

# Portugal

## About

Portugal's 1976 Constitution enshrines the principle of equality in Articles 13 and 21(1), with the 1997 revision giving a new political legitimacy to gender equality issues, highlighting the social responsibility of the law and noting the state's role as the main promoter of gender equality.

Portugal has undertaken commitments in the field of gender equality as part of its EU membership, although at the time of its accession it was already significantly committed to such initiatives. 'The influence of the so-called Community law, [...] namely the European Economic Community, was so significant that at the time of Portugal's entrance to the European Communities it was not necessary to transpose into national law any of the directives in the area of equality between women and men'[1]. Following Portugal's presidency of the Council of the European Union in 2007, the Treaty of Lisbon reinforced the principle of equality between women and men, including the values and objectives of the EU (Articles 2 and 3(3) Lisbon Treaty).

In recent years, Portugal has facilitated not only the development of gender equality and gender mainstreaming policies but also their analysis and adoption by the scientific community and civil society. Changes to the law have opened social debate on difficult questions, in a process that is shaping Portuguese society[2]. Despite improvements in strengthening gender mainstreaming structures, concrete social changes to gender equality have been slow to materialise[3].

Consolidation and resource provision remain an issue, with progress slowed by the austerity measures of the financial crisis. Difficult areas of social change, such as media and communications, the law and juridical community, present additional challenges to mainstreaming gender.

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## Legislative and policy framework

A gender mainstreaming perspective, although the concept was not yet formulated as it is today, was first included in the legal document that institutionalised the Commission on the Status of Women in 1977. This women's rights structure created a consultative council, composed of a non-governmental (NGO) section and an inter-ministerial section, that would allow for the integration of gender in all policy areas (Decree-Law No. 485/77). Twenty years later, in 1997, the Global Plan for Equal Opportunities (approved by the Council of Ministers) gave greater prominence to the integration of a gender perspective at all policy levels. The primary objective of the Global Plan was to integrate the principle of equal opportunities for women and men in all economic, social and cultural policies.

Following the constitutional revision in 1997, several national equality plans (PNIs) have been issued, with gender mainstreaming as the guiding principle to integrate gender concerns in all policy domains. At first, these plans took a general approach to gender equality, becoming increasingly specific as the number of measures and policy areas covered grew. Today, these plans represent the most important instrument promoting gender equality in Portugal.

Building on previous PNIs, the current National Strategy on Gender Equality (the ENIND[4]) began in 2018 and will remain in force until 2030. The Strategy now reflects close alignment with the UN Sustainable Development Goals (SDGs), in a change to the intervention guidelines of the Commission for Citizenship and Gender Equality (CIG) and adding a longer term perspective. Areas that were identified as somewhat inadequate in previous PNIs are now emphasised. The Strategy has a global outlook, with 12 years of intervention planned (2018–2030), and with a defined goal for the first four years that focuses on fighting gender stereotypes in key problematic areas:

- Equality between women and men;
- Violence against women and domestic violence;
- Discrimination on the grounds of sexual orientation, gender identity and sexual characteristics.

For the first time, the Strategy aims to involve almost all ministries. It also addresses most of the limitations identified in previous PNIs. One issue for public debate, for instance, is the duration of parental leave, with proposals for its extension.

In 2015, the Committee on the Elimination of Discrimination against Women, in its final observation on institutional mechanisms of gender equality in Portugal and the implementation of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), raised concerns about the CIG:

*'While acknowledging the State party's efforts to secure extra budgetary resources for certain policies, the Committee is concerned about the reported reduction in budget allocations, especially to the Commission for Citizenship and Gender Equality, and that the extra funding may not be sustainable or sufficient for the Commission's extended tasks.'*

They recommended that 'the State party take measures to provide the Commission for Citizenship and Gender Equality with sufficient and sustainable resources in order to enable it to carry out its functions effectively'[5].

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## Structures

### Government responsibilities

Gender mainstreaming was established as a policy goal in Portugal from 2007 onwards, based on four Council of Ministers' resolutions and one law (Council of Ministers' Resolution No. 19/2012 of 8 March; No. 161/2008 of 22 October; No. 70/2008 and 49/2007 of 28 March; and Law No. 133/2013 of 3 October). The 2008 Resolution of the Council of Ministers legitimised the mandate of ministerial Counsellors for Equality and Interdepartmental Teams and has been central in the progress achieved towards gender mainstreaming.

