



Quality in Gender+ Equality Policies

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Context Study Portugal

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DATA TO BE COLLECTED

DEFICIENCIES, DEVIATIONS AND INCONSISTENCIES IN EU AND MEMBER STATE'S GENDER+ EQUALITY POLICIES

1. 'Deficiencies, deviations and inconsistencies in EU and Member State's gender+ equality laws'

1.1 Please summarise the key developments, with dates, in gender equality law as provided by the governmental gender equality unit, i.e. list the legislation that the gender equality unit¹ (or equivalent governmental body) name as gender+ equality legislation². If important legislation seems to have been omitted by the authority, please comment on this.

Legislation	Year	Main provision(s)
Civil partnerships	2001	Protection of same sex cohabiting partners
Sexual and Reproductive Rights	2001	Regulation of emergency contraception
Labour Code ³	2003	Legal Protection of Maternity and Paternity
Labour Code	2003	Equal Opportunities at Work and Employment
Labour Code	2003	Reinforcement of punishment measures of the general regime of labour offences towards sexual discriminatory practices
Social Insertion Income (replacing Minimum Guaranteed Income)	2003	Satisfaction of basic needs and social insertion
Professional Training (Labour Code amendment)	2004	Preference to underrepresented groups
Labour Code amendment	2004	Definition of indirect discrimination
Education	2006	Non Discrimination and Gender Equality in Pedagogical resources
Sexual and Reproductive Rights	2006	Regulation of medical assisted reproduction
Parity Law	2006	Minimum representation of 33,3% of each sex
Families	2006	Approves the Commission for the promotion of family Policies
Gender Equality	2007	Approves the Commission for Citizenship and Gender Equality
Sexual and Reproductive Rights (Penal Code)	2007	Decriminalization of abortion until 10 weeks of pregnancy

¹ www.cig.gov.pt

² Commission for Citizenship and Gender Equality, 2007: "A Igualdade de Género em Portugal 2007" [Gender Equality in Portugal 2007].

³ Law 99/2003. Approves the Labour Code (transposition of Directive 2000/78/EC).

1.2 EU Policy and Member State Law: Comparisons and Struggles ⁴

Have there been disputes in your country over significant parts of EU Directives on gender?

Are there significant parts of EU Directives on gender equality that have not been implemented into national law? If some aspects are not transposed, what are they? Have there been disputes (1995-2007) between the EU and the country over transposition? Or within the country over this process? Or where local/national groups have gone direct to the EU? If so, what is the location of the dispute (e.g. intervention by Commission, Court of Justice; national court)? What was the outcome?

All these questions are very difficult to answer exactly, because the transposition process is so complex. EU Directives are transposed into member state legislation in very different ways using different procedures and different terminology and legal frames too. The aim is to collect all the information that is available already for your country in the table below, using secondary literature.

Please fill in one table for each significant issue,

Please consider the following examples: include if relevant; omit if not; add any others that are relevant in your country. Examples: equal pay & equal treatment; sexual harassment & discrimination; equality bodies; civil society involvement; parental leave and the organisation of working time (example provided).⁵

Issue	Equal Pay & Equal Treatment Directives considered: 75/117/EEC, 79/7/EEC, 86/378/EEC, 96/97/EC, 2000/43/EC and 2000/78/EC
Has law been passed or changed prior to the Directive	NO considering directives 75/117/EEC, 79/7/EEC, 86/378/EEC, 96/97/EC and 2000/78/EC YES considering directive 2000/43/EC.
Legislation transposing Directive	Legislation transposing Directives 75/117/EEC, 79/7/EEC, 86/378/EEC and 96/97/EC: The Equality Directives have all been transposed into Portuguese legislation over the years. Transposition took place in several different Acts, the most important of which is the 1979 Equality Act. At present, matters related to equal pay are covered by the Labour Code –LC (Law no. 99/2003 of 27 August 2003, entered into force on 1 December 2003). The Code is further developed in the Labour Regulation Act – LRA (Law no. 35/2004 of 29 July 2004, entered into force on 29 August 2004). The rules of the Code and of the Regulation Act regarding equality are applicable to the private sector, but also to civil servants. Self-employed persons who are economically dependent on one contractor (e.g. home workers) are also protected under these rules, in accordance with Article 13 of the Labour Code and Article 30(2) of the Labour Regulation Act. Social security issues are partially covered by the Labour Code and the Labour Regulation Act insofar as benefits related to maternity and paternity are concerned, and partially covered by the Social Security Act (Law no. 32/2002 of 20 December 2002) and several other more specific pieces of legislation. Legislation implementing the Racial Equality Directive(2000/43/EC): Law 134/99; Law 18/2004 on racial ethnic origin discrimination as amended by Decree Law 86/2005; Decree Law 251/2002 as amended by Decree Law 27/2005. Concerns disability: Law 38/2004 on measures for the rehabilitation and participation of persons with disabilities.

⁴ Directives: http://ec.europa.eu/employment_social/gender_equality/legislation/legalacts_en.html.

ECJ cases: http://ec.europa.eu/employment_social/gender_equality/legislation/case_law_en.html; More info on transposition: http://ec.europa.eu/employment_social/fundamental_rights/policy/aneval/legnet_en.htm#comp.

⁵ Other gender+ equality related directives you might want to consider include: Directive 75/117/EEC on the principle of equal pay for men and women; Directive 79/7/EEC on the principle of equal treatment for men and women in social security; Directive 86/378/EEC on principle of equal treatment for men and women in occupational social security schemes; Directive 86/613/EEC on equal treatment between self employed men and women; Directive 92/85/EEC on the safety and health at work of pregnant workers and workers; Directive 97/80/EC on the burden of proof in cases of discrimination based on sex; Directive 2000/78 on equal treatment in employment and occupation

	Legislation implementing Directive in the employment related field (2000/78/EC): LC and LRA covered all grounds of two directives and additional grounds.
Does the country claim to have transposed the Directive?	YES
Significant provisions that are mentioned by experts or political actors as not being transposed	<p>The Labour Code (LC) and the Labour Regulation Act (LRA) contribute more to maintaining the gender pay gap than eliminating it⁶, especially given the fact that neither the LC nor the LRA define remuneration for gender equality pay purposes (unlike the former Equality Act, which defined that concept in a broad sense in accordance with Community law). In fact, the LC does not develop the concept of remuneration for this purpose and the LRA only establishes a certain clarification of the criteria that must be taken into account in the definition of the salary, for equal work or work of equal value as said above: if the remuneration is fixed according to the number of hours worked, the salary must be the same; when the remuneration is flexible, it must be fixed according to the same unit of measurement (Article 37^o), which does not clarify the extent of the concept itself. Also, the gender equality principle in relation to wages is not mentioned in the section of the LC that deals with remuneration, nor is it mentioned in the section regarding collective agreements, which makes this principle less visible.</p> <p>According to Directives 2000/43/EC and 2000/78/EC: information should be disseminated in a way that is accessible to all disabled people. In Portugal, information provision does not seem to cater for disabled persons' needs.</p> <p>Article 14 of the Racial Equality Directive and Article 16 of Employment Equality Directive require Member States to ensure legal texts comply with the Directives. In Portugal, Article 175 of the Criminal Code, punishes homosexual acts with persons aged 14 to 16 or the instigation of such acts, while the same type of acts are not punished when the 14 to 16 year old is of the opposite sex. This Article has been challenged and declared unconstitutional. It has yet to be repealed.</p>
Important differences between law and Directive now?	In the area of equal pay, the Labour Regulation Act provides that provisions in collective agreements or internal company regulations containing job descriptions and the corresponding salary which apply exclusively to workers of a certain sex are automatically replaced by provisions granting a higher salary for equal work or work of equal value (even if it is described with different words), which exclusively apply to workers of the other sex (Article 39). This seems to go slightly beyond what Section 3 of Directive 117/75/EEC prescribes, in the sense that the replacement of the provision is automatic. In the area of social security, we point to Article 103(2) of the Labour Regulation Act, which includes positive action for fathers, who may receive a benefit if he takes parental leave in certain conditions. No similar provision exists in Community law. Also, Portugal has gone further to the minimum requirements of the two directives 2000/43/EC and 2000/78/EC: considers discrimination on the grounds of genetic inheritance and family status (Article 23 of LC).
What is claimed to be better in law and since when?⁷	The rules of LC (2003) and LRA (2004) are directly applicable to the private sector but also to civil servants, as expressly mentioned in the Law that approved the LC. Independent workers that depend economically on another contractor (for instance, home-workers) are also protected by these rules (Article 13 ^o of the LC and Article 30 ^o no. 2

⁶ http://ec.europa.eu/employment_social/gender_equality/legislation/report_equal_pay.pdf

⁷ This aspect was answered considering what is better in national law with the implementation of the Directive, not comparing to the Directive.

	<p>of the LRA). In the LC, Article 28^o states the principle of equal pay in a general way. The further elaboration of this principle in the LRA can be found in the following rules regarding gender equality: Article 32^o no. 2 (definitions of direct and indirect discrimination, equal work and work of equal value); Article 33^o no. 1. The equal pay principle is, in a general way, reaffirmed and is applicable to all grounds of discrimination); Article 37^o (development of the equal pay principle regarding gender), and Article 39^o no. 2 (regarding the issue of equal pay in collective agreements). In the area of legislation that aims at inducing social partners to include the issue of equal pay in collective and other agreements, Article 31^o no. 2 of the LC should be mentioned. This Article establishes that collective agreements should contain clauses that promote gender equality in general (equal pay included). However, this provision is considered a recommendation, since gender equality issues are not mentioned in the mandatory content of collective agreements, as established by law (Article 541^o of the LC). Two other legal measures that concern equal pay should be indicated: in relation to clauses regarding professions and professional categories, Article 31^o no. 1 of the LC provides that any profession established in collective agreements as exclusively feminine or masculine is to be considered applicable to both men and women; this rule has obvious repercussions on pay; as regards clauses of collective agreements or of company rules that establish different pay for men and women performing the same work or work of equal value, these clauses are to be considered automatically replaced by the most favourable salary established, which is to apply to both men and women (Article 39^o no. 2 and 3 of the LRA). Article 8 of the Social Security Act establishes the principle of gender equality and gives it a wide scope. The Act also recognises positive action and in Article 11 includes a rule that allows for flexibility and modulation in pensions and other social security benefits for the purpose of accommodating, among other things, 'family factors'. These provisions apply to both the public social security system and occupational and complementary social security schemes. For occupational pensions this is laid down in Articles 94 and following, especially Article 103(1) dealing with gender equality. Occupational pensions are further regulated in more specific legislation. Article 36 of the Social Security Act includes the possibility of increasing women's pensions when they have a certain number of children. The Social Security Act is further developed by other legislation covering the different types of social security benefits. In general, the legislation is in accordance with Directives 79/7/EEC, 86/378/EEC and 96/9/EC, and does not go beyond them.</p>
<p>Content of dispute(s) + date</p>	<p>Regarding the Employment Equality Directive (2000/78/EC) the first stage of infringement procedures was taken against Portugal.</p> <p>The main problem in Portugal with respect to gender equality in the field of pay and social security is still the practical application of the legislation by the courts. Hardly any cases are brought before the courts, either by individual complainants, or by the trade unions, concerning equal pay or gender equality in social security issues. This makes it impossible to assess the effectiveness of the rules in practice⁸.</p>
<p>Has any other inequality been part of the transposition disputes? Which inequality axis?</p>	<p>N/A</p>
<p>Parties to the dispute</p>	<p>N/A</p>
<p>Location or arena</p>	<p>N/A</p>
<p>Outcome of the dispute</p>	<p>Infringement procedures against Portugal: case still being examined</p>

⁸ http://ec.europa.eu/employment_social/gender_equality/docs/newsletter/bulletin04_1_en.pdf

Civil society engagement	N/A
Other notes	

Issue	Sexual harassment/discrimination
	Directives considered: 2002/73/EC (amending 76/207/EEC) and 97/80
Has law been passed or changed prior to the Directive	NO
Legislation transposing Directive	<p>Directives 2002/73/EC (amending 76/207) and 97/80 have been transposed into Portuguese law by two Acts concerning gender equality issues. As a result of the Labour Law Reform that was carried, the matters covered by these Directives (including the changes introduced in Directive 76/207 by Directive 73/2002) are now included in the Labour Code (which was approved by Law no. 99/2003 on 27 August 2003 which entered into force on 1 December 2003) and in the Labour Regulation Act that completes the Labour Code (Law no. 35/2004, which was approved on 29 July 2004 and entered into force on 29 August 2004). Also, Law 18/2004 on Equal Treatment on the grounds of ethnic and racial origin. (Implementation of the EU Directive 2000/43/CE).</p> <p>Also, three legislative initiatives may be noted with significance in the area of gender discrimination and discrimination in general: the approval of Act no. 46/2006 of 26 August 2006 concerning discrimination based on disability, the approval of Act no. 52/2006 of 1 September 2006, that establishes the Main Goals of the National Plan for the year 2007, and the approval of the Council of Ministers Resolution no. 141/2006 of 25 October 2006 concerning the reform of social security system. Act no. 46/2006 of 26 August 2006 concerns discrimination based on disability, and its aim is to prevent and to prohibit both direct and indirect discrimination based on disability, as well as to punish all kinds of discriminatory practices against disabled persons, and other actions that go against the rights or the specific protection granted to disabled persons (Articles 1 and 2). The Act is applicable both to the public and the private sector and it presents broad concepts of direct and indirect discrimination and of positive actions (Article 3). The Act indicates several practices which are to be considered discriminatory and focuses especially on discriminatory practices in access to employment and at the workplace (Article 5), thus further developing the general anti-discrimination rules that are already established in the Labour Code. To ensure the practical enforcement of the rules, the Act establishes a system of partial reversal of the burden of proof in actions regarding these kinds of discriminatory practices (Article 6), and grants the right to compensation of damage (Article 7), alongside other penalties applicable to the employer or other institution or person responsible for the discriminatory practices (Article 9). Also, the practical implementation of this legislation is to be surveyed by a special public service dedicated to this issue (Article 8).</p> <p>Also, sexual harassment is included in the Civil Code and Penal Code.</p>
Does the country claim to have transposed the Directive?	YES

<p>Significant provisions that are mentioned by experts or political actors as not being transposed</p>	<p>Problems with the transposition of Directive 2002/73 in the following respects⁹: the mainstreaming objective of the equality principle which is established in Article 1a of Directive 2002/73 has not been very well achieved in the Labour Code itself, as the Code omits any mention of gender equality in the various provisions applying to areas where discriminatory practices are common. The visibility of the principle, and thus indirectly its mainstreaming objective, remains low. The Directive's references to the implementation of concrete equality plans in collective agreements and the promotion of policies, social dialogue and dialogue with NGOs regarding gender equality and harassment are not reflected at the national level. The Labour Code in Article 31(2) merely includes a general and recommendatory provision to the effect that collective agreements 'should include provisions to implement equality rules, when possible'. This seems inconsistent with the Directive. The clear link of pregnancy and maternity issues with gender equality established by Directive 73/2002, in the sense that less favourable treatment in this area is considered sex discrimination is not well established in the national legislation. The independence of Equality Bodies pursuant to Article 8a of Directive 73/2002 posed some problems in Portugal, as one of these bodies (the CIG - Commission for Citizenship and Gender Equality) is a government body and the other (CITE - Commission for Equality in Employment and at the Workplace) is composed of representatives of the Government, the Unions and Employers' Associations, but depends on the Government for funding and in organisational matters. In the national provisions regarding the staff statistical data which the employer must keep it is not mentioned that these data should take into consideration the sex of the employees. This goes against Section 8b(4) of Directive 2002/73.</p>
<p>Important differences between law and Directive now?</p>	<p>Portuguese legislation can be said to have gone beyond the requirements of Directive 76/207 in the following respects: in the concept of harassment, which is broader than the one considered in the Directive, as it is not limited to harassment on grounds of sex; in the remedies provided by the Labour Code for discriminatory practices in the fields covered by this Directive. The Labour Code establishes not only the right to claim both material and moral damages under private law (Article 25), but also considers discrimination an offence under public law punishable by a fine (Article 642).</p>
<p>What is claimed to be better in law and since when?¹⁰</p>	<p>The rules of the LC (2003) and the LRA (2004) are directly applicable to the private sector, but also to civil servants. Self-employed persons who depend economically on one contractor are also protected by these rules. The following points are relevant with regard to the implementation of Directive 76/207 in the Labour Code and the Labour Regulation Act: Articles 22 and 23 of the Labour Code regulate equality in general, while Articles 27 and 28(1) deal with gender equality. According to these provisions the equality principle applies in access to work, working conditions, promotion and professional training. Discriminatory practices of the employer in these areas are prohibited. Article 32(2) of the Labour Regulation Act broadly defines direct and indirect discrimination, which is in accordance with the Directive. Under Articles 23 and 24 of the Labour Code, harassment and sexual harassment are also defined broadly. Harassment is prohibited and considered discriminatory, in accordance with the Directive. Transitional positive measures intending to correct factual discriminatory practices that disadvantage a social group for varying reasons (including sex) are allowed under Article 25 of the Labour Code and are not to be considered discriminatory. Finally, Article 50 of the Labour Code provides that absences for reasons of pregnancy and maternity cannot result in a loss of rights for the employees in</p>

⁹ http://ec.europa.eu/employment_social/gender_equality/docs/newsletter/bulletin05_1_en.pdf

¹⁰ This aspect was answered considering what is better in national law with the implementation of the Directive, not compared to the Directive.

	<p>question.</p> <p>The Labour Code (2003) also reflects the provisions of Directive 97/80. Article 24(3) establishes a partial reversal of the burden of proof in cases of discrimination in general (therefore including gender discrimination). According to this rule, the claimant must state a prima facie claim of discrimination in which he/she has to adduce a concrete comparator, while the employer must prove that the differential treatment is due to objective reasons. (However, it must be noted that the level of protection granted by the Labour Code where the burden of proof is concerned is lower than that under the former national legislation (Act no. 105/97 which is no longer in force). Before, the burden of proof was reversed completely in special proceedings brought before the courts by the trade unions for group discrimination in access to employment and at the workplace. Such group actions are no longer mentioned by the Labour Code and neither is the complete reversal of the burden of proof. This development may go against Article 8d(2) of Directive 2002/73, the Labour Code actually lowered the level of protection already granted by the previous national legislation).</p>
Content of dispute(s) + date	The main problem in Portugal with respect to gender equality in access to work, promotions and training is the same as in other areas of equality law, namely that hardly any cases are brought before the courts, either by individual complainants, or by the trade unions. This makes it very difficult to assess the effectiveness of the rules in practice.
Has any other inequality been part of the transposition disputes? Which inequality axis?	N/A
Parties to the dispute	N/A
Location	N/A
Outcome of the dispute	N/A
Civil society engagement	N/A
Other notes	

Issue	Equality Bodies
	Directives considered: 2000/43/EC, 2002/73/EC and 2004/113/EC
Has law been passed or changed prior to Directive	NO considering directives 2002/73/EC and 2004/113/EC. YES considering directive 2000/43/EC.
Legislation transposing Directive	<p>Legislation implementing the Racial Equality Directive (2000/43/EC): Law 134/99; Law 18/2004 on racial ethnic origin discrimination as amended by Decree Law 86/2005. Law 251/2002 amended by Law 27/2005: High Commissariat for Immigration and Ethnic Minorities (ACIME) and Law 134/99: Commission for Equality and Against Racial Discrimination (CICDR).</p> <p>Directive 2002/73/EC (requirement for Member States to designate a body or bodies for the promotion of equal treatment of all persons without discrimination on the grounds of sex): Labour Code (which was approved by Law no. 99/2003 on 27 August 2003 and which entered into force on 1 December 2003) and the Labour Regulation Act that completes the Labour Code (Law no. 35/2004, which was approved on 29 July 2004 and entered into force on 29 August 2004).</p> <p>Directive 2004/113/EC of 13 December 2004 (requirement for Member</p>

		States to designate a body or bodies for the promotion of equal treatment of all persons without discrimination on the grounds of sex. The definition of the body is identical to that included in Directive 2002/73); Main Plan for the Development of Portugal which followed the establishment of the new government as approved by Law no. 52/2005 of 31 August 2005. Also, Act no. 52/2006 of 1 September 2006 that establishes the Main Goals of the National Plan for the year 2007.
Fully transposed		NO
Provisions transposed	not	Problems with the transposition of Directive 2002/73 in the following respects ¹¹ : the mainstreaming objective of the equality principle which is established in Article 1a of Directive 2002/73 has not been very well achieved in the Labour Code itself, as the Code omits any mention of gender equality in the various provisions applying to areas where discriminatory practices are common. The visibility of the principle, and thus indirectly its mainstreaming objective, remains low. The Directive's references to the implementation of concrete equality plans in collective agreements and the promotion of policies, social dialogue and dialogue with NGOs regarding gender equality and harassment are not reflected at the national level. The Labour Code in Article 31(2) merely includes a general and recommendatory provision to the effect that collective agreements 'should include provisions to implement equality rules, when possible'. This seems inconsistent with the Directive. The clear link of pregnancy and maternity issues with gender equality established by Directive 73/2002, in the sense that less favourable treatment in this area is considered sex discrimination is not well established in the national legislation. The independence of Equality Bodies pursuant to Article 8a of Directive 73/2002 posed some problems in Portugal, as one these bodies (the CIG - Commission for Citizenship and Gender Equality) is a government body and the other (CITE - Commission for Equality in Employment and at the Workplace) is composed of representatives of the Government, the Unions and Employers' Associations, but depends on the Government for funding and in organisational matters. In the national provisions regarding the staff statistical data which the employer must keep it is not mentioned that these data should take into consideration the sex of the employees. This goes against Section 8b(4) of Directive 2002/73.
Is leg. better than Directive		N/A
Better how and since when?¹²		No better than Directive, but improvements in national law: Main Plan for the Development of Portugal as approved by Law no. 52/2005 of 31 August 2005: considers the implementation of equal opportunities as one of the five national goals of the government. In order to achieve this particular goal, the government intends to adopt a mainstreaming approach and proposes to promote the following: equality between men and women; women's participation in politics; the balanced apportionment of tasks to women and men in the framework of reconciling work and family life; the protection of maternity and paternity; gender equality in access to education; recognition of the diversity of family relations and situations and the implementation of a national network in order to give support to families where needed; the evaluation of all policies, as well as legal and administrative measures from the perspective of their impact on gender equality; the promotion of practical action and cooperation with NGOs in the practical implementation of the measures planned. The Plan proposes several concrete measures for implementing the goal of equal opportunities for men and women and

¹¹ http://ec.europa.eu/employment_social/gender_equality/docs/newsletter/bulletin05_1_en.pdf

¹² This aspect was answered considering what is better in national law with the implementation of the Directive, not comparing to the Directive.

