



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**

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**Consideration of reports submitted by States parties under
article 18 of the Convention on the Elimination of All Forms
of Discrimination against Women**

**Replies of Portugal to the list of issues and questions in
relation to its tenth periodic report^{*,**}**

[Date received: 17 February 2021]

* The present document is being issued without formal editing.

** The annex to the present document may be accessed from the web page of the Committee.



Visibility of the Convention

1. During the reporting period (2018) the National Strategy for Equality and Non-Discrimination (ENIND) aligned with the 2030 Agenda was adopted. ENIND emphasizes for the 1st time the multidimensional nature of vulnerability stemming from the intersection of various discrimination factors, such as sex, age, disability, race and national or ethnic origin. It mainstreams intersectionality as a transversal approach to all three plans recognizing the specific intersectional needs of women and girls.

2. ENIND started a new cycle in the promotion of women's rights and in eliminating discrimination based on a systemic and comprehensive approach to public policy in three major areas: a) promoting equality between WM; b) preventing and combating VAWDV – including harmful practices such as FGM and early and forced early marriages; c) combating discrimination on the basis of sexual orientation, gender identity and expression, and sex characteristics. These 3 areas correspond to ENIND's three action plans 2018–2021. For the first time, Portugal has a long-term equality and non-discrimination national strategy, that brings together and articulates these three areas. These three action plans are based on the definition of strategic objectives that translate into a total of 131 concrete measures for the first four years of ENIND's implementation (2018–2021), to be followed by a revision exercise for the following four years. In turn, these measures translate into indicators with measurable yearly targets, following an approach that is more action-based and operational. Under ENIND, several strategic areas have been pursued, with tangible results, namely at legislative level.

3. The principle of equality and the integration of a gender perspective is present in public administration as a requirement of good governance. The Directorate General for the Qualification of Civil Servants provides a capacity-building programme exclusively dedicated to equality and non-discrimination issues in a partnership with the Commission for Citizenship and Gender Equality (CIG) to empower leaders and workers to create sustainable workplaces committed to promoting and ensuring equality, valuing diversity and inclusion.

4. The Corporate Social Responsibility Portuguese Network – an open, multisectoral and multifunctional structure bringing together institutions from the business world and civil society – is discussing the principle of gender equality in resources freely available in the network website. During 2017, the network wrote a guide to evaluate gender equality practices and visited a company as a showcase of these practices and how the guide can be used. In 2019, it published the brochure "Persons with disabilities are important for companies" to raise awareness regarding the companies' benefits when hiring and integrating persons with disabilities.

5. The Portuguese Association for Diversity and Inclusion has recently launched the "Guide for an Inclusive Recruitment" to inspire and provide tools for a workplace more diverse, inclusive and capable of providing comfort and well-being for all its employees. The Social Responsibility working group has developed an instrument to gather good practices of diversity and inclusion among signatory entities of the Portuguese Charter for Diversity. Addressed to persons with disabilities within the framework of the ATIVAR.PT Programme, the Institute of Employment and Vocational Training (IEFP) held meetings with employers in the private, public and social economy sectors, in order to disseminate the tools available to recruit persons with disabilities in the process of resuming activity. 5 webinars "Inclusion – Possibilities and Choice" were held, 1 per region, and around 53 per cent of registered people participated in the sessions.

6. As part of the ENIND with the objective of “Ensuring the conditions for full and equal participation of women and men (WM) in the labour market and occupation” were held 9 training actions for careers, recruitment and selection involving 116 IIEFP staff (97 women; 19 men). In 2020 the eLearning training course “Gender Equality at Work and Employment” was developed in partnership with CITE. It will be available in 2021 on the NAU Platform – Education and Distance Training for Large Audiences.

7. Access to higher education continues to increase, while diminishing asymmetries not in gender – in which access has long been equal – but in the background of candidates. As an example, it was created a legal status allowing the special enrolment of higher education students in an emergency humanitarian situation. These students have equal access to the social support system, including scholarships, putting Portugal in a leading position regarding supporting students in an emergency humanitarian situation.

8. Several cultural initiatives were developed in 2020 such as the “Highlighted Document” Initiative. District Archives highlighted throughout the year in their exhibitions and virtual pages documents showing important women for their artistic, scientific or other achievements and/or about the history and women lives throughout the centuries. The “All I Want” exhibition – Portuguese women artists of the 20th century, curated by Ms. Helena de Freitas, allows to retrace the history of 20th century art, highlighting the decisive role of Portuguese women.

9. The health Program for the Prevention of Violence in the Lifecycle addresses the prevention of all forms of violence, including gender-based and against girls and women. It has a network of 501 multidisciplinary teams across hospitals and health centres that intervene in prevention, community and health professionals’ awareness, training of professionals and intervention in specific situations. Primary health care at the National Health Service (NHS) operates through clusters of health centres in which there are Care Units in the Community (UCC). UCC provide health care and psychological and social support at home and in the community, especially to vulnerable persons and families at higher risk or physical and functional dependence or illness that requires close monitoring. It also acts in health education, integration in family support networks and in the implementation of mobile intervention units.

10. Equality and non-discrimination are prerequisites for the construction of any justice policy, valuing the prevention and the combat of domestic and GBV as well as discrimination based on sex, sexual orientation, gender identity and expression and sexual characteristics. The Directorate-General for Reintegration and Prison Services (DGRSP) has developed in the juvenile justice area the “Project for the promotion of nonviolent masculinities in Educational Centres (EC)” developed within the framework of the National Youth Plan, which took place in March and April/2019, with 7 sessions, in a total of 21 hours in 3 EC involving 35 youngsters (see table 14). In March 2019 offices were created to assist victims in the Departments of Criminal Investigation and Prosecution of Braga, Aveiro, Coimbra, West Lisbon, North Lisbon and Faro. Regarding the intervention with offenders, two training actions were carried out in a total of 35 hours: a program aimed at convicted persons of domestic violence (DV) while in prison (“Vida” program) for experts on senior social reintegration and senior education; a psychoeducational intervention program on DV for senior experts on social reintegration. During 2019, 9 actions on DV and on: judging from a gender perspective, female genital mutilation (FGM), criminal and criminal procedural law matters, love and law, judicial psychology, the right of older persons and judicial psychology were carried out for the qualification of judges and other justice and home affairs professionals. The Centre for Judicial Studies has produced several free and accessible e-books in the fields of FGM, DV and themes related to the protection of

children in matters of parental responsibility, with an emphasis on promoting awareness of the themes in reference, especially for the most vulnerable persons.

