

# Concluding Observations on the 10th periodic report of Portugal to the United Nations Committee on the Elimination of Discrimination against Women

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# INTRODUCTION

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- The CEDAW Committee considered the tenth periodic report of Portugal at its meetings on 14th and 15th June 2022.
- The Portuguese delegation was headed by the Secretary of State for Equality and Migration, Isabel Almeida Rodrigues.



# POSITIVE ASPECTS

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References to the progress achieved since the consideration in 2015 of Portugal's combined eighth and ninth periodic reports.

- Legislative reforms
- Policy initiatives



# LEGISLATIVE REFORMS

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a) Law No. 110/2019, establishing the principles, rights and duties applicable in terms of protection in preconception, medically assisted procreation, pregnancy, childbirth and the puerperium, in September 2019;

b) Law No. 101/2019, aligning the definition of rape, sexual coercion and sexual harassment with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), in September 2019;



c) Law No. 100/2019, introducing the status of informal caregiver, regulating the rights and obligations of caregivers and care receivers and providing for support measures, in September 2019;

d) Law No. 85/2019, repealing the waiting periods required before remarriage following the dissolution of a marriage, which had been different lengths for women and men, in September 2019;





e) Law No. 26/2019, establishing a minimum quota of 40 per cent for women's representation in leadership positions in the public administration and in public higher education institutions and public associations, in March 2019;

f) Law No. 1/2019, raising from 33.3 per cent to 40 per cent the minimum quota for women candidates on electoral lists for elections to the Assembly of the Republic, the European Parliament, municipal councils and parish councils, in March 2019;



(g) Law No. 60/2018, promoting equal remuneration of women and men for equal work or work of equal value, in August 2018;

h) Law No. 49/2018, introducing the legal framework of “Maior Acompanhamento”, aimed at persons who, for reasons of health or disability, require assistance to exercise their rights or to fulfil their duties fully and consciously and abolishing the interdiction and incapacitation frameworks, in August 2018;



i) Law No. 38/2018, on the rights of lesbian, gay, bisexual, transgender and intersex persons, in August 2018;

j) Law No. 4/2018, establishing the legal framework for gender impact assessments of normative acts, in February 2018;



k) Law No. 93/2017, on preventing, prohibiting and combating discriminatory practices based on racial and ethnic origin, colour, nationality, descent and place of origin, in August 2017;

l) Law No. 62/2017, defining a minimum quota for the representation of women on boards and audit bodies of public and listed companies, in August 2017;



m) Law No. 17/2016, expanding access to medically assisted procreation to all women, regardless of infertility diagnosis, marital status or sexual orientation, including lesbian couples, in June 2016;

n) Law No. 3/2016, which repeals Laws Nos. 134/2015 and 136/2015, abolishing user payments for voluntary termination of pregnancy, in February 2016;



o) Law No. 2/2016, eliminating legal obstacles to adoption, civil sponsorship and all other legal family relationships for same-sex couples, in February 2016.



# POLICY INITIATIVES

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a) National strategy for the inclusion of persons with disabilities for the period 2021–2025, in 2021;

b) National strategy to combat poverty for the period 2021–2030, in 2021;





c) National defence sectoral plan for equality, in 2019;

d) Fourth national action plan to prevent and combat trafficking in persons (2018–2021), in 2018;



e) National strategy for equality and non-discrimination for the period 2018–2030, “Portugal mais Igual”, which includes three action plans: to ensure equality between women and men; to prevent and combat violence against women and domestic violence; and to combat discrimination based on sexual orientation, gender identity and expression, and sex characteristics, in 2018.



# PRINCIPAL AREAS OF CONCERN AND RECOMMENDATIONS

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- Implementation of the Convention in the autonomous regions of the Azores and Madeira;
- Definition of equality and non-discrimination;
- Women's access to justice;



- National machinery for the advancement of women and gender mainstreaming;
- Temporary special measures;
- Discriminatory stereotypes against women;



- Harmful practises;
- Gender-based violence against women;
- Trafficking and exploitation of prostitution;



- Equal participation in political and public life;
- Education;
- Employment;



- Health;
- Economic empowerment;
- Rural women;





- Roma women;
- Women with disabilities;
- Marriage and family relations.



