

## CEDAW COMMITTEE

### DIALOGUE WITH PORTUGAL ON THE 10<sup>TH</sup> PERIODIC REPORT

#### WRITTEN INFORMATION BY THE DELEGATION FOLLOWING THE DIALOGUE

17<sup>TH</sup> JUNE 2022

#### 1. Sexual Education and pornography

The Sexual Education Law (Law no 60/2009), in force since 2009, identifies in Article 2 the purposes of sexual education, which aim to contribute to a healthy and safe experience of sexuality, pointing out, among others, the recognition of the value of sexuality and emotions between young persons in the individual development, the improvement of the affective-sexual relationships among young persons, recognizing the value of a responsible and informed sexuality. There is no specific mention to pornography, as the aim is to prevent, inform and create critical thinking in the students. Furthermore, considering the characteristics of the class (age and level) this issue is discussed taking the opportunity to promote the rights and protection of children and young people, helping them to adopt safe and healthy behaviours in terms of sexuality.

On the integration of Sexual Education in the training of teachers, some of the syllabus of teacher training courses have specific curricular units on sexual education. However, there are also study plans that do not directly address the theme of "Sexual Education", but it can be implicit when referring to the way in which the cognitive, emotional, moral and social development of the human being is processed or, also, when the contributions of Educational Psychology to the prevention of risks and to the development of promoting the health and well-being of children and young people are taught in the curricular units of Psychology or Educational Intervention in contexts of the 1st and 2nd cycle of teacher training courses.

#### 2. Gap between men and women entering higher education (what are young men who are not in the higher education doing?)

There is not a specific study about the existing difference between the numbers of women and men regarding the access to public higher education. However, it is known that women achieve higher scores in secondary school than men, giving them the opportunity to access the Higher Education easily. The lower scores obtained by men, make them choose the labour market earlier or follow other professional courses.

Indeed, there is a higher number of male students who pursue Vocational and Training Courses (VTC's) after concluding secondary education rather than going to higher education. In the academic year of 2019/2020, 68,669 out of the 116,305 students enrolled in VTC's were male (59%) and 47,636 female (41%).

Although in less number, men, when enrolled in the public Higher Education, there choices are mainly in the following 5 areas:

<b>Area/course</b>	<b>% Men</b>	<b>% Women</b>
ICT	82	18
Engineering, manufacturing and construction	71	29
Services	56	44
Agriculture, forestry, fisheries and veterinary science	46	54
Natural sciences, mathematics and statistics	43	57

### 3 - Programmes and budget allocations for developing scholarships and study grants targeting women, in particular those belonging to disadvantaged or marginalized groups

Since 2017/2018, grants to students with a disability equal to or greater than 60% are awarded. The grant amount corresponds to the tuition fee actually paid, up to a limit of €2750. In the table below, it is shown the number of grants awarded to students with disabilities for the last two academic years:

<b>Academic Year</b>	<b>Nº of requests</b>	<b>Nº grants awarded</b>		<b>Total budget</b>
		<b>Men</b>	<b>Women</b>	
2020/2021	1151	566	601	1 317 423,08 €
2021/2022 (to date)	(to 1280)	525	549	1 226 562,16 €

In addition to this specific support, when a student with a disability is also a holder of a social support grant (due to economic need), she or he may be entitled to a supplement for the acquisition of goods or services essential to the academic activity.

### 4. Pregnant women and mothers in prison

The Portuguese prison system allows pregnant women and mothers of children up to three years old to coexist in a protective environment, removed from contexts that are often unfavorable to the development of these children, namely due to the persistence of dysfunctional family contexts, thus avoiding their institutionalization.

In Portugal there are two prisons that receive mothers with children up to 3 years old and pregnant women.

While serving their sentence, these women and children are separated from the other inmates.

Both prisons have recently constructed facilities that consist of individual rooms, adapted to the needs of mothers with children and pregnant women.

Pregnant women's health is monitored in consultation with the specialty of Gynecology/Obstetrics and they give birth in the National Health Service's Hospital of the prison area. The Prison Facility of Santa Cruz do Bispo (female) has specialty in gynecology, obstetrics and pediatrics. Gynecology and general medicine are available to all women in these prisons.

Children born during the mother's confinement are cared for by their mothers up to 6 months of age. After 6 months of age, they are placed in the nursery of the respective prison. Day care centers operate like other free-time day care centers, in terms of schedules and activities.

