

<b>Country</b>	<b>Portugal</b>
<b>SIGI 2019 Category</b>	Very low
<b>SIGI Value 2019</b>	11%

<b>Discrimination in the family</b>		<b>22%</b>
	Legal framework on child marriage	50%
	Percentage of girls under 18 married	1%
	Legal framework on household responsibilities	50%
	Proportion of the population declaring that children will suffer if mothers are working outside home for a pay	57%
	Female to male ratio of time spent on unpaid care work	4
	Legal framework on inheritance	0%
	Legal framework on divorce	0%

<b>Restricted physical integrity</b>		<b>7%</b>
	Legal framework on violence against women	25%
	Proportion of the female population justifying domestic violence	2%
	Prevalence of domestic violence against women (lifetime)	19%
	Sex ratio at birth (natural =105)	106
	Legal framework on reproductive rights	0%
	Female population with unmet needs for family planning	8%

<b>Restricted access to productive and financial resources</b>		<b>3%</b>
	Legal framework on working rights	0%
	Proportion of the population declaring this is not acceptable for a woman in their family to work outside home for a pay	2%
	Share of managers (male)	66%
	Legal framework on access to non-land assets	0%
	Share of house owners (male)	-
	Legal framework on access to land assets	0%
	Share of agricultural land holders (male)	71%
	Legal framework on access to financial services	0%
	Share of account holders (male)	48%

<b>Restricted civil liberties</b>		<b>11%</b>
	Legal framework on civil rights	0%
	Legal framework on freedom of movement	0%
	Percentage of women in the total number of persons not feeling safe walking alone at night	74%
	Legal framework on political participation	0%
	Share of the population that believes men are better political leaders than women	-
	Percentage of male MP's	65%
	Legal framework on access to justice	0%
	Share of women declaring lack of confidence in the justice system	50%

Note: Higher values indicate higher inequality. Percentages range from 0 to 100, while legal variables are categorised as 0%, 25%, 50%, 75% or 100%. See data source [here](#).

Source: OECD (2019), Gender, Institutions and Development Database, <https://oe.cd/ds/GIDDB2019>.

## Portugal

Article 13 (2) of the Portuguese Constitution establishes a general principle of non-discrimination on several grounds, including based on sex (Constitution, 1976). The prohibition of sex discrimination is reinforced throughout the Constitution in several areas, including in terms of equal opportunities in access to employment; equal pay; reconciliation of work and family life; and protection of pregnancy, maternity and paternity (Constitution, 1976).

### 1. Discrimination in the family

#### a) Overarching legal framework for marriage

The Portuguese Constitution guarantees everyone the right to form a family and to marry under conditions of full equality (Constitution, 1976). Marital matters, including parental responsibilities, grounds for divorce and intestate succession, are further regulated under the Civil Code.

The Portuguese Civil Code restricts the right of persons who are under the full guardianship to get married, exercise parental rights and adopt a child (Civil Code, 1966).

The de-facto unions are recognized and protected by a separate law, which deals, among other things, with the requisites for recognition, evidence, equivalence to marriage in labour, tax and pensions law, permanence in the household in the event of death or a breakdown of the union, adoption and the requisites of a formal dissolution whenever any of the members intend to receive any benefits derived from the union (Commission on European Family Law, 2015). Nonetheless, the protections afforded to de-facto or informal unions are not as comprehensive than those for married couples, including in terms of property regimes and the management of assets (Commission on European Family Law, 2015).

Same-sex marriage has been legally recognized and protected in Portugal since 2010 (Lei no 9/2010, 2010). In February, Parliament voted to override a presidential veto of a law granting same-sex couples the right to adopt children (Amnesty International, 2017) The law was initially passed in November 2015 and entered into force in March 2016 (Amnesty International, 2017).

There is no information to suggest that harmful practices against widows is an issue in Portugal.