# IMPLEMENTATION OF THE CONVENTION IN THE AUTONOMOUS REGIONS OF THE AZORES AND MADEIRA

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PARAGRAPHS 8 & 9



# Concerns:

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Lack of progress made to give effect to the Convention, in relation to all areas covered by the Convention, in the autonomous regions of the Azores and Madeira.

Failure to apply the Parity Law (Law No. 1/2019) in elections for the Regional Legislative Assembly of Madeira and the absence of a Regional Directorate for Equality in this autonomous region.



# Recommendations:

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**The Committee reiterates its previous recommendations and recalls the obligation of the State party to implement the Convention throughout its territory, including in the autonomous regions of the Azores and Madeira.**

**Ensure the application of the Parity Law in all elections in the State party, including in the autonomous region of Madeira.**

**Establish a Regional Directorate for Equality, with adequate human, technical and financial resources, in Madeira.**



# DEFINITION OF EQUALITY AND NON-DISCRIMINATION

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PARAGRAPHS 10 & 11



# Positive aspects:

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The adoption of legislation and policies to combat discrimination on the grounds of gender (Law No. 38/2018, Law No. 4/2018 and the national strategy for equality and non discrimination for the period 2018–2030).

Efforts to introduce the concept of “multiple discrimination” and “discrimination by association” in its legislation (Law No. 93/2017) and the priority given to the prevention of different forms of violence and discrimination.



# Concerns (I):

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(a) That the Convention, the Optional Protocol thereto and the Committee's general recommendations are still insufficiently known, that they are not invoked in the courts at all levels of the judiciary and that no training is provided on them;

(b) The lack of evaluation of the legislation and policies related to gender equality and the advancement of women to ensure the effectiveness of de facto equality in all spheres covered by the Convention, in particular regarding direct and indirect discrimination;



# Concerns (II)

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(c) That the approach taken in its legislation and policies is hampering efforts to combat the de facto discrimination suffered by women in all spheres covered by the Convention;

(d) The lack of specific measures to ensure the full and equal participation of women in the post-coronavirus disease (COVID-19) reconstruction plan and the implementation of the recovery and resilience funds of the State party to combat the negative effects caused by the COVID-19 pandemic, in line with its strategic vision for the Economic Recovery Plan 2020–2030.





# Recommendations (I):

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(a) To take all measures necessary to ensure that the Convention, the Optional Protocol thereto and the Committee's general recommendations are well known by all of society, in particular by women, to provide systematic training on the rights of women to those working in the administration of justice and to ensure that the Convention, the Committee's general recommendations and its jurisprudence under the Optional Protocol are sufficiently known and applied by the judiciary;

(b) To evaluate the legislation and policies related to gender equality and the advancement of women to ensure the effectiveness of de facto equality in all spheres covered by the Convention, in particular regarding direct and indirect discrimination;



# Recommendations (II):

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(c) To ensure that discrimination against women and its aggravated and intersecting forms are adequately considered in the legislation and policies of the State party related to all areas covered by the Convention for the benefit of women in vulnerable situations;

(d) To ensure, in line with the guidance note on the obligations of States parties to the Convention in the context of the COVID-19 pandemic, issued on 22 April 2020, and the State party's strategic vision for the Economic Recovery Plan 2020–2030, that the recovery and resilience funds of the State party include specific measures targeting women, to allocate an adequate budget for the implementation of those measures and to ensure the full participation of women in the post-COVID-19 recovery plan.

# WOMEN'S ACCESS TO JUSTICE

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PARAGRAPHS 13 & 14



# Positive aspects:

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In line with Law No. 34/2004, victims of domestic violence and survivors of rape, sexual coercion, female genital mutilation and trafficking are exempt from paying court fees and other costs associated with the legal process.

The Commission for the Protection of Victims of Crime offers financial compensation and psychological support when requested.



# Concerns:

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Access to justice remains hampered by the complexity of procedures and the conditions for granting legal aid, in particular regarding women belonging to ethnic minorities.

Exemption from court fees and the provision of free legal aid services are not available to women with limited economic resources, including women who submit joint annual tax returns, in all areas of law.