	<p>emphasises the role of NGOs and of the Commission for Equality and the Rights of Women (CIG at the present) as specific partners in this process.</p> <p>Main Goals of the National Plan for the year 2007¹³: should be noted for establishing certain objectives for the government in the area of gender equality and social inclusion. Of these objectives, we underline the following: in the area of employment and professional training (Goal 2 of the Plan), the government intends to promote equal opportunities, especially between men and women, namely by the promotion of positive actions in the areas where there is under-representation of workers of one sex, by the promotion of the gender perspective in collective bargaining and by the promotion of female entrepreneurship. In the area of family policies, equality and social inclusion (Goal 8 of the Plan), several measures are contemplated. In general, the government intends to increase the mainstreaming strategy in the area of gender and to promote the approach to gender issues as a citizenship problem, as well as to transpose Directive 2004/113/EC regarding equal treatment in access to goods and services, to reinforce and develop positive actions in the area of gender equality, and to update the national legislation regarding the reconciliation of family and working life. In order to promote the practical enforcement of gender rules, it is established that an Supervisory Body for Gender will be created, as well as a Local Counsellor for Gender Equality, alongside the reinforcement of the means and competences of gender equality public services that already exist and the reinforcement of professional training for judges, lawyers and police forces in the area of gender equality. Finally, the Plan emphasizes the importance of databases in the area of gender and of close monitoring of the measures that have been implemented along the years in this area.</p>
Content of dispute(s) + date	Almost no cases regarding gender equality were brought before the courts and no relevant decisions in this area have been published.
Has any other inequality been part of the transposition disputes? Which inequality axis?	N/A
Parties to the dispute	N/A
Location or arena	N/A
Outcome of the dispute	N/A
Civil society engagement	N/A
Other notes	

Issue	Parental Leave
	Directives considered: 92/85/EEC (maternity leave) 96/34/EC (parental leave) and 86/613/EEC
Has law been passed or changed prior to the Directive	NO
Legislation transposing Directive	The matters regulated in the Directives mentioned above were essentially covered by the Maternity and Paternity Act (1984). Although this Act did not formally transpose Directive 92/85 given that Portugal was only just entering the EC at the time, it already included the provisions that were being negotiated at the Community level in the framework of the Directive. Over the years, the Maternity and Paternity

¹³ http://ec.europa.eu/employment_social/gender_equality/docs/2007/bulletin07_1_en.pdf

	<p>Act has been amended several times, and one of these amendments concerned the implementation of Directive 96/34. The provisions concerning maternity and paternity in Directive 86/613 were already covered by the Maternity and Paternity Act and its remaining provisions by the Gender Equality Act from 1979, which applied both to the private and the public sector and also to self-employed persons in all sectors, including agriculture.</p> <p>The matters regulated in these Directives are now covered by Labour Code (LC) (which was approved by Law no. 99/2003 on 27 August 2003 and which entered into force on 1 December 2003) and the Regulation Act (LRA) (Law no. 35/2004, which was approved on 29 July 2004 and entered into force on 29 August 2004). More recently, two Acts have completed this legal framework in matters relating to social security: firstly, Decree-Law no. 77/2005, of 13 April 2005, which deals with social security in the event of maternity leave and adoption leave. Secondly, Decree-Law no. 98/2005, of 16 June 2005, which develops the rules of the LRA regarding home-workers in the area of social security benefits and which extends the right of other workers to benefit from the social security system to these workers in matters relating to maternity.</p>
<p>Does the country claim to have transposed the Directive?</p>	<p>YES. As regards Directive 92/85/EEC, the LC and the LRA establish the rules concerning the protection of pregnant workers and young mothers at work, which are defined, in accordance with the Directive, in Article 34 LC. The rights established by Directive 96/34/EC are also incorporated in the LC and developed by the LRA.</p>
<p>Significant provisions that are mentioned by experts or political actors as not being transposed</p>	<p>All in all, the Directives can be said to have been correctly transposed in Portugal¹⁴. However, we do underline that the Labour Code does not establish the necessary link between gender equality and pregnancy and maternity issues, in the way that this link was reinforced by Directive 73/2002 amending Directive 207/76. In addition, the Labour Code tends to link the provisions concerning the reconciliation of family and professional life with women workers especially. This means that some provisions might be construed as discriminatory against fathers. For instance, only women are protected against dismissal during maternity leave, but men who take the leave under the conditions granted by the law are not. This does not constitute incorrect implementation of Directive 92/85, as this Directive does not grant that right, but it is contrary to gender equality principles.</p> <p>Also, there are some main problems relating to the protection of pregnancy and parenthood¹⁵. Although the national law establishes a set of rights in this area which is in accordance with EU law, and sometimes goes beyond it, there are still two major problems in this area: a financial problem and a problem of “social mentality”. The financial problem consists of the facts that since most of the leaves granted are not remunerated; they are not taken, so that the provisions are not applied. The problem of social mentality is related to the traditional concept of the division between men and women of housework and childcare on the one hand, and professional work on the other hand. This result in the fact that even when the benefits are established both for male and female workers; they are in fact taken mostly by women, with well-known consequences. Finally, we underline the tendency to overlook the link between pregnancy and maternity issues and gender equality issues, mainly in the justification of the Court judgments.</p>

¹⁴ http://ec.europa.eu/employment_social/gender_equality/docs/2005/bulletin05_2_en.pdf

¹⁵ http://ec.europa.eu/employment_social/gender_equality/legislation/report_pregnancy.pdf

<p>What is claimed to be better in law and since when?¹⁶</p>	<p>LC 2003: Among the measures of national law concerning the protection of maternity and paternity that go beyond the requirements of communitarian legislation, we underline the following: the right of pregnant and young mother workers to refuse overtime work (LC, Article 46); the right to reduce working hours by up to two hours a day (paid) to feed the baby, until it is one year old (Article 39 of the LC); the positive measure that promotes the effectiveness of paternity rights throughout parental leave, by remunerating the father who takes parental leave just after the end of maternity leave for the first 15 days of the leave (LRA, Article 103 no. 2); the right to other special leaves to assist a disabled or severely ill child (LC, Article 44); the right for the workers to be absent to care for children or other dependant members of the family (LC, Article 40 and 41); the possibilities of part-time work and flexible working conditions to promote the reconciliation of professional and family life, depending on the agreement of the employer (LC, Article 45).</p>
<p>Content of dispute(s) + date</p>	<p>Regarding Directive 96/34, the European Commission initiated infringement proceedings against Portugal under Article 226 of the Treaty for failure to transpose the Council Directive 96/34/EC of 3 June 1996 on the framework agreement on parental leave, (OJ L 145 of 19.6.96) into their national legislation.</p> <p>Decision of the Court of Appeal of Lisbon¹⁷ (2005) which considered that the worker had no right during maternity leave to a daily allowance for food given by the company, on the grounds that this right depended upon effective work. This question divides the Courts, as they have in the past come both to this and to the opposite decision. Also, we would emphasise that in this particular judgment, although the Court discussed the question from the point of view of equality, there were no references made to the broad concept of remuneration for the purpose of gender equality and also no reference to EU law.</p> <p>Decision of 23 February 2005, the Court of Appeal of Porto¹⁸ held that the daily food allowance paid as a salary supplement under the terms of the applicable collective agreement may be withheld during maternity leave. The Court considered that although this allowance is an integral part of the salary, it is only due when the work is in fact performed, which is not the case when a worker is absent on maternity leave. The Court emphasised that the difference in treatment does not go against the constitutional principle of gender equality, since this principle does not prevent different treatment in different situations, and this was considered to be the case here. The Court in its judgment seems to ignore the wide scope of the concept of remuneration that has to be taken into account for the purpose of defining gender discrimination and completely fails to recognise the link between gender equality in employment and maternity.</p>
<p>Has any other inequality been part of the transposition disputes? Which inequality axis?</p>	<p>N/A</p>
<p>Parties to the dispute</p>	<p>N/A</p>

¹⁶ This aspect was answered considering what is better in national law with the implementation of the Directive, not comparing to the Directive.

¹⁷ Judgment from 23 February 2005, published in *Colectânea de Jurisprudência*, 2005, I, 155, in

http://ec.europa.eu/employment_social/gender_equality/legislation/report_pregnancy.pdf

¹⁸ *Colectânea de Jurisprudência*, 2005, I, p. 155 in

http://ec.europa.eu/employment_social/gender_equality/docs/2006/bulletin06_1_en.pdf

Location or arena	The Court of Appeal of Lisbon The Court of Appeal of Porto
Outcome of the dispute	Directive 96/34: transposed into national law. Company won
Civil society engagement	N/A
Other notes	

Issue	Organisation of working time (working time directive and part-time work) Directive considered: 97/81/EC
Has law been passed or changed prior to the Directive	NO
Legislation transposing Directive	Legal provisions regarding part-time work were first established by a general law, applicable to workers of the private sector, which was adopted in 1999 (Law no 103/99, of 26/07/1999). With respect to the public sector, part-time work regulations were also adopted in 1999 (Decree-Law no 324/99 and Decree-Law no 325/99, both of 18/08/1999), but only for public servants working for the central administration services. These rules have recently been extended to public servants working for the local and regional administration (by Decree-Law no 277/2000, of 10/11/2000). Legal provisions regarding part-time work now apply to all categories of workers. The matters covered by this Directive (97/81/EC) are now covered by the Labour Code (which was approved by Law no. 99/2003 on 27 August 2003 and which entered into force on 1 December 2003) and in the Labour Regulation Act that completes the Labour Code (Law no. 35/2004, which was approved on 29 July 2004 and entered into force on 29 August 2004).
Does the country claim to have transposed the Directive?	YES
Significant provisions that are mentioned by experts or political actors as not being transposed	N/A
Important differences between law and Directive now?	N/A
What is claimed to be better in law and since when?	N/A
Content of dispute(s) + date	N/A
Has any other inequality been part of the transposition disputes? Which inequality axis?	N/A

Parties to the dispute	N/A
Location or arena	N/A
Outcome of the dispute	N/A
Civil society engagement	N/A
Other notes	

Issue	The Gender Directive (2004/113/EC)
Has law been passed or changed prior to the Directive	NO
Legislation transposing Directive	To transpose Directive 2004/113/EC of 13 December 2004: Main Plan for the Development of Portugal, which followed the establishment of the new government as approved by Law no. 52/2005 of 31 August 2005. Law no. 52/2006 of 1 September 2006 that establishes the Main Goals of the National Plan for the year 2007.
Does the country claim to have transposed the Directive?	NO, not fully.
Significant provisions that are mentioned by experts or political actors as not being transposed	N/A
Important differences between law and Directive now?	N/A
What is claimed to be better in law and since when?¹⁹	Main Plan for the Development of Portugal, which followed the establishment of the new government as approved by Law no. 52/2005 of 31 August 2005: considers the implementation of equal opportunities as one of the five national goals of the government. In order to achieve this particular goal, the government intends to adopt a mainstreaming approach and proposes to promote the following: equality between men and women; women's participation in politics; the balanced apportionment of tasks to women and men in the framework of reconciling work and family life; the protection of maternity and paternity; gender equality in access to education; recognition of the diversity of family relations and situations and the implementation of a national network in order to give support to families where needed; the evaluation of all policies, as well as legal and administrative measures from the perspective of their impact on gender equality; the promotion of practical action and cooperation with NGOs in the practical implementation of the measures planned. The Plan proposes several concrete measures for implementing the goal of equal opportunities for men and women and emphasises the role of NGOs and of the Commission for Equality and the Rights of Women (CIG at the present) as specific partners in this process. Main Goals of the National Plan for the year 2007 ²⁰ : in the area of employment and professional training (Goal 2 of the Plan), the government intends to promote equal opportunities, especially between

¹⁹ This aspect was answered considering what is better in national law with the implementation of the Directive, not comparing to the Directive.

²⁰ http://ec.europa.eu/employment_social/gender_equality/docs/2007/bulletin07_1_en.pdf

	men and women, namely by the promotion of positive actions in the areas where there is under-representation of workers of one sex, by the promotion of the gender perspective in collective bargaining and by the promotion of female entrepreneurship. In the area of family policies, equality and social inclusion (Goal 8 of the Plan), several measures are contemplated. In general, the government intends to increase the mainstreaming strategy in the area of gender and to promote the approach to gender issues as a citizenship problem, as well as to transpose Directive 2004/113/EC regarding equal treatment in access to goods and services, to reinforce and develop positive actions in the area of gender equality, and to update the national legislation regarding the reconciliation of family and working life. In order to promote the practical enforcement of gender rules, it is established that an Supervisory Body for Gender will be created, as well as a Local Counsellor for Gender Equality, alongside the reinforcement of the means and competences of gender equality public services that already exist and the reinforcement of professional training for judges, lawyers and police forces in the area of gender equality. Finally, the Plan emphasises the importance of databases in the area of gender and of close monitoring of the measures that have been implemented along the years in this area.
Content of dispute(s) + date	Almost no cases regarding gender equality were brought before the courts and no relevant decisions in this area have been published.
Has any other inequality been part of the transposition disputes? Which inequality axis?	N/A
Parties to the dispute	N/A
Location or arena	N/A
Outcome of the dispute	N/A
Civil society engagement	N/A
Other notes	

1.3 Do any aspects of domestic gender equality law surpass (are better, more extensive, or more developed than) or earlier than EU law²¹?

	EU			Portugal		
	Provision	Year	Notes	Provision	Year	Notes
Maternity	14 weeks	1996	Pay must not be less than wage during sickness leave.	120 days (6 weeks compulsory)	2003 2005	Possibility of 150 days leave, 30 of which after confinement. Decree-Law no. 77/2005, of 13 April (which deals with social security in the event of maternity leave and adoption leave): the social security compensation is paid on a basis of 80% of the average salary of the worker during the whole period.
Paternity	Optional	1995		5 days, consecutive or not, during the 1st month following birth (compulsory and paid).	2003	In case of physical/mental incapacity of the mother or based on a joint decision made by both parents, maternity leave can be taken by the father. The period the benefit is granted is in relation to the time the mother would have a right to the

²¹ See tables 1.2: national law goes beyond the requirements of communitarian legislation regarding some aspects.

						benefit. In the event of the mother's death the period is a minimum of 30 days. In case of physical/mental incapacity or of death of the mother who is not working, the father benefits from the same rights.
Parental	3 months	1996	Unpaid	The father is entitled to an allowance during the first 15 days of parental leave (3 months leave for the father or the mother to take care of the child aged less than 6) if these immediately follow the paternity or maternity leave. These 15 days are paid by the social security authorities, on the basis of 100 % of the salary.	2003	Parental leave can follow maternity leave and be taken until the child is six years old. The length of this leave differs according to whether the parent adopts the full-time or the part-time system. In the fulltime system, this leave lasts for up to three months, and in the part-time system it lasts for up to 12 months. The two solutions can also be combined. (LC, Article 43 no. 1 and 2). This leave is not paid nor does it give a right to any compensation by the government, except in one situation, which was created as a positive measure that intends to promote the effectiveness of paternity rights: if the father takes parental leave just after the end of maternity leave, the first 15 days of the leave are remunerated by the social security system (LRA, Article 103, no. 2). The parental leave period is taken into account for pension calculation.
Duty on all public bodies to promote GE	No	2004	Mainstreaming required by 2006	Encouraged	2007	National Plan for Equality: Citizenship and Gender Equality
Equalities body (employment)	Yes	2002		Yes	1979	CITE: Commission For Equality at Labour and Employment
Equalities body (goods & services)	Yes	2004		Yes	2004	Law 18/2004
Equalities body for promotion of GE	Yes	2002		Yes	1991	CIDM: Commission for Equality and Women's Rights (CIG: Commission for Citizenship and Gender Equality since 2007)
Gender pay audits	No		Not specified	No		
Gender Equality plan (employment)	Yes	2002/2006		Yes		(see Plans and Programmes below)

Requires NGO dialogue	No	2002	Dialogue encouraged	Yes		Advisory Council of Commission for Citizenship and Gender Equality
Positive action measures	Yes/no	1975	Allowed, not required	Yes	2002	Decree-Law 251/2002. Also, Law 18/2004, Law 38/2004, Law 35/2004
Other:						
Public bodies to promote racial equality	NO			Yes	2002 1999	ACIME: High Commissariat for Immigration and Ethnic Minorities (ACIDI: High Commissariat for Immigration and Intercultural Dialogue since 2007) CICDR – Commission for Equality and against Racial Discrimination
If there are no sanctions for violating the law, please state this						

1.4 Equality law on intersecting inequalities

Is discrimination on the grounds of ethnicity/'race' illegal

YES

o When was this law introduced?

1976 (Constitution of the Portuguese Republic, art.13^o)²²

1999 (Anti Discrimination on the grounds of ethnicity Act)²³

2003 (Labour Code)²⁴

2004 (Equal Treatment on the grounds of ethnic and racial origin Act)²⁵

o Is this restricted to employment related issues?

1976 (Constitution of the Portuguese Republic, art.13^o): NO

1999 (Anti Discrimination on the grounds of ethnicity Act): NO

2003 (Labour Code): YES

2004 (Equal Treatment on the grounds of ethnic and racial origin Act): NO

o Does it include the sale and supply of services?

YES

o What disputes if any took place during its introduction?

Is discrimination on the grounds of religion illegal?

YES

o when was this law introduced?

1976 (Constitution of the Portuguese Republic, art.13^o)²⁶

2001 (Religious Freedom Act)²⁷

²² <http://dre.pt/comum/html/crp.html>

²³ Law 134/99 of 28th August. Discrimination on the grounds of race, colour, nationality or ethnicity is forbidden.

<http://www.acime.gov.pt/docs/Cmpt-%20lei13499.pdf>

²⁴ Law 99/2003 of 27th August. Approves the Labour Code. Law 35/2004 of 29th July regulates Law 99/2003 of 27th August. Implementation of EU Equal Treatment Framework Directive 2000/78/EC. http://www.estg.ipg.pt/legislacao_ambiente/ficheiros/lei%20n%C2%BA%2099-2003.pdf

²⁵ Law 18/2004 of 11th May. Equal Treatment on the grounds of ethnic and racial origin Act. Implementation of the EU Directive 2000/43/CE http://194.6.229.67/legislacao/pdf/desporto/36/Lei18_2004.pdf

²⁶ <http://dre.pt/comum/html/crp.html>

²⁷ Law 16/2001 of 22th June. Religious Freedom Act. http://www.dgrn.mj.pt/legislacao/liberd_relig.asp

2003 (Labour Code)²⁸

- Is this restricted to employment related issues?