#### b) Child marriage

While the age of majority is 18, the legal minimum age for marriage in Portugal is 16 years for both women and men (Civil Code, 1966). There are no legal provisions to prohibit early and forced marriage, although the Civil Code establishes that being under 16 years of age constitutes an absolute impediment to marriage (Civil Code, 1966). If either of the spouses are minors (16-18) they require the consent from a parent or guardian to marry (Civil Code, 1966). The registrar may waive the parental permission requirement if there are important reasons for the marriage to be celebrated and if the minor is sufficiently mature physically and psychologically (Civil Code, 1966)

In 2015, the CEDAW Committee noted with concern the legal age for marriage of 16, and recommended that Portugal consider raising the minimum age to 18 years (CEDAW Committee, 2015).

### **c) Household responsibilities**

The Constitution provides for the equal rights and duties of parents to the maintenance and education of their children (Constitution, 1976) Under the Civil Code, spouses choose their residence by agreement (Civil Code, 1966). There are no provisions that discriminate against unmarried women's rights to choose their residence.

Within the household, however, women remain primarily responsible for housework and caring activities (Domínguez-Folgera and Castro-Martin, 2008). Although the traditional male breadwinner/female homemaker family model has lost traction among many Portuguese, and most women and men report to endorse the dual-earner family model, progress in the reallocation of unpaid housework and care responsibilities within the family has been slow (Domínguez-Folgera and Castro-Martin, 2008). Whereas Portuguese women's educational resources and labour market behaviour have rapidly approached those of men, the private domain remains strongly gender-specialized (Domínguez-Folgera and Castro-Martin, 2008).

Portuguese media continue to represent women largely as mothers, wives and homemakers (Pinto-Coelho, 2009). The Government has made efforts to raise media professionals' awareness of issues of gender-equality and promote less discriminatory representations of gender in the media. However, according to European Parliament commissioned reviews of Gender Equality Policies in Portugal, policy efforts to combat discriminatory gender representation in media have been fragmented, sporadic and relied on voluntary participation, rather than legal enforcement (Silveirinha, 2012). In 2005, the Government published a Guidebook for Gender Mainstreaming in the Media and created the 'Parity Award: Women and Men in the Media', which seeks to recognize media products which contribute to promote a more balanced and non-stereotypical representation of women and men (Santos and do Mar Pereira, 2013).

### **d) Divorce**

Women have the same right as men to initiate and finalize an annulment of the marriage and/or divorce (Civil Code, 1966). Under Portuguese legislation, a divorce can be obtained by mutual consent whereby both spouses agree to the dissolution of the marriage and to the payment of maintenance, the exercise of parental authority with regard to children under 18 years, and the disposal of the marital home (Civil Code, 1966). In the absence of mutual consent, a contested divorce can be processed for in court by one of the spouses against the other, based on legally established facts which, regardless of the blame attached to the spouses, prove the irretrievable breakdown of the marriage (Civil Code, 1966).

In case of a divorce, both spouses must come to an agreement that protects the best interests of the child (Civil Code, 1966). If an agreement cannot be reached between the parties, court proceedings will determine which parent will have custody over the child. (Civil Code, 1966).

The Divorce legislation in Portugal establishes different post-divorce conditions for men and women, under which men are allowed to remarry 180 days after the divorce, while women can do so only after 300 days, except under certain conditions that are not equally applicable to men on the basis of the so-called “presumption of paternity” (Law No. 59/2007, 2007). In 2015, the CEDAW Committee recommended that Portugal revise its legislation to provide for equal treatment of men and women with regard to conditions following divorce and eliminate time limits for remarriage (CEDAW Committee, 2015).

### **e) Inheritance**

According to the Civil Code, women have the same right as men to inheritance, both as daughters and spouses (Civil Code, 1966). In the case of intestate succession, a share is reserved for the testator’s heirs, including the surviving spouse and children, that will receive an equal portion of the estate (Civil Code, 1966). This reserved share is the portion of assets the testator cannot dispose of because it is assigned by law to the heirs and is a requirement that cannot be overridden by the wishes of the testator (European Judicial Network in Civil and Commercial Matters, 2017).

For informal relationships, the surviving partner does not have rights of inheritance in the case of intestate succession (Commission on European Family Law, 2015).