11. The security forces and services (SFS) contribute actively to increase the general public's knowledge and awareness of the different forms of gender-based violence, gender equality and non-discrimination. The National Republican Guard and the Public Security Police are strongly committed to the model proximity policing. Law enforcement agents deployed to these units work closely with local actors and build ties with the communities promoting greater knowledge of existing support services and improving response to cases of increased vulnerability. These units receive specialised training, namely on human rights, anti-discrimination and DV. Special Programmes are designed to address the specific needs of groups considered at greater risk, namely women from disadvantaged backgrounds, migrants, persons with disabilities and older persons. It is mainly within the Special Programmes that SFS carry out several awareness-raising actions directed at the most vulnerable groups to educate on fundamental aspects of their safety and advise on safety behaviours. Awareness-raising actions of this nature contribute towards objectives defined in the National Plan for the Prevention and Fight against Domestic and Gender Based Violence. SFS also carry out several national operations as campaigns of national reach aimed at changing the public's attitude towards GBV.

12. The Minister of Sea marked the 2020 International Women's Day making a visit to a fish auction led by a woman, thus promoting the visibility of the role of women both in the fisheries sector and in ocean scientific research. He was accompanied by two female leaders in maritime affairs, namely the Chairman of the Board of Directors of Docapesca, a state-owned enterprise that provides the public service of organising the first sale of fish, and the Manager of the Mar 2020 Program dedicated to implement support measures from the European Maritime Policy, Fisheries and Aquaculture Fund for the period 2014–2020.

13. The Ministry Defence developed and approved the Defence Action Plan for Equality 2019–2021 and created an Equality Office in 2020 reporting directly to the Minister.

14. In 2020, the High Commission for Migration (HCM) had two training sessions on Traffic in Human Beings (THB) in partnership with the THB Observatory and a women's rights NGO specifically for the Choices Programme (created in 2001 to promote the social inclusion of children and young people from vulnerable socioeconomic backgrounds including Roma) local leaders (25 women and 9 men), and seven online training sessions for staff in front-office services, with 163 participants from Migrant Support Centres and migrant associations. Two training sessions were promoted for staff members (21 women and 4 men) on the topic "Mobilize Against Sexism!" in partnership with a women's rights NGO.

15. Several Municipal and Intermunicipal Plans for Equality or collaborations established through protocols with entities of the Central Administration, such as CIG, have been established. Several Portuguese municipalities adhered to the European Charter for the Equality of WM in Local Life, and to other international and national documents guiding good practices in this field. Municipal Plans also include the fight against GBV in awareness and training actions, with a particular focus in schools, starting from pre-school education, and the support to the National Support Network for Victims of Domestic Violence (NSNVDV) through, for example, the provision of housing rental. Municipal Counsellors and Equality Teams are in place, while paying growing attention to gender parity in the recruitment of workers, decision-making processes, hiring of services and the progressive implementation of inclusive language. The increased number of refugees and migrants being hosted by Portugal, and their settling in different locations, is raising an active attitude by

municipalities to increase assistance (face-to-face and specific telephone lines), reception and intercultural mediation and education for the prevention of FGM. There are several intervention projects for vulnerable persons (women in particular) in social neighbourhoods, including women with disabilities. Financial support for family's autonomy is provided with prior socio-economic assessment of each potential beneficiary.

Legislative and policy framework

16. The Council of Ministers' Resolution 139/2019 established several measures to improve, harmonise and continuously update official data on violence against women and domestic violence (VAWDV). The diploma defined a list of relevant data and indicators to adapt and harmonise existing collection mechanisms and information systems, particularly the system that supports the activities of the courts (CITIUS). It is foreseen the creation of a portal on the CIG website with the contribute of the Ministries of home affairs, justice, education, labour, solidarity and social security and health, to provide information on the rights, legislation, resources and telephone support lines for survivors, to receive requests for information and reporting/complaints by electronic means. The diploma created a working group with the above mentioned representatives to review various instruments in the prevention of DV, namely, a 72-hour intervention manual, an annual joint training plan and an integrated intervention guide for children or young people who are victims of domestic violence (VDV). A more comprehensive database on VAWDV is being develop and will centralize a wide range of data. The database will expand data collected by law enforcement agencies to cover other forms of violence against women and other public sources of data in this field, improve data indicators on DV so as to include different forms of VAW including, stalking, sexual violence and rape and standardize data collection among law-enforcement agencies and the judiciary regarding other forms of VAW than domestic violence, with the aim, inter alia, of assessing attrition rates.

17. Law 55/2020 established the objectives, priorities and guidelines of criminal policy for 2020–2022 such as the prevention, repression and reduction of violent, serious and highly organised crime, including, inter alia, homicide, serious bodily harm, domestic and family violence, including in the context of close relationships, as well as the protection of particularly vulnerable victims, including children and youth, pregnant women, elderly, sick, persons with disabilities and migrants. DV and marital homicide and crimes against particularly vulnerable victims are considered crimes of priority prevention and investigation. It also prioritizes the protection of the victim and their compensation. Adequate information and support for the exercise of victim's rights must be provided and offices to support gender-violence survivors will be created in the investigation and prosecution departments that have specialised sections for conducting inquiries on DV or gender-based crimes.

18. Law 85/2019 amended the Civil Code by revoking the inter-marriage period, which set different deadlines for WM once the previous marriage was dissolved, following a CEDAW recommendation.

19. Law 40/2020 amended the Criminal Code by reinforcing sanctions to crimes against the sexual freedom and self-determination of underage and established the duties of information and of blocking 'sites' of underage' pornography.

20. Order 1093/2020 amended the Specific Regulation on the Domain of Social Inclusion and Employment which lays down the rules applicable to co-financing by European Funds 2014–2020 programming period. It introduced the information

service for VDV in actions eligible for financial and technical support under the Regulation.

21. Law 93/2017 strengthened the legal framework on the prevention, prohibition and combat of discriminatory practices based on racial and ethnic origin, colour, nationality, descent and place of origin in access and provision of goods and services, social protection, access to healthcare, social benefits, education and culture. For the first time, it was introduced the prohibition against multiple discrimination and discrimination by association. The Commission for Equality and Against Racial Discrimination is responsible for elaborating an annual report which must include an evaluation of the gender impact of measures taken in this area.

Impact of the pandemic on women's rights and gender equality

22. All public services had to adapt to the new health and hygiene guidelines issued by the Ministry of Health since the first confinement.¹

23. Information prioritizing pregnancy surveillance and clarifying about Pregnancy Surveillance and COVID-19 was shared and an Order allowing access to health care for all persons with irregular status during the state of national emergency was issued, preventing them from being negatively impacted when accessing sexual and reproductive health services. The impact of contingency plans adopted by different health units, namely family planning consultations and low-risk pregnancy surveillance in primary health care centres, can only be measured when the 2020 reports are release.

24. Local public employment services, as the promotion of specific employment and business support measures, became accessible online and by phone as of 11 March 2020. Women remain the most representative group concerning registered unemployment (see table 3) and covered by employment, vocational training and vocational rehabilitation measures (see table 4).

