the number of women in senior and decision-making positions and address their underrepresentation on corporate boards.

30. **The Chairperson** said that she would like to know what steps had been taken to combat poverty and to redress or mitigate the effects of austerity measures on women, particularly in regard to the prevention of forced evictions and the improvement of access to adequate housing. She also wished to know what efforts had been made to ensure that women had the same opportunities to participate actively in sports and sports-related activities and whether the State party intended to adopt a national action plan to promote gender equality in that area.

31. **Ms. Acosta Vargas** asked whether rural women had access to the national social security system and whether specific provisions had been introduced to support older rural women. Had the Government conducted awareness-raising campaigns aimed at promoting gender equality and eradicating negative gender stereotypes in rural communities? Further information on the situation of Roma women would also be welcome, particularly with regard to the findings of the national survey of the Roma community and the efforts made to tackle the multiple discrimination faced by Roma women.

32. **Mr. Maio** (Portugal) said that the Government had established a rental housing fund to mitigate the negative effects of the financial crisis and austerity measures on families. The programme enabled households in serious financial difficulties to sell their homes and secure adequate rental housing which they could then purchase at a later date. Financial support to help cover mortgage payments had also been made available to persons who were unemployed for over three months, and policies had been adopted to assist people who were in arrears or at risk of defaulting on their mortgage. Persons in extreme financial difficulties could apply to restructure their mortgage loans in order to avoid losing their homes.

33. **Ms. Serem** (Portugal) said that basic State benefits had been increased in an effort to combat poverty in the most vulnerable communities. The basic State pension had also been raised in order to improve the living conditions of persons with smaller pensions, most of whom were women. Other social support payments available to women included a 20 per cent increase in family benefits upon the birth of a second child, which was particularly helpful for women heads of household; a prenatal subsidy, which was triggered once the pregnancy entered the second trimester; and subsidies for rental accommodations and utilities under the Social Emergency Programme.

34. **Ms. Palma** (Portugal), replying to a question on women in agriculture, said that it was true that women's participation in that sector had traditionally been limited to small family-run farms. Clearly, however, that was changing, since 29 per cent of larger-scale commercial farms were now being run by female managers and there had been a significant increase in the number of funding applications submitted by women under 40 years of age. Furthermore, between 2009 and 2013, there had been a 70 per cent increase in the number of women in agriculture with higher education qualifications.

35. **Ms. Casas** (Portugal) said that a nationwide study on Roma communities had recently been conducted in order to rectify the dearth of information on their general situation and particularly on housing, education and health. It was hoped that the results would help to shape forthcoming government policies and lay to rest certain pervasive myths. However, the study had so far covered only around 35,000 Roma participants in 50 per cent of the country's municipalities. Consequently, a government agency had been set up that was currently working to obtain additional data that should be available by the end of the year. The limited data compiled so far was therefore likely to change significantly in the coming months.

36. Gender equality dimensions were encapsulated not only in two gender-focused strategic priorities that formed part of the Strategy for the Inclusion of Roma Communities for the period 2013-2020 but also in various other cross-cutting areas of intervention. Data on the implementation of all the measures included in the Strategy would be disaggregated by sex to provide a clear picture of their impact and would be used to fine-tune government policy in that area.

37. **Ms. Duarte** (Portugal) said that one of the amendments to the Criminal Code related to forced marriages and would of course be applied in cases occurring in Roma communities.

38. **Ms. Andreia Marques** (Portugal), replying to a question posed by Ms. Hayashi on women in sports, said that the Fifth National Plan for Equality included various measures designed to ensure equal participation for women and men in sports that had traditionally been the domain of one sex. The Portuguese Institute for Sports and Youth had included a budget line to help Portuguese sports federations to strengthen women's participation in sports. Sports programme contracts stated that it was an obligation to combat all forms of discrimination, including gender-based discrimination. Failure to fulfil those terms would result in the contracting parties' funding being withdrawn.

39. Regarding the question posed by Ms. Acosta Vargas on agreements for the promotion of gender equality at the municipal level, the aim of such agreements was to mainstream the gender perspective into all municipal policies and practices. Upon signing an agreement with CIG, a municipal council was required to appoint an equality adviser and to implement a municipal equality plan, while CIG undertook to provide the technical assistance and expertise necessary for gender mainstreaming in all municipal activities and procedures.

40. **Ms. Duarte** (Portugal) added that the agreements signed with rural municipalities were tailored to the different characteristics of the target populations and the ways in which circumstances in those areas differed from conditions found in urban zones.

41. **Mr. Bruun** said that, in the light of the concerns raised by the Committee on Economic, Social and Cultural Rights regarding the plight of Roma communities living in informal settlements in isolated areas that lacked basic services, safe drinking water or sanitation, he wished to know how the State party ensured that those communities had access to inclusive education and health care.