1976 (Constitution of the Portuguese Republic, art.13^o): NO

2001 (Religious Freedom Act): NO

2003 (Labour Code): YES

- Does it include the sale and supply of services?

YES

- What disputes if any took place present during its introduction?

Is discrimination on the grounds of sexual orientation illegal?

YES

- When was this law introduced?

2003 (Labour Code)²⁹

2004 (Constitution of the Portuguese Republic, art.13^o)³⁰

- Is this restricted to employment related issues?

2003 (Labour Code) YES

2004 (Constitutional Revision) NO

- Does it include the sale and supply of services?

YES

- What disputes if any took place during introduction of these laws?

- Are there further legal issues, especially disputed legal issues, concerning the intersection of equalities with gender that are relevant?

Is discrimination on the grounds of disability illegal?

YES

- When was this law introduced?³¹

2003 (Labour Code)³²

2004 (Act that defines the measures for the rehabilitation and participation of disabled people)³³

2006 (Anti discrimination on the grounds of Disability Act)³⁴

- Is this restricted to employment related issues?

2003 (Labour Code): YES

2004 (Act that defines the rehabilitation and participation of disabled people): NO

2006 (Anti discrimination on the grounds of Disability Act): NO

- Does it include the sale and supply of services?

YES

- What disputes if any took place present during its introduction?

Is discrimination on the grounds of marital status illegal?

YES

- When was this law introduced?³⁵

2003 (Labour Code)³⁶

²⁸ Law 99/2003 of 27th August. Approves the Labour Code. Law 35/2004 of 29th July regulates Law 99/2003 of 27th August. Implementation of EU Equal Treatment Framework Directive 2000/78/EC. http://www.estg.ipg.pt/legislacao_ambiente/ficheiros/lei%20n%C2%BA%2099-2003.pdf

²⁹ Law 99/2003 of 27th August. Approves the Labour Code. Law 35/2004 of 29th July regulates Law 99/2003 of 27th August. Implementation of EU Equal Treatment Framework Directive 2000/78/EC. http://www.estg.ipg.pt/legislacao_ambiente/ficheiros/lei%20n%C2%BA%2099-2003.pdf

³⁰ VI Constitutional Revision (2004) includes "sexual orientation" in article 13^o. <http://dre.pt/comum/html/crp.html>

³¹ The Constitution of the Portuguese Republic of 1976 includes in article 13^o "social condition", not "disability".

³² Law 99/2003 of 27th August. Approves the Labour Code. Law 35/2004 of 29th July regulates Law 99/2003 of 27th August. Implementation of EU Equal Treatment Framework Directive 2000/78/EC. http://www.estg.ipg.pt/legislacao_ambiente/ficheiros/lei%20n%C2%BA%2099-2003.pdf

³³ Law 38/2004 of 18th August. Defines the basis of the legal regimen for the prevention, facilitation, rehabilitation, and participation of disable people. http://www.igf.min-financas.pt/Leggeraldocs/LEI_038_2004.htm

³⁴ Law 46/2006 of 26th August. Discrimination on the grounds of disability is forbidden. <http://dre.pt/pdf1s/2006/08/16500/62106213.pdf>

³⁵ The Constitution of the Portuguese Republic of 1976 includes in article 13^o "social condition", not "marital status".

³⁶ Law 99/2003 of 27th August. Approves the Labour Code. Law 35/2004 of 29th July regulates Law 99/2003 of 27th August. Implementation of EU Equal Treatment Framework Directive 2000/78/EC. http://www.estg.ipg.pt/legislacao_ambiente/ficheiros/lei%20n%C2%BA%2099-2003.pdf

- Is this restricted to employment related issues?
YES
- Does it include the sale and supply of services?
YES
- What disputes if any took place during introduction of these laws?

Is discrimination on the grounds of age illegal?

YES

- When was this law introduced?³⁷
2003 (Labour Code)³⁸
- Is this restricted to employment related issues?
YES
- Does it include the sale and supply of services?
YES
- What disputes if any took place present during its introduction?

2. Plans and programmes

Two types of national gender equality plans are considered here. The first set of questions concerns plans specific to the country.

The second set of questions refers to the National Reform Programmes for employment and National Reports (National Action Plans) on Strategies for social inclusion and social protection that the EU requires annually from each Member State.

2.1 National gender equality plans

2.1.1 Is there a national gender equality plan? YES

- If yes please name and describe very briefly the range of issues that it covers (in particular, how far beyond employment does it go?)

It is called the *III National Plan for Equality: Citizenship and Gender 2007 - 2010*³⁹ (preceded by the *I Global Plan for Equal Opportunities 1997* and the *II National Plan for Equality 2003-2006*).

The main issues this plan covers are: the fight against gender stereotypes; the integration of gender mainstreaming concept as guiding principle (according to the definition of gender mainstreaming of the European Council); the guarantee of the fulfilment of the right to equality (a duty of the Portuguese State); and the integration of gender equality in all political domains and social realities (linked to the first and second area of this Plan). The Operational Program for Human Potential, that belongs to the National Strategic Reference Framework, is considered a crucial tool in the promotion of gender equality (namely due to the increased budget for the gender equality issue). In this Program, the main goals are to: increase the efficiency of public policy tools; disseminate gender equality values through education and information realms; promote equal opportunities in the access to labour market (fighting vertical and horizontal segregation); promote reconciliation between professional, familiar and personal life; and promote balanced participation in political and public decision making. The promotion of an active, egalitarian and responsible participation of the Portuguese citizens is also an issue presented. To achieve this goal is imperative: the education for citizenship; value the role of inclusive language; strengthen civil society and especially NGOs movements; and make the media responsible for the promotion of gender equality due to the fact that media is a very important tool that influences social attitudes and behaviours. Gender Based Violence is also a covered issue in this Plan (though it is more explored in other specific plans on the subject).

- Is the focus restricted to non-discrimination? NO
- Is there reference to gender mainstreaming? YES
- Are there named policy instruments and/ institutions, if so what? YES

Policy Instruments: the Community Support Framework III and the National Strategic Reference Framework 2007-2013 (the plan refers to these frameworks as tools in the promotion of gender equality); campaigns.

³⁷ The Constitution of the Portuguese Republic of 1976 includes in article 13^o "social condition", not "age".

³⁸ Law 99/2003 of 27th August. Approves the Labour Code. Law 35/2004 of 29th July regulates Law 99/2003 of 27th August. Implementation of EU Equal Treatment Framework Directive 2000/78/EC.

http://www.estg.ipg.pt/legislacao_ambiente/ficheiros/lei%20n%C2%BA%2099-2003.pdf

³⁹ http://www.portugal.gov.pt/NR/rdonlyres/00D7D33A-8533-42BB-BED9-A692814F629B/0/Prop_PNIgualdade_3.pdf

Institutions: Commission for Citizenship and Gender Equality (CIG); Commission for Equality at Work and Employment (CITE); former Commission for Equality and Women's Rights (CIDM); United Nations, European Council.

- Are there indicators and statistics to evaluate the policies? YES. However, the Plan does not specify which (only refers the existence of indicators to evaluate policies).
- Is there reference to EU targets (European Employment Strategy targets: Lisbon (2000) female employment rate of 60% by 2010; Barcelona (2002) provision of childcare by 2010 to at least 90% of children between 3 years old and the mandatory school age and at least 33% of children under 3 years of age)? (Add age here) YES, to the *Lisbon Strategy 2000*.

2.1.2 Is gender equality integrated with other equalities in a national plan?

If yes please name and describe very briefly the range of issues that it covers, in particular, how far beyond employment does it go? Is it framed by equality or by diversity or both or a similar goal (e.g. equal opportunities)? If so, please specify.

The *National Action Plan for Inclusion 2006-2008*⁴⁰ integrates gender equality with other equalities. However, once again, equality is seen basically as equal opportunities. Women are referred to as the most affected by poverty, there is special mention of elderly and disabled women, and by unemployment. Women are also referred to in this plan as the main victims of family violence and of the gap between education and labour market segregation (more educated yet more segregated). The main issues the plan covers are employment (Lisbon 2000 targets); benefits to promote social insertion and fight social exclusion; housing; education; provision of childcare (Barcelona 2002 targets); and provision of health services. Goals are mainly targeting vulnerable groups in general: special mention of migrant, disabled and poor people (where women are the most affected ones).

The *III National Plan for Equality: Citizenship and Gender 2007-2010* frames gender equality as equality understood mostly/merely as equal participation. Gender equality is not integrated with other inequalities. However, it is (only) mentioned that women suffer from multiple discriminations accumulatively like ethnicity/race; age; disability; sexual orientation; place of origin; religion or belief.

2.1.3 Is there a gender equality (or similar) plan in the area of gender based violence YES

a) If yes please name the plan.

It is called the *III National Plan against Domestic Violence 2007 – 2010*⁴¹ (preceded by the *I National Plan against Domestic Violence 1999-2003* and the *II National Plan against Domestic Violence 2003-2006*). This plan is specific for the issue of domestic violence.

Does it cover:

- Domestic violence and violence in partnerships YES
- Sexual assault/violence and rape YES
- Sexual harassment and stalking NO
- Trafficking and prostitution NO
- Forced marriage, honour crimes and FGM NO

Does the plan include:

- named policy instruments and/or institutions, if so what; YES

Policy instruments: National Strategic Reference Framework 2007 – 2013; campaigns.

Institutions: United Nations; European Council; European Union; Economic and Social European Committee; Commission for Citizenship and Gender Equality (CIG); former Commission for Equality and Women's Rights (CIDM); Health Ministry.

- indicators and statistics to evaluate the policies, if so which? YES

The Plan states that are indicators to evaluate the policies, but does not state which.

a) If yes please name the plan.

It is called the *I National Plan against Human Trafficking 2007-2010*⁴².

⁴⁰ <http://www.portugal.gov.pt/NR/rdonlyres/FE4A1BA9-EE5D-432B-A7B0-0FA072587A1C/0/PNAINacional20062008Site.pdf>

⁴¹ http://www.mai.gov.pt/data/documentos/%7B0CDA4746-57F8-4591-A007-8B5AF6633631%7D_III_pncvd.pdf

⁴² http://www.portugal.gov.pt/NR/rdonlyres/FC61D12F-BC21-4B2D-A7AF-53F0C99FA537/0/I_PNCTSH.pdf

Does it cover:

- Domestic violence and violence in partnerships NO
- Sexual assault/violence and rape NO
- Sexual harassment and stalking NO
- Trafficking and prostitution YES
- Forced marriage, honour crimes and FGM NO

Does the plan include:

- named policy instruments and/or institutions, if so what;

Policy instruments: campaigns.

Institutions: U.S. Federal Bureau of Investigation, United Nations; European Council; European Union; International Labour Organisation; Organisation for Security and Co-Operation in Europe; Europol.

- indicators and statistics to evaluate the policies, if so which? NO

2.2 EU required National Reform Programme (National Action Plan) for Employment

Does the EU required National Reform Programme for employment (in which one of the ten guidelines concerns gender mainstreaming) include a significant set of actions concerning gender equality? If so, what are these?⁴³

National Action Programme for Growth and Jobs (PNACE 2005-2008)

There is not a significant set of actions. Basically, the report contains a few sets of actions concerning gender equality. These actions concern **the reinforcement of employment and social cohesion** (promote equal opportunities for all, rehabilitation and reinsertion, conciliation between social and professional life, gender equality and active ageing); and the **strengthening of territorial and environmental cohesion as factors of competitiveness and sustainable development** (ensuring social cohesion by acting particularly on the objectives to increase employment and improve employability and entrepreneurship, in particular by adopting an approach adjusted to the life cycle, to improve school and vocational qualifications and ensure social inclusion, by developing the inclusive nature of the labour market, promoting equal opportunities for all and gender equality as well as rehabilitation and social reinsertion, conciliation between social and professional life, and the valorisation of health as a productivity factor and a measure for social inclusion). Within the goal of **fostering flexibility and security in employment**, the mentioned actions are: the modernisation of the labour relations system, the reduction of undeclared work and segmentation of the labour market, the conciliation of workers' rights and an increase in companies' ability to adapt; the encouragement and diffusion of innovative and adaptable ways to organise and modernise work; the anticipation and positive management of restructuring processes; the improvement of working conditions; favouring remunerating policies so as to conciliate competitiveness with the reduction of unemployment, poverty and gender inequality; and the boosting of workers' continuing training and effective active employment policies which will increase employability and facilitate transitions between jobs. Finally, to **modernise the social protection system and promote social inclusion**, the main proposed actions are: the creation of new mechanisms suitable to the objectives of promoting effective active ageing as well as greater equality of contributions, correcting the inequalities within social security by the necessary convergence of the two systems, and combating the effects of the ageing population on the system's sustainability.

No reference is made to gender mainstreaming.

Did the EU appointed National Expert (part of the EU Network of Experts on Gender and Employment and Social Inclusion) made (have) critical or positive comments on the gender equality dimension of the member state's programme? If so, what are these?⁴⁴

According to Virginia Ferreira (national expert), the Portuguese national reform programme for employment, mainly focus on gender equality under the issue of lifecycle policies and closing gender gaps (guideline 18). However, there is a general lack of articulation of gender issues, gender is articulated in 4 other guidelines (the ones that concern full employment-17; flexible working patterns-21; employment friendly labour costs and wage-setting policies -22; and Human capital policy-23).

Summarising the extent of gender mainstreaming in the Portuguese NRP, the expert (2005: 219) commented:

⁴³ Member state reports 2006: http://ec.europa.eu/growthandjobs/key/nrp2006_en.htm

⁴⁴ EGSIE 2005 report see:

http://ec.europa.eu/employment_social/gender_equality/docs/2006/final_nrp_synthesis_2005_en.pdf

The NRP develops policies to support families, concentrating on childcare needs, and completely neglects investment in care facilities for other dependants, especially older people. This is a grave pitfall that jeopardizes any serious policy of reconciliation of family and working lives. In spite of the improvement registered in this NAP/Emp, there is a need for more adequate and pro-active policies to tackle the gender pay gap and horizontal and vertical labour market segregation. For the policies to be effective it is necessary to develop effective delivery systems and structures at the regional and local levels with adequate public financing. Furthermore, to increase the effectiveness of gender equality policies it is necessary to extend fathers' rights in the workplace, an approach also absent from this NRP.

Did the EU Commission's response to the National Reform Programme for employment include recommendations on gender equality? If so, what were these?⁴⁵

The EU Commission recommends Portugal to continue the efforts to modernise employment protection, including legislation to reduce the high levels of labour market segmentation, within the flexicurity approach.

2.3 EU required National Reports (National Action Plans) on Strategies for Social Protection and Social Inclusion

Does the EU required National Report on Strategies for Social Inclusion include a significant set of actions concerning gender equality, including gender-based violence? If so, what are these?⁴⁶

National Report on Strategies for Social Protection and Social Inclusion 2006-2008.

Basically, the report does not contain a significant set of actions concerning gender equality. Equal opportunities appear within the topic of "promoting social cohesion, equality between men and women and equal opportunities for all" through adequate, financially sustainable, adaptable and efficient social protection systems and social inclusion policies. Again, equal opportunities are defined in regards to family benefits, social equipment investment or support for the elderly and dependents. Within these issues, the aim is to promote conditions which make feasible opportunities to reconcile work and family life with particular emphasis to gender equality issues.

No significant set of actions are included for the issue of gender based violence. However, three measures within the report target victims of domestic violence (together with children, young people at risk and homeless). These are: to promote the inclusion in marginalised and run down urban areas, to combat isolation, abandonment and exclusion of depressed areas; intervene before groups are confronted with exclusion, marginalisation and persistent poverty; and put into effect those goals by support provided to projects which respond to multidimensional problems of a territory or group.

Did the EU Expert Group on Gender, Social Inclusion and Employment have critical or positive comments on the gender equality dimension of the report (including gender-based violence)? If so, what are these?

Information from a general report rather than Portuguese specific report.⁴⁷

The report on social exclusion emphasises the following in relation to Portugal: immigrant women face difficulties in gaining employment and typically work in segregated and low-paid jobs. There are few effective, concrete policies for the social integration of immigrant women into Portuguese life beyond the recent reform which gives those migrants with a 'permit of permanency' (mainly women) the same rights which migrants with a residence permit (mainly men) have to claim family allowance and the 'social insertion' income. A wider set of concrete and gender mainstreamed policies for the social inclusion of migrant women are needed in government policy. The legislation which exists to provide immigrants with certain rights and protection against discrimination and exploitation is largely ineffective. There is a lack of information or public awareness about the extent of racist and xenophobic crimes; the problem is ignored in public opinion and policy debates.

No specific comments on gender based violence since the general report focuses on a selection of countries, which does not include Portugal.

⁴⁵ EC response: http://ec.europa.eu/growthandjobs/annual-report-1206_en.htm

⁴⁶ Member state reports: http://ec.europa.eu/employment_social/social_inclusion/naps_en.htm

⁴⁷ Expert group on gender, social inclusion and employment (2006) *Gender inequalities the risks of poverty and social exclusion for disadvantaged groups in 30 European countries*. European Commission http://ec.europa.eu/employment_social/publications/2006/ke7606201_en.pdf

Did the EU Commission's response to the National Report on Strategies for Social Protection and Social Inclusion include recommendations on gender equality (including gender based violence)? If so, what were these?⁴⁸

Regarding gender equality, the report⁴⁹ does not explicitly include specific recommendations. The EU Commission basically recommends Portugal to closely monitor and evaluate the impact of measures relating to the minimum income scheme, ensuring effective social integration of "groups at risk". Also, to ensure that "the groups furthest from the labour market" benefit from mainstream measures to raise the qualification levels of the population, with a particular focus on the large numbers of unskilled working poor and early school leavers. Further recommendations include to implement the pension reform, with the aim of improving financial sustainability and ensuring that sufficient resources for adequate pensions are available, notably through the promotion of longer working lives and establishment of a comprehensive active ageing strategy that promotes longer healthy working lives in quality jobs; to tackle regressive financing in healthcare, reduce the financial costs of care for disadvantaged groups, reduce geographical disparities of supply and enhance the provision of long-term care; and finally, to improve efficiency (notably through reinforcing primary care, adjusting hospital capacity and controlling pharmaceutical expenditure) and implement comprehensive all-ages promotion policies to improve health status and reduce health inequalities.

2.4 EU funding

Does the EU provide funding in your country that has / has had a significant gender impact?⁵⁰ (Structural funds to consider include the European Social Fund⁵¹ and the European Regional Development Funds⁵²) YES⁵³

If yes, how much and over what period of time?

If yes, comment upon the extent to which gender was mainstreamed in associated plans and programmes (e.g. the National Development Plans for 2000-2006)?

Portugal joined the European Union in 1986, and has ever since benefited from substantial support from the Structural Funds. These were given effect through the former regulation (1986-1988), the Community Support Framework I (1989-1993), Community Support Framework II (1994-1999), the Community Support Framework III (2000-2006)⁵⁴ and the current National Strategic Reference Framework (2007-2013)⁵⁵. Their application forms part of regional policy with the broad aim of ensuring balanced development, reducing regional imbalances, and creating more and better opportunities for access to education, employment, the arts, science and the new technologies. Under the proposed intermediate reprogramming of the CSF III approved by the Commission in November 2004, Portugal had available some EUR 20.530 billion of Structural Funds, divided as follows:

ERDF (European Regional Development Fund) -	13.309 million EUR
ESF (European Social Fund)-	4.706 million EUR
EAGGF(European Agricultural Guidance and Guarantee Fund) -	2.289 million EUR
FIFG (Financial Instrument for Fisheries Guidance) -	226 million EUR

To these totals can be added the amounts relating to the Performance and Programming reserves, (EUR 919 million ERDF; EUR 261 million ESF; EUR 169 million EAGGF (G); and EUR 7 million FIFG).

After the attribution of reserves to the various Operational Programmes, the Community funds, together with the national public and private resources, represent a total investment of € 40.120 million.