25. Regarding higher education the following measures were adopted for 2019–2020 students: extension of the deadline for submitting applications; granting of an emergency aid when academic activities were extended until September; possibility of revising the awarded grant amount considering the reduction of 2020 incomes; special rules for accounting the academic achievement considering only the credits the student was able to attend; approval of exceptional measures to guarantee access to higher education for students from foreign secondary education systems where it has been determined not to take final exams.

26. It was determined the temporary suspension of the judicial deadlines and postponement of procedural diligences with the application, in particular, of the system of judicial holidays (i.e. continuing urgent procedures), without prejudice to the practice, where technically feasible, of procedural and processing acts through the appropriate means of distance communication, such as teleconferencing or video call (until 2 June 2020). This did not apply to domestic violence cases that are of an urgent nature. It was decided the limitation of urgent acts and diligences in person when fundamental rights were at stake, such as those relating to children at risk, urgent educational tutelary procedures and the diligence and trial of inmates. The holding of debate and trial hearings, as well as other diligences were prioritised, by means of distance communication complying with the recommendations of health authorities.

¹ The State of Emergency was declared on 18 March 2020.

27. The document “COVID-19: Support to VDV” was shared online. NSNVDV remained in permanent operation and could be contacted by SMS, telephone or email. The criminal police published on its website the “Alert COVID-19 and cyber-threats” advising extreme prudence in the access, reception and sharing of digital contents associated with the subject of the COVID-19 pandemic. CIG’s website gathered all information on VAWDV.²

28. Aiming the protection of prisoners particularly vulnerable to COVID-19, including the elderly, the sick and low-risk offenders, the Parliament established exceptionally a pardon regime. Those convicted of crimes of domestic violence and ill-treatment could not take apply to this regime.

29. Three DV and Harmful Practices Victim Support Offices will be operating in National Support Centres for Migrant Support. The Lisbon Office opened in 2020 and two others will open in 2021.

Women’s access to justice

30. Law 34/2004 regulates the system of access to justice and to the courts ensuring that everyone, regardless of social, cultural or economic factors, knows and is able to exercise and defend their rights. This system comprises both the provision of legal information and legal protection. Legal protection includes legal consultation given by law firms and legal aid. Legal aid may include the appointment of a lawyer and cover the payment of associated costs, as well total or partial exemption from court fees and other charges relating to the proceedings, or its payment by instalments. Legal aid applies to all procedural areas and for the defence of rights regardless of their nature and form of procedure. VDV and survivors of rape, sexual coercion, FGM and trafficking are exempt from paying fees.

31. The Ombudsperson ensures a deliberate informal form of protection of rights, which means that complainants are not requested to provide elements on their full identification. Three complaints have been submitted to the Ombudsperson arguing labour related gender discrimination. Two of those complaints regard the principle of equal pay for equal work, the third dealing with the breastfeeding regime. Furthermore, there has been one complaint arguing discrimination of pregnant women under the regime applicable to beneficiaries of research scholarships. Complaints dealing with the protection of parenthood often involve indirect discrimination concerns. There have been eight complaints involving VAW. Considering the fragile position of the victims and the sensitivity of the cases, all these complaints are analysed by the Ombudsperson Office, with regard to both the upstream (by directing victims to the competent authorities and support services, and intervening with the police stations) and downstream stages of the judicial proceedings (by following up on cases once a judicial decision is delivered). These cases also merit the particular attention of the Ombudsperson due to the associated violence often exercised over children who witness and experience domestic violence. These complaints deal not only with the issue of violence itself but are also frequently grounded on delays by the administration or the judicial system in processing the requests presented by women (e.g., right to an attorney, right to receive compensation).

32. Law 109/2009 established the regime for granting compensation to victims of violent crimes and domestic violence, including an advancement to survivors in a situation of serious economic fragility due to a crime. The Commission for the Protection of Victims of Crime offers Financial Compensation and psychological

² <https://www.cig.gov.pt/portal-violencia-domestica/covid-19-seguranca-isolamento/>.

support when requested. In the last five years this Commission supported 482 victims, 481 women and 1 man. (see table 15).

33. There are several examples of judgments on the rights of women to receive compensation due to damages caused by medical interventions.³

34. Reporting mechanisms during COVID-19 were reinforced by SFS. PSP set the account violenciadomestic@psp.pt and promoted it through the traditional media channels (TV and radio) and on social media platforms. GNR and PSP made several appearances on TV and radio to increase the visibility of domestic violence, disseminate information and appeal to reporting. The Proximity and Victim Support Teams strengthened cooperation with the Criminal Investigation Teams to improve detection of individuals subject to mandatory confinement measures who may also be suspected of the crime of domestic violence.

35. An eBook was published by the Centre for Judicial Studies called “Family Mediation, Amicable dispute resolution and protection of the interest of children” in January 2021. It provides relevant information on the access to alternative dispute resolution regardless of gender. There is also available information on the Justice website on alternative means of dispute resolution.⁴ Mediation does not apply on crimes against sexual freedom and self-determination, nor if, for such specific crime, a sentence of more than 5 years is provided.

36. Gender-based violence is not limited to sexual violence. Thus, in a situation that constitutes a defamation, threat, injury or other crime that occurs on the basis of the survivor’s gender, provided that no more than 5 years of sentence is applicable, it may be subject to criminal mediation. In recent years the recourse to criminal mediation has been particularly low since such resort can only take place through the joint initiative of the defendant and the survivor or, in the absence of such an initiative, by the Public Prosecutor’s Office, and in this case the informed consent of the defendant and of the survivor to participate in the procedure will be required. Domestic violence is obviously excluded.

37. Family Mediation and procedures related to the regulation of the exercise of parental responsibilities is not admitted when a coercion measure is imposed or an ancillary penalty prohibiting contact between parents is applied, or when the rights and the safeguard of VDV and of other forms of violence, such as ill-treatment or sexual abuse of children, are at serious risk.

38. According to the Criminal Procedure Code victims of harm are also “the relatives of a person whose death was directly caused by a crime and who has suffered harm as a result of that death.”. The concept of family members is also established as “the victim’s spouse or the person who lived with the victim in conditions similar to those of the spouses, their relatives in a straight line, the brothers and persons economically dependent of the victim. The regulations also refer to victims who are particularly vulnerable due to age, health status or degree of disability, hence applying a specific regime. The identification of family members who suffer directly or indirectly damages in cases of GBV is based on a social, economic and family report elaborated from interviews and the consultation of social security and tax authority databases. The Statute of the Victim sets measures aimed at ensuring the protection and promotion of the rights of victims of crime as well as their family members.

³ Process 1497/06.0 BEPRT; Process 636/06.6 BEBRG; Process 52/09.8 BEVIS; Process 366/10.4 BELSB; Process 248/10.0 BEAVR; Process 768/12.1 BESNT; Process 2890/13.8 BELSB; Process 599/13.1 BELLE.

