

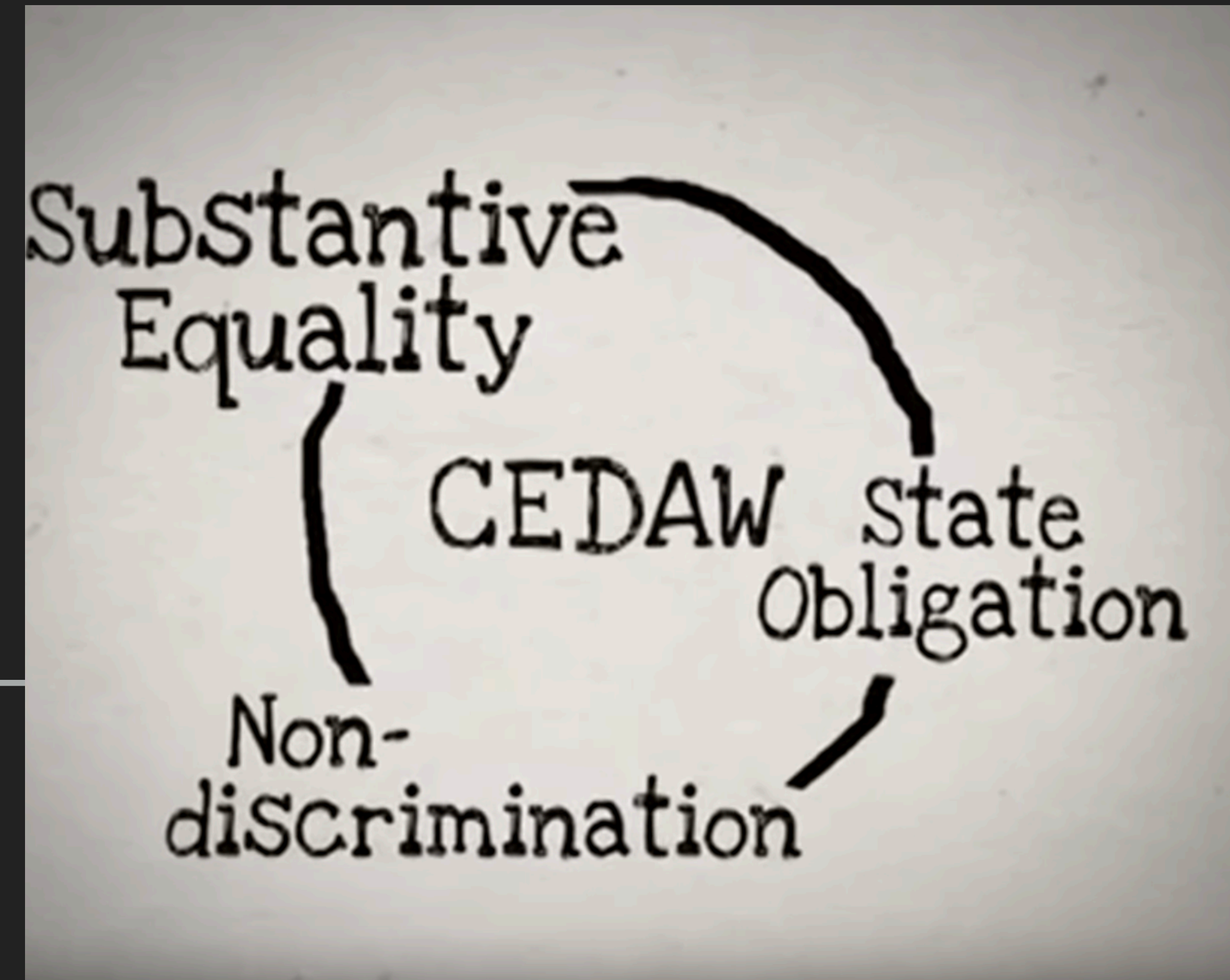


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# WOMEN'S RIGHTS IN PORTUGAL

# CEDAW — CONVENTION FOR THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

International human rights treaty that focuses on women's rights and women's rights issues worldwide





# STRUCTURAL INEQUALITIES & COVID

- ▶ The COVID-19 pandemic underscores society's reliance on women both on the front line and at home.
- ▶ It exposed **structural inequalities across every sphere**, from health to the economy, security to social protection. In times of crisis, when resources are strained and institutional capacity is limited, **women and girls face disproportionate impacts with far reaching consequences.**
- ▶ Hard-fought gains for women's rights are also under threat.

**EXPLORE THE IMPACTS**  
*Click on the topic below to learn more.*

Violence against women	Domestic violence	Health care workers
Women's health	Economic shocks	Unpaid work
Young women & girls	Conflict	Migrants

## STATE OBLIGATIONS

- ▶ The CEDAW is one of the more widely ratified conventions worldwide.
- ▶ 188 countries, including Portugal, that ratified it
- ▶ Since 1980, the **CEDAW is a legally binding document in Portugal** and the Portuguese government is obligated, under the articles of the convention, to effectively implement it.
- ▶ That is, the legislative, the executive, and the judiciary branches of government are bound to implement the convention against the discrimination of women.





