



PLATAFORMA PORTUGUESA  
PARA OS DIREITOS  
DAS MULHERES

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## PRESENTATION OF THE ORGANIZATION

The **Portuguese Platform for Women's Rights (PpDM)**, the project's coordinator, an umbrella organization of women's rights NGO, is the entity in Portugal that has been involved in the constructive dialogues at the UN, CoE and UE levels, namely with the CEDAW Committee and the Child's Rights Committee (UN level), the GREVIO regarding the Istanbul Convention and on the implementation of the Recommendation on combating sexism (CoE level), and at the EU Civil Society Platform against trafficking in human beings (EU level). It is the largest Portuguese civil society organization in human rights of women and girls with 31 member organizations. National coordination of the European Women's Lobby (EWL), of the International Council of Women (EICW) and of the Association of Women from Meridional Europe (AFEM). Member of the Euro Mediterranean Women's Foundation and of the EU Civil Society Platform Against Trafficking in Human Beings. Organization with Special Consultative Status by the Economic and Social Council (ECOSOC) of the UN. Declared a Public Utility Entity by Dispatch no. 6166/2020 of 2.6.2020, published in the D.R. no. 112, II Series of 9.6.2020. The Platform aims at contributing to the promotion of equality between women and men and to the defense of women's rights, including the elimination of all forms of discrimination against women, in the context of the objectives, legislation, recommendations and guidelines which are relevant at the national, international and the EU level.

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# WOMEN'S HUMAN RIGHTS: MAIN AREAS OF CONCERN

## # DILUTION OF WOMEN'S HUMAN RIGHTS

Previous recommendations: Ensuring women's human rights and advancing equality between women and men, in public and private spheres, were the topic of several recommendations to Portugal in 2019.

For instance, Malta recommend Portugal to take further measures to promote women's participation in political affairs, for instance by increasing the threshold of the "parity law" to 50 per cent and apply it equally to lists, outcomes and the whole national territory (139.9); Indonesia to provide sufficient and sustainable resources for all public administration services and bodies to carry out their functions effectively in combating discrimination against women and promoting gender equality (137.39); Myanmar to enhance efforts for the promotion and protection of women's rights and gender equality (137.168); Indonesia to provide sufficient and sustainable resources for all public administration services and bodies to carry out their functions effectively in combating discrimination against women and promoting gender equality (137.39); among others.

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### New developments since last review:

The legislation on women's participation in political and economic life was improved but still falling short of 50/50 parity. In political life the threshold of parity is now 40%; on boards and audit bodies of public and listed companies, 33,3%. On top civil servants in public administration, in public higher education institutions and associations, 40%.

### How the State is failing women:

The percentage of women in the Parliament has been decreasing over the past 5 years: in 2019, women represented 38.7%, in 2022, 37.2% and in 2024, 33%.

The portfolio of equality was downgraded in the ranking of the Ministers, from the 2nd (Minister of State for the Presidency, between 2015 and 2021) to the 7th Minister in the Cabinet of the Prime Minister and for Parliamentary Affairs (2022-2023) and to the 15th Minister of Youth and Modernisation (2024).

The gradual dilution of the concept of "sex" and its replacement for the concept of "gender" across policies and legislation. Portugal does not have a comprehensive strategy to address stereotypes and sexism against woman in the media and in political and public discourse.



Legislation and policies based on gender to ensure the effectiveness of *de facto* equality in all spheres are not being evaluated, namely regarding direct and indirect discrimination; the approach of its legislation and policies is causing a setback to combat the *de facto* discrimination suffered by women in all spheres.

The increasing number of thematic issues under the competencies of the Commission for Citizenship and Gender Equality and the progressive absence of measures for the advancement of women and for the promotion of women's human rights on equal basis with men.

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

A specific mechanism to empower and ensure the meaningful participation of women's civil society organizations in the Commission for Citizenship and Gender Equality is lacking, even if some of them are members of its Advisory Council. Significant part of the funding for civil society organisations on issues related to women and children is being given to foundations and other type of organisations – for instance on Roma girls. Women's Rights NGO lacking funding is systematic and funding schemes are not transparent.

Increasing pay gap in recent years: 8.5% in 2007 to 17.5% in 2017, decreasing slowly to 15,9% in 2023. The pension gap is high and reducing slowly overtime: from 31.5% in 2015 to 27,4% in 2021.