Insufficient information is available to women about facilitating complaints or accessing justice.



# Recommendations:

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**Ensure that all women, particularly women with limited resources and women belonging to disadvantaged groups, have access to free legal aid, that administrative procedures are simplified and that the negative impact of submitting joint annual tax returns on women is minimized.**

**Implement awareness-raising campaigns targeting disadvantaged groups of women, such as women with disabilities, Roma women, migrant women and older women, empowering them to submit complaints, to access free legal aid and to benefit from reparation to victims.**



# NATIONAL MACHINERY FOR THE ADVANCEMENT OF WOMEN AND GENDER MAINSTREAMING

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PARAGRAPHS 14 & 15



# Concerns (I):

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a) The increasing number of thematic issues under the purview of the Commission for Citizenship and Gender Equality and the progressive absence of measures for the advancement of women and for the promotion of the human rights of women on equal terms with men;

b) The insufficient budgetary allocations to deliver on its broad mandate and the lack of coordination between the Commission for Citizenship and Gender Equality and the Office of the Ombudsperson of Portugal, even though both have the mandate to receive complaints on discrimination and gender-based violence against women;





# Preocupación (II)

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c) The lack of a specific mechanism to empower and ensure the meaningful participation of civil society organizations for women in the Commission for Citizenship and Gender Equality, even though some of them are members of its Advisory Council.



# Recommendations (I):

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**a) Strengthen the mandate of the Commission for Citizenship and Gender Equality with measures for the advancement of women and for the human rights of women on equal terms with men;**

**b) Provide adequate human, technical and financial resources to the Commission for Citizenship and Gender Equality in order to enable it to fulfil its mandate with regard to the promotion of equality for women, combating gender-based violence against women, and gender mainstreaming, and to establish a focal point to coordinate with the Office of the Ombudsperson of Portugal on complaints received;**



# Recommendations (II):

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**c) Establish a specific mechanism to empower and ensure systematic and meaningful participation of civil society organizations for women in the Commission for Citizenship and Gender Equality, including by providing financial resources, in relation to all legislative and policy initiatives affecting women.**



# TEMPORARY SPECIAL MEASURES

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PARAGRAPHS 16 & 17



# Positive aspects:

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The introduction of quotas in its legislation to accelerate equal representation of women and men in parliament and in other decision-making positions in government, public institutions, associations and boards of public enterprises, such as those adopted in Law No. 62/2017, Law No. 1/2019 and Law No. 26/2019.



# Concerns:

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Portugal does not have a system for monitoring implementation and progress made, including in the autonomous regions of Madeira and the Azores.

Lack of temporary special measures in the national strategy for equality and non discrimination for the period 2018–2030 and other sectoral policies, to address the needs of the most disadvantaged groups of women, such as women with disabilities, Roma women, migrant women and older women.



# Recommendations:

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**In line with article 4 (1) of the Convention and its general recommendation No. 25 (2004) on temporary special measures, the Committee recommends that the State party continue its efforts to implement temporary special measures aimed at accelerating de facto equality between women and men in political and public life or in any other sphere where women remain underrepresented, with a system to monitor their implementation and progress, including in the autonomous regions of Madeira and the Azores.**

**Include temporary special measures in its public policy on gender equality and other sectoral policies to address the needs of the most disadvantaged groups of women, such as women with disabilities, Roma women, migrant women and older women.**



# DISCRIMINATORY STEREOTYPES AGAINST WOMEN

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PARAGRAPHS 18 & 19





# Positive aspects:

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Efforts by the State party to eliminate discriminatory stereotypes against women, particularly in the field of education.



# Concerns:

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Gradual dilution of the concept of “sex” and its replacement by the concept of “gender” across policies and legislation.

The State party does not have a comprehensive strategy to address stereotypes and sexism against women in the media and in political and public discourse.



# Recommendations:

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**Further strengthen efforts, including awareness-raising campaigns targeting the general public, to dismantle discriminatory stereotypes regarding the roles and responsibilities of women and men in the family and in society.**

**Avoid the broad use of the concept of “gender” when addressing the rights of women.**

**Address stereotypes and sexist portrayals of women in the media and in political and public discourse, by introducing adequate penalties and providing training on the rights of women and equality between women and men for media professionals.**



# HARMFUL PRACTISES

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PARAGRAPHS 20 & 21



# Positive aspects:

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Female genital mutilation and forced marriage have been included as offences in the Criminal Code of the State party, in line with the Istanbul Convention.