⁴ <https://dgpj.justica.gov.pt/Resolucao-de-Litigios/Julgados-de-Paz> and <https://dgpj.justica.gov.pt/Resolucao-de-Litigios/Mediacao>.

National machinery for the advancement of women

39. The Support Program for Immigrant Associations 2021 has an allocation of 250 000€. The 2020 Support Program for Roma Associations increased its budget to 50 000€ and includes actions related to the health and social emergency. The 2020–2021 Fund for the National Strategy for the Integration of Roma Communities has a 260 000€ budget. This edition includes the evaluation criteria “promotion of equality between women and men”.

Stereotypes and harmful practices

40. The current Plan for the Prevention and Combating VAWDV (2018–2021) provides measures to combat harmful traditional practices, specially FGM and early and forced marriages.

41. Portugal has extraterritorial competence in relation to the crime of FGM provided for and punished in article 144-A of the Penal Code, when the agent is found in Portugal and cannot be extradited or handed over as a result of the execution of a European arrest warrant or other international cooperation instrument that binds the Portuguese State. It is particularly relevant to report the first prosecution in Portugal, in 2020, for a crime of FGM committed, according to the prosecution, in Guinea Bissau. This is the first time that a crime of this nature has been tried in Portugal, five years after the entry into force of its criminalization. On 08.01.2021, the mother who authorized the FGM to her one-and-a-half-year-old daughter was sentenced to three years in prison and was also ordered to pay an indemnity of 10.000 euros to the child.

42. In 2020 the campaign “Don’t Cut the Future!” to combat and eradicate FGM was developed and the HCM collaborated with NGOs translating information on the FGM national law into five different languages.

43. Law 104/2009 approved the regime for granting compensation to victims of violent crimes and domestic violence. Since 2011 no request has been made to the Commission for the Protection of Victims of Crime regarding such practices (girls who have been exposed to FGM and those who have been involved in child and/or forced marriages, rehabilitation and counselling services available to girls and mechanisms for tracking cases of child and/or forced marriage), whether crimes or not.

Gender-based violence against women

44. Portuguese law does not define GBV. However, gender is a discriminatory cause. Thus, it is possible to signal the crime of FGM, persecution, homicide, among others. The Penal Code considers “the feelings manifested in the commission of the crime and the purposes or reasons that determined it” for the determination of the measure of the penalty. International instruments ratified by Portugal, such as the Istanbul Convention, are incorporate into domestic law.

45. Law 4/2018 established the legal regime for the assessment of gender impact of normative acts. The purpose of this diploma is to identify and consider the preparation of draft normative acts for certain factors: a) the situation and roles of WM in the context in which the normative intervention will take place; b) the existence of relevant differences between WM with regard to access to rights; c) the existence of distinct limitations between WM to participate and obtain benefits from the initiative to be developed; d) the incidence of the draft normative act on the individual realities of WM, namely regarding its consistency with a more equitable relationship between

them or the reduction of gender stereotypes that lead to the maintenance of negative traditional social roles; e) the consideration of goals of equality and balance between the genders defined in commitments assumed internationally by the State.

46. There is no recognition of femicide as an autonomous crime. The Penal Code established that in circumstances in which death resulted from special censorship or perversity, such as death being determined by the gender of the victim, punishing this homicide as a qualified homicide. However, the murder of women when it can be subsumed into other types of crime constitutes a simple homicide situation.

47. The Ministry of Justice has statistical data on the number of persons convicted from 2007 to 2019 of crimes of homicide of the spouse or partner, as well as the percentage that this represents in the total number of people convicted of the crime of homicide.⁵ Available data show a strong prevalence of cases in which the sentenced person is male. In criminal cases in the trial phase completed in 2019, in which there were people convicted of marital homicide, 23 victims were recorded, the majority of whom were female (65.2 per cent). See tables 16 and 17.

48. The Ministry of Justice carried out a study of comparative law and jurisprudence of international bodies on hate speech and is preparing an amendment to article 240 of the Penal Code.

49. Since 2018, the number of calls made to the Social Emergency National Line (SENL) and to the VDV Information System has increased 91,012/3,173 in 2018, 95,259/3,610 in 2019 and 136,908/6,545 in 2020. VDV calls, in the total of calls answered, also increased from 3.5 per cent in 2018, to 3.8 per cent in 2019 and 4.8 per cent in 2020. Many calls made to SENL are requests for support, transfer and accommodation in the context of domestic violence emergencies.

50. In ENIND, IEPF remains responsible for implementing a set of positive action measures on empowering VDV, improving the living conditions of these survivors by promoting access to the labour market through more favourable conditions for access to employment measures. The priority to VDV is implemented through the local interlocutor appointed in each employment service. In 2020, IEPF and CIG provided 6 vocational training to empower these interlocutors (69 women; 6 men). Despite the decrease in the number of attendances during 2020, the proportion of integrations increased compared to 2019. Around 39 per cent of VDV were integrated in 2020. (see table 5).

Trafficking and exploitation of prostitution

51. The National Referral Mechanism (NRM) includes every form of trafficking and victims, independently of their legal status, nationality, sex and age. It integrates several steps (and groups of professionals, according to their responsibilities), from the suspicion of THB to the (re)integration in the national territory or the assisted and voluntary return to the country of origin.

52. The identification of victims of trafficking is carried out by the responsible authorities (Law Enforcement Agencies – Immigration and Borders Service/Ministry of Home Affairs and Judiciary Police/Ministry of Justice – or by the Prosecutors Office). It is done after the criminal investigation.

53. In 2020, Portugal developed a specific NRM for Children Victims of Trafficking to be implemented in 2021. This NRM includes a Protocol between the Immigration

⁵ <https://dgpj.justica.gov.pt/Noticias-da-DGPJ/Estatisticas-sobre-pessoas-condenadas-por-homicidio-conjugal-1>.

and Borders Service (SEF) and the NHS, under the National Child and Youth Health Program and the Health Action for Children and Youth at Risk.

54. Resident permits are granted to any foreign citizen who is, or has been, a victim of criminal offences related to THB or smuggling of migrants, irrespectively of their irregular entry in the country or non-eligibility for granting a residence permit. The procedure is initiated immediately after SEF is informed by the investigation authorities.

55. Although Law 23/2007 on the Entry, Stay, Exit and Removal of Foreigners from Portugal imposes certain cumulative conditions for a residence permit to be issued to victims of THB, including that the person expresses his/her intention to co-operate with the authorities to facilitate the investigation, other legal provisions allow residence permits to be granted to a survivor failing to meet these criteria. Decree-Law 368/2007 extends the protection to THB victims and their family members whenever it is justified by his/her situation in terms of security, health, family situation of vulnerability. Residence permits are issued by the Ministry of the Interior upon request by a law enforcement agency or by the National Co-ordinator/Rapporteur. SEF notifies the victims about this right in a language that they are fluent in, effective upon the victim's declaration of intention to benefit from this regime.