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#### Recommendations:

- Assure the concept of discrimination based on sex prevails in legislation and politics.
- Create a structure within the Council of Ministers Presidency – a interministerial council - to focus only on women's human rights and equality between women and men. Its competencies should be at the same level as the European Affairs are in terms of governmental architecture.
- Establish a Specialised Committee on women's human rights in the Parliament.
- Establish an Advisory Council to the Government and the Parliament composed only by women's rights NGO.
- Level horizontally the civil structured dialogue: WRNGO should be respected and considered as fundamental partners in the design, implementation, and monitoring of policies.
- Grant consistent and reliable funding for WRNGO, namely through State Budget.



- Define rules on financial schemes to WRNGO based on 70% as advancement and 30% near the end of the project.
- Fully and consistently implement gender budgeting in the next State Budgets.
- Assure that all the required conditions are in place to raise the participation of women in economic and political life, such as dignified working conditions, equal pay for work of equal value and parity in decision-making.
- A real parity law which should apply equally to lists, outcomes and in all national territory: new amendment of the Parity Law including 50/50 in the lists, zipper system and assuring that parties have 50/50 women as leaders of all the lists.
- Eliminate the gender pay gap. Eliminate the gap in pensions namely through care credits.
- Establish a focal point on public services (on legal documents, fiscal regimes, employment, discrimination, etc.) available to women, such as to survivors of all forms of violence against women, migrant and refugee women, old women, women with disability, women with low educational background, etc.
- Assure that the national commission on human rights is independent from the Government.

## # ALL FORMS OF MALE VIOLENCE AGAINST WOMEN

### a) Domestic violence

Previous recommendations: Combating domestic violence was the topic of numerous recommendations to Portugal in previous years (2009, 2014 and 2019), from the design, implementation, and monitoring of soft law to training of the judiciary, investigations and access to services and housing, among others.

For instance, Honduras recommended Portugal to strengthen measures to prevent and combat domestic violence, addressing its causes and ensuring the effective application of the relevant legal and regulatory frameworks (137.88); the Netherlands on the adoption of an action plan aimed at decreasing the high number of female victims of domestic violence in Portugal, in line with Sustainable Development Goal 5 (137.169); Norway to intensify efforts to combat domestic violence and ensure that victims of domestic violence, including dependents, are provided with adequate support and access to effective justice (137.66); Sweden to facilitate prosecution of domestic violence by strengthening measures for victim protection, in order to ensure that laws prohibiting violence against women are fully enforced (137.172); among others.

New developments since last review:



Since 2015, legislation has been improved to match obligations in the context of the Istanbul Convention in Portugal, namely updating the penal code to ensure that acts of violence against women, including domestic violence, sexual assault, stalking, and female genital mutilation, are defined as crimes.

#### How the State is failing women:

Legislation and policies on fighting violence against women in Portugal are gender neutral and ignore the asymmetric power relations between women and men. Thus, male violence against women and girls – including femicide, intimate partner violence, and other forms – is ineffectively targeted. As an example, access to free legal aid is still dependent on household income.

Access to justice remains hampered by the complexity of procedures and the conditions for granting legal aid, in particular regarding women belonging to ethnic minorities. It also notes with concern the exemption from court fees and free legal aid are not available to women without sufficient economic resources in all areas of law, and about the lack of information available for women about other aids to complaint or to access to justice.

The system of access to law in Portugal provides for the possibility of obtaining legal aid in the form of exemption from the payment of costs with the process, the appointment of a lawyer and payment of the respective fees and legal consultation. Obtaining legal aid in any of these modalities, or in all, depends on the presentation of multiple documents that demonstrate the lack of economic means (and as a rule, earning more than 1 IAS - Social Support Index - €443.20 per person per household prevents its granting). When women are sheltered in a shelter, or accompanied by DV support services or have a Victim's Statutes does not exempt women from this procedure to obtain legal aid in the other mentioned modalities, in addition to the exemption from payment of costs.