⁴⁸ EC report: http://ec.europa.eu/employment_social/social_inclusion/jrep_en.htm

⁴⁹ http://ec.europa.eu/employment_social/spsi/docs/social_inclusion/2007/joint_report_en.pdf

⁵⁰ The following link may serve as a useful starting point (see drop-down menus along the top of the page and links on the left hand side): http://ec.europa.eu/regional_policy/policy/history/index_en.htm

⁵¹ http://ec.europa.eu/regional_policy/funds/fse/index_en.htm

⁵² http://ec.europa.eu/regional_policy/funds/feder/index_en.htm

⁵³ Information gathered through the national Institute of ESF Management: <http://www.igfse.pt/LP/index.asp>

⁵⁴ <http://www.qca.pt/english/fundos/estrutura.asp>

⁵⁵ http://www.qren.pt/item3.php?lang=0&id_channel=34&id_page=215

The application of the Structural Funds is in accordance with the standards set out in a series of long-term planning documents, the Regional Development Plan (RDP), the Community Support Framework (CSF), the Operational Programmes and their respective programme complements.

The third CSF (2000-2006) aimed at contributing to the balanced and sustainable development of economic activities, employment and human resources, with the correction of social inequalities still being favoured. As transversal dimensions for the different main priorities, the third CSF wanted to ensure the protection and improvement of the environment, the promotion of equality between men and women and the development of a knowledge-based society and innovation.

In terms of impacts, the series of operational programmes that shape the CSF III contributed unequivocally to the development of the country. Concerning gender equality, the interventions realised translated noticeably, over the 2000-2006 period, in gains in the visibility of the gender perspective throughout the CSF III by means of the implementation of positive action and the requirement for transversalisation in all OPs, as well as the action of the Thematic Working Group on Equal Opportunities.

The achievement of the current National Strategic Reference Framework (2007-2013)⁵⁶ main strategic aim, which is indispensable for overcoming the most important constraints of the consolidation of sustained success in the process of economic, social and territorial development in Portugal, is ensured with the support of the Structural Funds and the Cohesion Fund by the concretisation by all the Operational Programmes during the 2007-2013 period of three major Thematic Agendas: the Human Potential Agenda; the Competitiveness Factors Agenda; and the territorial Enhancement Agenda. Concerning gender equality, the Human Potential Agenda brings together a set of interventions aimed at promoting school and professional qualifications among the Portuguese population and the fostering of employment and social inclusion, alongside the conditions for the enhancement of gender equality and full citizenship. The main areas of intervention of the Human Potential Agenda are: initial qualifications, adaptability and lifelong learning, management and professional improvement, advanced competitiveness training, support for entrepreneurship and transition to working life, citizenship, social inclusion and development and the promotion of gender equality. Given this, one of the strategic priorities of the National Strategic Reference Framework is: to guarantee social cohesion by fulfilling, in particular, the aims of increasing employment and strengthening employability and entrepreneurship, improving school and professional qualifications, stimulating cultural dynamics and ensuring social inclusion, namely by developing the inclusive nature of the labour market and promoting equal opportunities for all and gender equality, as well as inclusive citizenship practices, social rehabilitation and reinsertion, conciliation between professional, family and personal lives and the enhancement of health as a productivity factor and measure of social inclusion. To guarantee the promotion of Gender Equality, actions aimed at disseminating a culture of equality by integrating gender issues into education and training strategies, providing equal access to and participation in the labour market, conciliating professional and family life, prioritising the creation of parity for the harmonisation of professional and family responsibilities, preventing gender violence, including domestic violence and human trafficking, and promoting efficiency within the public policy instruments responsible for encouraging gender equality and the capacity-building of those actors important for its achievement are included.

Indicative Annual Financial Allocation per Fund and Operational Programme (2007-2013) - Total⁵⁷

⁵⁶ http://www.igfse.pt/LP/como_aceder_3.asp?auxID=acedergren

⁵⁷ Source: National Strategic Reference Programme. Portugal. 2007-2013: http://www.qren.pt/item3.php?lang=0&id_channel=34&id_page=202

Operational Programme	Community Contribution (Euros – current prices)							
	Total	2007	2008	2009	2010	2011	2012	2013
TOTAL NSRF Funds 2007-2013 - Total	21.510.558.055	2.971.583.274	3.005.027.735	3.038.715.640	3.072.645.240	3.106.716.534	3.140.821.551	3.175.048.081
Total ERDF	11.938.204.665	1.656.780.270	1.672.941.174	1.689.180.103	1.705.495.601	1.721.788.046	1.737.949.921	1.754.069.550
Total CF	3.059.965.525	411.601.948	419.833.987	428.230.667	436.795.281	445.531.186	454.441.810	463.530.646
Total ESF	6.512.387.865	903.201.056	912.252.574	921.304.870	930.354.358	939.397.302	948.429.820	957.447.885
EAFRD*	3.929.325.028	560.567.716	562.516.301	551.549.715	559.348.027	565.453.718	565.503.072	564.386.480
EFF*	246.485.249	33.552.177	34.091.724	34.639.430	35.195.411	35.759.773	36.332.633	36.914.101

* The figures presented correspond to the total programming for EAFRD, including the National Rural Network (11,787,975 Euros), and the EFF, which cannot be totally broken down according to objectives and transitional regimes at this stage of the programming.

Thus, we can conclude that the EU funding has had a somewhat significant impact on gender issues, through the Community Support Framework III (2000-2006) and the current National Strategic Reference Framework (2007-2013).

3. Governmental Machinery for Equality

Provide a summary of the history of governmental machinery for equality provided in the issue history D11, up-dated if appropriate. In particular, consider if there have been any developments in the relationship between the gender machinery and other equalities machinery (e.g. proposed mergers). (Approx. 250 words)

The main governmental structure dealing with gender equality in Portugal is the Commission for Citizenship and Gender Equality (CIG)⁵⁸. Due to a recent restructuring in the state's central administration, this commission replaced the former Commission for the Equality and the Rights of Women (CIDM)⁵⁹. This new commission will have all the previous responsibilities of the CIDM and the promotion of education for citizenship. It will also include a structure to promote the eradication of gender violence and took over some of the responsibilities concerning gender equality at work that the Commission for Equality in Labour and Employment (CITE) hold before.

Mainstreaming and intersectionality are expected to be easily addressed since all governmental structures dealing with equality (CIG) or ethnic-minorities (High Commissary for Integration and Intercultural Development- ACIDI) are only responsive to the Presidency of the Council of Ministers, which governs and legislates. This way, these equality structures answer only to the Prime Minister and this contributes to all the equality Plans (not just with a gender component, but all Plans) being applicable transversely to all the Ministries, thus avoiding a sectarian regulation. Intersectionality appears mostly in connection with migrant populations (not race, not poverty) and is addressed in the legislation and Plans as a matter mostly of Human Rights⁶⁰.

This Commission (CIG) is attached to the Presidency of the Council of Ministers and at the moment is supervised by the State Secretary of the Presidency of the Council of Ministers. It has the following fundamental and permanent objectives: to ensure that women and men enjoy the same opportunities, rights, and dignity; to achieve effective joint responsibility for women and men at all levels of family, professional, social, cultural, economic and political life; and to contribute for society to recognize maternity and paternity as social functions and assume the responsibilities that come from that.

CIDM, as the important governmental structure to achieve gender equality before this recent restructuring, was created in 1991⁶¹. It took the place of the Commission for the Feminine Condition which was set up in 1977⁶², though it was already in operation in 1973.

⁵⁸ Comissão para a Cidadania e Igualdade de Género – CIG (<http://www.cidm.pt>) approved by Law Decree 164/2007 of 3 May

⁵⁹ Comissão para a Igualdade e Direitos das Mulheres – CIDM

⁶⁰ Interview Manuel Albano of CIDM.

⁶¹ By the Decree Law n.º 166/91, from the 9th of May.

The CIDM's life-cycle can be divided in three phases. The first one is between the end of the 1970's and 1985, when the Commission was mainly concerned with getting to know the real situation of women in Portugal and to influence legal changes order to eliminate all forms of discrimination against women. It was at this stage that the CITE was created, in 1979 (see below) and that Portugal ratified the CEDAW in 1980. The second phase, is circa 1985 to 1995, and started with the Portuguese integration in the EEC (1986). Although, the national legislative frame was already in agreement with the European Community recommendations, it gained a new momentum. This was a turning point in perspectives, away from the previous perspective of 'non-discrimination' to the view of 'equal opportunity'. With the integration in the European Community there was an opening to new EEC sponsored projects, namely in the area of professional training. Still, at this stage, there was a focus on change since equality issues were seen less as a matter of social justice – inequality is unfair – and more as a question of democracy and human rights. This new development follows the direction of the European Council, which in 1989 proposed a new term – the concept of democratic parity, which influenced the work of the CIDM. The third phase spans from 1995 to now. Throughout this phase, two new concepts have appeared: gender mainstreaming and women's empowerment. The CIDM became more sectorial in the way it developed its projects, which are now integrated in specific areas of work and intervention, such as domestic violence and trafficking in women.

The other main governmental mechanism for equality is the Commission for Equality in Labour and Employment (CITE)⁶³ which concentrates on equality at work and employment. Its main responsibilities are the promotion, in the private and the public sectors, of equality and non-discrimination between women and men in labour, in employment and in vocational training. The CITE is also invested in the protection of maternity and paternity and in the reconciliation of work and family life. The CITE is part of the Ministry of Social Security and Labour and it is supervised by the State Secretary of the Labour and Professional Training.

This governmental structure was created in 1979 and it forges contact with institutional bodies at national level, particularly with the Institute for Employment and Vocational Training, the Inspectorate General of Labour, the Directorate General on Working Conditions, the Department of Studies and Planning, the Institute for Innovation in Training and the Coordinating Commission of the European Social Fund. It also establishes contacts with other institutions such as the Economic and Social Council, the Commission for Citizenship and Gender Equality, research centres and associations, particularly in the professional sphere, such as those responsible for human resources.

Within the Government the (gender) equality machinery consists of three units within the ministries. The first one is the State Secretary of the Presidency of the Council of Ministers⁶⁴, which responds to the Presidency of Ministry. This State Secretary, besides supervising the CIG, is also the entity responsible for the control of public policies on gender equalities, which deals with gender complaints in accordance with EU regulations.

Another Ministry somehow involved in gender equality and one that also deals with gender complaints is the Ministry for Labour and Social Security. More precisely, the State Secretary of the Labour and Professional Training, which supervises most of the activities of the CITE.

Finally, there is the High Commissary for Integration and Intercultural Development- ACIDI, the previous High Commissary for Immigration and Ethnic Minorities (ACIME). This interdepartmental structure depends directly on the Prime Minister and is a support and consulting structure for the government on issues of immigration and ethnic minorities. Its mission is to promote the integration of immigrants and ethnic minorities in the Portuguese society. It ensures the participation and cooperation of representative associations of immigration, social partners, and social institutions in the definition of social integration policies, while designing strategies to fight exclusion. It also tries to improve the implementation of legal tools in the prevention and in the prohibition of discrimination based on race, colour, nationality, or ethnicity.

The gender equality structures have been changing quite a bit since 1995. For example, in 1996 the High Commissary for the Matters relating to the Promotion of Equality and Family (Decree Law 3-B/96 of 26 January) was created. It constituted an important structure within the government in the coordination of initiatives in the field of gender equality. This High Commissary was responsible for making decisions in a defined field of competence, such as helping poor children; or supervising the CIDM – The Commission for Equality and Women's Rights (in the present days, supervised by the

⁶² By the Decree Law n.º 485/77, from the 17th of November. The initiative to create this Commission came from Maria de Lourdes Pintassilgo, in 1975, who was then Ministry of Social Affairs. Before 1975 she was already the responsible for the working groups that anticipated this Commission.

⁶³ <http://www.cite.gov.pt/>,

⁶⁴ http://www.portugal.gov.pt/Portal/PT/Governos/Governos_Constitucionais/GC17/Composicao/Perfil/JorgeLacaoCosta.htm

Council of Ministries). Due to the first Global Plan for Equal Opportunities (1997- 2000) its role and functions have been extended, so its main objective was basically to contribute to effective gender equality in a society where men and women would have the same dignity, rights and equal opportunities.

Following the October 1999 elections and until October 2000, Portugal had a Minister for Equality, under the Presidency of the Council of Ministers. She was in charge of CIDM, CITE and ACIME. This political machinery does not exist today.

In July 2001 a cabinet reshuffle led to the creation of the post of State Secretary for Equality, placed under the control of the Vice Prime Minister. Its aim was to promote equality between women and men. Both Commissions (CIDM and CITE) were placed under its control.

At the moment, there is mainly one structure related to gender equality within the National Parliament: the Sub-commission for Equal Opportunities⁶⁵, which belongs to the Commission for Constitutional Issues, Rights, Freedoms and Guarantees. It is composed by eight parliamentary members, one of which is its President. Its responsibilities are to eradicate discrimination and to introduce transversal equality in two main areas: equal opportunities between men and women and disabled people.

Within the previously mentioned Sub-commission, there is a Working Group – Campaign to Fight Domestic Violence, which is composed by nine Members of Parliament, one of which is its coordinator. Its main responsibility is the prevention of domestic violence.

Created in 1995, the Parliamentary Commission for Parity, Equal Opportunities and Family was a very important structure in charge of ensuring gender equality, since it was the body within the legislative assembly where women's concerns could be voiced. This commission replaced a sub-committee on women's questions that existed previously within the Commission on Constitutional Affairs. It approved legislative initiatives on equal opportunities between men and women, and it was said to have a very important pedagogical role, since it had the ability to change opinions concerning gender issues. Its main objectives were to analyse law-making processes towards equal opportunities and to promote gender equality and parity democracy. Nevertheless, the Commission's practical impact on the law-making process was very limited.

Do any or all of these forms of gender machinery exist in the country, and if so what are they called?

- o governmental (civil servants and ministers in central government); YES

The Commission for Citizenship and Gender Equality – CIG (established in 2007). Replaced former *Commission for the Equality and the Rights of Women – CIDM* (established in 1991). This Commission (CIG) is attached to the Presidency of the Council of Ministers and is supervised by the State Secretary of the Presidency of the Council of Ministers.

The Commission for Equality in Labour and Employment - CITE (created in 1979) which concentrates on equality at work and employment. The CITE is part of the Ministry of Labour and Social Security and it is supervised by the State Secretary of the Labour and Professional Training.

The High Commissariat for Integration and Intercultural Development - ACIDI, previous *High Commissariat for Immigration and Ethnic Minorities*. This interdepartmental structure depends directly from the Prime Minister and is a support and consulting structure for the government on immigration and ethnic minorities.

- o enforcement and monitoring agency (e.g. equality authority, ombudsperson); YES

The Commission for Citizenship and Gender Equality – CIG (established in 2007).

- o special legal apparatus (e.g. special courts for employment or domestic violence); NO

- o body for consultation / dialogue with women's NGOs YES

The Commission for Citizenship and Gender Equality – CIG (established in 2007).

- o Other, for example, Parliamentary Committees YES

*The Sub-commission for Equal Opportunities*⁶⁶, which belongs to the Commission for Constitutional Issues, Rights, Freedoms and Guarantees. It is composed by eight parliamentary members, one of which is its President. Its responsibilities are to eradicate discrimination and to introduce transversal equality in two main areas: equal opportunities between men and women and disabled people.

⁶⁵http://www.parlamento.pt/comissoes/Comissao.aspx?Tipo=0&Categoria=1&ID_Comissao=1&ID_SubComissao=103

⁶⁶http://www.parlamento.pt/comissoes/Comissao.aspx?Tipo=0&Categoria=1&ID_Comissao=1&ID_SubComissao=103

Within this Sub-commission, there is a *Working Group – Campaign to Fight Domestic Violence* which is composed by nine Members of Parliament, one of which is its coordinator. Its main responsibility is the prevention of domestic violence.

Answering the following list of questions may require mention of any or all of these types of institution: some apply to one kind more than another.

The nature of the institution

The Commission for Citizenship and Gender Equality – CIG

- Is there gender machinery that meets the minimum legal requirements of the EU?
 - A body for the promotion, analysis, monitoring and support of equal treatment of all persons without discrimination on the grounds of sex: YES
 - providing independent assistance to victims of discrimination in pursuing their complaints about discrimination YES
 - conducting independent surveys concerning discrimination YES
 - publishing independent reports YES
 - making recommendations on any issue relating to such discrimination. YES
- Is there gender machinery that meets the ‘Paris Principles’?
 - independence guaranteed by a constitutional or legislative framework YES
 - autonomy from government NO
 - pluralism including pluralism of composition, YES
 - a broad mandate YES
 - adequate powers of investigation YES
 - sufficient resources YES
- Is there gender machinery that meets the further requirements of the UN Platform for Action?
 - responsibility vested at the level of a Cabinet minister. YES
 - Develop indicators and statistics to monitor policy YES
- How close to the Prime Minister is the governmental machinery located?
 - PM’s office

The Commission for Citizenship and Gender Equality – CIG is attached to the Presidency of the Council of Ministers, and is supervised by the State Secretary of the Presidency of the Council of Ministers.

- Other powerful department.
- Other department
- Would any of the bodies be described as following a feminist agenda? YES, the *Commission for Citizenship and Gender Equality – CIG*.
 - Briefly explain the reasoning behind your answer.

The CIG could be described as following a feminist agenda since it has been active in campaigning, implementing investigations into women’s (in)equality, and pushing to mainstream gender issues across the government and civil society (although the CIG would be hesitant to explicitly refer to its agenda as ‘feminist’).

- o If yes, then which vision of gender equality (equality through sameness, equal valuation of different contributions, or transformation)

Gender equality is mainly seen as equality through sameness / equal treatment.

Are there other policy groups relevant to gender equality that are embedded in particular departments, but which are not usually known as gender machinery e.g. domestic violence group within the home affairs or justice department? If yes, when was it set up, what does it do, what are its resources?

The Commission for Equality in Labour and Employment - CITE (created in 1979) and concentrates on equality at work and employment. The CITE is part of the Ministry of Labour and Social Security and it is supervised by the State Secretary of the Labour and Professional Training.

Its main responsibilities are the promotion, in the private and the public sectors, of equality and non-discrimination between women and men in labour, in employment and in vocational training, though many responsibilities of this structure have now (2007) been passed on to the *Commission for Citizenship and Gender Equality*. The CITE is also engaged in the protection of maternity and paternity and in the reconciliation of work and family life. This governmental structure forges contact with institutional bodies at national level, particularly with the Institute for Employment and Vocational Training, the Inspectorate General of Labour, the Directorate General on Working Conditions, the Department of Studies and Planning, the Institute for Innovation in Training and the Coordinating Commission of the European Social Fund. It also establishes contacts with other institutions, such as the Economic and Social Council, the *Commission for Citizenship and Gender Equality*, research centres and associations, particularly in the professional sphere, such as those responsible for human resources.

As regards the activity of equality agencies, the work performed by the Commission for Equality at Work and in Employment (CITE) in this area must be noted. Not only does the Commission function as a counselling bureau for all matters related to equality issues, but also as a compulsory advisor in several issues regarding gender equality⁶⁷. In 2005 alone, this Commission was asked to give more than 20 pieces of advice regarding the following issues, on which its advice is compulsory: dismissal procedures regarding pregnant workers or workers who have given birth; refusal of the employer to allocate a part-time job instead of a full-time job to the worker, when the request is based on maternity/paternity reasons; and refusals of the employer to renew a fixed-term labour contract of pregnant workers or workers who have given birth. In this area, the Commission works closely with the Labour Inspection Services, which also follow these procedures.

The High Commissariat for Integration and Intercultural Development – ACIDI (established in 2007), previous *High Commissariat for Immigration and Ethnic Minorities- ACIME* (established in 2002). This interdepartmental structure depends directly on the Prime Minister and is a support and consulting structure for the government on immigration and ethnic minorities. Its mission is to promote the integration of immigrants and ethnic minorities in the Portuguese society. It ensures the participation and cooperation of representative associations of immigration, the social partners, and social institutions in the formulation of social integration policies, while designing strategies to fight exclusion. It also tries to improve the implementation of legal tools in the prevention and in the prohibition of discrimination based on race, colour, nationality, or ethnicity.

The Working Group – Campaign to Fight Domestic Violence within the *Sub-commission for Equal Opportunities*, which is composed by nine Members of Parliament, one of which is its coordinator. Its main responsibilities are the prevention of domestic violence.

Are there any special legal institutions such as special courts to assist the implementation of gender equality laws e.g. employment tribunals, domestic violence courts? NO

Dedicated to gender or integrated with other equalities?