## **2. Restricted Physical integrity**

Portugal was the first country to ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence on 5 February 2013.

### **a) Violence against women**

Portugal has no separate law addressing violence against women. As of 2014, Portugal is addressing gender-based violence, including domestic violence, through a series of interventions outlined in the Fifth National Plan to Prevent and Combat Gender-Based and Domestic Violence (2014-2017).

Violence against women, including domestic violence, continues to be a problem (US Department of State, 2017 (a)). According to available data, in the first eight months of the 2016, there were 20 deaths related to domestic violence (US Department of State, 2017 (a)). Civil society organizations have reported that pervasive gender stereotypes shape perceptions that legitimize violence against women in Portugal (Portuguese Platform for Women’s Rights, 2015). Nevertheless, decreasing cultural and social tolerance of violent behaviour is gradually motivating women to use the judicial system (US Department of State, 2017 (a)).

### **b) Domestic violence**

Domestic violence was introduced as a separate crime in the Portuguese Criminal Code in 2007 and covers acts of physical and psychological ill-treatment and deprivation of liberty and sexual offences (Criminal Code, 2015).

A stand-alone law addressing domestic violence has been in force since 2009 (Law 112/2009). The Domestic Violence Law also covers, in addition to the acts defined as domestic violence under the

Criminal Code, economic violence (material losses) (Lei 112/2009). The Domestic Violence Law includes provisions strengthening the protection of victims and ensuring prosecution and conviction of perpetrators, and requires the Government to prepare and approve national action plans to address domestic violence (Lei 112/2009).

In February 2013, further legal amendments were made to the Criminal Code extending the concept of domestic violence to dating and other intimate relationships without cohabitation (Government of Portugal, 2015 (a)). A number of other provisions were also introduced to regulate aspects covered by the Act on the prevention of domestic violence and in related victim assistance legislation (Government of Portugal, 2014 (a)). These include the recognition of the status of victim (to all alleged victims as soon as an incident of domestic violence is reported); the use of mandatory remote surveillance means to control perpetrators; assisting victims with free of charge and easy to use-devices in direct connection with the police 24 hours a day; the possibility to arrest perpetrators even if not caught in the act; ensuring the victim's right to redress; and the provision of legal, medical, social and labour support (Government of Portugal, 2014 (a)). Under current legislation, if a case is classified by the police and prosecuted as an act of domestic violence it becomes a "public crime" and its prosecution is no longer dependent on a complaint by the victim, though his or her testimony will be needed in court (Government of Portugal, 2014 (b)).

A fifth National Plan to Prevent and Combat Domestic and Gender-based Violence was adopted in 2013 and covers the period 2014-2017 (National Action Plan, 2013). The National Action Plan addresses several forms of violence against women, including domestic violence (National Action Plan, 2013). It focuses on five strategic areas: prevention and awareness-raising; victim protection; intervention; capacity-building for professionals; and investigation and monitoring. The Plan includes provisions for health-care services emergency shelters and helplines for victims, and foresees the development of guidelines for professionals and awareness-raising campaigns and establishes several benchmarks and targets for each strategic area (National Action Plan, 2013).

In line with the National Action Plan, the Government has conducted awareness campaigns against domestic violence, trained health professionals, proposed legislation to improve legal assistance to victims, and signed protocols with local authorities to assist victims (US Department of State, 2017 (a)).

The implementation of the National Action Plan is coordinated by the Commission for Citizenship and Gender Equality (National Action Plan, 2013). In its oversight of the implementation of the National Action Plan, the Commission is supported by an inter-ministerial working group that also includes civil society organizations (National Action Plan, 2013). The National Plan does not render explicit the budget for the implementation of the envisioned measures, although according to government reporting, the implementation of the measures of the National Action Plan is supported by a separate funding line addressing gender equality measures (Government of Portugal, 2014 (a)). In Madeira, a Second Regional Plan against Domestic Violence for the years 2015-2018 was approved by the regional government in 2015. Similarly, in the Azores, the regional government approved a Second Regional Plan for Prevention and Combating Domestic and Gender Violence (2014-2018).