56. Between 2015 and 2019, 64 residence permits were granted (1st time) to THB victims:

2015	2016	2017	2018	2019
1	31	7	9	16

57. 32 undocumented migrant women have been identified as THB victims in the last five years.

58. From 2011 until the end of 2020, the Commission for the Protection of Victims of Crime received 8 requests for support to THB victims and 6 of them were supported. The trial had already taken place, with the sentence being final.

Participation in political and public life

59. For women's representation in political life see table 18.

60. Framework Law 1/2019 rose from 33 per cent to 40 per cent the minimum threshold WM in electoral lists to national and European parliament, elective bodies of municipalities and members of parish councils. Non-compliant lists are rejected.

61. The MFA is committed to further increasing the representation of women in leadership positions. Currently, in addition to the minister, the MFA is governed by two women Secretaries of State, of the four current Secretaries of State. In December 2019, Ambassador Madalena Fischer became the first female Director-General for Foreign Policy and, in 2018, ended the term of Ambassador Ana Martinho as the first female Secretary-General for Foreign Affairs. Women were allowed to join diplomacy only after 1974 and today represent 30 per cent of diplomats.

62. The Director-General for the Administration of Justice and the deputy directors are women. At the Institute of Registries and Notaries the President of the Board of Directors is a woman, as well as in the Institute of Financial Management and Justice Equipment, in which, besides the President, one of the members is also a woman. A similar scenario exists at the National Institute of Industrial Property. In higher

judicial courts, since 2015 there is a considerable increase in the number of female judicial magistrates and prosecutors. The difference is still significant at the level of the first instance judicial courts, considering the presence of women magistrates in greater numbers. In the Supreme Administrative Court, the President and the Vice-Presidents are women. In the Supreme Court of Justice, there is a female Vice-President and the Plenary comprises 15 women. In the Lisbon Court of Appeal there is parity, and at the Court of Appeal of Guimarães, the number of female judicial magistrates is higher.

63. Law 49/2018 created the legal regime of “Maior Acompanhado” (accompanied adult), eliminating the interdiction and disqualification institutes. Autonomy can only be limited under the terms of the law and the ability to exercise rights and fulfil duties should be limited to the minimum necessary. With this regime, it is possible to practice personal acts such as being able to exercise the right to vote.

Education

64. Women lead access to public higher education as shown below.

<i>Higher education calls 2019–2020</i>	<i>1st phase</i>	<i>2nd phase</i>	<i>3rd phase</i>	<i>Total</i>
Female	25 446	5 161	733	31 340
Male	19 065	4 117	669	23 851

65. There is a specific budget allocation of higher education grants for financially disadvantaged students and students with disabilities.

<i>Executed budget</i>	<i>2019</i>	<i>2020</i>
Social support grants	130 739 951,83€	112 966 835,79€
Disability grants	720 950,11€	1 343 813,45€

<i>2019–2020 Students</i>	<i>Social support grants</i>	<i>Disability grants</i>
Female	46 580	506
Male	25 937	494
Total	72 517	1 000

66. ROMA Educa Program grants scholarships to secondary education students, in 2019/2020 60 000€ were allocated and 49 scholarships (13 to girls) granted. The 2020/2021 edition extended scholarships to tertiary education and included a clause guaranteeing that 40 per cent of selected candidates are of the underrepresented sex.

67. OPRE Program aims ROMA higher education students. The 2019/2020 edition had a financial allocation of 124 927€ granting 38 scholarships (17 to women).

Employment

68. Regarding job applications registered, women accounted for 49.1 per cent of 23 628 candidates in November 2020, led by the Alentejo region (52.9 per cent). The 35–54 age group shows the highest number of job applications in all regions. There was an increase regarding the number of persons with disabilities with tertiary

and secondary education (12 404) compared to 2018 (11 055) and in long-term unemployment (see tables 6 and 7). All measures for employment apply to women with disabilities. Since 2018 there has been a positive evolution in the participation of women with disabilities in training actions, which demonstrates the commitment to improve their skills for later integration into society and the labour market (see tables 8 and 9).

69. Despite the existence, since 2011, of a system with employment quotas for persons with disabilities in Public Administration, new legislation in 2019 established minimum quotas in the private sector. The measure “Inclusive Brand/Award of Merit” is a certificate distinguishing inclusive management practices developed by employers regarding persons with disabilities. In 2019, applications reached 58 653 workers, of whom 1 283 were workers with disabilities (2.19 per cent). Financial support of entities integrating persons with disabilities was increased and persons with disabilities continue to have access to facilitated employment measures.

70. COVID-19 has had an impact on the employability of persons with disabilities. Program ATIVAR.PT – Enhanced Program for Support to Employment and Vocational Training is dedicated to persons with disabilities, within the framework of the approved Economic and Social Stabilisation Program, and includes: ATIVAR.PT – Traineeships (until 30 June 2021) and ATIVAR.PT – Hiring Incentive to persons with disabilities, with plus 15 per cent and 10 per cent of the value of the social support index (IAS) respectively. It also includes the exceptional extension of the Insertion Employment contract +.

71. The number of migrants and refugees registered as unemployed indicate that since 2018 the percentage of women is always higher (see table 10). Portugal supports the integration of migrants and refugees through vocational training and employment without special measures for any gender. In 2020, the strengthening of Portuguese language and culture education by means of training for foreigners (employed and unemployed) is given in a Program called PLA – Portuguese as host language courses, which replaced the previous PPT – Portuguese for All Program. The number of persons covered by this measure has increased since 2016, with 5 675 migrant trainees covered in 2020 (see table 11).

72. In 2015, the Migrant Entrepreneur Support Office was created facilitating the integration of migrant entrepreneurs in the labour market. Migrants are also supported by the Office for Employability, Higher Education and Qualification which in 2020 assisted 2 417 individuals (36 per cent women). The Network of Migrant Professional Integration Offices had 8021 visits (56 per cent women). The Migrant Entrepreneurship Program since 2009 has promoted 142 courses “Support for Business Creation” in which 1730 women and 1004 men participated and created 235 businesses (153 created by women).

73. IEFP is preparing a training on active citizenship aiming to ensure widespread equitable access to digital technologies for the whole population. This measure is part of the INCoDe.2030 Initiative and will include the use of online public services, electronic notifications, digital security, social networks, among others, and aligned with the Dynamic Framework of Reference for Digital Competences.