# Concerns:

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Forced sterilization, which is also prohibited under the Istanbul Convention, is not included as an offence in the Criminal Code.

The low number of investigated cases of female genital mutilation and forced marriage and that, despite the adoption of Law No. 104/2009, approving the framework for granting compensation to victims of violent crimes and domestic violence, no applications for compensation have been made since 2011.



# Recommendations (I):

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**Specifically criminalize forced sterilization in line with article 39 of the Istanbul Convention.**

**Ensure that all cases of female genital mutilation, child and/or forced marriage and non consensual sterilization are effectively investigated and prosecuted.**



# Recommendations (II):

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**Conduct information and awareness-raising campaigns targeting disadvantaged groups of women, such as women with disabilities, Roma women and migrant women, so that victims of female genital mutilation, child and/or forced marriage and non-consensual sterilization receive the compensation provided for under the framework for granting compensation to victims of violent crimes and domestic violence, as established in Law No. 104/2009.**





# GENDER-BASED VIOLENCE AGAINST WOMEN

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PARAGRAPHS 22 & 23



# Positive aspects:

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The adoption of Law No. 55/2020 on vulnerable victims of violent, serious and highly organized crime.



# Concerns (I):

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A lack of gender-sensitive protocols for dealing with victims of gender-based violence against women, and in particular:

(a) The absence of a provision in the Criminal Code specifically criminalizing gender-based violence against women and of comprehensive legislation to prohibit all forms of gender-based violence;

(b) That femicide is not defined as a specific criminal offence;



# Concerns (II):

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(c) That there are only two crisis centres for victims of sexual violence providing specialized psychological and psychosocial support to women and girls who are victims of sexual violence;

(d) The lack of comprehensive statistical data on gender-based violence, disaggregated by sex, age and the relationship between the victim and the perpetrator;

(e) The absence of a permanent mechanism to ensure efficient cooperation and coordination between family courts and criminal courts to ensure that women have immediate access to civil protection orders and injunctions against abusive partners.



# Recommendations (I):

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**Recalling the Committee's general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, and in line with target 5.2 of the Sustainable Developments Goals, to eliminate all forms of violence against women and girls in the public and private spheres:**

**a) To amend the Criminal Code to define all forms of gender-based violence against women, including physical, psychological, sexual, economic and domestic violence, as well as cyber violence and femicide, as criminal offences;**



# Recommendations (II):

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**b) To strengthen support services for women victims of gender-based violence to match demand, including by ensuring a sufficient number of adequately funded crisis centres providing legal and psychosocial assistance to victims;**

**c) To ensure the systematic compilation of statistical data on all forms of gender-based violence, disaggregated by sex, age and the relationship between the victim and the perpetrator;**



# Recommendations (III):

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**d) To implement the Committee's previous recommendations for follow up to establish a mechanism for ensuring effective cooperation and coordination between family courts and criminal courts in order to ensure that women have immediate recourse to civil protection orders and injunctions against abusive partners, without the need to engage in criminal proceedings.**



# TRAFFICKING AND EXPLOITATION OF PROSTITUTION

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PARAGRAPHS 24 & 25





# Positive aspects:

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The fourth national plan to prevent and combat trafficking in persons (2018–2021).



# Concerns:

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Lack of identification of victims of trafficking, in particular the identification of Portuguese women and girls who are victims of trafficking.

Capacity-building activities and awareness-raising campaigns do not seem to lead to the effective identification of victims



# Recommendations (I):

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**In line with the Committee's general recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration:**

**Ensure effective mechanisms for the early identification and referral of victims to appropriate services**



# Recommendations (II):

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**Strengthen the protection and reintegration of women and girls who are victims of trafficking, including by ensuring that they are not liable for violations of immigration law and that they have access to justice and temporary residence permits irrespective of their ability or willingness to cooperate with the prosecution authorities.**

**Invest in effectively improving the identification process.**



# EQUAL PARTICIPATION IN POLITICAL AND PUBLIC LIFE

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PARAGRAPHS 26 & 27



# Positive aspects:

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Parity between women and men has been reached for the first time with the new composition of the Government of the State party.