Is the gender equality body (enforcement or monitoring agency) integrated with machinery for other equalities issues (if so which) or for human rights? NO

If yes:

When did this happen?

N/A

⁶⁷ CITE integrates a representation of the major unions and employers associations that take part in the counselling job of the Commission.

Was the change controversial (who fought whom, allied to whom)?

N/A

Is the division of responsibilities by function or by strand?

N/A

Is there a separate mechanism for consulting civil society by strand, including women?

N/A

Does the equality body actively engage with the issue of intersecting inequalities (e.g. gender and ethnicity, gender and disability)? If yes, please specify the intersections that are taken into account.

N/A

If the gender equality body is not integrated with machinery for other equality issues, does the gender equality body and any other single strand equality body actively engage with the issue of intersecting inequalities? If yes, please specify the intersections that are taken into account by each of the equality bodies.

The High Commissariat for Integration and Intercultural Development – ACIDI (established in 2007), previously the *High Commissariat for Immigration and Ethnic Minorities- ACIME* (established in 2002). This interdepartmental structure ensures the participation and cooperation of representative associations of immigration, the social partners, and social institutions in the formulation of social integration policies, while designing strategies to fight exclusion. It also tries to improve the implementation of legal tools in the prevention and in the prohibition of discrimination based on **race, colour, nationality, or ethnicity**. It provides independent assistance to the victims.

Commission for Equality and against Racial Discrimination- CICDR (established in 1999), body connected to the ACIDI. It also tries to improve the implementation of legal tools in the prevention and in the prohibition of discrimination based on **race, colour, nationality, or ethnicity**. It does not provide independent assistance to the victims.

The *Sub-commission for Equal Opportunities*, which belongs to the Commission for Constitutional Issues, Rights, Freedoms and Guarantees (parliamentary commission). It is composed by eight parliamentary members, one of which is its President. Its responsibilities are to eradicate discrimination and to introduce transversal equality in two main areas: equal opportunities between men and women and **disabled people**.

Within the previously mentioned Sub-commission, there is a *Working Group – Campaign to Fight Domestic Violence*, which is composed by nine Members of Parliament, one of which is its coordinator. Its main responsibilities are the prevention of **domestic violence**.

Relationship of machinery with civil society

Are there procedures for the consultation of women's groups in civil society by the gender or equalities machinery? If so, are they routinised or occasional?

YES, routinised.

To achieve its mission, the Commission for Citizenship and Gender Equality (CIG) depends on distinctive bodies where the most important is the Advisory Council. This Advisory Council is composed of the President, the Vice President, the Inter Ministries Department, **the NGOs Department**, and the Technical and Scientific Experts Group. This Advisory Council is responsible for consultation on the formulation, implementation and evaluation of public policies towards citizenship and gender equality.

The NGOs Section of the Advisory Council of the Commission for Citizenship and Gender Equality main activities are: to contribute to the definition of gender equality and citizenship promoting policies; inform the position taken from the different organisations; to collaborate in the implementation of the defined policy through common projects and the mobilization of people; and to comment on the Commission's annual activities program and projects.

4. Policy summary questions

4.1 Non-employment

Is the tax system household based or individualised?

Household based.

Is the benefit system household based or individualised?

Household based.

How long is it legitimate for lone parents not to be in paid work? (i.e. at what age does the youngest child reach before parent is required to be available for employment and benefit stops)

Not applicable to the Portuguese case.

Are there *active* labour market programmes (i.e. programmes to help people who are out of labour market back into paid employment, includes training and job placement schemes) for lone parents?

Not specifically for lone parents^{68 69}.

Are there active labour market programmes for women who are returning to employment after lengthy period of time out of the labour market? NO

What is the minimum amount of childcare that is provided by the state? (e.g. number of hours, no. of weeks per annum)⁷⁰

- Childcare: care (under 3 years)

The occupation rates of state financed childcare facilities are very high in Portugal (over 90%); most facilities are full, especially those for children up to three years old.

- Childcare: pre-primary education (3 yrs- school age)

The State provides some childcare facilities for children up to six years (though most are full and insufficient for all). From the age of six and until the 9th year of high school, education is mandatory and free (public schools provided by the state).

What is the predominant form of childcare provision? i.e. public, private or mixed.

Mixed, but predominantly private childcare provision⁷¹.

Childcare facilities are clearly insufficient to cope with the needs of working parents, within and beyond school hours. The occupation rates of childcare facilities are very high in Portugal (over 90%); most facilities are full, especially those for children up to three years (OECD, 2004). Moreover, the official statistics regarding childcare provision show that coverage rates are still very low: in 2001, the crèche and nannies net covered only 15.4% of children aged up to three years old; and free time activity centres had a coverage rate of 12.4% in 1998. The pre-school education net coverage rate did not extend beyond 76% in 2002–2003 (estimate) (Ramalho and Perista, 2004). A further difficulty is that most childcare services are run by private companies, with fees often too high for many Portuguese families. According to the OECD (2004), there is evidence that many Portuguese mothers consider their working schedule as one of the main reasons for why they do not spend as much time as they wish with their children. As a consequence, children often stay at home alone or have to stay with their mothers in the workplace. The development of the childcare network and the broadening of parents' choices regarding childcare services are considered as priority issues in the Portuguese case. Another political priority should aim at the development of positive actions encouraging men, fathers in particular, to participate in unpaid family and care work, in order to promote work–life balance for women and men.

How is childcare financed (e.g. by public funds, privately or mixed)?

Predominantly private finance, but also mixed.

⁶⁸ http://www.portugal.gov.pt/Portal/PT/Governos/Governos_Constitucionais/GC15/Ministerios/MSST/Comunicacao/Outros_Doc_umentos/20030521_MSST_Doc_RSI.htm

⁶⁹ <http://www.iefp.pt/apoios/Paginas/Home.aspx>

⁷⁰ http://ec.europa.eu/employment_social/missoc/2007/tables_part_6_en.pdf

⁷¹ <http://www.eurofound.europa.eu/ewco/reports/TN0510TR02/PT0510TR02.pdf>

Is the pension age the same for women and men? If so, since when?

Yes, 65 years⁷² (both men and women), covering the active population (employees and self employed) with earnings - related pensions depending on contributions and duration of the affiliation. Minimum period of membership: contributions paid or credited for 15 years. It is necessary to prove 120 registered days of pay for each year to be taken into account.

In 1987 the retirement age was 65 for men and 62 for women. Afterwards, in a transitory period between 1994 and 1999, the retirement pension age was 65 for women as well (6 months per year until 65). From 2002 onwards, the pension age is 65 both for men and women.

4.2 Intimate citizenship

Is abortion legal? YES

If so, in what year did this happen?

2007⁷³

Up to which week of pregnancy is abortion legal?

Up to the 10th week of pregnancy.

Also⁷⁴, in case of risk of death or irreversible injury for the pregnant woman: 12 weeks of pregnancy; in case the unborn child would suffer a serious illness or congenital malformation: 16 weeks of pregnancy; and in case of rape: 12 weeks of pregnancy.

Are there any other conditions? If so, what are these (e.g. consent of doctor/s, counselling)?

- Counselling with doctor (within 5 days of the demand)
- Consideration period between counselling with doctor and written consent (period never inferior to 3 days)
- Abortion has to be carried out at the woman's request in a registered clinic, with previous consent.
- The registered clinics where abortions are carried out have the obligation to give counselling on family planning and contraception
- Doctors have the right to conscious objection. In this case, the State has the duty to offer the alternative to women of another doctor that is not objector.

How many abortions are carried out per year (select most recent year where data available. If illegal, approximately how many women travel to access abortion services in another country?)

1.435 voluntary interruptions of pregnancy in the first two months since the approval of the law 16/2007 of 17th April (came into force the 15th July of 2007)⁷⁵.

Is a marriage a state based contract, religious contract or both?

State Based Contract.

Is divorce legal and what are the conditions for divorcing (e.g. is mutual consent necessary / sufficient)?

Divorce is legal by mutual consent and litigious.

Are there any restrictions to marriage other than the gender of the partners (e.g. nationality, country of origin)? Other than gender of the partners (same sex marriage is not allowed):

- Age: Minimum age of 16 years old. Until 18 years old, consent letter of parents or legal tutors is needed
- Kinship proximity
- Dementia of one of the partners
- Foreign nationality: diplomatic letter from the country of origin certifying the ability to marry is needed

⁷² <http://www.ose.be/files/mocpension/PortugalOMC.pdf>

⁷³ Law 16/2007 of 17 April. Partial Decriminalization of Abortion

⁷⁴ Law 6/84 of 11th May. Partial Decriminalization of Abortion

⁷⁵ This was the only data available. Not institutional data. Data from Lusa Press Agency.

Are civil partnerships/civil unions/gay marriage legal and if so, are the legal rights the same as for heterosexual marriage? Consider the following (Yes/ no + year when introduced):

Does it extend to:

- survivors' benefits in pensions? YES. In 1999⁷⁶ for different sex partnerships. In 2001⁷⁷ for same sex partnerships as well.
- adoption rights? YES. In 1999⁷⁸ only for different sex partnerships. Same sex partnerships do not have the right to adopt.
- parental leave? YES. In 1999⁷⁹ for different sex partnerships. In 2001⁸⁰ for same sex partnerships as well.
- assisted reproduction? YES. In 2006⁸¹ only for different sex partnerships.
- Family reunification – have partners the right to settle and be employed in the country where their partners live? YES. In 1999⁸² for different sex partnerships. In 2001⁸³ for same sex partnerships as well.

Number of registered civil partnerships, annually and in total?

N/A

4.3 Gender-based violence

Has there been a national survey on gender based violence? When was the most recent one carried out?

The PENELOPE Project about Domestic Violence in the South European Countries (developed by APAV⁸⁴ - The Portuguese Association for Victim Support with the support of the European Commission through the DAPHNE Program, between November 2002 and November 2003) presents results of a 1995 survey.

Also, APAV provides annual statistical data based on surveys taken by victims, during and after attendances. The last statistical totals presented in the association webpage are from the year 2007.

Does it include:

- Domestic violence and violence in partnerships? YES
- Sexual assault/violence and rape? YES
- Sexual harassment and stalking? NO
- Trafficking and prostitution? NO
- Forced marriage, honour crimes and FGM? NO

4.3.1 Domestic violence

What (civil law) legal devices are available to prevent domestic violence? Do they target perpetrators and/or victims? (Yes/ no + year when introduced). Devices could for instance include⁸⁵:

- restraining orders YES, but only if necessary (accessory punishment that depends directly on the judge).1991⁸⁶. Targeted at perpetrators and victims.
- non-molestation orders YES, but only if necessary (accessory punishment that depends directly on the judge).1991.⁸⁷ Target at perpetrators and victims.
- occupation orders N/A

⁷⁶ Law 135/99 of 28th August. Adoption of protection measures of civil unions.

⁷⁷ Law 7/2001 of 11th May. Adoption of protection measures of civil unions.

⁷⁸ Law 135/99 of 28th August. Adoption of protection measures of civil unions

⁷⁹ Law 135/99 of 28th August. Adoption of protection measures of civil unions.

⁸⁰ Law 7/2001 of 11th May. Adoption of protection measures of civil unions.

⁸¹ Law 32/2006 of 26 July. Medical Assisted Reproduction.

⁸² Law 135/99 of 28th August. Adoption of protection measures of civil unions.

⁸³ Law 7/2001 of 11th May. Adoption of protection measures of civil unions.

⁸⁴ www.apav.pt

⁸⁵ See Penelope Project co-financed within Daphne Program: http://www.apav.pt/pdf/relatorio_penelope.pdf

⁸⁶ Law 61/91 of 13th August. Guarantees adequate protection to women victims of violence

⁸⁷ Law 61/91 of 13th August. Guarantees adequate protection to women victims of violence

- state funded perpetrator programs YES. In 2003⁸⁸.
- other devices?
 - Monetary compensation to victims of violence in partnerships. In 1999⁸⁹. Targeting victims.
 - Admission in a centre for gender based violence victims. In 2000⁹⁰. Targeting victims.

What is the prevalence of domestic violence against women, in one year? (from the survey⁹¹)

Women victims of at least one act of violence: 52, 2%, in 1995

Women victims of two or more acts of violence: 36% in 1995

Women victims of psychological violence: 50, 7% in 1995

Women victims of sexual violence: 28, 1% in 1995

Women victims of physical violence: 6, 7% in 1995

What is the life time prevalence of domestic violence against women? (from the survey)

Information not provided by the surveys.

What is the number of incidents of domestic violence against women, in one year (from the survey)

14.534 incidents in 2007⁹².

What is the number of incidents of domestic violence reported to the police (annual)? (If not available, say so).

37.930 reports in 2000⁹³.

What is the number of domestic violence convictions in the courts? (If not available say so)

N/A

What is the attrition rate for domestic violence in the criminal justice system (convictions as % of reports to police)? (if not available say so)

N/A

4.3.2 Rape & Sexual assault

When was marital rape criminalized?

1982 Penal Code (art. 163^o and 164^o)

What is the number of annually reported incidents to the police?

N/A

What is the attrition rate for rape in the criminal justice system (convictions as % of reports to police)? (if not available say so)

N/A

What is required for an act to be considered to be rape, e.g.:

- lack of consent (since when) 1982 (Art. 164^o of the Penal Code)
- physical resistance? (since when) N/A

⁸⁸ http://sigarra.up.pt/fpceup_uk/PROJECTOS_GERAL.MOSTRA_PROJECTO?P_ID=20

⁸⁹ Law 129/99 of 20th August.

⁹⁰ Decree Law 323/2000 of 19th December.

⁹¹ We gathered information from the Penelope Project, which informs us about 1995 statistics http://www.apav.pt/pdf/relatorio_penelope.pdf. The information provided by APAV 2007 statistical totals does not contain the prevalence of domestic violence against women, since the report considers domestic violence targeted at women and men.

⁹² APAV 2007 statistical totals: http://www.apav.pt/pdf/APAV_Totais_Nacionais_2007.pdf

⁹³ Information from the Penelope Project http://www.apav.pt/pdf/relatorio_penelope.pdf. The reports were made to the Public Security Police (PSP) and to the National Republican Guard (GNR).

- Other?

Is any characteristic of victim or perpetrator considered relevant (e.g. age, sex), and if so which characteristic?

N/A

4.3.3 Trafficking for sexual exploitation

Has the government signed and ratified the European Convention on human trafficking (date)

YES. Signed on the 16th May of 2005 and ratified on the 27th February of 2008.⁹⁴

Is trafficking primarily seen as a problem of the sending or the receiving country?

RECEIVING, predominantly seen as an immigration related problem⁹⁵.

Are women victims of trafficking, when identified as such, given temporary/permanent residence permits? How long?^{96 97}

YES, temporary residence permit of one year.

4.3.4 Intersections

Have specialised policies and practices in relation to gender-based violence in minority communities been developed by:

- Police: NO
- NGOs: YES
- Local Authorities / government: YES
- Other:

4.3.5 Service provision

Are there refuges and/or sexual assault centres? (dates) YES

How many are there?

Approximately 31 refuges, from north to south of the country and Azores autonomic region. In addition, there is one refuge to support immigrant victims (AUVIDRE in APAV).

When was the first set up? 1997⁹⁸

Are they state funded, to what extent? YES, mostly.

CIVIL SOCIETY AND ENGAGEMENT IN POLICY MAKING

5. Political system

5.1 On what state level are policy decisions made (e.g. national, federal, provincial, local)?

On national level.

5.2 To what extent and how are social partners (employers & trade unions/capital & labour) integrated in policy decisions?

The Social Partners are integrated in policy making through the Standing Committee for Social Dialogue, a committee of the Portuguese Economic and Social Council⁹⁹.

The Portuguese Economic and Social Council (ESC) is a constitutional body for consultation, concertation and participation, in the field of economic and social policies. It was created in 1991 and, since then, it has asserted itself as an area for the dialogue and participation of the several interests present in the Portuguese society.

⁹⁴ <http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=197&CM=1&DF=&CL=ENG>

⁹⁵ http://www.portugal.gov.pt/NR/rdonlyres/DCDE83AE-7AAF-4913-9BE3-67F0E0C2D939/0/Prop_PN_Trafico_Humanos.pdf

⁹⁶ COE recommends permanent, at least for women who are willing to witness in court against traffickers)

<http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta02/EREC1545.htm>

2004 EU directive on short-term residence permits for victims of trafficking automatically provides for 6 month residence permits.

⁹⁷ http://www.portugal.gov.pt/NR/rdonlyres/DCDE83AE-7AAF-4913-9BE3-67F0E0C2D939/0/Prop_PN_Trafico_Humanos.pdf

⁹⁸ http://www.amcv.org.pt/amcv_files/homemain.html

⁹⁹ <http://ces.pt/cms/>

The Standing Committee for Social Dialogue (PCSD) is a body of the ESC, presided by the Prime Minister that functions independently, whereby its deliberations on matters of social dialogue do not need the approval of the ESC's Plenary. The PCSD has as its main mission the promotion of the dialogue and tripartite concertation between the Government and the social partners, thus contributing to the regulation of work relationships and the definition of income and pricing, employment, vocational training and social welfare policies. The PCSD disposes of Internal Rules approved on 4 June, 1993.

In addition, as regards the activity of equality agencies, the work performed by the governmental Commission for Equality at Work and in Employment (CITE) in this area must be noted. Not only does the Commission function as a counselling bureau for all matters related to equality issues, but also as a compulsory advisor in several issues regarding gender equality. To achieve its aim, CITE integrates a representation of the major unions and employers associations that take part in the counselling job of the Commission.

In 2005 alone, this Commission was asked to give more than 20 pieces of advice regarding the following issues, on which its advice is compulsory: dismissal procedures regarding pregnant workers or workers who have given birth; refusal of the employer to allocate a part-time job instead of a full-time job to the worker, when the request is based on maternity/paternity reasons; and refusal of the employer to renew a fixed-term labour contract of pregnant workers or workers who have given birth. In this area, the Commission works closely with the Labour Inspection Services, which also follow these procedures.

[Are there legally binding decision making processes similar to the EU Social Partners Framework agreements \(e.g. as the Parental Leave Directive\)?](#)

The PCSD's intervention can be seen as the formulation of a set of principles related to a project prior to statute (as was the case with the Labour Law), when assuming a position in relation to a project for the revision of a law of bases (such as, for example, that of Social Security), or on an action plan the Government intends to adopt. The PCSD also has to issue compulsory opinions on certain matters, as is the case with the opinion on the establishment of the annual amount for Guaranteed Monthly Minimum Wage (RMMG – *Retribuição Mínima Mensal Garantida*), as foreseen in Article 266 of the Labour Law.

In situations in which the foundation is set for an agreement project, a first version is generally presented by the Government to the Social Partners and it is widely discussed, based on the contributions presented by the parties involved in the negotiation. The final version is frequently preceded by various intermediate versions. Sometimes, the plenary meetings are intercalated by bilateral meetings, with the aim of developing and perfecting progressive platforms of understanding and consensual solutions between the parties involved. The complexity of certain themes calls for the creation of thematic work groups, of a more technical nature or of a more political character, in which the Plenary confides an exhaustive discussion of a set of concrete matters and the definition of proposals to be discussed at the plenary. The output of these negotiations varies. There are situations that are similar to hearing the social partners, on matters on which the Government means to comprehend their awareness of a certain issue. There are situations in which there is an exchange of contributions on the matter in question. There are situations in which the negotiations culminate in the signing of an agreement signed by all, or by the majority of the parties. Besides this dynamic of tripartite-based negotiation, bilateral discussions have been developed between the employers' confederations and the trade union confederations, in meetings held at the ESC, on themes the parties considered to be a priority and that have culminated in the signing of bilateral agreements at the ESC, under the presidency of the ESC's president. The dynamics of these bilateral meetings is rather more informal than the meetings of the PCSD and all preparation and follow-up of the process is directly assumed by the parties involved.

[Would the political system be possible to describe as corporatist or neocorporatist where hierarchically ordered trade unions and/or employer and/or other civil society organisations are institutionally incorporated in policy making?](#)

NO. In Portugal the role of the national umbrella organisation is characterised by a continuous involvement in tripartite social dialogue and agreements. *The Commission for Equality in Labour and Employment - CITE* (created in 1979) which concentrates on equality at work and employment and is part of the Ministry of Labour and Social Security, integrates a representation of the major unions and employers associations that take part in the counselling job of the Commission.

What was/is the gender composition in the decision making process of social partners framework agreements (if there are any such agreements)?