74. Law 100/2019 approved the Statute of the Informal Caregiver establishing the rights and duties of the caregiver and the cared person, as well as the respective support measures, including social coverage and social contributions. Specific regulation for the Informal Caregiver was approved in 2020. Coverage and support measures depend on whether the caregiver is a full-time caregiver or not. Cash payments or transfers may be granted to full-time caregivers if they meet the conditions for entitlement, namely being part of the same household, having

temporarily withdrawn from the labour market and a jointly monthly income under the financial threshold (1.2 IAS of the Support allowance for the main informal caregiver). Caregivers having withdrawn from the labour market may register in the social security voluntary scheme to be protected in old age, invalidity and death. All caregivers, irrespective of the status, have access to training in order to facilitate and help caring for the caregiver and the person cared for (training offer, mobile applications, counselling, additional information and support for professionals – formal caregivers). Caregivers benefit from counselling and psychological support.

75. All legislative measures taken in the context of the pandemic cover self-employed WM, as postponing of payment of social contributions for self-employed workers, exceptional financial support given to the family of self-employed workers who have to be absent from work to care for children at home due to mandatory closure of schools decided by health authorities, extraordinary extension of unemployment benefits and subsistence allowances, consideration of temporary incapacity for work by COVID-19 similar to a disease with hospitalization, paid at a 100 per cent rate, and the sickness benefit in case of COVID-19 not needing a qualifying period, effective period of work or waiting period.

76. As for the legislative framework aimed at improving household incomes, several measures were taken as the update of IAS (to € 438,81) which impacts on the amount of other social benefits, including old-age and invalidity pensions; rise in the financial threshold of the minimum income social benefits, such as the Solidarity Supplement for the Elderly; maintenance in 2020 of temporary measures protecting the most vulnerable groups of unemployed persons: households with children and long-term unemployed; enlargement of the parental leave mandatorily reserved to the father from 15 to 20 days, paid at 100 per cent.

77. Domestic service workers are covered by the general social security, with some material scope specificities (may or may not be covered by unemployment protection) and the contributory scheme. Like other employees they are also covered by the measures taken in the context of the pandemic and which concern either access to sickness benefit for reasons of COVID-19 or for the need for prophylactic isolation. Current legislation on domestic work is in line with the relevant aspects of the Convention concerning decent work for domestic workers, 2011 (No. 189) of the ILO.

78. Between 2012 and 2018, the average gender pay gap decreased 4.1pp in base salary (to 14.4 per cent) and 3.3 pp in gross salary (to 17.8 per cent). The 1.6pp decrease from 2015 and 2018 was mainly due to the improvement of women's salaries, which grew more than men. In this context, minimum income rose from 505€ in 2015 to 635€ in 2020. In the second half of 2020 the Portuguese Institute for Quality created the Technical Commission for wage equality between WM (CT 216) with the purpose of elaborating a Portuguese Wage Standard, related to an Equal Wage Management System, to be adopted by public and private companies to reduce the gender pay gap. CT 216 includes public entities, academia, business sector and union representatives. One of its working groups is elaborating the national Standard by adapting the text of the Icelandic Standard "ÍST 85: 2012 – Equal wage management system-requirements and guidance" in force. The Portuguese Standard for Wage Equality is expected to be completed in 2023 and adopted by companies as an instrument for implementing good practices eradicating wage discrimination.

79. The Labour Code (Law 7/2009) protects workers with family responsibilities, namely maternity/paternity/parental leaves, absences relating with maternity, paternity and childcare, working time arrangements relating with childcare and protection against dismissal. Before dismissing any pregnant worker, any worker who has recently given birth or who is breastfeeding, or male worker during the paternity leave or parental leave, the employer must request a legal opinion to the Commission

for Equality at Work and Employment (CITE). Failure to comply with these legal opinions is deemed illegal unless the court decides otherwise. In a situation of dismissal of a pregnant worker, a worker who has recently given birth or who is breastfeeding the burden of proof belongs to the employer. Employers who disagree with part-time or flexi work for male or female workers with one or more children under the age of 12 must request, in advance, a legal opinion to CITE. Employers have also to report to CITE the intention of non-renewal of a fixed-term contract of any pregnant worker, any worker who has recently given birth or who is breastfeeding for analysis assessment of evidence of discrimination. CITE is participating in the project Parents at Work to improve the protection of and combat discrimination against pregnant workers, mothers, and fathers in the workplace.

80. It was developed a practical toolkit (consisting of 6 checklists) for employers with legal information on workers' rights in relation to maternity and paternity, namely on parental leaves, breastfeeding, flexi work, protection against dismissal of pregnant, puerperal or breastfeeding workers, childcare leave and effects of workers absences due to parenting. A Good Practices Guide with information on strategies to engage employers and a collection of good practices on pregnancy, motherhood, fatherhood and work-life balance is being developed.

81. Measure Promoting Gender Equality in the Labour Market grants additional assistance to employers hiring unemployed persons of the under-represented sex, with 2 940 persons being integrated in 2020 and 1 489 in 2019. (see table 12), reflecting an increased. Special conditions of access and increase are also promoted in support of entities integrating persons from single-parent families, which, although not only aimed at women, they benefit most from these measures. In 2019 and 2020 (provisional data) around 86.4 per cent women benefited from this increase. (see table 13).

82. As an EU member, Portugal awaits decision to ratify the Violence and Harassment in the World of Work Convention, 2019 (No.190) of the ILO.

Health

83. The NHS offers universal access to sexual and reproductive health in primary health care centres with family doctors. When necessary, women are referred to specialists (gynaecology and obstetrics). Access is guaranteed under equal circumstances to all women irrespective of their legal status, financial situation, social background, age, disability or disease. NHS family planning appointments in primary health care centres offer a set of information and resources regarding family planning, prevention of STD, sexual education, and free screenings. NHS offers access to free and different contraceptive methods in primary health care and in hospital specialty appointments and services, including emergency contraception.

84. Law 110/2019 established the principles, rights and duties applicable in terms of protection in preconception, medically assisted procreation, pregnancy, childbirth, birth and the puerperium. This Law states that "Women and new-borns must be submitted only to the practices necessary during labour, delivery and the postnatal period, and care must be ensured based on the best scientific knowledge. In the case of delivery by caesarean section, the clinical indication that determined it must appear in the respective clinical file and in the pregnant woman's health record. During labour, health services must ensure methods: a) Non-pharmacological pain relief, according to the preferences of the pregnant woman and her clinical situation; b) Pharmacological pain relief, such as epidural analgesia, according to the clinical conditions of the parturient and upon her express request, aware of the advantages and disadvantages of the respective use". The Law also states that "According to the

guidelines of the WHO, the following rights are recognized in terms of protection in preconception, medically assisted procreation, pregnancy, childbirth, birth and postpartum, to all women: a) The right to information, informed consent, or informed refusal, and respect for their choices and preferences; b) The right to confidentiality and privacy; c) The right to be treated with dignity and with respect; d) The right to be treated well and to be free from any form of violence; e) The right to equal treatment, and not to be discriminated against; f) The right to receive the best, safe and appropriate health care; g) The right to freedom, autonomy and self-determination, including the right not to be coerced”.