Efforts to raise the minimum quota for the representation of women candidates on electoral lists for parliament and other decision-making positions in government, public institutions and associations through the adoption of legislation, including Law No. 1/2019 and Law No. 26/2019.



# Concerns

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The effects of the quota measures in the new legislation remain limited at the local level, particularly in parish and municipal assemblies, as well as in municipal cabinets, including in the autonomous regions of Madeira and the Azores, and that the penalties for non-compliance with such quotas are not enough to be dissuasive.

There are no temporary special measures to support women candidates aspiring to political and public office and the State party does not have a legal framework to prevent and combat political harassment.



# Recommendations (I):

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**In line with the Committee's previous concluding observations and general recommendation No. 23 (1997) on women in political and public life, and target 5.5 of the Sustainable Development Goals, to ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life, continue efforts to foster the participation of women in the political and public life of the State party at all levels, and in particular:**





# Recommendations (II):

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**a) Increase the representation of women in political and public life, particularly at the local level and in the autonomous regions of Madeira and the Azores, so that women and men are equally represented, and to strengthen penalties in the event of non-compliance with the established quotas;**

**b) In line with article 4.1 of the Convention and its general recommendation No. 25, implement temporary special measures to support women candidates for political and public office and urgently adopt a legal framework to prevent and combat political harassment;**



# Recommendation (III):

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**c) Introduce mechanisms to increase the participation of marginalized women, such as women with disabilities, Roma women and other traditionally underrepresented women, in political and public life;**

**d) Increase the participation of women in international leadership, including as diplomats and representatives of international organizations.**



# EDUCATION

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PARAGRAPHS 28 & 29



# Positive aspects:

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The introduction of incentives to diversify the fields of study and career paths being chosen by women and girls, as well as the recent predominance of women in higher education



# Concerns:

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These measures have not led to an increase of the percentage of women in decision-making positions in politics, finance and academia.

Sexuality education at school, while focusing on the prevention of sexually transmitted diseases and early pregnancy, does not address the impact of social gender relations and patriarchal attitudes regarding the sexuality of women and girls.

The low enrolment rate among girls with disabilities in public schools.



# Recommendations (I):

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**In line with the Committee's general recommendation No. 36 (2017) on the right of girls and women to education and target 4.1 of the Sustainable Development Goals, to ensure by 2030 that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes:**

**a) Strengthen efforts to promote the participation of women and girls in non-traditional fields of study and career paths, in particular in science, technology, engineering and mathematics, and information and communications technology;**



# Recommendations (II)

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**b) Take measures to increase the percentage of women in academia, including through targeted selection processes and quotas, and to create linkages between education and industry;**

**c) Amend school curricula for sexuality education to include a gender perspective and the impact of unequal power relations and discriminatory gender stereotypes on the sexuality of women and girls and their sexual and reproductive choices;**



# Recommendations (III):

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**d) Increase programmes and budget allocations for scholarships and study grants targeting women and girls with disabilities and ensure accessibility and reasonable accommodation at all levels in schools across the State party.**





# EMPLOYMENT

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PARAGRAPHS 30 & 31



# Positive aspects:

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Adoption of legislative and policy measures aimed at ensuring equal access to the labour market and equal pay for women and men for work of equal value (Law No. 60/2018).



# Concerns

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The persistent gender pay gap in the State party.

The fact that women continue to carry a disproportionate burden of unpaid care and domestic work.

The lack of effective implementation of legislation for the prevention of sexual harassment and discrimination in the workplace.