For women and children experiencing domestic violence, Portugal has a public network of 39 shelters with a total of 650 beds in 2016 (European Institute for Gender Equality, 2016). The shelters are financed by public funds and managed by non-governmental organizations (Government of Portugal, 2015). There are also 130 emergency vacancies for domestic violence victims, located in 13 of the 18 districts in the country (European Institute for Gender Equality, 2016).

Notwithstanding the measures taken to address domestic violence in Portugal, civil society organizations have reported that criminal and judicial proceedings are lengthy and do not take into account the needs of the victims, and that investigative and court proceedings suffer from a lack of specialized training on the issue of sexual violence (Portuguese Platform for Women's Rights, 2015). With regard to the Portuguese divorce law, close observers have reported that domestic violence is not listed as a cause for divorce and that this omission continues to leave women unprotected as victims of domestic violence (Portuguese Platform for Women's Rights, 2015).

In 2015, the CEDAW Committee expressed concern over the disproportionately low numbers of prosecutions and convictions of perpetrators compared with the high number of reported cases of domestic violence (CEDAW Committee, 2015). The Committee also noted the limited use of protection orders and the lack of coordination between family and criminal courts in cases of domestic violence which resulted in limited options available for women who need immediate protection orders (CEDAW Committee, 2015).

### **c) Rape**

Sexual coercion and rape are criminal offences under the Portuguese Criminal Code and are punishable for a maximum of six years (Criminal Code, 2015). Rape is defined as a criminal act by the use of force or threats or by using authority over a dependent (Criminal Code, 2015). The law provides for increased penalties for sexual abuse of people who are unable resist for being unconscious or otherwise (Criminal Code, 2015). In the case of adult victims of rape, investigation and prosecution are contingent on a submission from the victim (European Women's Lobby, 2013). The current legal definition of rape is not based on lack of consent.

While the amendment to the Portuguese Criminal Code in 2007, establishing domestic violence as an autonomous crime, and the adoption of the Domestic Violence Law in 2009 have contribute to giving more visibility to sexual violence and rape in marital relationships, separate judicial prosecution of marital rape from domestic violence crime remains rare (Portuguese Platform for Women's Rights, 2015).

Sexual violence is addressed as part of broader efforts to tackle domestic and gender-based violence in the fifth National Action Plan to Prevent and Combat Domestic and Gender-based Violence (National Action Plan, 2013). The National Action Plan foresees the establishment of action protocols for victims of sexual assault and rape crisis centres (National Action Plan, 2013).

### **d) Sexual harassment**

While the Portuguese legislation has been amended to cover a greater range of violence against women and sexual crimes, women's rights organizations have expressed concern that certain sexual

forms of sexual violence are still not adequately addressed by the legal framework, including in terms of sexual violence on the internet and sexual harassment (Portuguese Platform for Women's Rights, 2015).

Under Portuguese legislation, sexual harassment falls under the crime of sexual coercion, an offence punishable for up to two years, or more in the case of aggravated coercion, under the Criminal Code (Criminal Code, 2015). In the field of labour relations, the Labour Code expressly prohibits sexual harassment and provides for the right for the victim to compensation (Labour Code, 2016).

The Commission on Equality in the Workplace and in Employment, composed of representatives of the government, employers' organizations, and labour unions, examines, but does not adjudicate, complaints of sexual harassment (US Department of State, 2017 (a)).

The 2014-2017 National Plan to Prevent and Combat Domestic and Gender-based Violence commits to addressing sexual harassment, along with other forms of gender-based violence, through public awareness-raising campaigns (National Action Plan, 2013).

#### **e) Female genital mutilation**

Portugal is home to several immigrant communities from countries where female genital mutilation (FGM) is prevalent, according to international institutions. There have been reported cases of girls who have been excised during their vacation in countries where FGM is performed, usually the countries of origin of their parents and family (Government of Portugal, 2013). According to Government reporting, there have also been cases of FGM being practised in Portugal (Government of Portugal, 2013).