Women are still under represented in the social partners' decision making bodies. Though this representation has increased over time.

5.3 In which policy environment (ministry) is a decision on the issue made (for each area)

General gender equality policies: *Commission for Citizenship and Gender Equality*, attached to the Presidency of the Council of Ministers.

Non-employment: *Commission for Equality in Labour and Employment*, part of the Ministry of Social Security and Labour, and *Commission for Citizenship and Gender Equality*, attached to the Presidency of the Council of Ministers.

Intimate citizenship: *Commission for Citizenship and Gender Equality*, attached to the Presidency of the Council of Ministers.

Gender based violence: *Commission for Citizenship and Gender Equality*, attached to the Presidency of the Council of Ministers.

5.4 Political cleavages

Is the state consociational or not, i.e. are there major internal divisions (ethnic, language, religion etc) where neither of the groups form a majority while, at the same time, the political regime can be considered to be stable?

Not major internal divisions.

What are the main existing salient political cleavages within the state, and on what dimension (e.g. language, region, religion, nationality)?

Mainland Portuguese vs. Portuguese People from African Countries with Official Portuguese Language - *PALOP*) though not salient.

When, if at all, was CEDAW signed?

Portugal signed CEDAW in 1980 and acceded to its Optional Protocol in 2002.

When did the country join the EU?

In 1986.

6. Political Representation¹⁰⁰

6.1 The development of women's political representation, including:

Date of female suffrage¹⁰¹

Note any caveats, e.g. age, property qualification, ethnicity, and when removed.

In 1931, with the Decree Law 19.694 of 5th May, women could vote for the first time in the political history of the country. However, this vote was very limited. Women could only vote under specific circumstances: they had to be considered "heads of family" (i.e. widows, divorced, separated, and married with their husbands in foreign countries or in the colonies), and to have a minimum of education (12th degree or certificated graduation). Women meeting all these requirements could vote in the local elections, but not in the national ones.

Only in 1976, after the 25th April of 1974 revolution (the Carnation Revolution) women were allowed to vote.

Date of male suffrage

1922 – Qualified male suffrage

1970 – "Universal" Suffrage

1976 – Suffrage at 18 years old

Use of quotas¹⁰² YES

¹⁰⁰ Input of Ana Espirito Santo (by email, May 2008).

¹⁰¹ See Inter-Parliamentary union (IPU) website: <http://www.ipu.org/wmn-e/world.htm>

¹⁰² See IDEA: <http://www.idea.int/gender/index.cfm>

- When introduced? 2006

Law 3/2006 of 21th August¹⁰³ establishes for the National Parliament, the European Parliament and the Regional Mayoralty's, 33% representation of each sex.

Before the approval of this law, two parties had already internal quotas: the Socialist Party and the Left Block Party (despite the fact that internal quotas are not officially mentioned in the statutes of this last party).

- What form e.g. party, electoral, constitutional

It is an Organic Law. Therefore, a constitutional form.

What is the numerical representation of women in parliament? (over QUING period)

21,3%¹⁰⁴

- Was the increase in women's representation a gradual increase since suffrage, or were there any key turning points? E.g. quotas, 1989.

Two major turning points:

1988: the internal quotas of the Socialist Party

1999: the creation of the Left Block

- Other important developments

6.2 Political representation for intersecting inequalities:

- Class (e.g. was male suffrage granted in stages with property qualifications; representation in parliament) YES (1922 – Qualified male suffrage)
- ethnicity/religion (what exclusions and when; numerical representation in parliament) NO
- Other important intersecting inequalities, any quotas? NO?

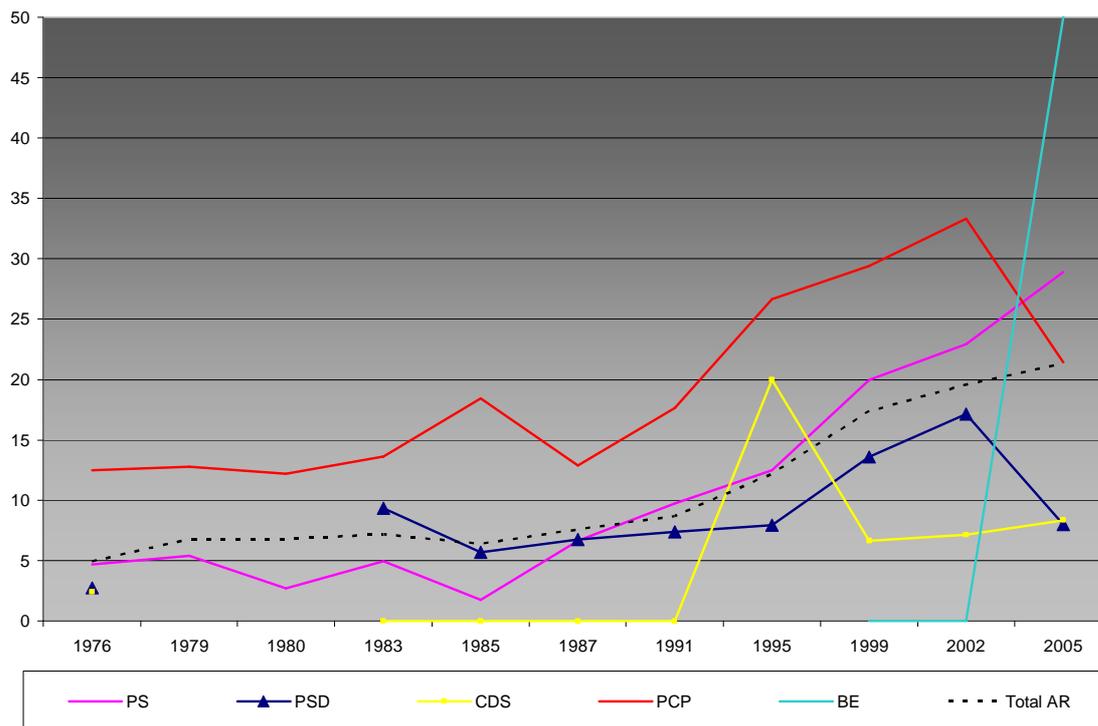
6.3 Political parties and gender

Does women's political representation vary by Party; if so, do these Parties tend to represent different class, ethnic, religious or other interests? YES

¹⁰³ http://www.cne.pt/dl/legis_paridade_3_2006.pdf

¹⁰⁴ www.cne.pt

Rate of Women MPs in the five biggest parties (1976 – 2005)¹⁰⁵



Rate of the increase of percentage of women MPs that each party elected between 1976 and 2005

	1976-2005
PS	18,0%
PSD	12,6%
CDS/PP	14,9%
PCP (e coligações)	5,0%

PS: Socialist party
 PSD: Social Democrat Party
 CDS-PP: Popular party
 PCP: Portuguese Communist party
 BE: Left Block Party

The Communist Party tends to represent different class interests. Though concerns with class were more frequent at the beginning of establishment of Portuguese democracy (late 70's, 80's).

[Main European Political Parties \(each footnote provides a link to party's website where you can find their national political party members\)](#)

- European People's Party (EPP): Centre right Christian democrats and conservatives. The largest group in the European Parliament with 277 members.¹⁰⁶
- Party of European Socialists (PES): Social democrats, democratic socialists. With 218 members the PES's socialist group is the second largest group in the.¹⁰⁷
- European Liberal Democrat and Reform Party (ELDR): Liberal democrats and centrist, the ELDR is the third-largest political party represented.¹⁰⁸

¹⁰⁵ Espírito-Santo, A. 2006. *Para Além das Cerejas...As Mulheres nos Principais Partidos Políticos Portugueses*. Master Dissertation in Political Science. Lisboa: ISCTE

¹⁰⁶ www.epp.org

¹⁰⁷ www.pes.org

- [European Free Alliance \(EFA\): Pro devolutionists, independence](#)¹⁰⁹
- [European Green Party: Greens, ecologists, environmentalists](#)¹¹⁰

[What is the current Party/Parties in Government:](#)

The Socialist Party

[With which European Parliament political group is this Party/parties affiliated?](#)¹¹¹

Party of European Socialists (PES)

[What political party/parties have held office during 1995-2007](#)

The Socialist Party was in office from October 28th, 1995 until October 1st, 1999 (13th Constitutional Government).

The Socialist Party was in office from October 25th, 1999 until April 6th, 2002, when the Prime Minister resign (14th Constitutional Government).

A coalition of the Social-Democratic Party and Popular Party (previously CDS), following the 2002 elections, and was in office from April 6th, 2002 until July 17th, 2004, when the Prime Minister resigned. (15th Constitutional Government).

A coalition of the Social-Democratic Party and Popular Party (previously CDS), following the 2002 elections, and was in office from July 17th, 2004 until March 12th, 2005, following dissolution of the parliament by the President of the Republic. (16th Constitutional Government).

The present Government is formed by the Socialist Party in the sequence of the 2005 parliamentary elections, and took office on March 12th, 2005. This is the 17th government under the present Constitution, approved on 1976, two years after the coup d'etat that, on April 25th removed the dictatorship of Oliveira Salazar and Marcelo Caetano that ruled Portugal from 1933 onwards.

6.4 Representation in government

[What percentage of government Ministers are female?](#)¹¹²

11%. Only two ministers out of seventeen are female.

[To which Ministries do female ministers belong?](#)

Ministry for Health and Ministry for Education.

7 Civil society

7.1 Gender

[Is there one \(or more than one\) national organisation that coordinates feminist and women's organisations.](#) Yes. In civil society, there is the Portuguese Platform for Women's Rights.

[If so, is this the same as the body which is affiliated to the European Women's Lobby?](#)

Yes. The EWL affiliated is the nongovernmental association *Portuguese Platform for Women's Rights*¹¹³, established in 2004. This association is not the one closest to the government. The governmental *Commission for Citizenship and Gender Equality* as a coordinating body and connected to the Presidency of the Ministers Council, and coordinates NGOs through its Advisory Council.

[When was it established?](#)

The *Commission for Citizenship and Gender Equality* was established in 2007 (replacing former *Commission for Equality and Women's Rights*).

¹⁰⁸ <http://www.eldr.org/>

¹⁰⁹ <http://www.e-f-a.org/>

¹¹⁰ www.europeangreens.org

¹¹¹ See list Of EP political groups: http://www.europarl.europa.eu/groups/default_en.htm

¹¹² http://www.portugal.gov.pt/Portal/EN/Governos/Governos_Constitucionais/GC17/Composicao/

¹¹³ <http://www.plataformamulheres.org.pt>

How many organisations are affiliated to the national body? 40 organisations affiliated to The Commission for Citizenship and Gender Equality.

How many women are so coordinated? N/A

How many staff work for the organisation (how many paid, how many unpaid)?

Concerning the national organisation that coordinates women's associations: the Advisory Council is composed by the Inter Ministries Department, the NGOs Department, and the Technical and Scientific Experts Group.

The CIG (*Commission for Citizenship and Gender Equality*) staff includes the President; the Vice President; the Unit for International Relations; the Unit for Informatics Support; the Centre for Studies, Planning, Documentation and Training (composed by the Unit for Documentation and Information and the Unit for Training); the legal and administrative Unit; and a North Delegation. No information on how many people in each department and units.

No information on unpaid staff work.

What is its budget?

N/A

What is its range of activities (are these in an annual report)?

In order to guarantee the efficient execution of public policies towards citizenship and gender equality, the *Commission for Citizenship and Gender Equality* - as the main governmental structure for gender equality - is responsible for the execution of specific policies and support in the elaboration and development of these citizenship and gender equality promoting policies. As a central service of the direct State administration, this Commission has administrative autonomy, depending on the Prime Minister directly (or the governmental member that the PM delegates to). To achieve its mission, the Commission depends on distinct bodies, where the Advisory Council is the most important one. This Advisory Council is responsible for consultation on the formulation, implementation and evaluation of public policies towards citizenship and gender equality.

The *Commission for Citizenship and Gender Equality* presents annual reports, containing its activities. These activities range from joint consultations on proposals, conferences and publications on gender equality, citizenship, human rights, GBV, gender mainstreaming and somehow gender budgeting.

Does the national body engage with all or only some of our 3 issues

Cover, more or less, all four QUING areas but more intimate citizenship and gender based violence, and less non-employment.

Are there national coordinating organisations for feminist/women's activities in: employment/non-employment; gender based violence; and intimate citizenship (if so name them)?

The national coordinating organisation for gender equality issues, covering more or less all four Quing issues, is the *Commission for Citizenship and Gender Equality*.

7.1.1 List the key women's / feminist civil society organisations and their main methods / activities

Building autonomous institutions: most of them no (not building economically autonomous institutions but some have building capacity).

Public protest e.g. demonstrations: most of them yes

Campaigning: most of them yes

Lobbying state: most of them yes

Service provision: some of them yes

Research: most of them no

Are they important or marginal to national politics? They have frequent visibility through the Advisory Council of the Commission for Citizenship and Gender Equality and are invited to consultations, but not always are recognised as political actors.

Are they centralised or dispersed? Centralised in the sense of centrally coordinated but with local and dispersed member organisations. In all areas, General, Non-employment, Intimate citizenship, and GBV, there are central organisations (*Commission for Citizenship and Gender Equality*) coordinating much of the campaigning, lobbying and writing, and then local member organisations or sub-groups that organise locally and to some extent also provide services (especially in GBV – shelters, health advice, counselling etc).

UMAR¹¹⁴

- Building autonomous institutions NO
- Public protest e.g. demonstrations YES
- Campaigning YES - main method
- Lobbying state YES
- Service provision YES – main method (GBV)
- Research YES

PORTUGUESE PLATFORM FOR WOMEN'S RIGHTS (PPDM)¹¹⁵

- Building autonomous institutions NO
- Public protest e.g. demonstrations YES
- Campaigning YES
- Lobbying state YES – main method
- Service provision NO
- Research YES

PORTUGUESE FAMILY PLANNING ASSOCIATION (APF)¹¹⁶

- Building autonomous institutions NO
- Public protest e.g. demonstrations YES
- Campaigning YES – main method
- Lobbying State YES
- Service provision YES -main method
- Research YES – main method

WOMEN'S ASSOCIATION AGAINST VIOLENCE (AMCV)¹¹⁷

- Building autonomous institutions NO
- Public protest e.g. demonstrations YES
- Campaigning YES
- Lobbying State YES
- Service provision YES – main method (GBV)
- Research YES

WOMEN'S DEMOCRATIC MOVEMENT (MDM)

- Building autonomous institutions NO
- Public protest e.g. demonstrations YES – main method
- Campaigning YES – main method
- Lobbying State YES – main method
- Service provision NO
- Research NO

GRAAL¹¹⁸

- Building autonomous institutions NO
- Public protest e.g. demonstrations YES
- Campaigning YES – main method
- Lobbying State YES
- Service provision YES – main method
- Research YES

¹¹⁴ <http://www.umarfeminismos.org/>

¹¹⁵ <http://www.plataformamulheres.org.pt>

¹¹⁶ <http://www.apf.pt/>

¹¹⁷ <http://www.amcv.org.pt/>

¹¹⁸ <http://www.graal.org.pt/index.htm>

PORTUGUESE ASSOCIATION FOR WOMEN'S STUDIES (APEM)¹¹⁹

- Building autonomous institutions NO
- Public protest e.g. demonstrations NO
- Campaigning YES
- Lobbying State NO
- Service provision YES
- Research YES – main method

PORTUGUESE ASSOCIATION OF WOMEN LAWYERS¹²⁰

- Building autonomous institutions NO
- Public protest e.g. demonstrations NO
- Campaigning YES
- Lobbying State YES
- Service provision YES – main method
- Research YES – main method

YOUNG PEOPLE NET FOR EQUALITY¹²¹

- Building autonomous institutions NO
- Public protest e.g. demonstrations YES – main method
- Campaigning YES – main method
- Lobbying State YES
- Service provision YES
- Research YES

7.1.2 List the key anti-feminist organisations and what are their main methods/ activities^{122?}

- Building autonomous institutions: most of them no
- Public protest e.g. demonstrations: most of them yes
- Campaigning: most of them yes
- lobbying state: most of them yes
- service provision: most of them yes
- research: most of them no
 - Are they important or marginal to national politics? Mostly marginal
 - Are they centralised or dispersed? Mostly dispersed

TOGETHER IN LIFE¹²³

- Building autonomous institutions NO
- Public protest e.g. demonstrations YES –main method
- Campaigning YES – main method
- Lobbying state YES
- Service provision YES
- Research NO

FAMILY FORUM¹²⁴

- Building autonomous institutions NO
- Public protest e.g. demonstrations YES – main method
- Campaigning YES – main method
- Lobbying state NO
- Service provision NO
- Research NO

¹¹⁹ <http://www.apem-estudos.org/>

¹²⁰ <http://www.apmj.pt/>

¹²¹ <http://www.redejovensigaldade.org.pt/>

¹²² Input from Maria José Magalhães and Claudia Belchior from UMAR (by email, May 2008).

¹²³ <http://juntospelavida.org/>

¹²⁴ <http://www.forumdafamilia.com/>

PORTUGUESE ASSOCIATION OF BIG FAMILIES¹²⁵

- Building autonomous institutions NO
- Public protest e.g. demonstrations YES – main method
- Campaigning YES – main method
- Lobbying state YES
- Service provision YES
- Research NO

Are there any men's groups / organisations that are supportive of women's / feminist organisations?

No, not organisations constituted exclusively by men. The *Panteras Rosas* association¹²⁶ and *ILGA Portugal*¹²⁷ are constituted mainly by men but not exclusively and the main aim of both associations is to guarantee lesbians, gays, bisexuals and transgender' rights.

Women's / feminist organisations in civil society

What are the major distinctions between different types of organisations/projects e.g. feminist, pro-family, etc.?

Main distinctions include:

- Ideology: Feminist/Pro-family
- Framework: International/European/national focus
- Method: Building autonomous institutions/ Not building autonomous institutions
- Autonomy: State funding/Mixed funding (state and private)
- Organisational structure: Umbrella-coordinating body/member of umbrella/local NGO
- Perceived legitimacy: invited to consultations/not invited to consultations.
- Organisation: mostly real or mostly virtual.

Do women's organisations actively engage with other intersecting inequalities (in each area?)

Some do, but not all. Equality and sexuality and equality and ethnicity would be the most commonly addressed within the feminist movement. Age, disability and class are the three inequalities least addressed.

There tends to be cooperation between different women's organisations based on specific issues or campaigns.

Do they have good alliances with those representing other inequalities or not? (in each area)

There are several joint campaigns, publications, seminars and activism. Some organisations link to each others' websites. Cooperation and linking between women's organisations in different sub issues exists. For instance, equality and sexuality within the abortion issue linked women's organisations for the referendum in the 11th February of 2007. Equality and ethnicity links the organisations that belong to the *Commission for Citizenship and Gender Equality* and the ones that belong to the *High Commissary for Immigration and Intercultural Dialogue*, though not so frequently.

Are there alliances between women's / feminist organisations and men's groups (if these exist in your country)? YES. Despite the fact that these groups are not constituted exclusively by men (as explained above).

Are there many organisations of minoritised women? (in each area)

Not many. Most of the organisations for minoritised women concern migrant women and the main area is the general. In non-employment, intimate citizenship and gender based violence there are some NGOs, though fewer in the area of non employment minority issues, which are mainly addressed through other established organisations, especially by the trade unions. Several

¹²⁵ <http://www.apfn.com.pt/>

¹²⁶ <http://www.panterasrosa.com/html/quemsomos.html>

¹²⁷ <http://www.ilga-portugal.pt/>

associations exist for migrants, namely from the Portuguese ex colonies migrants, but not targeted exclusively at women. Examples of this are: the *Cape Verde Association in Lisbon*; the *Mozambique Association*; the *Angola Defence Association*; the *Association More Brazil* and the *Cultural Association Youth Mill*.

General: *Association for the Development of Portuguese Roma Women (AMUCIP)*¹²⁸ aims at the empowerment of Portuguese Roma women; highlights unfair policy making; promotes equal opportunities at employment and education. The *Migrant Woman Association: Studies, Cooperation and Solidarity*¹²⁹ aims at the integration of women in the receiving country and their social, political, economic and professional participation.

Non-employment: some trade unions: *Women Commission* of UGT trade union and *Commission for Equality between Women and Men* of CGTP trade union (though minoritised women are not the main group addressed; working women in general as a group is); The *Association of Portuguese Agriculture and Rural Women (MARP)*¹³⁰, *Association for the Development of Portuguese Roma Women (AMUCIP)* and the *Migrant Woman Association: Studies, Cooperation and Solidarity*.

