





Since its 1st version, the constitutional text<sup>2</sup> establishes (and keeps on establishing) a (very strong) principle of non discrimination based on ascendancy, **sex**, race, language, provenance territory, religion, political or ideological convictions, instruction, economical situation or social condition. That principle is expressly foreseen concerning workers' rights<sup>3</sup> and a principle of equality between spouses within marriage is also foreseen<sup>4</sup>.

Directly regarding the principle of equality between women and men, Constitutional Law no 1/97 of 20th September produced a new § [h)] of article 9th (*State's essential tasks*) which considers promotion of equality between men and women as a task of the State and also a new version of article 109th<sup>5</sup> (*Citizens' political participation*) which states that the direct and active participation of men and women in political life is a condition and an essential instrument of the consolidation of the democratic system, and that the law must promote equality in the exercise of civic and political rights and non discrimination based on sex in the access to political offices<sup>6</sup>.

Some other changes brought by Constitutional Law no 1/97 of 20th September may be mentioned:

- article 26th (*Other personal rights*) guarantees legal protection against any form of discrimination, as long as it recognizes to everyone the rights to personal identity, to personality development, to civil capacity, to citizenship, to reputation, to image, to speech and to family and personal life privacy<sup>7</sup>.

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<sup>2</sup> Article 13th (*Equality principle*).

<sup>3</sup> Article 58th, no 1 (Right to work) says State must promote equality of opportunity in the choice of occupation or type of work and conditions preventing access to any post, work or professional category being prohibited or restricted by reason of a person's sex.

Article 59th, no 1 a) (*Workers' rights*) settles a workers' right (without distinction of age, **sex**, race, citizenship, provenance territory, religion, political or ideological convictions) to retribution, according to quantity, nature and quality and the obedience of the principle of equal salary for equal work, in a way to assure a suitable existence, taking the State upon itself the task of assuring a special protection of women's work during pregnancy and childbirth [article 59th, no 2 c)]

<sup>4</sup> Article 36th, no 3 (*Family, marriage and affiliation*) says that spouses have equal rights and duties as far as civil and political capacity and children's upbringing are concerned.

<sup>5</sup> Previous article 112th.

<sup>6</sup> Before the change, the article settled that citizens' direct and active participation in political life was condition and essential instrument of the democratic system consolidation.

<sup>7</sup> Before the change, the article referred only to personal identity, to civil capacity, to citizenship, to reputation, to image, to speak and to family and personal life privacy

- article 40th (*Rights to broadcasting, answer and political reply*) recognizes those rights to social organizations with national level<sup>8</sup>.
- article 59th, no 1 b) (*Workers' rights*) foresees a right to labour organization according to socially dignified conditions in order to allow self achievement and reconciliation between labour responsibilities and family life<sup>9</sup>.
- article 67, no 2 d) (*Family*) guarantees the right to family planning, respecting individual freedom<sup>10</sup>. It also foresees the organization of the legal and technical structures in order to allow a conscious maternity and paternity<sup>11</sup>.
- article 68, no 4 (

Part Two

**2. Financial and institutional measures**

Consultative Council of the Commission for Equality and Women's rights that gathers more than 40 national organisations and meets regularly. It is chaired by the president of the Commission, which means that a two way channel is established to allow for dialogue between governmental institutions and civil society.

Part Three

See Annex I

## ANNEX 1

<b>CRITICAL AREA OF CONCERN</b> <b>I. WOMEN AND POVERTY</b>	
<b>Examples of successful policies, programmes and projects to implement the critical areas of concern of the Platform<sup>12</sup></b>	<p>Law number 19-A/96, of June 9<sup>th</sup> regulated by Decree Law number 196/97 of July 31<sup>st</sup>, established the first normative framework intended to rule the right to a minimum allowance.</p> <p>In spite of this right having a quite generic application, the number of women benefiting from it is quite significant, as it amounts to about 67% of the total. A large number of these are heads of one-parent family.</p>
<b>Examples of obstacles encountered/lessons learned</b>	
<b>Commitment to further action/new initiatives</b>	
<b>Other</b>	

<b>CRITICAL AREA OF CONCERN</b> <b>II. EDUCATION AND TRAINING OF WOMEN</b>	
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**Examples of successful policies, programmes and projects to implement the**