85. NHS ensures universal access with full financial support to fertility and medically assisted procreation programs according to the criteria and applicable legislation (Law 32/2006). There is no age limit for appointments. Ovulation induction and intrauterine insemination is up to 42 years and in vitro insemination and intracytoplasmic sperm injection (ICSI) – 40 years. Note the existence of a Public gamete bank in which donations have a benevolent character.

86. Surrogacy is legally forbidden in Portugal.

87. NHS public mental health services assist women of all ages. The Centre for Psychological Trauma in Coimbra has a dedicated program for VDV women with mental illness. There is a protected residence for their autonomy in Viseu. A second residence is expected to open in the Alentejo region in 2021.

88. Guideline 18/2020, updated on June 5, on pregnancy and COVID 19, issued scientifically and epidemiologically based recommendations to health services to adopt conducts related to pregnancy surveillance, childbirth and the puerperium, including breastfeeding. They sought to guarantee the humanization of care to be provided to pregnant women and new-borns, respecting the rights conquered and enshrined in the legislation, namely in Law 110/2019, without prohibiting neither the presence of a companion during childbirth nor the separation of women and their new-borns.

89. Guideline 13/2020 on “Exposure to SARS-CoV-2 in health professionals” determined the procedures to be adopted by health care professionals regarding occupational safety and health to minimize the risk of exposure to SARS-CoV-2, the early identification of symptoms, their appropriate clinical referral and infection control and prevention measures. The Guideline was implemented by all Occupational Health/Health and Safety services in health facilities, including the routine systematic screening of health professionals in large hospitals for COVID-19 testing. As in other European countries, health professionals are integrated in the priority groups for vaccination against COVID-19, whether in public or private facilities. In addition, and following WHO recommendations, COVID-19 in health professionals is already classified as an occupational disease by national legislation, and the procedure for recognition of occupational disease is faster and simpler in relation to other occupational diseases.

Economic empowerment of women

90. In 2020, the 10 per cent increase the unemployment benefit or cessation activity benefit was maintained for single parent families or households with dependent descendants. Although not exclusively addressed to women, this measure supports mainly women, as single households with children are disproportionately composed by single mothers.

91. Since 2015 until the beginning of 2021, within the scope of the Portugal 2020 program, the Agency for Competitiveness and Innovation financed 2 528 business

projects (including microloans). In all these projects there was at least 1 woman in a management position, accounting for 54.5 per cent of women in leadership positions of a total of 3 318 women and 2 773 men in management positions.

92. Although not exclusive for women, the following social protection measures affect them mainly because they represent a large proportion of the elderly population:

(a) Extraordinary increase from 1 May onwards of very low pensions, in line with similar measures adopted in 2017, 2018 and 2019, to recover the purchasing power lost between 2011 and 2015 in consequence of the financial crisis. Minimum amount of increase (10€ or 6€, depending on whether the pension has been updated in 2011 and 2015) per pensioner with pensions below 1.5 IAS;

(b) Improvement and simplification of access conditions to the Solidary Supplement for the Elderly;

(c) Program Social Radar to support the elderly and to strengthen home service.

Rural women

93. Although there are no factors of discrimination in access to land, various measures have been included in the 2020 rural development program to enhance support of local women's entrepreneurship projects in rural areas. These include small investments in farms, in processing and distribution mechanisms, activity diversification projects (such as tourism) and local distribution chain projects, which allow applications submitted by women to rank higher in terms of eligibility for approval.

94. The Association of Women Farmers and Rural Women of Portugal has also developed a 77 000€ investment project financed by the 2020 rural development program with diversified strategic goals, such as to promote women's entrepreneurship through the organization of seminars and workshops on entrepreneurship management tools and the establishment of a dedicated website to this theme.

95. In October 2020 the Council of Ministers approved the 2020–2030 Agenda for Agricultural Innovation, which tackles the challenge of the agri-food industry to raise supply to meet the growing and more diversified consumer demands. Specific support measures were also included to reinforce the role of sub-represented groups in the associative structures, such as young farmers and women, reduce pre-existing obstacles such as gender inequality or economic dependency.

96. The recognition of the Family Agriculture Status can be requested since March 2019. It allows farmers to have priority in the access to funding in specific measures such as small investments in farms, in processing and distribution mechanisms, activity diversification projects and local distribution chain projects, as well more favourable social security regimes, simplified public procurement procedures and access to specific training courses.

97. According to available statistics 30.7 per cent of self-employed farmers are women.

Disadvantage groups of women

98. Portugal recognizes the right of persons with a valid temporary or permanent residence permit to family reunification with a family member living outside Portugal, a family member that has entered national territory regularly and that live with him/her and are dependent upon him/her, whether or not the ties precede the resident's entrance in the country. This right is also recognized for the partner, at national territory or abroad, living in a civil partnership with the resident, if the union is duly proved under the law. The family member holding a visa for family reunification, or who is in the national territory, and whose application has been accepted, is granted a residence permit for the same duration as the resident. Two years after the first residence permit has been issued and as long as family ties continue to exist or, regardless of the previously mentioned deadline, whenever the holder of the right of family reunification has underage children living in Portugal, the family members have the right to an autonomous permit, valid for three years, renewable. In exceptional cases, namely divorce, widowhood or a prosecution for the crime of domestic violence an autonomous residence permit can be granted before the two-year period has elapsed. The first residence permit granted to the spouse under the family reunification is autonomous whenever he/she is married for more than five years with the resident – valid for two years, renewable for three. Family members of children holding a residence permit are entitled to autonomous authorization.

99. A residence permit allows the holder to access education, undertaking paid employment, pursuing activities as a self-employed professional, professional guidance, training and improvement, health care and access to the law and justice.

100. The asylum seeker has the right to legal aid in all phases of the procedures. Legal aid is provided by a public entity or NGO with which an agreement has been signed to this end. Currently, the Portuguese Council for Refugees (CPR), acting in cooperation with the UNHCR's has that responsibility. Applicants also benefit from legal support, granted by the Institute of Social Security.

101. The principle of “non-refoulement” is established in Law 27/2008 and guarantees the applicant's right to not be returned to a country (of origin, residence or otherwise), where his/her life or freedom would be threatened if specific conditions are met and referred in the Geneva Convention and in the Portuguese Asylum Law – provided that this risk occurs “(...) because of their race, religion, nationality, membership of a particular social group, or opinions policies (...)” and should be a clear and intrinsic relation of cause and effect between the return of the applicant and the specific threat that can be targeted. The observance of the principle of non-refoulement is intrinsically linked to the determination of refugee status, thus when it is established that an asylum application is unfounded, for not meeting any of the criteria defined by the Geneva Convention and New York Protocol in recognition of refugee status, the principle mentioned above is fully observed to that extent. The Portuguese asylum law has an additional guarantee against refoulement, by ensuring that persons who receive a negative decision can benefit from an appeal with automatic suspensive effect, meaning that cannot be removed from territory before the proper judicial decision is taken.