New legislation on FGM was introduced in 2015 through an amendment to the Criminal Code, establishing FGM as an autonomous crime that is punishable for up to ten years in prison (Criminal Code, 2015). Preparatory acts for FGM are punishable for up to three years in prison (Criminal Code, 2015). The principle of extra-territoriality applies, meaning that FGM is also punishable when committed outside of Portugal (National Action Plan, 2013). While FGM was introduced as a crime in the Criminal Code already in 2007, it has been noted that under previous legislation, only three FGM-related cases were processed in courts and none of these resulted in convictions (Amnesty International, 2015).

A third Programme of Action for the Prevention and Elimination of Female Genital Mutilation has been integrated into the 2014-2017 plan to prevent and combat domestic and gender-based violence, with the Commission for Citizenship and Gender Equality overseeing its implementation (Third Programme of Action, 2014). The implementation of the programme is subject to regular reporting and foresees awareness-raising, in particular in immigrant communities with the support of non-governmental organizations and a series of trainings and capacity-building for professionals that are likely to encounter possible and future cases of FGM in their work (Third Programme of Action, 2014). The programme of action does not render explicit the budget required and allocated for the implementation of the activities.

In 2012, the National Healthcare Service adopted guidelines for providing support to women and girls affected by FGM (National Healthcare Service, 2012). These guidelines create an obligation for healthcare professionals working in the national health care service to record all cases of FGM (National Healthcare Service, 2012). However, this obligation does not extend to healthcare professionals in private practice (Amnesty International 2015). Similarly, technical guidelines have been developed for the staff of the criminal police to better identify possible cases of FGM (Government of Portugal, 2013).

#### **f) Abortion**

Abortion has been legal in Portugal since a 2007 referendum (Lei No. 16/2007). Under the Portuguese Criminal Code, a medical abortion performed by a physician or under his or her direction in an official or officially recognized health establishment and with the consent of the pregnant woman, is not punishable if it happens during the first 10 weeks of pregnancy (Criminal Code, 2015). In the case of rape, abortion is permitted up to 16 weeks (Criminal Code, 2015). If the foetus is diagnosed with congenital malformation or an incurable disease, abortion is permitted up to 24 weeks (Criminal Code, 2015). Women carrying out an abortion after 10 weeks of pregnancy may be legally criminalized (Criminal Code, 2015).

In terminating a pregnancy, women have the right to full, free, and confidential medical care under the Portuguese National Health System (Government of Portugal, 2015). In February 2016, the Parliament approved changes to legislation on access to sexual and reproductive health services (Amnesty International, 2017). The new law removed mandatory psychological and social counselling as a condition for women's access to abortion (Amnesty International, 2017).

Current legislation provides the right to conscientious objection for doctors and other health professionals regarding medical acts relating to voluntary termination of pregnancy (Code of Medical Deontology, 2010) The health unit must refer the woman to another institution within the legal deadlines (Government of Portugal, 2015)

#### **More**

Portugal is a source, transit, and destination country for men, women, and children subjected to forced labour and sex trafficking (US Department of State, 2017 (b)). Trafficking victims primarily originate from Africa and Eastern Europe, and, to a lesser extent, Latin America and Asia (US Department of State, 2017 (b).) While most forced labour victims are men, an increase in the number of female forced labour victims was documented in 2015 (US Department of State, 2017 (b)). Foreign women and children, mostly from Africa and Eastern Europe, and Portuguese women and children are subjected to sex trafficking within the country (US Department of State, 2017 (b)). Portuguese victims have also been subjected to sex trafficking in other countries, mostly in Europe (US Department of State, 2017 (b)). Portuguese authorities have reported that traffickers bring women and children, many from African countries, to Portugal to claim asylum before bringing victims to other European countries to be exploited in trafficking (US Department of State, 2017 (b)).

In November 2016, the government announced plans to exempt victims of sexual harassment, rape, female genital mutilation, slavery and human trafficking from the payment of judicial costs (Amnesty International, 2017).