# Recommendations (I):

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**The Committee draws attention to its general recommendation No. 13 (1989) on equal remuneration for work of equal value and to target 8.5 of the Sustainable Development Goals, to achieve by 2030 full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value, and recommends that the State party:**



# Recommendations (II):

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**a) Intensify its efforts to address the persistent gender pay gap by regularly reviewing wages in sectors where women are concentrated and adopting measures to close the gender pay gap, including through gender-neutral analytical job classification and evaluation methods and regular pay surveys, and promote equal sharing of household and childcare responsibilities between women and men, including by expanding the use of paternity leave and access to childcare facilities;**



# Recommendations (III):

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**b) Increase effective implementation of criminal and administrative legislation for the prevention of sexual harassment in the workplace and provide capacity-building programmes to judges and training for law enforcement agencies to facilitate effective access to protection measures for victims of sexual violence and discrimination in the workplace.**



# HEALTH

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PARAGRAPHS 32 & 33



# Positive aspects:

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The adoption of Law No. 3/2016, on the voluntary termination of pregnancy, making abortion free of charge.

Law No. 17/2016, providing access to medically assisted procreation for all women.





# Concerns:

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Increase in the maternal mortality rate and the numerous cases of highly medicalized births and caesarean sections, sometimes without the free and informed consent of women.

The unequal implementation of the abortion law.

Emergency obstetric and mental health services are not widely available throughout the territory of the State party, including in the autonomous regions of Madeira and the Azores



# Recommendations (I):

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**a) Continue efforts to reduce maternal mortality, including by assessing and registering the cause of death, and by providing adequate safeguards to ensure that highly medicalized birth procedures, such as caesarean sections, are thoroughly assessed and performed only when necessary, and with the free and informed consent of the woman concerned, in line with the recommendations of the World Health Organization;**



# Recommendations (II):

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**b) Ensure the effective implementation of the abortion law in all regions and for all women;**

**c) Ensure the availability of emergency obstetric services and community-based mental health services throughout the territory.**



# ECONOMIC EMPOWERMENT

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PARAGRAPHS 34 & 35



# Positive aspects:

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Adoption of a national strategy to combat poverty for the period 2021–2030, a new generation of housing policies and the Social Radar programme to support older persons and to strengthen home services.

Adoption of Law No. 100/2019, establishing the status of “informal caregiver”, regulating the rights and obligations of the caregiver and the person being cared for and providing for support measures.



# Concerns:

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The lack of specific measures for women in the above-mentioned legislation and policies and the existing structural barriers of inequality faced by them and exacerbated by the COVID-19 pandemic, particularly with regard to access to family benefits, including care support measures, housing and financial credits.



# Recommendations:

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Take all necessary measures through the recovery and resilience funds and all legislation and public policies to overcome the structural barriers of inequality faced by women, regarding their access to family benefits, including care support measures, housing, and financial credits.

In line with article 4 (1) of the Convention and the Committee's general recommendation No. 25, define and implement temporary special measures to guarantee access to adequate housing for women, particularly to those belonging to disadvantaged groups, such as women with disabilities, Roma women, migrant women, single mothers, young women and older women, including by providing rental allowance and prioritizing the allocation of public housing in the municipal plans.



# RURAL WOMEN

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PARAGRAPHS 36 & 37





# Positive aspects:

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The rural development programmes adopted by the State party aim to provide support to entrepreneurship projects by women in rural areas, facilitating access to loans and reinforcing the role of underrepresented groups of women in agricultural associations.



# Concerns:

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Rural women have limited access to education, employment and health care, including sexual and reproductive health services.



# Recommendations:

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**Undertake reforms, in line with the Committee's general recommendation No. 34 (2016) on the rights of rural women and target 5.a of the Sustainable Development Goals, to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws.**

**Support and fund entrepreneurship by rural women and enhance their access to education, employment and health care, including sexual and reproductive health services.**



# ROMA WOMEN

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PARAGRAPHS 38 & 39



# Positive aspects:

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The national strategy for the integration of Roma communities for the period 2013–2022, which contains two specific measures aimed at improving the civic, political and community participation of Roma women and girls and at promoting their access to the labour market and professional activities.



# Concerns:

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Roma women, and especially those living in rural areas, face social exclusion and have limited access to education, employment, health care and housing.

The school dropout rates among Roma girls due to child and/or forced marriage and early pregnancy, which are often ignored by the authorities.