102. The National Support Network for the Integration of Migrants is composed of 3 National Centres/One-stop-shops created in 2004 who provide support, advice, and mediation services by intercultural mediators from different backgrounds (in 2019, they were awarded the UN Public Service Awards) and 109 Local Support Centres from a partnership between local municipalities, universities and NGOs. The National Roma Communities Integration Strategy was established in 2013 (in force until

2022), to improve the well-being and integration of Roma people, encourage mutual understanding and positive interaction and to deconstruct stereotypes.

103. There are 110 women with disabilities residing in psychiatric hospitals and 1 694 residing in social sector institutions belonging to religious orders. A process of de-institutionalization of psychiatric hospitals will start in 2021 supported by EU funds. The expansion of the long-term care network is underway allowing the autonomous life of an increasing number of patients. Several NGO's have integrated support programs, namely 'Housing First'.

104. The National Rehabilitation Institute (NRI), as the main institutional interlocutor to support NGOs for persons with disabilities, supported the National Federation of Social Solidarity Cooperatives in the "Project GID – Gender, Equality, Rights and Disability".

105. The guarantee of access to information is a fundamental condition for the full exercise of the rights and duties of any citizen. Decree-Law 83/2018 defined accessibility requirements for public websites and mobile applications of public sector, especially for persons with disabilities.

Marriage and family relations

106. Law 49/2018 created the legal regime of "Maior Acompanhado" (accompanied adult), eliminating the interdiction and disqualification institutes. It guarantees "the rights to marry or to constitute situations of union, procreation, to profile or to adopt, to take care and to educate children, [...]". Thus, the rights for the custody of children and parental responsibilities are ensured for women with disabilities.

107. NRI develops training actions focused on women with disabilities and their participation in the family, society, education, employment and leisure for women with disabilities, their families, experts in the area of disability and the general public. The University of Coimbra Centre for Social Studies developed between 2012 and 2014 a study called "Intimacy and Disability – sexual and reproductive citizenship of women with disabilities in Portugal" whose publication is coming soon.

108. The Constitution establishes that spouses have equal rights and duties regarding civil and political capacity and the maintenance and education of children, which means the attribution of equal rights and responsibilities to spouses regardless of gender. This principle is in the Civil Code also establishing that family management belongs to both spouses.

109. CC establishes the joint exercise of parental responsibilities in the constancy of marriage and assigns the exercise of parental responsibilities to one spouse in the absence of the other due to impediment or death. Upon divorce, legal separation of persons and property, declaration of nullity or annulment of marriage, CC establishes that the court will define the residence of the child "and visiting rights according to his/her interests, taking into account all relevant circumstances, namely the possible agreement of the parents and the willingness expressed by each of them to promote the child's usual relations with the other". Criteria adopted by the court must take into account the interests of the child "including that of maintaining a close relationship with the two parents, promoting and accepting agreements or making decisions that favour ample opportunities for contact with both and for sharing responsibilities between them".

110. Divorce by mutual consent requested by both spouses can happen at the civil registry office or in the court. Divorce without the consent of one of the spouses requires court.

111. Law 48/2018 allows the spouse's reciprocal resignation of being each other's legitimate heirs by a prenuptial agreement, with the agreement that the property regime shall be the separation of assets.

112. Any of the spouses can remarry without observing internuptial term. With the death of one of the spouses a number of rights arise, including the right to succeed as the legal heir of the spouse, if he/she is not separated from people and property, and the exclusive exercise of parental responsibilities over the couple's children.

113. The de facto union results from the coexistence of two persons in conditions similar to spouses for more than two years. There is no defined catalogue of rights and duties as for marriage, nor rules to be observed in terms of asset and debt management. Like marriage, there is a heterosexual de facto union and a de facto homosexual union. Rights apply to both de facto unions, excepting Medically Assisted Procreation only applicable to couples composed of people of different sexes or by women. Law 2/2016 defines the effects of this coexistence like the protection of the family home, benefit the legal regime applicable to married people in terms of vacations, holidays, absences, leave and preference in the placement of civil servants, application of the income tax regime for persons under the same conditions applicable to married and non-separated taxable persons, social protection upon death of the beneficiary, death benefits resulting from a work accident or occupational disease, pensions due for exceptional and relevant services provided and the right to joint adoption.

114. Three marriage property regimes exist: communion of acquired property, general communion of property, separation of property. The regime of communion of acquired property is applicable by default; common property is that resulting from the work of the spouses and the one acquired during marriage, against a payment.

115. In case of divorce, CC establishes that any spouse is entitled to maintenance, regardless of the type of divorce, and sets the criteria for fixing the amount, namely the duration of the marriage, the collaboration given to the couple's economy and the time they will have to devote, eventually, to raising common children. When the contribution of one spouse is higher than the other, that spouse has the right to demand the corresponding compensation from the other. This compensation applies unless the separation regime is in force.

116. CC establishes that each of the spouses has the administration of common property. These rules apply regardless of gender. In alienation or encumbrance of property, the civil legislator established the principle of consent of both spouses for the respective alienation or encumbrance. and to rent the family home.

Sustainable Development Goals

117. The Council of Ministers Resolution 95-A/2015 and Law 4/2018, which approves the Legal Regime of Gender Impact Assessment of Normative Acts, imposes such assessment on normative acts whether approved by the Government or by Parliament. The State Budget Law provides that "the budget for services and bodies incorporates the gender perspective, identifying the programs, activities or measures to undergo gender impact analysis in 2020".

118. Regarding the reconciliation of family and working life the existing rules in public administration cover all workers. The flexible working hours regime includes continuous working hours, which corresponds to a reduction in the normal daily work period of never more than one hour, or the possibility of teleworking apply, among others, to parenting situations and may be required by the father or mother. The Programme "3 em Linha" aims to promote a better balance between professional,

personal and family life as a condition for effective equality between WM and represents a joint Government, public and private enterprises, central and local public administration entities effort.

119. Since January 2018 it must be respected the balanced representation of WM in management and supervisory bodies in public sector corporate administrations and listed companies. Parity is established by a minimum representation of 33.3 per cent women in the management bodies of state business sector and 20 per cent in listed companies. Law 26/2019 approved the regime of balanced representation between WM in management of State direct and indirect administration bodies, public higher education institutions and public associations, such as professional associations. The appointment of such office holders and bodies shall be subject to a minimum threshold of 40 per cent balanced representation between WM. Regarding senior management posts subject to the scrutiny of a Public Administration Recruitment and Selection Committee, the 40 per cent parity is taken in the composition of the candidates list.

120. The principle of equal pay for equal work or work of equal value is also enshrined in the Constitution and in the Labour Code. In the civil service there is no wage difference according to gender, and in the case of managers the amount of remuneration depends on the position held, senior or middle management, and the grade (1st or 2nd).