Intimate Citizenship: ILGA Portugal¹³¹ aims at defending lesbians, bisexuals and transgender women's rights.

GBV: Portuguese Association of Victim Support¹³² has a Refugee Centre (AUVIDRE) targeted at immigrant women victims of gender based violence.

What links are there with international? / EU level bodies? (in each area)

General – EWL, ETUC

Non-employment – ETUC

Intimate citizenship – ILGA-Europe, EWL

Gender based Violence – EWL, WAVE

Is organised feminism engaged with the state, or does it follow an autonomous or separatist agenda building its own institutions? For example, is it invited to report to consultations; does it take money from the state; is it commissioned by the state to undertake specific tasks?

Engagement between the state and organised feminism has increased throughout the QUING period (based on number of consultations, conferences with state representatives and state funding). The *Commission for Citizenship and Gender Equality* has an important role in this engagement.

Does this vary between issue areas?

General – less engaged

Intimate Citizenship- engaged

Non-Employment – less engaged

GBV - engaged

Has this changed over time?

YES. Generally the women's movement seems to have become more and more engaged with the state over time, consultations are becoming institutionalised features of state/civil society interactions, funding for NGO monitoring and reporting is provided, and feminists in state institutions emerge as stable allies (Advisory Council of CIG).

When engaging with the state is a coalition form of organising common or not?

The consultation process of CIG' Advisory Council allows for a multiple' approach where coalitions, organisations and even individuals can submit their views. Several campaigns directed towards policy makers and state institutions, are organised in cooperation between several women organisations.

Does it make sense to talk of a 'women's movement' or not? Briefly explain your answer.

YES, though weak. A political environment dominated by parties, fascist dictatorship experience, patriarchal culture and strong Catholic counter movements, weakened collective action. However, the Portuguese women's movement and women's associations gained more visibility after the Carnation Revolution (25th April of 1975) in the democratization process. Thus, women's active organising in

¹²⁸ <http://www.madrugada-cigana.com/amucip.htm>

¹²⁹ <http://mulhermigrante.org/>

¹³⁰ <http://marp.no.sapo.pt/>

¹³¹ <http://www.ilga-portugal.pt/>

¹³² www.apav.pt

Portugal was emphasised throughout the 70's and the 80's, and the central agenda included sexual and reproductive rights, namely abortion. Nevertheless, the Portuguese feminist movement did not have space to become a larger movement and demonstrated insufficient theory and lack of debate¹³³. Nowadays, the feminist movement is stronger, more activism and campaigns are taking place and Portuguese politics count with women's associations through the joint consultations in the *Commission for Citizenship and Gender Equality* (previous *Commission for Equality and Women's Rights*). Women's studies are starting to be established and some feminist journals exist (*Ex Aequo* and *Faces de Eva*). Nevertheless, media discussions on gender equality rarely refer to the feminist movement and the women's movement influence in politics is questionable.

Is there a tendency towards one of the three major visions of gender equality (sameness, equal valuation of difference, transformation)?

General: Sameness & equal opportunities through equal treatment

Non-employment: Sameness & equal opportunities through equal treatment

Intimate citizenship: Sameness & equal opportunities, transformation in terms of society

GBV: Sameness & equal opportunities, transformation in terms of society

Is there a preferred model of care work: support for a domestic regime or support for a public (state or market provision) regime?

From a civil society point of view, the general preference is public day care. However, this is not the case in Portugal, day care is mainly privatised since there are few public facilities and the ones that exist are full.

How closely aligned is feminism with social democracy?

Not a very close alignment.

Notes on the history of the development of gendered or feminist civil society organisations:

Is there a history of divisions as to where on a continuum between autonomous or close to state is most appropriate? Does this vary by 4 areas (general, employment, intimate citizenship, gender based violence)?

Both autonomous and separate. The women's movement has historically not been incorporated in/by the state, even though different feminist/women's organisations have developed both informal and formal relationships with state institutions (see section on gender machinery). Feminist/women's organisations participate in CIG's consultations but their influence in and on policy making is questionable. This situation does not vary between the four areas.

Is there a history of divisions as to: socialist, radical, liberal? Does this vary by 4 areas

In the 70's and the 80's a feminist movement existed in Portugal. Three different streams (socialist, radical and liberal) could be identified by the type of intervention and the type of discourse. However, the theoretical insufficiency and the lack of debate did not allow these streams to become sharply differentiated¹³⁴.

In Portugal, radical feminism can be identified based on the idea that reproduction is the main cause of women's inequality and oppression, and that patriarchy is the male domination system prior to capitalism (as a criticism to Marxism). Women's sexual and reproductive rights, namely abortion and freedom from gender based violence were the main areas of this stream. The historic moment of the Carnation Revolution limited the Portuguese radical feminist groups, and socialist feminism was the most visible. The socialist stream assumed that the loss of women's social role (connected to the monogamous marriage), not reproduction (as the radical stream), is women's main oppression. In addition, this stream considered as priorities the right to work and employment as part of women's emancipation. The dogmatic positions in the application of Marxism hindered the vanguards of social movements from developing a larger vision about feminism and its different streams.

Liberal feminism emerges in Portugal in the 80's and in the beginning of the 90's through associations connected to professional and intervention groups. The main ideas of this stream were based on the primacy of women as a subject, where assertive and professional competence leads to economic and political ascendance (if rights are ensured in legal frameworks). In addition, the view was that formal equality attributes the necessary conditions for women to enjoy their rights. The collective strategies are based on the constitution of lobbies and pressure groups at policy making, defending that women's access to economic and political power is a transformative factor of society in itself.

¹³³ Tavares, M. *Movimentos de Mulheres em Portugal*. Livros Horizonte: Lisboa, 2000.

¹³⁴ Tavares, M. *Movimentos de Mulheres em Portugal*. Livros Horizonte: Lisboa, 2000.

General: liberal & socialist (equal pay for equal job, EU legislation interpreted as equal opportunities)
Non- Employment: liberal & socialist (employment rights, parental leave, financial independence from men, coalition with trade unions)
Intimate Citizenship: radical & socialist (equal opportunities, sexuality, heteronormativity)
Gender based violence: radical (autonomous institutions, GBV & 'family')

Is there a history of changing engagement with class, ethnic and religious forces? Does this vary by 4 areas?

Historically, feminist civil society's engagement with class, ethnic and religious forces is not especially highlighted. However, class as an engaged inequality can be emphasised, despite the fact that word class is rarely used. Feminist civil society refers to re-distribution of resources; economic change, closing the gender pay gap; equal access to work and employment. This engagement is perhaps stronger towards general and non-employment.

Intimate citizenship shows intersections of gender with class and religion (and sexuality) namely in the abortion issue. The concern with vulnerable women's lack of resources has been present since the 1970s in the fight for sexual and reproductive rights. Religion somehow intersects in the sense that some Catholic women's associations lobbied and campaigned for the decriminalisation of abortion.

Gender Based Violence, apart from being somehow engaged with class (women's associations emphasise that this phenomenon is not only but also connected to women's lack of resources), shows a presence of and engagement with ethnicity and intersections of gender with ethnicity. Anti discrimination as a strategic approach to fund service providers and access to health care has been used by civil society organisations to combat gender based violence (APAV).

Is feminist research organised in Universities and research institutes? Are there named centres?

Feminist research in Portugal has recently become (and poorly so) organised in universities. The first Master in Women's Studies was created in 1995 in the *Open University of Lisbon*¹³⁵ (*Universidade Aberta de Lisboa*), a public university in Lisbon. More recently, another Master on Women's Studies was created in the *New University of Lisbon* (*Universidade Nova de Lisboa*). No BAs or graduates exist in the subject of Women's Studies.

The specific feminist research institute is the *Eva's Faces: Research Centre on Women's Studies*¹³⁶, a research unit created within the Human and Social Sciences Faculty of the New University of Lisbon. However, some other research institutes, like the *Institute for Social Sciences*, develop feminist research.

If yes, are they important? If not, is important feminist research primarily dispersed or mainstreamed?

Feminist research is relatively important. We have to take into consideration that in the Portuguese case, despite the fact that research is not exclusively conducted in women's studies/gender studies departments, it is conducted across various disciplines. However, it has to be highlighted that there are no frequently close links between academia and policy making or between academia and NGOs. Thus, we can conclude that feminist research is primarily dispersed.

Are there specific positions, funds or journals within the country (or region e.g. Nordic)?

There is not a large amount of feminist journals in Portugal: *Ex Aequo*¹³⁷, the journal from the *Portuguese Association for Women's Studies*; and *Eva's Face*¹³⁸, the journal from the *Research Centre on Women's Studies* of the *New University of Lisbon*.

Is there a national association for women's studies/gender studies? YES

The Portuguese Association for Women's Studies (APEM)¹³⁹

Are there feminist lawyers' organisations? YES

The Portuguese Association of Women Lawyers (APMJ)¹⁴⁰

¹³⁵ www.univ-ab.pt

¹³⁶ <http://www.fcsh.unl.pt/facesdeeva/>

¹³⁷ <http://www.apem-estudos.org/revista.html>

¹³⁸ <http://www.fcsh.unl.pt/facesdeeva/>

¹³⁹ <http://www.apem-estudos.org/>

¹⁴⁰ <http://www.apmj.pt/>

Are there radical lawyers' organisations that support justice claims for one or more of the inequalities?
NO, not a radical organisation.

7.2 Class

A short history of the development of organisations representing class interests.

The dictatorship regime in Portugal lasted 48 years. The *New State (Estado Novo)* was based on a one party rule– the *National Union*–, in an executive dictatorial power, nationalist and corporatist form – which imposed (based in the Christian and Italian fascist corporatist models) the collaboration between classes. In 1933 a legislation that dissolved existent trade unions, establishing corporatist syndicalism with the absolute control of the State was approved.

In October of 1970, after Salazar's death and with Marcelo Caetano in office (more “open” dictatorship), union's started organising in clandestine meetings, culminating in the creation of an informal structure – the *Intersindical*. In its beginning, it counted on 30 trade unions that, despite being corporatists, had chiefs that could be trusted and that practiced an autonomous and rupture policy with the regime.

The Army Movement (*Movimento das Forças Armadas – MFA*) ended the fascist dictatorship on the 25th April of 1974 with what was called the Carnation Revolution. The *Intersindical*, which was clandestine from 1970 until 1974, emerged as the unitary antifascist trade union force.

The Constitution of the Portuguese Republic of 1976 questioned the principle of single trade union organisation. In 1977, trade union legal framework changed and the principle of trade union plurality was recognised.

Nowadays, there are two active confederations of trade unions in Portugal: the CGTP-IN and the UGT, both with several unions and federations affiliated.

The CGTP-IN¹⁴¹ (National Confederation of Portuguese Employees – National Trade Union) was established in October of 1970. Within this trade union, there is a *Commission for Equality of Women and Men*, which main aims are to guarantee flexi-security; to fight gender pay gap discrimination; respect parental and maternal rights; fight for a net of public childcare provision adequate to the needs of employees. In addition, since its first Congress in 1975, this trade union assumed the decriminalisation of abortion as an important fight.

The UGT¹⁴² (General Union of Employees) was established in 1978. It also has an *Employee's Women Commission*, created in 1984. Its main aims are: contribute to equal treatment between women and men; equal access to labour market; equal access to professional training; denounce gender pay gap; denounce violence; and achieve equal representation and participation in the trade unions.

There has been an improvement of women's representation in both trade unions over time.

7.2.1 Strength of trade unions

Density (proportion of workers that are organised),

In 2004, 24,3%.

Coverage (what proportion of workers are covered by collective bargaining agreements),

In 2004, 63,5%. Collective agreements are the dominant regulation instrument of employment of the published conventions.

Centralisation of collective bargaining,

- is there are national body of trade unions;

YES. The CGTP-IN¹⁴³ (National Confederation of Portuguese Employees) and the UGT¹⁴⁴ (General Union of Employees).

- what proportion of Trade Union members and unions are affiliated?

In 2003, 56% affiliated to the CGTP and 34,3% affiliated to UGT (Others: 9,7%)¹⁴⁵.

Coordination of collective bargaining.

¹⁴¹ http://www.cgtp.pt/index.php?option=com_frontpage&Itemid=1

¹⁴² <http://www.ugt.pt/>

¹⁴³ http://www.cgtp.pt/index.php?option=com_frontpage&Itemid=1

¹⁴⁴ <http://www.ugt.pt/>

¹⁴⁵ <http://www.eurofound.europa.eu/eiro/2004/03/update/tn0403105u.html>

Does the national body of trade unions negotiate on behalf of trade unions? YES

Can it coerce or discipline member unions to enforce agreement? YES.

According to a recent EIRO report¹⁴⁶, in Portugal the role of the national umbrella organisation is characterised by a continuous involvement in tripartite social dialogue and agreements.

Women and trade unions

What percentage of *total* trade union membership (i.e. including unions not affiliated with national body and those that are affiliated) is female?

In 2005, 56,5%¹⁴⁷.

How are women organised in trade unions and the central trade union body (e.g. caucuses, separate branches, fully integrated)?

Within the CGTP, there is a *Commission for Equality of Women and Men*, which main aims are to guarantee flexi-security; to fight gender pay gap discrimination; respect parental and maternal rights; fight for a net of public childcare provision adequate to the needs of employees. In UGT there is the *Employee's Women Commission*, created in 1984. Its main aims are to: contribute to equal treatment between women and men; equal access to the labour market; equal access to professional training; denounce the gender pay gap; denounce violence; and achieve equal representation and participation in the trade unions. Across the individual unions, women's organisation seems again to vary between the co-presence of caucuses (women's committees at national and regional levels) and full integration.

What proportion of women are in the executive of (major) trade unions?

In 2005, 62,5% female trade union delegates¹⁴⁸.

Is gender equality high or low on the bargaining agenda?

Overall, gender equality is relatively high on the bargaining agenda, but the concept "gender equality" rarely appears. Trade Unions rather call it "equal opportunities between women and men" in their campaigns on childcare provision, flexible and security working, and paternal and maternal leaves provisions. It seems that gender equality is increasingly seen as an issue for all trade unionists. However, union involvement also extends to other (indirectly) employment related issues- such as supporting women's right to abortion and campaigning against domestic violence.

Is it seen as an issue for women, or for all trade unionists?

Mainly issue for women, but some move towards being seen as issue for all trade unionists (e.g. flexible working / work-life balance).

7.2.2 How well organised are employers?

Do they have a single (or more) national organisation? YES.

One General National Employer Peak Association (NEPA) called Confederation of Portuguese Industry (CIP), five employers peaks associations per sector (like the Confederation of Portuguese Services and Commerce- CCP and the Confederation of Portuguese Agriculture - CAP) and one including associations which represent craft production¹⁴⁹. Seven NEPAs in total.

Is it powerful or not? E.g. can it control its members?

NEPAs in Portugal are involved in tripartite 'corporatist' institutions (EIRO's 2004 report¹⁵⁰).

Are they indifferent or hostile to gender equality in the workplace?

Overall, indifferent. However, it seems that equal opportunities between women and men in the work place are increasingly gaining visibility through the subject of "social responsibilities of the enterprises". Gender equality as a concept is however rarely referred to¹⁵¹¹⁵².

¹⁴⁶ <http://www.eurofound.europa.eu/pubdocs/2007/15/en/1/ef0715en.pdf>

¹⁴⁷ <http://www.cgtp.pt/images/stories/imagens/2006/06/200606cadorgguadr.gif.pdf>

¹⁴⁸ <http://www.cgtp.pt/images/stories/imagens/2006/06/200606cadorgguadr.gif.pdf>

¹⁴⁹ <http://www.eurofound.europa.eu/eiro/2003/11/study/tn0311101s.htm>

¹⁵⁰ <http://www.eurofound.europa.eu/eiro/2003/11/study/tn0311101s.html>

¹⁵¹ http://www.ccp.pt/index.php?option=com_content&task=category§ionid=6&id=15&Itemid=62&lang=

¹⁵² <http://www.cap.pt/>

The *Ministry of Labour and Social Security* promotes an annual award called “Equality is Quality” targeted at enterprises in order to raise the implementation of gender equality. Also, the project “Social Dialogue and Equality in the Enterprises”¹⁵³¹⁵⁴ (to be finalised in the end of 2008) is an Equal project in which the *Minister for Labour and Employment* and the *Confederation of Portuguese Services and Commerce* - one of the Portuguese NEPAs – participate as partners.

Do they oppose the development of gender machinery, gender equality policies and gender equality laws?

NO. Not opposing, mostly indifferent.

Do they support ‘diversity management’?

Increasingly, yes.

Did they lobby for a merged rather than separate equalities bodies?

No lobbying.

Are there tri-partite or corporatist bodies including employers, trade unions and government that make important national decisions? YES

CAP, CIP, CCP and CTP: Economic and Social Council (Conselho Económico e Social, CES); Standing Committee for Social Concertation (Comissão Permanente de Concertação Social, CPCS)¹⁵⁵.

- o Are women represented in such bodies?

Women are still underrepresented in such bodies, though female representation has increased over time¹⁵⁶.

7.2.3 EU links

Are there EU, bilateral or other international level links for either trade union or employer organisations?

European links

Trade unions

ETUC European Trade Union Congress. CGTP-IN (General Confederation of Portuguese Workers) and UGT (General Workers Union) are members of the European Trade Union Confederation.

Employer organisations

Business Europe¹⁵⁷ The confederation of European Business. The Association of Portuguese Industry (AIP) is the Portuguese member organisation.

UEAPME European Association of Craft, Small and Medium-sized Enterprises.¹⁵⁸ The Association of Portuguese Industry (AIP) is the Portuguese member organisation.

Also, sectoral federations for different industries such as ‘Hotrec’¹⁵⁹ a trade association for hotels, cafes and restaurants in the EU. The Association for Hostelry in Portugal (AHP) and the Federation for Restaurants, Coffees, Patisseries and Similes in Portugal (FERECA) are members.

The Portuguese Bankers Association is a member of the European Banking Federation.¹⁶⁰

International links

Trade unions

Global Unions.¹⁶¹ umbrella website for ICFTU, TUAC to OECD, and ten GUFs (Global Union Federations), jointly owned and managed by these 12 organisations¹⁶².

¹⁵³ http://www.apee.pt/portal/index.php?option=com_content&view=article&id=28:projecto-dialogo-social-e-igualdade-nas-empresas&catid=11:destaques

¹⁵⁴ http://ec.europa.eu/employment_social/equal/products/prod126_en.cfm

¹⁵⁵ <http://www.eurofound.europa.eu/eiro/2003/11/study/tn0311101s.htm>

¹⁵⁶ <http://ces.pt/cms/303>

¹⁵⁷ <http://www.businesseurope.eu/>

¹⁵⁸ <http://www.ueapme.com/EN/index.shtml>

¹⁵⁹ <http://www.hotrec.org/>

¹⁶⁰ <http://www.fbe.be/>

¹⁶¹ <http://www.global-unions.org/>

The International Confederation of Free Trade Unions (ICFTU)¹⁶³ set up in 1949 and has 241 affiliated organisations (for Portugal this is the UGT). Membership of 155 million of which 40% are women.

Trade Union Advisory Committee to the OECD¹⁶⁴ is an international trade union organisation which has consultative status with the OECD and its various committees. The UGT is the affiliate organisation for Portugal. The International Trade Union Confederation¹⁶⁵ describes its mission as ‘the promotion and defence of workers’ rights and interests, through international cooperation between trade unions, global campaigning and advocacy within the major global institutions’¹⁶⁶.

International Labour Organisation.¹⁶⁷ The tripartite UN agency, which brings together government, employer and worker representatives to shape programmes and policies. Incorporates a specific focus on ‘gender promotion.’¹⁶⁸

Employer organisations

The Business and Industry Advisory Committee.¹⁶⁹ The officially recognised representative of the OECD business community. The Association of Portuguese Industry (AIP) is the Portuguese member.

The International Labour Organisation.¹⁷⁰ The tripartite UN agency, which brings together government, employer and worker representatives to shape programmes and policies.

[Are these links important \(e.g. in lobbying government at national level\)](#)

Relatively important in terms of national bargaining.