Children up to the age of three enter prison facilities at the request of their mothers, either after their entry or upon their mothers' imprisonment.

The children are monitored by the physician of the respective prisons and by the nursing services, as well as in specialty consultations in the NHS.

Vaccination is the responsibility of the Health Center of the geographical area of insertion of prisons.

Feeding is done according to age (autonomous menu), accompanied by a nutritionist.

Whenever a child enters the prison under the circumstances above described:

- The situation is reported to the Public Prosecutor's Office of the Family and Juvenile Court of the area of the Prison Establishments.
- To the Commission for the Protection of Children and Youth (CPCJ) of the area of the Prison Facility.
- To the CPCJ of the mother's area of residence.

#### 5. Gender approach in combatting poverty

The National Strategy to Combat Poverty 2021-2030, approved in December 2021, provides that its implementation shall be grounded on a gender approach, namely through the disaggregation by sex of the respective monitoring indicators, and measures to combat the different forms of social discrimination on the grounds, namely, of sex.

Besides the already existing social support, there is also a set of measures aimed at reducing poverty among children, young persons and their families, besides the focus on measures to promote employment. These measures include those foreseen in the Decent Work Agenda and the increase in salaries.

#### 6. Empowerment of women with disabilities

A set of initiatives and specific measures that aim to promote the autonomy, participation and self-determination of persons with disabilities stand out: the Legal Framework for Inclusive Education; the "Support Model for Independent Living"; the

Social Benefit for Inclusion; the Legal Framework for the Accompanied Adult; the Promotion of Physical and Digital Accessibility; and the Promotion of the Employability of Persons with Disabilities. The National Strategy for the Inclusion of Persons with Disabilities 2021-2025 approved in 2021 intends to consolidate the progress achieved so far and look toward the future. One of the priorities of the Strategy is the promotion of Work, Employment and Vocational Training.

The promotion of the Employability of Persons with Disabilities has been promoted through several measures that include diagnosis, vocational guidance and training, as well as several support measures for insertion and placement in the protected and the open labour market. These include internships, work contracts and adaptation/reasonable accommodation of the workplace. In the total of the professional rehabilitation measures supported by the Institute for Employment and Professional Training, 20 060 persons with disabilities were covered in 2021, of which 44% were women.

#### 7. Support to entrepreneurship/microcredit

Portugal has promoted several microcredit programmes and measures over the years. One of the most emblematic is currently the National Microcredit Programme which aims at providing access to credit of up to 20.000€. It is not a specific measure for women; however, they have strongly resorted to the programme. The most recent monitoring data show that in 2020, 49% of the beneficiaries were women. In 2019, they were 46%.

Since 2015, within the scope of the Portugal 2020 program, the Agency for Competitiveness and Innovation (IAPMEI) financed 2699 business projects (including microloans). In all these 2699 projects, there was at least 1 woman in management positions, which represented a total of 3571 women and 3075 men in management positions. Thus, in the universe considered, women occupied 53.7% of the leadership positions. Since February 2021, we observed an increase of 175 financed business projects and 251 women beneficiaries.

#### 8. RADAR project

The Radar Project aims to identify the population aged 65 and over and build community-based systems for social cohesion. It consists of a community intervention and local development plan whose central goal is the prevention, promotion, survey and monitoring of people 65+ who are in a situation of social isolation and unwanted loneliness.

Persons covered by the Radar Project have access to a support line and are contacted, in person or by telephone, to assess their needs. With this methodology, it is possible to signal situations of lack of access to social protection rights, among others.

In 2021, in the Lisbon region (data at the national level not yet available), a total of 2501 community radars were set up and 29,818 persons over 65 years old were signaled, being 19,750 of them (66%) female.

#### 9. Maternity social benefits for women working in the informal sector

The protection of maternity and parenthood corresponds to a constitutional principle and is foreseen in a set of norms contained in the labour legislation, which is articulated with the social security system. All persons who do not work and do not contribute to social security and those who work and contribute but do not meet the conditions to be entitled to the allowance, have access to the "Social Parental Allowance" (monetary benefit) granted for a period of up to 120 or 150 consecutive days, according to the parents' choice.

In the context of the measures against the effects of COVID 19, one extraordinary social protection benefit was created for workers in a situation of economic deprivation and without access to any social protection instrument or mechanism. A total of 312 persons have been covered.