# Recommendations:

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**Increase efforts within the framework of the future national policy for the integration of Roma communities to ensure that Roma women have adequate access to education, employment, health care and housing.**

**Take urgent measures focused on Roma girls to prevent and reduce child and/or forced marriage and early pregnancy and to encourage that they remain in the education system, including by providing scholarships, sexual education programmes and access to family planning services, and taking measures to raise awareness among the Roma community of the harmful effects of child marriage and early union.**



# WOMEN WITH DISABILITIES

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PARAGRAPHS 40 & 41





# Positive aspects:

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Adoption of Law No. 49/2018, introducing the legal regime of “Maior Acompanhado”, abolishing the interdiction and incapacitation procedures for persons with disabilities and guaranteeing the rights to marry or form de facto unions, procreation, adoption and custody of children.

Adoption of the national strategy for the inclusion of persons with disabilities for the period 2021–2025, under which the National Support Network for Victims of Domestic Violence offers specialized responses when receiving women with disabilities.



# Concerns (I):

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a) Despite the fact that 20.6 per cent of women in the State party have a disability, no measures have been taken to reduce the structural inequality that they face in accessing education, the labour market, health care, economic empowerment programmes and family benefits, among other areas;

b) Currently, 110 women with disabilities reside in psychiatric hospitals and 1,694 in social sector institutions managed by religious orders;



# Concerns (II):

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c) Women and girls with disabilities are particularly vulnerable to forced sterilization carried out under the pretext of legitimate medical care or with the consent of others speaking in their name.



# Recommendations (I):

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a) Take all necessary measures to reduce the structural inequality faced by women and girls with disabilities in accessing education, the labour market, health care, economic empowerment programmes and family benefits, among other areas, and to ensure the effective consultation and participation of women with disabilities, particularly in the Consultative Council of the Commission for Citizenship and Gender Equality;

b) Adopt effective measures to guarantee the right of women with disabilities to live in the community and to their full inclusion and participation in it, ensuring in particular that they have the opportunity to choose their place of residence and with whom to live, to enjoy decent and accessible housing, and to benefit from a range of in-home assistance, including personal assistance;



# Recommendations (II):

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**c) Ensure the full, free and informed consent of women with disabilities for any intervention or medical treatment, train health professionals on human rights, dignity, autonomy and the needs of women with disabilities, and promulgate ethical standards for public and private health care.**



# MARRIAGE AND FAMILY RELATIONS

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PARAGRAPHS 42 & 43



# Concerns:

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The default minimum age of marriage is set at 16 years (with parental approval) in the State party.



# Recommendations:

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**The Committee recalls joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women and general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices.**

**Amend article 1612 of the Civil Code, under which children aged over 16 years are allowed to marry with parental approval, and raise the legal minimum age of marriage to 18 years for women and men without any exceptions.**





# DISSEMINATION

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**PARAGRAPH 45**



The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the ministries, the parliament and the judiciary, to enable their full implementation.

# RATIFICATION OF OTHER TREATIES

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**PARAGRAPH 46**



The Committee encourages the State party to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.



# FOLLOW-UP TO THE CONCLUDING OBSERVATIONS

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PARAGRAPH 47



The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 11 (c), 15 (a), 23 (d) and 41 (c).



# Paragraph 11 c)

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**11 (c) To ensure that discrimination against women and its aggravated and intersecting forms are adequately considered in the legislation and policies of the State party related to all areas covered by the Convention for the benefit of women in vulnerable situations;**



# Paragraph 15 a)

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**15 (a) Strengthen its mandate [of the Commission for Citizenship and Gender Equality] with measures for the advancement of women and for the human rights of women on equal terms with men;**





# Paragraph 23 d)

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**23 (d) To implement the Committee's previous recommendations for follow up (CEDAW/C/PRT/CO/8-9, para. 23 (c)) to establish a mechanism for ensuring effective cooperation and coordination between family courts and criminal courts in order to ensure that women have immediate recourse to civil protection orders and injunctions against abusive partners, without the need to engage in criminal proceedings.**



# Paragraph 41 c)

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**41 (c) Ensure the full, free and informed consent of women with disabilities for any intervention or medical treatment, train health professionals on human rights, dignity, autonomy and the needs of women with disabilities, and promulgate ethical standards for public and private health care.**



Thank you for your  
attention