7.3 Other intersecting social inequalities

7.3.1 Ethnicised / racialised groupings

[What is the composition of the national population by ethnicity?](#)

Homogeneous Mediterranean stock; citizens of black African descent who immigrated to the mainland during the decolonization are less than 100,000. In addition, since 1990 East Europeans have entered Portugal.¹⁷¹

The National Statistics Institute (INE) does not provide information on the composition of population by ethnicity. The data provided concerns foreigners with legal resident status by nationality.

Provisional statistics for 31 December 2006 indicate that 329 898 foreigners had legal resident status in Portugal (people with a valid residence permit). From 2005 to 2006, the number of foreigners with residence permits rose by 55 267, reflecting a relative increase of 20.1%. This substantial rise is due mainly to the conversion of stay permits granted in 2001 to residence permits (around 31 000 in 2006) under new legislation. The distribution by sex of legal foreign residents in 2006 shows a predominance of males. The sex ratio indicates that there are 121 legally resident men for every 100 women. In terms of nationality in 2006, the top three countries were Portuguese speaking - Cape Verde, Brazil and Angola, with Ukraine in 4th place and Guinea-Bissau in 5th.

(Data from INE: National Statistics Institute 2006¹⁷²)

¹⁶² EI (Teachers and other Education workers), BWI (Building and Woodworkers), ICEM (Energy and Chemical Workers), IFJ (Journalists), IMF (Metalworkers), ITF (Transport workers), ITLWF (Textile, Garment and Leather Workers), ITUC (Trade Unions), IUF (Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers’ Associations), PSI (Public Services), TUAC, UNI Global Union, and IAEA.

¹⁶³ <http://www.icftu.org/>

¹⁶⁴ <http://www.tuac.org/>

¹⁶⁵ <http://www.ituc-csi.org/>

¹⁶⁶ <http://www.ituc-csi.org/+-about-us+.html?lang=en>

¹⁶⁷ <http://www.ilo.org/>

¹⁶⁸ <http://www.ilo.org/public/english/dialogue/actrav/genact/gender/gendtu/index.htm>

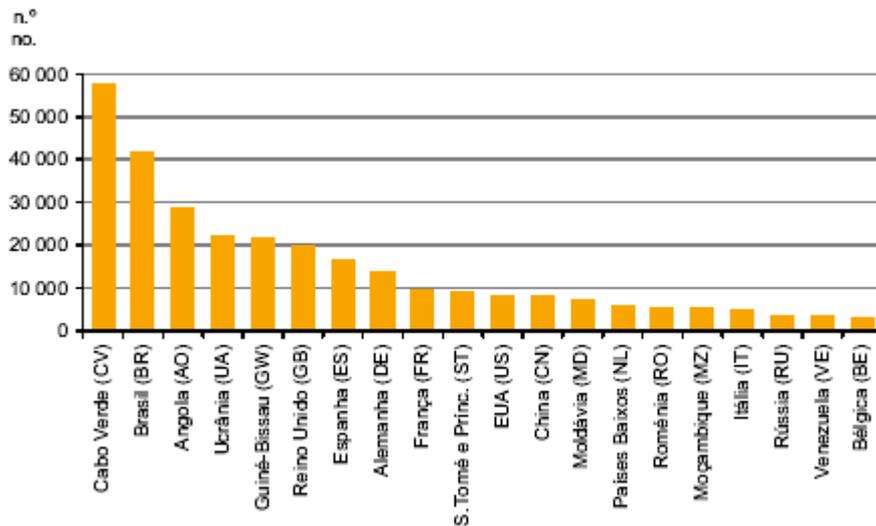
¹⁶⁹ <http://www.biac.org/>

¹⁷⁰ <http://www.ilo.org/>

¹⁷¹ <https://www.cia.gov/library/publications/the-world-factbook/fields/2075.html>

¹⁷² http://www.ine.pt/xportal/xmain?xpid=INE&xpgid=ine_publicacoes&PUBLICACOESpub_boui=11796801&PUBLICACOESmo_do=2

Foreign Population with Legal resident status by nationality (1991-2006)



(Data from INE: National Statistics Institute 2006¹⁷³)

What are considered to be the most important ethnicised, racialised, linguistic and religious divisions politically (e.g. Islamic/non-Islamic, Roma/non-Roma, Black/White, citizen/migrant, language communities)?

Race/ethnicity: citizen/migrant, though not very important.

Is ethnicity considered to be intersected by religion (e.g. Islamic/non-Islamic)? NO

Prioritise the ones that have been the most important in the development of gender+ equality policies.

Race/ethnicity (though not very prioritised).

What is the citizenship status of (all or part) of each of the minoritised groups (e.g. do any groups lack the right to political participation, employment, residence, social security benefits, or visit)?

The lack of citizenship status does not exist in legislation per se. In what way are ethnicised and racialised groups organised? What are their main strategies (i.e. Building autonomous institutions, Public protest e.g. demonstrations, Campaigning, lobbying state, service provision, research)

Mainly campaigning and service provision (especially in domestic violence).

In what way are women engaged in these organisations?

As individual members, organisations as members and coalitions between groups.

Do minoritised women organise separately within or outside of such organisations?

Both

Are there many groups organised against certain ethnic groups? NO

7.3.2 Religion/belief/faith

What is the composition of the national population by religion / faith

Roman Catholic 84.5%

Other Christian 2.2%

Other 0.3%

Unknown 9%

None 3.9%

(Information from 2001 Census)¹⁷⁴

¹⁷³ http://www.ine.pt/xportal/xmain?xpid=INE&xpgid=ine_publicacoes&PUBLICACOESpub_boui=11796801&PUBLICACOESmo_do=2

What proportion of the population are practising members of an organised religion?

N/A

What are the main religious organisations? What are their main strategies (i.e. Building autonomous institutions, Public protest e.g. demonstrations, Campaigning, lobbying state, service provision, research)

The main religious organisation in Portugal is the *Portuguese Episcopal Conference*¹⁷⁵. Its main strategies are building autonomous institutions, public protesting (especially concerning intimate citizenship issues: actions against abortion; actions against LGBTQ rights) and service provision (namely targeted at pregnant women and gender based violence victims).

The *Caritas Portugal*¹⁷⁶ is an official institution of the Portuguese Episcopal Conference to the promotion of social actions. This institution belongs to the *Caritas International Confederation (Confederation Cáritas Internationalis)*. *Caritas's* main strategy is service provision.

The Portuguese Catholic Church also has a news agency called *Ecclesia Agency*¹⁷⁷.

How are women represented or not within them?

No specific actions, campaigns or reports relating to gender, and no information on the composition of member organisations.

Do they oppose gender equality in general and in our three issues?

The main opposition of these institutions is in the area of intimate citizenship in general and abortion & gay rights/civil partnerships in particular. No special opposition concerning the other three issues.

What is their preferred model of womanhood?

Domestic model (and difference model).

Do they support or oppose the other equalities issues?

Oppose to: Sexuality

Support: disability; age; ethnicity

Are they in alliance with any other inequalities or not? YES.

Ethnicity. *Caritas* belongs to the *Forum of Catholic Organisations for Immigration (FORCIM)* which main aim is the integration of migrants and refugees in Portugal. The other main institutions that compose this Forum, apart from *Caritas*, are the *Commission for Justice and Peace of the Conference of Religious Portuguese*; the *Labour Catholic League – Movement of Christian Employees*, and the *Jesuit Service to Refugees*.

Are there any groups organised against certain religious groups? NO

7.3.3 Sexuality

Are there gay/lesbian/trans organisations? What are their main strategies (i.e. Building autonomous institutions, Public protest e.g. demonstrations, Campaigning, lobbying state, service provision, research)? YES

ILGA Portugal¹⁷⁸ (Portuguese representative of EU Network ILGA-Europe) is the largest and the oldest in Portugal (established in 1996). It's affiliated to the International Lesbian and Gay Association (ILGA), to the European Pride Organizers Association (EPOA) and is the national correspondent for the International Day against Homophobia. Its main strategies are demonstrations, campaigning, lobbying state institutions, protesting and service /documentation provision. ILGA Portugal's head quarter is in Lisbon, but has another institution in Oporto.

Não te Prives¹⁷⁹ (Don't Deprive Yourself) - a regional association in Coimbra, Panteras Rosas¹⁸⁰ (Pink Panthers) and Clube Safo¹⁸¹ (Safo Club) are other important associations. Their main strategies are demonstrations, campaigning, lobbying at state institutions and protesting.

¹⁷⁴ <https://www.cia.gov/library/publications/the-world-factbook/geos/po.html>

¹⁷⁵ <http://www.ecclesia.pt/cep/index.html>

¹⁷⁶ <http://www.caritas.pt/>

¹⁷⁷ <http://www.agencia.ecclesia.pt/default.asp>

¹⁷⁸ <http://www.ilga-portugal.pt/>

¹⁷⁹ <http://www.naoteprives.org/>

¹⁸⁰ <http://www.panterasrosa.com/>

¹⁸¹ <http://www.clubesafo.com/about.htm>

Do they have a national organisation?

ILGA has a coordinating role in some campaigns. In addition, ILGA is the only LGBTQ association that belongs to the Advisory Council of CIG.

In what way are women engaged in and represented in these organisations?

Lesbian organised both separately (Clube Safo) and integrated (ILGA Portugal and Não Te Prives).

Do they work in alliance with other inequalities or not?

With ethnicity, to some extent. Yet generally, women's organisations work more in alliance with other inequalities (yet not too much).

Are there groups organised against LGBT people/organisations?

Several religious and pro family groups (the Portuguese Episcopal Conference itself for instance) oppose LGBTQ issues and organisations such as civil marriage and adoption rights for same sex people.

7.3.4 Disability

Are there disability organisations? What are their main strategies (i.e. Building autonomous institutions, Public protest e.g. demonstrations, Campaigning, lobbying state, service provision, research). YES

The National Confederation of Disabled Organisations (CNOD)¹⁸², established in 1977, has 35 associations for disabled people affiliated. CNOD is a member of the European Disability Forum (EDF) and the Economic and Social Council (ESC). Campaigns, media/debate articles and lobbies state through regular submissions to consultations are its main strategies. CNOD somehow uses EU level to surpass national level.

In what way are women engaged in and represented in these organisations?

No specific actions, campaigns or reports relating to gender, and no information on the composition of member organisations.

7.3.5 Age

Are there organisations of / for older people? What are their main strategies (i.e. Building autonomous institutions, Public protest e.g. demonstrations, Campaigning, lobbying state, service provision, research). YES

The National Confederation for Retired, Pensioners and Old People (MURPI) gathers 250 associations of retired, pensioners and old people in Portugal. Its main strategies are lobbying the state and campaigning.

How are women engaged in and represented in these organisations?

No information.

7.4 Hotspots And Alliances

Is there a history of controversies or 'hotspots' between certain of the intersecting inequalities, rather than others (if so, which)? For example is gender/religion or sexuality/religion or gender/Islam a regular source of controversy? YES Is this hostility best described as endemic or constant, or as occasional and issue based?

Gender/religion & gender/ideology – issue based, more constant than occasional, concerning abortion (hot debate in Portugal).

Sexuality/religion – issue based, more than occasional, less than constant, concerning civil partnerships.

Do some organisations representing inequalities often form alliances with each other (if so, which)? For example, feminism and trade unions, or feminism and gay/lesbian groups? Are such alliances best characterised as routine and institutionalised, or as ad hoc and issue based?

¹⁸² <http://www.cnod-deficientes.org/>

YES

Feminism and LGBTQ groups: Mostly issue based alliances (concerning subjects such as abortion and civil partnerships rights).

Feminism and trade unions: Alliances routine and institutionalised in trade unions where there are women's committees (organisational structure). In addition, there are issue based alliances around abortion, equal pay campaigns and parental leave.

LGBT Groups and Trade Unions: Issue based alliances (for instance, ILGA Portugal was invited by ETUC to participate in the Conference "Extending equality: Trade union actions to organise and promote equal rights, respect and dignity for workers regardless of their sexual orientation or gender identity"¹⁸³).

¹⁸³ <http://www.etuc.org/a/4439>

WIDER SOCIAL INSTITUTIONS

8. Wider Social Environment

The wider social environment may be important in explaining the resources, whether economic, organisational or discursive, which are available to the political groups and institutions identified above.

Population, economic development, economic inequality and state welfare

	Portugal	EU
GDP per capita PPP (Purchasing Power Parity) 2003 (OECD 2006)	14 ¹⁸⁴	29.9
GDP/capita PPS 2005 (EU 27 =100)	71,4	100
Population size 2005 in million (Eurostat 2006)	10,5	460
% of workforce in agriculture 2005	10 ¹⁸⁵	3.7 ¹⁸⁶
Longevity 2005 (World Bank 2005)	78,1	79.7 ¹⁸⁷
Gini (measure of economic inequality) 2005 (Eurostat 2007)	38	30
% GDP/gov. expenditure on social protection 2005	N/A	27.2
% GDP/gov. expenditure on active labour market policies 2003 (OECD 2007)	0,69	
% GDP/government expenditure on childcare 2003 (OECD)	0,4	
% GDP/Government expenditure on military (World Bank 2005)	2,1	1.7 ¹⁸⁸

Gender Regime

	Portugal			EU-25		
	Total	Female	Male		Female	Male
Employment rate (2005, Eurostat) ¹⁸⁹	67,5	61,7	73.4	63.5	56.3	71.3
Unemployment rate (2005, Eurostat) ¹⁹⁰	7,6	8,7			9.8	7.9
Women's share of part-time employment % (2004, UN) ¹⁹¹	67					
Share of women in adult labour force % (2004, UN) ¹⁹²	46					
Gender pay gap, unadjusted (2005 Eurostat) ¹⁹³	9 (p)			15		
School enrolment tertiary	56,6	64,6	48,9			
% gross (2004, World Development Indicators) ¹⁹⁴						
Women in Parliament	21,3					
% of parliamentary seats in single or lower						

¹⁸⁴ <https://www.cia.gov/library/publications/the-world-factbook/geos/po.html>

¹⁸⁵ <https://www.cia.gov/library/publications/the-world-factbook/geos/po.html>

¹⁸⁶ EU15 average

¹⁸⁷ EU15 average.

¹⁸⁸ EU15 average

¹⁸⁹ Employment rates:

http://epp.eurostat.ec.europa.eu/portal/page?_pageid=1996,39140985&_dad=portal&_schema=PORTAL&screen=detailref&language=en&product=STRIND_EMPLOI&root=STRIND_EMPLOI/emploi/em012

http://epp.eurostat.ec.europa.eu/portal/page?_pageid=1996,39140985&_dad=portal&_schema=PORTAL&screen=detailref&language=en&product=STRIND_EMPLOI&root=STRIND_EMPLOI/emploi/em013

¹⁹⁰ Unemployment rates:

http://epp.eurostat.ec.europa.eu/portal/page?_pageid=1996,39140985&_dad=portal&_schema=PORTAL&screen=detailref&language=en&product=STRIND_EMPLOI&root=STRIND_EMPLOI/emploi/em072

http://epp.eurostat.ec.europa.eu/portal/page?_pageid=1996,39140985&_dad=portal&_schema=PORTAL&screen=detailref&language=en&product=STRIND_EMPLOI&root=STRIND_EMPLOI/emploi/em073

¹⁹¹ Women's share part-time employment:

<http://unstats.un.org/unsd/demographic/products/indwm/tab5b.htm>

¹⁹² Share of women in adult labour force:

<http://unstats.un.org/unsd/demographic/products/indwm/tab5a.htm>

¹⁹³ Gender pay gap

http://epp.eurostat.ec.europa.eu/portal/page?_pageid=1996,39140985&_dad=portal&_schema=PORTAL&screen=detailref&language=en&product=STRIND_EMPLOI&root=STRIND_EMPLOI/emploi/em030

¹⁹⁴ World Development Indicators, World Bank (September 2006)

chamber occupied by women (UN 2007) ¹⁹⁵						
Women's share of legislators and managers % (UN 2005) ¹⁹⁶	34					
% lone parent families (dependent children)	N/A					
Mean age at first marriage (2000, Eurostat) ¹⁹⁷		26,6	28,2			
Marriage rate (2003, UN) ¹⁹⁸	4.6			4.9		
Divorce rate (2003, UN) ¹⁹⁹	2.2			2.1		
Fertility rate (2004 , World Development Indicators) ²⁰⁰	1.4				1.5	

¹⁹⁵ Women in parliament:

<http://unstats.un.org/unsd/demographic/products/indwm/tab6a.htm>

¹⁹⁶ Women's share legislators and managers:

<http://unstats.un.org/unsd/demographic/products/indwm/tab5d.htm>

¹⁹⁷ Mean age at first marriage,

http://epp.eurostat.ec.europa.eu/portal/page?_pageid=1996,39140985&_dad=portal&_schema=PORTAL&screen=detailref&language=en&product=Yearlies_new_population&root=Yearlies_new_population/C/C1/C13/cab11024

¹⁹⁸ Marriage rate, table 23: <http://unstats.un.org/unsd/demographic/products/dyb/dybsets/2003%20DYB.pdf>

¹⁹⁹ Divorce rate:

<http://unstats.un.org/unsd/demographic/products/dyb/DYB2003/Table25.pdf>

²⁰⁰ World Development Indicators, World Bank (September 2006)

9. SUMMARY

9.1 'Deficiencies, deviations and inconsistencies in EU and MS's gender+ equality laws'

	Fully transposed	Before/ after EU	Year	Less, equal to EU, or beyond	ECJ for CEC/Country	EU references
ISSUES						
Equal pay/equal treatment	NO (transposed partially)	BEFORE (2000/43/EC) AFTER	1999 2003 2004	LESS and BEYOND (further grounds of discrimination)	N/A	N/A
Sexual harassment and discrimination	NO (transposed partially)	AFTER	2003 2004	LESS and BEYOND	N/A	N/A
Equality bodies	NO	AFTER	2003 2004 2005 2006	LESS	N/A	N/A
NGO/civil society dialogue	N/A	N/A	N/A	N/A	N/A	N/A
Parental leave	NO (transposed partially)	BEFORE (though not officially transposing directive, entering EC at the time) AFTER	1984 2003 2004	LESS and BEYOND	N/A	N/A
Organisation of working time	YES	AFTER	1999 2003 2004	N/A	N/A	N/A
Gender Machinery	NO	AFTER	2005 2006	N/A	N/A	N/A

9.2 Plans and programmes

National general gender equality plan (current)	Yes X			No
Reference to Lisbon targets	X			
Reference to Barcelona targets				X
Targets and indicators	None	Weak X	Moderate	Strong

National plan: Gender-based violence (current)	Yes X			No
Targets and indicators	None	Weak X	Moderate	Strong

Focus on gender	No	Yes:	Weak	Moderate	Strong
Employment plan (general assessment)		X	X		
Social protection and social inclusion plan (general assessment)		X	X		
Reference to gender based violence		X	X		

9.3 Gender machineries

National gender machineries	Yes (specify date)		No	Notes
	Gender specific	General equality		
Central government gender equality body with senior minister		CIDM (1991) CIG (since 2007)		Attached to the Presidency of the Council of Ministers
Independent equality body (research, monitoring, and enforcement)			X	CIG is the responsible body for enforcement and monitoring
National consultative / representative body linking state and women's NGOs		CIG (2007)		
Any other body / bodies (e.g. parliamentary committees) Please name: 1. Joint Select Committee on Human Rights		Sub Commission for Equal Opportunities ²⁰¹ (2007)		Working Group – Campaign to Fight Domestic Violence, within this Sub Commission

²⁰¹<http://www.parlamento.pt/sites/COM/XLEG/1CACDLGposRAR/Paginas/default.aspx>

9.4 Policy

	Not at all	Low	Moderate	High
General		X		
To what extent is gender mainstreamed throughout policies?				
Non-employment (4.1)				
Extent to which mothers can be legitimately non-employed	X			
Intimate citizenship (4.2)				
Extent to which women have access to abortion (in country of residence)			X	
Extent to which state policies are highly heteronormative				X
Gender-based violence (4.3)				
Extent to which policies on GBV go beyond domestic violence		X		
Strength, resources and co-ordination of GBV policies		X		

9.5 Civil society and State interface

	Not at all	Low	Moderate	High
Strength of national co-ordinating gender equality body (centralisation, co-ordination, representativeness, resources)			X	
Extent to which the women's NGOs participate in policy making		X ²⁰²		
Extent to which women's NGOs are close to state		X		
Extent to which women's NGOs engage with intersecting inequalities		X		
Extent to which women's NGOs are state funded			X	
Extent of influence of trade union body on policy making			X	
Extent of power of women within trade union body		X		

²⁰² Through CIG's Advisory Council.