	<p>1.To encourage and support adult education, with a view to reduce illiteracy and improve the educational level of the population in general and of the female population in particular.</p> <p>2.To promote, namely by means of the creation of prizes, the writing of school text-books and other pedagogical and cultural diffusion materials that may convey non-stereotyped feminine and masculine images.</p> <p>3.To encourage and support studies and initiatives that objectively value the importance of the historical contribution of women to Portuguese culture.</p> <p>4.To encourage that the school curricula give due attention to the complementary role of the two sexes in society and in the family, in order to overcome discrimination, namely in the traditional division of roles between women and men.</p> <p>5.To include, in the school curricula, modules on sex education, within the framework of the health education programs.</p> <p>6.To furnish non-stereotyped options of courses and professional careers, offering young students, as from the 9th year of compulsory schooling, counselling and information on all medium and higher courses and the respective professional outlets and promote short term probation periods in enterprises and in central, regional and local public administration departments.</p> <p>7.To encourage the entry of young women in the cultural, scientific and technological areas, by stimulating their participation in experimental teaching programs.</p> <p>8.To include the interdisciplinary area of gender relations in the programs that finance scientific and technological research.</p> <p>The Commission For Equality And Women’s Rights (CEWR)<sup>13</sup> has been developing projects in the area of teacher initial and on-going training, as well as in the awareness raising regarding writing of school text-books and other pedagogical and cultural diffusion materials so that they may convey non-stereotyped feminine and masculine images.</p> <p>The most important ones after 1995 are: a transnational pilot-project “Equal opportunities and teachers’ initial training” (1995-97) and a transnational pilot-project “Coeducation: from the principle to the development of a practice” (1998-2000).</p>
<b>Examples of obstacles encountered/lessons learned</b>	
<b>Commitment to further action/new initiatives</b>	
<b>Other</b>	

<sup>13</sup> CEWR was set up by Decree-Law no 166/91 of 9th May 1991 and is presently under the authority of the High Commissioner for Equality and the Family. It is the umbrella government mechanism for equality. Its basic objectives are:

- ⇒ to promote equal opportunities, rights and dignity for women and men;
- ⇒ to promote effective co-responsibility of women and men in all aspects of family, professional, social, cultural, economic and political life;
- ⇒ to encourage society to regard maternity and paternity as of fundamental social importance and to accept the responsibilities resulting therefrom.



**CRITICAL AREA OF CONCERN**  
**III. WOMEN AND HEALTH**

**Examples of successful policies, programmes and projects to implement the critical areas of concern of the Platform**

The Global Plan for Equal Opportunities foresees under **Objective 6**

1. To include, in the national health survey, questions and indicators relative to family planning, with a view to monitoring the effects of this health policy.
2. To study measures to prevent adolescent pregnancy, in the context of sex education and of family planning, to be carried out in schools, in health centres and in hospitals.
3. To create conditions to ensure the dignity of the human person in the health and hospital services, namely by respecting the right to privacy and intimacy.
4. To accompany the implementation of the legislation pertaining to sex education, family planning and abortion, (Law 3/84 of March 24, 6/84 of May 11 and Decree-Law 48/95 of March 15) with regard the alternative mechanisms which concern the position of the conscientious objector.

In 1997, the time limits of legal abortion were extended from 16 to 24 weeks (when the foetus may suffer from incurable or severe disease or malformation, in the case of an unviable foetus, the abortion can be carried out at any stage) and from 12 to 16 weeks (when the pregnancy is the result of a crime against sexual freedom and self-determination).

Also in 1997, a national net of genetic screening was settled.

An agreement between Health Services and a NGO (for family planning)<sup>14</sup>



<b>Commitment to further action/new initiatives</b>	
<b>Other</b>	

<b>CRITICAL AREA OF CONCERN V. WOMEN AND ARMED CONFLICT</b>	
<b>Examples of successful policies, programmes and projects to implement the critical areas of concern of the Platform</b>	The granting of asylum to aliens and stateless persons under persecution or seriously threatened by persecution for reasons of defending democracy, social and national liberation, peace among peoples, liberty as well as the rights of individual men and women, is guaranteed by Portuguese Law. A permission of residence for 5 years may also be granted on humanitarian grounds to aliens and stateless persons prevented to return to their home countries because of armed conflicts or systematic offense of human rights. Refugees who are granted asylum and who have been the victims of torture, rape and other sexual or physical abuse have special attention and support by social security services.
<b>Examples of obstacles encountered/lessons learned</b>	
<b>Commitment to further action/new initiatives</b>	
<b>Other</b>	

**CRITICAL AREA OF CONCERN**

of a compulsive replacement regime.