42. **Ms. Costa** (Portugal) said that, while there were no Roma-specific strategies for the expansion of access to education, projects had been launched in various, primarily rural, areas to help to integrate Roma children into the education system. For example, under one five-year project, personnel from local schools visited nearby communities to ensure that all children aged 3 years or over had access to preschool and primary education. The project had been very successful in raising the primary school completion rate, lowering absenteeism and dropout rates, and fully integrating the children into everyday school activities.

43. **Ms. Pereira** (Portugal) said that she wished to reiterate that Roma persons had equal access to health services. Thanks to the geographical coverage of the health service network, which included hundreds of health centres and hospitals across the country, all rural and urban population groups had access to health care. Moreover, the number of doctors had increased by 11,000 over the past decade, and the country's medical associations now had more female than male members.

#### *Articles 15 and 16*

44. **Ms. Halperin-Kaddari** said that, in the light of the current system under which no-fault divorces were permitted, she would appreciate clarification as to whether applications for divorce on the grounds of the irretrievable breakdown of the marriage took the same amount of time as divorce proceedings based on other grounds. There seemed to be a disconnect between the way the two parts of the judicial system — the family court and the criminal court — handled cases of domestic violence. In that connection, she wished to know what immediate safeguards were available to women victims of domestic violence, regardless of whether or not divorce proceedings were under way, and whether they could be applied through the family courts or through the criminal courts only. Furthermore, there seemed to be a lack of case law or other guidance for judges which would help to ensure that the issue of domestic violence was taken into consideration when they ruled on custody or visitation rights. She wondered, therefore, what mechanisms were in place to protect children from a parent who had shown aggressive tendencies. Similarly, she wondered whether there were any safeguards to limit the contact that a woman had with her aggressor during mediation proceedings.

45. In the light of the Committee's general recommendation No. 29 on the economic consequences of marriage, family relations and their dissolution, she wished to know which kinds of assets were divided equally upon divorce and whether work-related benefits, pension rights, severance payments and increased earning potential were included in that category.

46. The information provided in paragraph 178 of the periodic report, in which it said that the minimum age for marriage was 16 with parental consent and 18 without parental consent, indicated that the law in that respect was not in line with international standards. She was concerned by the fact that the waiting period before remarriage was longer for women than it was for men. She would also like clarification on the situation in the State party regarding de facto unions and on whether assisted reproduction services were made available to women in such unions, to women without a partner and to those in a same-sex relationship.

47. **Ms. Duarte** (Portugal) said that no-fault divorces were considered to be of particular benefit to women victims of domestic violence and took the same amount of time to finalize as those involving other grounds for divorce. Safeguards for victims of domestic violence were not restricted to married partners and, in fact, were applied in respect of both past and present relationships. Those safeguards did not fall solely within the purview of the family courts, particularly as the provision of protection in domestic violence cases included cases involving cohabiting partners and de facto unions. The division of assets upon divorce depended on whether or not a prenuptial agreement had been concluded and on whether the couple had opted to keep purchases made by one or the other partner during the marriage separate. In the absence of either a prenuptial agreement or a separate purchase arrangement, all assets acquired under the joint property regime prior to and during the marriage would be divided equally.

48. With parental consent, 16-year-olds could marry; once a person had reached the age of majority, parental approval was not required. Lastly, the reason for the unequal waiting periods before remarriage for women and men was due to the provisions regarding the presumption of paternity; however, the waiting period was equal in cases in which legal paternity had already been established.

49. **Ms. Silva** (Portugal) said that the Criminal Code made provision for increased sentence limits for crimes witnessed by children. Difficulties had indeed been encountered between the procedures used by criminal and family courts in domestic violence cases and, in that connection, the Attorney General's Office was due to issue a binding directive to all magistrates to ensure that they communicated with one another where there was an ongoing custody case. Lastly, she should point out that a

formal, criminal complaint had to be lodged before protective measures for a victim of domestic violence could be initiated.

50. **Ms. Pereira** (Portugal) said that assisted reproduction technologies could only be used in cases of infertility, serious illness or the risk of serious genetic infectious diseases and were available only to married or de facto heterosexual couples.

51. **Mr. Bárto**lo (Portugal) said that he hoped that the responses provided by the delegation had demonstrated that the situation on the ground was much better than the periodic report might have led the Committee to believe. Portugal was committed to fulfilling its obligations to combat gender-based discrimination despite the economic situation and the particular challenges that it had posed. The European Union had insisted on strict austerity measures that required spending to be slashed across the board. Clearly, those cuts had had an impact on women's enjoyment of their rights, and perhaps a new social model was now required. In that connection, it might be of interest to invite the European Union to appear before the Committee on the Elimination of Discrimination against Women, as the Committee on the Rights of Persons with Disabilities had recently done. In conclusion, in spite of the economic difficulties faced by the country, the Government was committed to furthering the very real progress that had been made in upholding women's rights, gender equality and non-discrimination, and it looked forward to receiving the Committee's concluding observations.

*The discussion covered in the summary record ended at 5.15 p.m.*