In May 2016, new legislation was adopted giving all women access to assisted reproductive technology (ART) – including in vitro fertilization and other methods – regardless of their marital status or sexual orientation (Amnesty International, 2017). This put an end to former restrictions that limited ART to married women or women in a civil partnership with a man (Amnesty International, 2017).

### **3. Restricted Access to productive and financial resources**

#### **a) Secure access to land and assets**

Women have the same rights to own, use, make decisions over and use property as collateral, regardless of their marital status (Constitution, 1976).

Unless there is a marriage contract providing otherwise, the community of property regime applies (Civil Code, 1966). The community property is administered by both spouses (Civil Code, 1966). The consent of both spouses is necessary for the disposal of immovable property and, in the absence of such consent, a legal transaction may be contested (Civil Code, 1966).

In the event of divorce, the spouses' community property is divided according to a rule of equal shares (Civil Code, 1966).

#### **b) Secure access to formal financial resources**

Women and men have equal rights to access to formal financial resources. There is no information to suggest that discrimination against women in accessing financial resources is an issue in Portugal.

#### **c) Workplace rights**

Portugal has ratified ILO Conventions 100 (equal remuneration), 111 (discrimination), 156 (workers with family responsibilities), 183 (revision of maternity protection) and 189 (domestic workers).

The Fifth National Plan for Gender Equality, Citizenship and non-Discrimination (2014–2017) incorporates a range of measures including for the reduction of entrenched inequalities between women and men in the labour market, for the promotion of women entrepreneurship, for the promotion of the implementation of plans to achieve equality in private undertakings, for the monitoring of compliance with standards of these plans in the public sector companies, and for the boosting of mechanisms to facilitate women's access to financial decision-making positions (Fifth National Plan for Gender Equality, Citizenship and non-Discrimination, 2014).

The Labour Code prohibits discrimination in the field of employment, including on grounds of sex and marital status (Labour Code, 2016) Following a 2014 amendment, discrimination based on gender identity and gender reassignment is also expressly prohibited (Lei No. 28/2015) The right to equal opportunities and treatment in the Labour Code encompasses selection criteria and recruitment conditions; access to vocational training; pay and other pecuniary payments; promotions, criteria for dismissal of employees; and involvement in organisations of workers or employers and benefits

provided by these (Labour Code, 2016) The Labour Code's provisions in the area of non-discrimination are applicable to employees of the private and public sector alike (European Network of Legal Experts, 2016)

A general right to equal pay for equal work is established in the Constitution as a fundamental right of workers and employees and is re-affirmed in the Labour Code (Constitution 1976; Labour Code, 2016). A 2013 Resolution of the Council of Ministers further established a set of measures aimed at ensuring and promoting gender equality in the labour market, in particular towards the elimination of gender pay gap (Council of Ministers, 2013). Moreover, a resolution of the Council of Ministers in 2014 sought to further reduce the gender pay gap, including the obligation for enterprises in the public sector and the recommendation for enterprises in the private sector with more than 25 employees, to draft a report on the remuneration received by women and men in order to identify and prevent unjustified differences in pay and to take measures to address these differentials (ILO CEACR, 2016).

Despite measures taken to reduce the gender pay gap, discrimination persists in practice, and that discrimination suffered by women in recruitment, employment, career advancement and payment is due to maternity and the fact that the main responsibility for family care falls on women (CEDAW Committee, 2015). While there has been a decline in non-permanent contracts and a narrowing of the gap between men and women of those with such contracts, the proportion of female workers with fixed-term contracts also remains higher than the proportion of men, making women more vulnerable to slower career progression, lower payment level and dismissal (CEDAW Committee, 2015). Reports by the Commission for Equality in Work and Employment also suggest that the higher the skill or education level, the greater the differential in favour of men, and particularly so in senior positions (CEDAW Committee, 2015).

In addition, while the non-discrimination ban covers pay and other pecuniary payments, it has been observed that pay bonuses and unilateral performance assessment regimes constitute a factor of discrimination against women workers because any absence, due to maternity leave and to family responsibilities, is recorded (ILO CEACR, 2016).