8. To stimulate the entrepreneurial capacity of women, by making available specific support of a financial and technical nature to their entrepreneurial initiatives and give wide publicity to these programs.
9. To encourage the participation of women in professional training and increase their possibility of being requalified and of having access to new professional spheres or where they are under-represented, as well as to leadership positions.
10. To promote the development of women's professional career, namely by means of the introduction, in the regulations relating to those programs financed by the European Social Fund, of financial priorities or majorations in the actions that pursue these objectives.

Law 105/97 of September 13th introduces the concept of indirect discrimination saying that it is considered as an indicium of discrimination namely a considerable disproportion between the rate of workers of one sex at the service of the employer and the rate of workers of that same sex existing in that activity sector. It also foresees the reversal of the charge of the proof in the judicial procedures related to discrimination in labour.

The 1998 National Plan for Employment foresees, under its Pillar IV, "Equality of opportunities" and has a perspective of mainstreaming in the other 3 pillars.

Several positive action measures related to employment, labour and training were promoted. Out of the group of positive **action measures** some that are worth mentioning are:

- A 20% supplementary pecuniary prize, under the incentives regime for hiring, for each position filled by women in professions or areas where they are under-represented;
- A 20% bonus of the subsidies, of the public support programs, given in the context of: the Local Employment Initiatives, the Conservation of the Cultural Patrimony, the Creation of Self-employment and the Creation of Self-employment for unemployed, whenever the joint stock belongs, at least in 50%, to the promoting parts, and these parts participate directly in the management of the enterprise,
- The exemption of the payment of the training fund for entities that integrate training/employment programs conducive to the integration of women in professions where they are under-represented;
- The consideration of the theme of equal opportunities, as a criteria for the selection of professional training projects to be jointly financed by the European Social Fund;
- The adoption of measures that bring about equality, in the context of the 2nd Quadro Comunitário Europeu de Apoio (Community Support Framework), some of them being commonly applied to all the operational interventions, namely, financial support to the enterprises that guarantee the participation of women in non traditional fields, merit prizes to enterprises that develop programs that contribute in an exemplary manner for equal opportunities and

	<p>A gender evaluation of some public programmes is obligatory, and equality of opportunities is considered as a selection criterion to grant financing to projects.</p> <p>Several Projects and specific actions directed to women were developed by the CEWR with the following objectives:</p> <ul style="list-style-type: none"> <li>- To inform and sensitise municipalities for: <ul style="list-style-type: none"> <li>• equal opportunity and for the decisive role that they must perform in implementing a global policy of Equal Opportunities;</li> <li>• the need to create “Espaços de Informação Mulheres” (Women Information Spaces) that contribute to the promotion of equal access to labour between women and men in the labour market, through granting support to women on their individual efforts of job searching, of training or of creating their own employment or of any other type of economical activity, as well as increasing the visibility of their participation in local development;</li> <li>• the effective practice of a policy of Equal Opportunities at the municipal level,</li> </ul> </li> <li>- To produce and test methodologies, training contents, as well as instruments and informative and pedagogic material.</li> <li>- To develop the technical competencies of the people working in structures of support to women’s professional (re) - insertion aiming at the professionalisation of this function.</li> <li>- To increase the number of existing “Espaços de Informação Mulheres” (Women Information Spaces), to increase the quality of the service and of the actions developed as well as the strategies adopted by them, and ultimately create a national Net of such spaces.</li> </ul> <p>Within these projects Conselheiras para a Igualdade (Counsellors for Equality) have been trained under Protocols established between the projects and several municipalities aiming at the integration of the dimension of equal opportunities in the policies and actions promoted at local level.</p>
<p><b>Examples of obstacles encountered/lessons learned</b></p>	
<p><b>Commitment to further action/new initiatives</b></p>	<p>The Acordo de Concertação Estratégica (Agreement on Strategic Concertation) 1996-1999 also predicts the objective of Equal Opportunities as an objective to achieve, binding both the Government and the Social Partners.</p>



	provision for the promotion of Equality under article 109. This new proposal, recently discussed, was not adopted by Parliament.
<b>Commitment to further action/new initiatives</b>	
<b>Other</b>	

**CRITICAL AREA OF CONCERN**

**VIII. INSTITUTIONAL MECHANISMS FOR THE ADVANCEMENT OF WOMEN**

**Examples of successful policies, programmes and projects to implement the critical areas of concern of the Platform**

In 1995, the Parliamentary Commission for Parity, Equal Opportunities and the Family was created, having at its main task the supervision of the implementation of the Platform's proposals.