In other words, even victims of domestic violence are not automatically guaranteed access to the right in its three modalities. And, even when they are accompanied by the victims' support services, they have to instruct these processes with multiple documentation. Access to the right (right to lawyers and exemption from payment of costs) is not assessed as an individual right but based on the household's income. However, this whole process is very bureaucratic, depends on information about the existence of these possibilities that services cannot provide spontaneously and requires multiple trips to different services (Parish Council to demonstrate the composition of the household, Social Security to demonstrate social support they receive, copies of the last six salaries, declaration from the Tax Authority on the IRS Settlement Note, on the real estate and automobiles they own, copy of the IRS declaration), in the documents to be attached, no document is required to prove expenses, namely with rents or credits, or with day care centers or schools for



the children - the assessment is made considering the household's income and not its expenses).

At the end of judicial procedures, If the accused is acquitted at the end of the trial, and if the victim does not have legal aid, she has to bear the costs of the process.

Victims' support services are at risk of being forced to stop their activities by now as most of them are funded on a project basis.

Also in the domestic violence crime, in 2022, 29.258 women were victim of violence in intimate partnership (the number increase from 2021), corresponding to 72% of all victims of IPV. <sup>1</sup> From a total of 35.626 judicial inquiries, only 14% were accused.<sup>2</sup>

24 women and 4 children were killed in the context of domestic violence in 2022<sup>3</sup>, representing 28% of all murders in Portugal.

Most statutory agencies involved in cases of DV involving children are still giving priority to the presumed best interest of the child is to maintain regular contact with both parents at all costs regardless of the violence children have witnessed. Children are treated by courts as mere witnesses and forced to testify in front of the perpetrator and others in the courtrooms, in some cases repeatedly. Family courts should always liaise with law-enforcement, prosecuting agencies, and victim's support services, and it should be made mandatory to verify whether there are issues of violence which would warrant restricting custody and visitation rights. Family courts would tremendously benefit from a public repeal of harmful unscientific theories such as "parental alienation" which perpetuate the "false accusation" myth.

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Family courts are still heavily using harmful gender stereotypes and prejudices based on the idea of the "evil women, minimizing the violence against women and children's exposure to domestic violence by labeling mothers as parental alienators. Following the recommendation of the United Nations Special Rapporteur A/HRC/53/36 Custody, violence against women and violence against children, the State should ensure mandatory training of the judiciary and other justice system professionals on gender bias, the dynamics of domestic violence and the relationship between allegations of domestic abuse and of parental alienation and related pseudoconcepts.

Several allegations of sexual harassment in universities came to light in recent years, exposing the power relation of sexual violence and universities'

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<sup>1</sup> Sistema de Segurança Interna (2023), [Relatório Anual de segurança Interna 2022](#).

<sup>2</sup> Ibidem.

<sup>3</sup> Ibidem.





hierarchy. Sexual violence is still a tabu in Portugal. In 2022, 94% of those who were raped were women and 98% of rapists were men. 6 out of 10 were raped by acquaintances or family members.<sup>4</sup> There are only 2 specialized services for women survivors of sexual violence (one in Lisbon and one in Porto).

Youth has normalized violence, and it is necessary to have the capacity and the resources so that experts can go to as many schools as possible to raise awareness and passing on information on how to deal with violence, in particular sexual violence. The normalization of sexual violence through the sharing of images and via social networks and other online platforms is by now frequent.

#### Recommendations:

- Amend the Criminal Code's article on rape replacing "cognoscible will" (*vontade cognoscível*) by "consent".
- Include femicide as a specific criminal offense as well as all forms of sexist and sexual cyberviolence in the Criminal Code.
- Consider rape as a crime of public nature.
- Stop considering domestic violence as a gender-neutral crime and adopt a legal framework on violence against women and domestic violence (according to the Istanbul Convention and the (by now proposal of) EU Directive).
- Grant immediate free legal aid and exemption of court fees to women victims of all forms of violence, as an individual right not based on the household's income.
- Assure perpetrators are accused, convict and effectively arrested. End the provisional suspension of investigations on DV cases.
- Enshrining a presumption of "truth" in the testimony of victims alongside the presumption of innocence of defendants.
- Implement a monitoring mechanism on prosecution, conviction, and effective prison rates for perpetrators of all forms of violence against women, including pimping and sexual exploitation.
- Family courts must be prohibited to resort to the "parental alienation syndrome" which perpetuate the "false accusation" myth related to domestic violence.
- Take appropriate measures to assure that judges screen cases related to the determination of custody and visitation rights for domestic violence. Significantly improve the coordination between the family courts with criminal courts.
- Adopt legislative measures to prevent the granting of parental responsibility, including custody and visitation, to abusive parents; in particular, prohibited

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<sup>4</sup> Ibidem.



the tendency for judges to grant the joint exercise of parental authority when a final criminal conviction for violence committed against the other parent or where a protection order exists.