Portugal has several institutional mechanisms and national government bodies for the promotion of gender equality.

Commission for Citizenship and Gender Equality (CIG, Comissão para a Cidadania e a Igualdade de Género).

Commission for Equality in Labour and Employment (CITE, Comissão para a Igualdade no Trabalho e no Emprego).

Secretariat for Citizenship and Equality.

All three bodies are committed to the goal of gender mainstreaming. The CIG and CITE are responsible for implementing gender equality strategies. CITE works specifically in the area of work and employment, a crucial domain for gender equality implementation (although this means it is less focused on gender mainstreaming). The Secretariat for Citizenship and Equality is responsible for political advocacy and the design of strategies, creating the conditions for the strong presence of gender equality concerns in the Portuguese state[6].

In addition to implementing the ENIND (which itself takes a strong position on gender mainstreaming), the CIG and CITE cooperate closely with diverse social actors, such as NGOs, companies (both public and private), universities and schools, health services, and detention institutions. This cooperative, dialogue-based working style has been promoted since the ENIND was introduced.

Established in 1977, the [CIG](#) has seen its structure and role change over the years. Originally set up by a small group of women, the CIG (then called the Commission of the Feminine Condition) played a decisive role inside the political decision-making process during those first years of democracy[7]. The following decades saw the CIG struggle for a voice in the development of policies, turning instead to informal governmental mechanisms as an outlet for its influence. Throughout this time, its role in raising awareness and sharing knowledge of gender equality issues remained extremely important[8].

The CIG's mandate now focuses on three grounds of equality: gender, ethnic and racial discrimination. Its current organs and mandate are overseen by [Regulation Decree 1/2012](#). The CIG also deals with other policy areas, such as gender-based violence, domestic violence, human trafficking, and women, peace and security. Its mission is to implement public policy in the field of citizenship, to promote and defend gender equality, to combat domestic and gender-based violence and human trafficking, and to coordinate the relevant instruments.

The **CITE** was created in 1979, specifically to address equality between women and men in the labour market. It is subject to Law Decree 76/2012. The CITE can receive complaints and issue binding and non-binding opinions. In addition to being responsible for promoting equality and non-discrimination between women and men in the labour market, it also deals with the protection of parenting and work-life balance policies. It is a collegial, tripartite and equilateral body, composed of representatives of the Ministries for Employment, Equality, Public Administration, Solidarity and Social Security, as well as trade union representatives and one representative for each of the employers' associations. In 2018, its budget was EUR 525,893. Portugal is expected to maintain and develop the CIG and CITE in the coming years.

## **Independent gender equality body**

The National Human Rights Institution acts as the Portuguese Ombudsperson, whose mission is to promote and defend fundamental rights, including equality between women and men. The Ombudsperson is a state body, with constitutional status and supported by Law No. 9/91, April 9 (and its amendments).

## **Parliamentary bodies**

With respect to its representative elected bodies, Portugal has had a Parliamentary Committee on Constitutional Affairs, Rights, Freedoms and Guarantees, including a **Subcommittee for Equality and Non-Discrimination**, since 2015. The Subcommittee is ruled by the parliament's internal rules and regimens and does not have a dedicated budget. Rather, its activities are integrated into the general parliamentary duties of each member.

## **Regional structures**

Since 2010, Portugal has had local advisors for equality, who work with the mayor of each municipality. Their statute was introduced through the Council of Ministries Resolution No. 39/2010. Appointed by the mayor, advisors' gender equality tasks are additional to their main tasks and their work for this specific task is non-paid. Their main responsibilities include monitoring local equality strategies and policy measures, submitting proposals, conducting gender impact assessments (on request) and ensuring that the municipality cooperates with the CIG.

In 2012, to promote gender equality at local level and the involvement of municipalities, a specific measure was adopted, introducing cooperation protocols between the CIG and the municipalities. Protocols have been established with the autonomous region of Azores and with 174 municipalities. These protocols originally had a one-year duration but can be renewed. The development of a municipal gender equality plan and the appointment of a local gender advisor usually form part of these protocols.