Major changes in leave policy were introduced in the Labour Law that came into effect in May 2009. Maternity leave was replaced by initial parental leave, while paternity leave and optional parental leave for fathers were replaced by a fathers-only parental leave. In addition, a bonus arrangement of an additional thirty days was made available to the parents for their parental leave (European Network of Legal Experts, 2016) National legislation regarding parental leave is applicable to both the public and the private sector, according to the same terms (European Network of Legal Experts, 2016).

Initial parental leave for women and men encompasses several types of leave, including a mandatory leave of 42 days for the mothers, and a remaining 120 or 150 calendar days of leave that can be divided among the parents according to their choice (Labour Code, 2016). The Labour Code seeks to promote the taking of leave of fathers and the sharing of leave between both parents. If after the initial period of maternity leave (i.e. initial parental leave), the other party of the couple takes the leave for 30 days or for 2 periods of 15 days, the total duration of parental leave (120 or 150 days) is extended by 30 more days (Labour Code, 2016). In addition, if the parents choose to take the longer leave of 150 days, the last 30 days can be taken simultaneously by both parents (Labour Code, 2016). Full wages are paid

for parental leave up to 120 days (including 42 days of mandatory maternity leave), while 80 % of earnings are paid for the option of 150 days of parental leave if parents meet the gender sharing criteria (Wall and Leitão, 2016). If parents decide to divide leave so as to stay at home at the same time, each for a maximum of 15 days, the payment remains at 80 % of earnings for each parent (Wall and Leitão, 2016).

All employment rights, with the exception of pay rights, are protected during maternity and parental leaves, as well as in other situations related to pregnancy and maternity, such as the need to change from night work to a day-time job, or the leave for safety reasons or for medical reasons due to pregnancy, and also abortion leave, or time off to attend antenatal examinations (Labour Code, 2016).

The Labour Code prohibits prospective employers from asking about family status (Labour Code, 2016).

The Commission for Equality in Labour and has a dedicated mandate to investigate gender equality and non-discrimination in the labour market and can investigate and formally decide on complaints related to the violation of the legal provisions on equality and non-discrimination between women and men in work and employment (Equality Act, 1979). The Commission's decisions are legally binding (Equality Act, 1979; Decree-Law No. 76/2012)

A specific sanction for breaches against maternity rights was introduced in 2015 whereby companies convicted by a Court for having illegally dismissed pregnant workers, recent mothers or workers who were breastfeeding cannot benefit from public allowances or public financial benefits of any kind for a period of two years after the court's judgment (Lei No. 133/2015).

### *More*

The CEDAW Committee, in its concluding observations of November 2015, expressed its concern at the detrimental and disproportionate impact on women in many spheres of life caused by the austerity measures, and at the fact that only a few studies and evaluations had been conducted to monitor the gender-specific effects of such measures (CEDAW Committee, 2015). Similarly, in 2016 the Committee on the Rights of Persons with Disabilities asked Portugal to review austerity measures that have reduced the availability of services for people with disabilities and forced many of them into poverty or extreme poverty (Committee on the Rights of Persons with Disabilities, 2016). The Committee expressed concern about cuts to resources for inclusive education for children with disabilities and support for their families and noted that these measures had had particularly negative effects on women caregivers who in most cases cared for children with disabilities (Committee on the Rights of Persons with Disabilities, 2016).

Sex segregation persists in fields of study and girls continue to be underrepresented in technology and vocational courses and apprenticeships at the secondary level, as well as in engineering, manufacturing and construction courses in higher education, resulting in similar sex segregation of occupations in the labour market and higher unemployment rates for young women in spite of their higher rate of certification compared with employed males (CEDAW Committee, 2015).

A 2014 study on the situation of Roma communities in Portugal found that Roma girls and women have lower education levels than Roma boys/men at all educational levels, and that more Roma women were unemployed, or have never worked, in comparison with Roma men (Mendes, Magano and Candeias, 2014).

#### **4. Restricted Civil liberties**

The Portuguese Constitution does not recognize and prohibit multiple or intersectional discrimination.