#### 10. Sexual harassment in the workplace

Sexual harassment is a crime according to article 170 of the Portuguese Criminal Code.

In addition, specifically on the workplace, the Portuguese Labour Code (CT) prohibits sexual harassment, considering it a very serious administrative offence. It constitutes a disciplinary offence to be applied to the person who harassed and entitles the harassed person to compensation for pecuniary and non-pecuniary damages.

The harassed employee is entitled to the payment of compensation for breach of duty by the employer. If the worker is unlawfully dismissed as a result of having reported or witnessed a case of sexual harassment, the dismissal is unlawful and the worker may request the payment of compensation for material and non-material damages. The person is also entitled to reintegration, under the provisions of the CT, with the right to compensation instead of reintegration at the request of the worker.

#### 11. Temporary detention of women by the Immigration and Border Service (SEF)

In the situations of temporary installation, SEF has two spaces with a total installed capacity of 77 foreign citizens, one in Lisbon and the other in Porto.

A total of 33 foreign citizens are placed as of today (15 June) in these centres, out of whom 4 are women. Out of these 4 women, 3 will leave the facilities still today, and the other will leave the centre tomorrow (16/06/2022), as her readmission process is concluded.

Presently, (15 June), there are 7 male asylum seekers at the temporary installation centres, who applied for international protection after receiving judicial decisions to stay in those facilities.

Apart from the very few exceptions foreseen by law, placement in a temporary installation center must not exceed a maximum period of 60 days.

#### 12. Access to a Lawyer by temporarily detained foreign citizens

In November 2020, a cooperation protocol was signed with the Portuguese Bar Association (Ordem dos Advogados) and the Ministries of Justice and Internal Affairs in order to guarantee the permanent availability of lawyers for advice and legal assistance to foreign citizens who are refused entry into the national territory at the airports of Lisbon, Porto, Faro, Funchal and Ponta Delgada. The foreign citizens who are refused entry into national territory have the right to communicate with a lawyer, personally and privately, in a place that ensures confidentiality.

At the temporary installation centre of Porto, free legal assistance is provided, when requested by the person, and according to Act 23/2007, of 4 July (Foreign nationals Law).

#### 13. Right to adequate housing – policies directed at women

The principle of universality in access to housing is the prevailing one in Portugal. However, some affirmative actions (positive discrimination) are foreseen for situations of special vulnerability or social emergency, as is the case of victims of domestic violence and monoparental families, in both cases affecting predominantly women.

Portugal has, in recent years, been making a considerable effort to strengthen the offer of public housing at prices compatible with families income, within the scope of the New Generation of Housing Policies.

#### 14. Data on women with HIV/AIDS

In 2019 the rate of HIV infection diagnoses in women aged 15 and above was 5.7 cases/100,000 women and has been decreasing; It is estimated that in 2019 12,795 women (15+ years) with HIV infection lived in Portugal, of whom 12,035 (94.8%) would be diagnosed. Access to HIV prevention (PrEP), diagnosis, treatment and medical follow-up in Portugal is universal and free of charge, as are follow-up consultations in pregnancy.

### 15. Surrogacy

The legislation on this practice is still under discussion and its approval and publication may take place by the end of 2022;

### 16. Women using drugs

The design and implementation of interventions within the “Model of Intervention on Addictive Behaviours and Dependencies” favoured the development of global and inclusive approaches, which led to a generalized approach, including all users.

The National Plan for Reducing Addictive Behaviors and Dependencies 2021-2030 contains specific measures for persons in most vulnerable situations and women. Focusing on the elimination of stigma and discrimination and assessing its effects on access to care. Also, it is worth mentioning the inclusion of objectives and goals that focus on phenomena that most often co-occur in women with addictive behaviors and dependencies, namely domestic violence.

### 17. Medical Assisted Procreation *(info sent on 15 June already)*

Since 2016 (Law 17/16) access to medically assisted procreation is granted to all women, regardless of sexual orientation, civil status, or infertility diagnosis.

Lesbian women, even if not in a couple, can access these services.

### 18. Sex reassignment surgeries in intersex children *(info sent on 15 June already)*

Sex reassignment surgeries are prohibited for intersex children (Law 38/18) unless there are proven risks for the child’s health.”

*2484 words with subheadings*