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## Methods and tools

Note: the methods and tools listed under this section were the focus of EIGE's 2018-2019 assessment. If certain methods and tools are not mentioned in this section, this does not necessarily mean that they are not used at all by Portugal.

The ENIND includes specific mainstreaming objectives, measures, indicators and targets in each action plan. This includes methods and tools such as training of central and local public servants, revising the statute of central and local gender advisors, gender budgeting, gender impact assessment, funding, and improving data collection. Each action plan includes measures (73 measures in the area of equality between women and men; 38 measures on violence against women and domestic violence; 20 measures on discrimination on the basis of sexual orientation, gender identity and expression, and sex characteristics), with specific product indicators and annual targets. For each strategic objective, the Strategy establishes impact and results indicators, with corresponding targets. The execution and budget of each action plan are monitored internally every six months, with an annual presentation of results to the relevant government body.

### Gender training and awareness-raising

Training is legally regulated in Portugal through Law No. 86-A/2016. Although gender training is not covered by any specific legal regulation, the ENIND policy saw it recently defined as a strategic training area. Previously, training in gender mainstreaming was perceived as a soft policy[9], with numerous training activities on gender equality in Portugal funded by the European Commission.

Training in gender equality should now be developed by certified training institutions and follow the training guidelines defined by CIG, in line with the identified need for increased standardisation[10].

The national strategy includes objectives, measures, indicators and targets for training public servants in matters such as gender impact assessment, funding criteria, gender budgeting, discrimination and education. The coming years are expected to see gender training expanded to include all public servants.

The ENIND also includes indicators and targets for information and awareness-raising actions in the three national action plans. These indicators and targets are strongly quantitative, however, with only the number of activities included in the assessment, rather than their quality or impact. This makes it more difficult to monitor and evaluate the concrete effects of gender training and awareness-raising actions.

## **Gender statistics**

At the national and sub-national level, Portugal has made considerable improvements in gender statistics in recent years. Statistics Portugal (INE) is the main institution responsible for collecting gender-disaggregated data. The INE is governed by the Council of Ministers Resolution 61/2018 of 21 May and Law 60/2018 of 21 August (the legal framework that created the ENIND). Since 2010, the INE has worked to coordinate and promote the development of gender statistics.

A specific unit – the Department of demographic and social statistics – is located in the labour market statistics unit, which processes data in the areas of life conditions, demographics and the labour market. The data are primarily drawn from official statistics and therefore cover the entire Portuguese territory. INE data production is ruled by the European Statistics Code of Practice, as well as sectoral regulations and international recommendations. Data are chiefly disseminated online (through the gender database on the INE portal) but are also available in hard copy/books.

Gender equality statistics are also produced by the National High Council for Statistics (CSE) Working Group on Social Inequalities Indicators, of which the CIG is a member. This group was created in 2017 and its results have not yet been made public.

Ministries and research institutions also produce statistical data disaggregated by gender. PORDATA is not a public institution but a foundation that collects and processes data stored in public sources (INE, ministries, etc.). It is an important source of statistics, which it publishes in user-friendly formats for the wider population.

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## Good practices

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## Endnotes

[1] Rego, Maria do Céu da Cunha (2012). [Políticas de igualdade de género na União Europeia e em Portugal: Influências e incoerências](#). *Ex aequo*, (25), p. 30, 29-44.

[2] Saleiro, S. P. and Sales Oliveira, C. (2018). Desigualdades de (cis e trans)género. Portugal no contexto europeu. In *Desigualdades Sociais. Portugal e a Europa*, pp. 131-147. Lisboa: *Mundos Sociais*;

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[4] In Portuguese: *Estratégia Nacional para a Igualdade e Não Discriminação*. In English: *National Strategy for Equality and Non-Discrimination*.

[5] Committee on the Elimination of Discrimination against Women (2015). [Concluding observations. CEDAW/C/PRT/CO/8-9](#), p. 8.

[6] This representation was previously higher: during 1999-2000, Portugal had an Equality Ministry.

[7] Monteiro (2011). *Feminismo de estado em Portugal: mecanismos, estratégias, políticas e metamorphoses*. PhD thesis. Coimbra: FE/UC.

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