##### **a) Citizenship rights**

Married and unmarried women have the same rights as men to apply for ID cards or passports, including for their minor children, travel outside their home or country and acquire, retain, change and confer citizenship to their children and spouses (Constitution 1976; Nationality Act, 1981).

There is no information to suggest that there are customary, traditional or religious practices or laws that discriminate against women's legal right to apply for ID cards and passports, leave and return to the country, or to acquire, retain, change and confer citizenship.

##### **b) Voting**

The Portuguese Constitution provides for the right of all Portuguese citizens that have attained 18 years to vote (Constitution, 1976). The Constitution also guaranteed every citizen's right to access public office under equal and free conditions (Constitution, 1976).

There is no information to suggest that there are customary, traditional or religious practices or laws that discriminate against women's legal right to vote in Portugal.

##### **c) Political voice**

Under the Parity Law of 2006 all candidacy lists for elections to the National Parliament, the European Parliament and local authorities must have a minimum participation of 33% of each sex (Lei No. 3/2006). Additionally, the candidates' lists should not have more than two persons of the same sex successively (Lei No. 3/2006). The parity law applies across the Portuguese territory, including with regard to the list of candidates to the national parliament and local elections in the electoral districts of Madeira and of the Azores, however elections to the regional legislative assemblies of Madeira and the Azores are exempted from applying the Parity Law (Government of Portugal, 2014 (c)). Towns with less than 750 votes and municipalities with less than 7500 voters are exempted from the regulations as well. (Government of Portugal, 2014 (c)).

If the list of candidates does not comply with the proportion requirements, the party responsible is officially notified and requested to correct the list (Lei No. 3/2006). If such correction is not made, the list is accepted with reservations and the party responsible suffers a reduction of public subsidies for campaign expenses (Lei No. 3/2006). In 2015, the CEDAW Committee expressed concern that the Parity Act did not set the equal representation of men and women as its objective and that the effectiveness of the Parity Act continued to be hampered by the leniency of the sanctions applied in the event of failure to comply with the quota requirements (CEDAW Committee, 2015).

#### d) Access to justice

The Portuguese Constitution guarantees the right to equality before the law (Constitution, 1976). There is no information to suggest that women face discrimination when providing testimony in court.

There is no legislation that specifically addresses the situation of human rights defenders in Portugal.

The Commission for Citizenship and Gender is the principal body that monitors compliance with non-discrimination and gender equality in Portugal (Government of Portugal, 2014 (c)). It is an official department under the Office of the Presidency of the Council of Ministers and is accountable to the Secretary of State for Parliamentary Affairs and Equality (Government of Portugal, 2014 (c)). In 2015, the CEDAW Committee expressed concern that the Commission for Citizenship and Equality has suffered a reduction in budget allocations which is hampering its ability to effectively fulfil its mandate and extended tasks (CEDAW Committee, 2015).

#### *More*

In order to increase women's participation in decision-making bodies of both private and public companies, the Council of Ministers adopted a resolution in 2012 which requires public companies to adopt equality plans and recommends that private sector companies do the same (Council of Ministers, 2012). A Decree-Law approved in 2013 establishes the principles and rules applicable to public sector companies in developing gender equality plans, including that state-owned enterprises must have as the objective the plural presence of men and women in their composition (Decree-Law No. 133/2013).

Notwithstanding the measures to increase women's access to and participation in economic decision-making, the Human Rights Committee was concerned that women continued to be underrepresented in decision-making positions in the public sector, as well as in the legislative assemblies of the autonomous regions of the Azores and Madeira (Human Rights Committee, 2016). Similarly, the CEDAW Committee expressed concern over the under-representation of women in executive functions which was particularly evident at the local level, and about limited representation at the highest judicial functions such as the Supreme Court of Justice (CEDAW Committee, 2015).

In 2016, the Committee on the Rights of Persons with Disabilities regretted the lack of specific assistance measures taken by the State party to prevent and combat the multiple and intersectional discrimination faced by women and girls with disabilities and noted with concern that women with disabilities are not consulted about the design of programmes and measures relating to women in general or to persons with disabilities (Committee on the Rights of Persons with Disabilities, 2016).

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