## REPORTS

- ▶ Every 4 years, Portugal must report to the CEDAW committee how the government:
- RESPECTS the rights of women: can't enact discriminatory laws, or engage in discriminatory practices, and must repeal discriminatory laws.
- PROTECTS & PROMOTES the rights of women: make sure that there are mechanisms for complaints and redress, regulate private actors such as businesses or corporations, prohibit discrimination, and impose sanctions.
- FULFILL the rights of women: provide conditions and ensure equality in law and in actuality.

## CEDAW AND THE PPDM

- ▶ PPDM is a non-governmental organisation whose members are women's rights NGOs.
- ▶ It was created on November 12th 2004.
- ▶ It produces **shadow reports** for the CEDAW committee and asks questions to the government concerning its reports on women's rights. The latest report is from October 2020.



PLATAFORMA PORTUGUESA  
PARA OS DIREITOS  
DAS MULHERES





WOMEN'S RIGHTS NGOS

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# SHADOW REPORT

## POSITIVE AND NEGATIVE IN THE PERIOD UNDER REVIEW

- ▶ **Positive:** There were some developments in the period under review.
- ▶ **Negative:**
  1. The developments fell short of expectations,
  2. Some concerns that were highlighted in previous reviews were not addressed.
  3. New worrying trends are unfolding, namely hate speech against women, and COVID-19 threatens to roll back women's rights.



## POSITIVE DEVELOPMENTS

Improved legislation on women's participation in political and economic life. Still falls short of 50/50 parity:

- ▶ In **political life** the threshold of parity is now 40%;
- ▶ In **boards and audit bodies** of public and listed companies, it's 33,3%.
- ▶ **Top positions** in public administration, in public higher education institutions and associations, it's 40%.
- ▶ **Women in science and technology**: 57% are women (studying STEM), and 50,3% of Portuguese researchers abroad are women.
- ▶ **Legislation** was improved to match obligations in the context of the Istanbul Convention Against Violence Against Women and Against Domestic Violence.

## LIMITATIONS OF RECENT DEVELOPMENTS

- ▶ Legislation adopted in accordance with the Istanbul Convention (IC): “consent” is not yet a concept in the legislation.
- ▶ This impacts directly on the type of services available to survivors of sexual violence.
- ▶ Rape crisis or sexual violence referral centres for victims are called “crisis centres” and, therefore, financial support to referral centres is not foreseen. Only 2 specialized support services for women and girls victims of sexual violence in Portugal.



## IMPACT OF THE PANDEMIC ON EQUALITY – ECONOMY AND WORK

### **Women's economic independence:**

(i) women are losing their jobs at a faster rate than men – 57% of people without a job in August 2020;

(ii) women are more infected by COVID-19 than men 54.5%.

### **Reconciliation between work, family and private life:**

Women are the main carers for children, older people, other dependants while working from home.

**Gender pay gap of 17.8%. In the family,** more women leave work because of lower income

## IMPACT OF PANDEMIC ON INEQUALITY — VIOLENCE AGAINST WOMEN

**Violence against women and support:** Most domestic violence victims' support services are funded through the lottery and other games (decreased during pandemic).

**Worsened conditions:** 70% of intimate partner violence worsened during the lockdown. DV support line registered an increase of 180% of incoming calls between March and June 2020.



## NEGATIVE DEVELOPMENTS

- ▶ **Misogynistic hate speech.**
- ▶ **Language changes:** the **Commission for Equality and Women's Rights** is now called **Commission for Citizenship and Gender Equality** – negatively impacts women's rights visibility.
- ▶ **Funding:** No consistent and reliable funding for women's rights NGOs.
- ▶ **Legislation:** adoption in 2018 of the "Law on self-determination of gender identity and gender expression and the protection of sex characteristics" *without prior consultation* in connection with CEDAW and its impacts on women.



LEGAL CHANGES

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# GENDER IDENTITY AND EXPRESSION



## LACK OF KNOWLEDGE

In general, there is still a lack of knowledge in public administration and the judiciary on CEDAW.

It's PPDM that has been trying to inform the public and institutions about CEDAW; not the Government

News media confuses sex, gender, gender id, gender expression

The Government does not always do proper consultations and assessment of new legislation and how it may impact on women and girls.

## LEGISLATION: IMPACT ON GENDER

- ▶ In February 2018, the government approved a law that says:
- ▶ “Drafted bills/legislative acts prepared by the central and regional administration, as well as drafts and bills submitted to parliament, shall be subject to prior gender impact assessment.”
- ▶ But in August of the same year, the new law on the right to the self-determination of gender identity was approved. This was not subject to a gender impact assessment. (Yet?)



## QUESTION TO THE PORTUGUESE GOVERNMENT

*Information before the Committee indicates that **legislation prohibiting sex-based discrimination** has been **superseded by gender-neutral legislation and policies and measures to address discrimination on the basis of sexual orientation and gender identity**. Please provide information about the effects of that approach on the recognition of *de facto* discrimination against women, and indicate the measures taken to promote substantive equality between women and men, in accordance with the State party's obligations under articles 1 and 2 of the Convention and in line with target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, and indicator 5.1.1. Please inform the Committee about measures to develop gender impact assessments for legislation and to what extent the outcomes of those assessments have led to amendments to legislation under consideration.*

## CEDAW REPORTS

- ▶ State reports and civil society organizations/NGOs reports in relation to the CEDAW convention are available at the UN Human Rights Treaties' database:
- ▶ [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=799&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=799&Lang=en)
- ▶ <https://plataformamulheres.org.pt/international/english/>