**CRITICAL AREA OF CONCERN**  
**X. WOMEN AND THE MEDIA**

**Examples of successful policies, programmes and projects to implement the critical areas of concern of the Platform**

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**CRITICAL AREA OF CONCERN**  
XII. THE GIRL CHILD

## ANNEX II

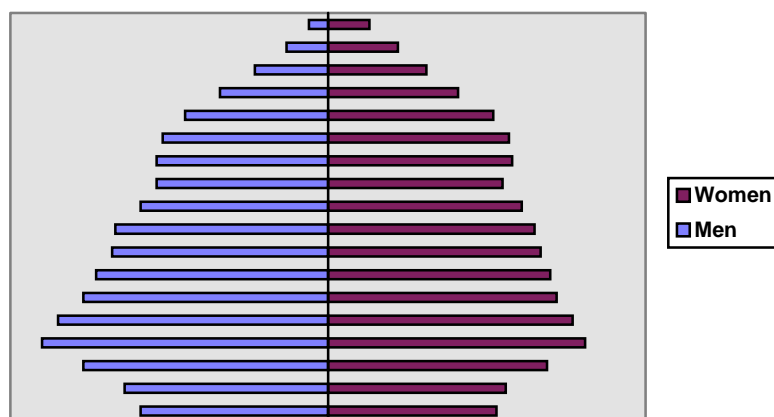
### Population and fertility, and Mortality

Inhabitants in thousands:

Years	Total	Men	Women
1970	8 663,3	4 109,4	4 553,9
1981	9 833,0	4 737,7	5 095,3
1991	9 862,7	4 754,7	5 107,9

Source: Censos da População.

The breakdown of the Portuguese population by age group in 1991:



Source: Censo da População, 1991.

Some demographic indicators:

	1980	1985	1990	1996
Crude Birth Rate (%)				

## Health

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- Access to health services is universal.

## Reproductive health

- Contraceptive prevalence rate - 79% (1994) (no data after 1995)

The educational level of the Portuguese population, aged 15-24:

Educational level	Men		Women	
	Thousands	%	Thousands	%
None	20.3	2.7	12.8	1.8

GNP per capita**	1792
GDP per capita**	1800

\* PTE 1 000 000 000

\*\* PTE 1 000

Source: Departamento de Prospectiva e Planeamento, MEPAT.

### Income and poverty

According to the results of a study carried out by the Department of Statistics of the Ministry for Qualification and Employment, in March and April 1995, 18,3% of the Portuguese families were poor.

### Education

The educational level of the Portuguese population, aged 15 or over (in percentage):

Educational level	Men	Women	Total	(%) of women
None	12.9	24.5	19.0	68.1
Basic schooling-1st cycle	36.4	32.2	34.1	49.7
Basic schooling - 2nd cycle	15.6	11.0	13.2	44.0
Basic schooling - 3rd cycle	16.4	13.1	14.7	47.3
Secondary	11.3	10.7	11.0	51.3
Medium-level courses	1.7	3.4	2.6	68.8
Higher education	5.1	4.7	4.9	50.9
Post-graduate	0.6	0.4	0.5	39.2
Total	100.0	100.0	100.0	52.8

Source: Inquérito ao Emprego, INE, 1997.

Rates of progression/completion in the final year of each educational cycle, by sex (%) (NB. The autonomous regions of the Azores and of Madeira are not included in these statistics):

Year	Women	Men
4th	87.4	82.9
6th	91.5	85.7
9th	88.0	84.7
12th- educational		

Prospectiva e Planeamento.

Human security and social justice

- The number of victims of crimes against persons was (in 1997) 11 382 (7 811 men and 3 571 women), which corresponds to 1,1 per 1 000 people.
- The number of persons in prison was (in 1997) 14 361 (12 901 men and 1 460 women), which corresponds to 145 per 100 000 people.

Housing and environment (1997)

(The autonomous regions of the Azores and of Madeira are not included in these statistics):

Housing and environment indicators	
% population with access to adequate sanitation	89.5
% population with access to safe drinking water	97.6
% population with access to electricity	99.3
Arable land per capita a) b)	0.381

a) Hectares

b) 1995

Source: Departamento de Prospectiva e Planeamento, MEPAT

Additional information disaggregated by sex can be seen in Annex *Portugal Status of Women*.