- End the “household frame” in administrative documents and contracts and grant individual rights and duties to women.
- Grant access *de facto* to free legal aid on cases of male violence against women, simplifying the administrative procedures.
- Specialisation of support services on women’s human rights.
- Implement measures assuring that there are no private commercial services for surrogacy operating in Portugal.
- Temporary special measures must be implemented according to the specific needs of women and girls from disadvantaged groups.

## **b) Trafficking of women and children**

### Previous recommendations:

Several countries recommended Portugal to improve the identification of victims, legislation, protection systems and prosecution of perpetrators of human trafficking (2009, 2014 and 2019).

### New developments since last review:

Failures in the identification of victims persists, reflected in the absence of reliable official figures – the number of convicted traffickers is very low.

Some member organizations of the national Network of Support and Protection to Trafficking Victims advocate for “sex work” and legalizing pimping, in contradiction with human rights treaties ratified by Portugal.

The State Budget of 2021 included in article 203 a pilot project for diagnosis, support and monitoring of people in situation of prostitution, but by now no developments are known to the public.

### How the State is failing women:

According to the official data, Portugal is not a place for women and children trafficked for sexual exploitation: only 9 were identified in 2022.<sup>5</sup> There is a problem in Portugal regarding the identification of victims of trafficking for sexual exploitation. The number of trafficked women for prostitution is very, very low and in counter-flow with the rest of Europe.

And recently, the State agency of Tourism awarded a pimp and its brothel.

### Recommendations:

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<sup>5</sup> Ibidem.



- Improve criteria for the identification of victims of trafficking for sexual exploitation.
- Consider sex trafficking and exploitation in prostitution as a form of violence against women and girls and frame the laws, policies, and system practices as such, including defining clear membership requirements for the Network of Support and Protection to Trafficking Victims in line with international human rights treaties.
- Adopt a National Strategy for Prevention and Support for Exiting the System of Prostitution. This strategy should be part of the National Plan to prevent and combat violence against women.
- Discourage the demand that fosters sexual exploitation, offline and online, by implement educational, social, and criminal measures targeting users and potential users.
- Secure proper investigations, prosecution and convictions of all perpetrators involved in the trafficking of women and girls, including those on the demand side.
- Increase the funding and number of specialised support services for survivors of sexual violence, including exit services and programmes to enable women to leave prostitution.

### **C) Harmful practices against women and girls**

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#### Previous recommendations:

The Netherlands recommended the State to increase the legal age of marriage from 16 to 18, in line with Sustainable Development Goals 5 and 16 (139.10).

There are recent recommendations aimed at Roma girls, namely from Chile - Continue to strengthen measures to avoid discrimination against Roma children in education (137.210), the Republic of Iran - Eliminate all walls and other barriers segregating Roma communities and put an end to the practice of placing Roma pupils in separate classes (137.215) and Congo - Redouble efforts to combat discrimination, which is still present in practice, in access to education for children from disadvantaged groups (137.27).

#### New developments since last review:

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

#### How the State is failing women:

Girls' and women survivors of FGM have no specialized medical services to provide re-constructive surgeries and no psychological support.



Roma girls are affected by forced, arranged and early age marriages, often ignored by all authorities. WRNGO working within the Roma communities often encounter girls around the age of 14-15 years living with their supposed spouse in non-formal marriages.

Schools are not giving the adequate attention to Roma and migrant children, for instance when Roma girls are taken out of the educational system, there is no action taken by the State.

#### Recommendations:

- Raise the legal minimum age of marriage to 18 years for women and men without any exceptions.
- Adopt special temporary measures to prevent Roma girl's early dropout of schools.

## # HEALTH

#### Previous recommendations:

Iceland recommended to amend the law on the voluntary termination of pregnancy and eliminate excessively constraining provisions, including the minimum reflection period and the requirement of a fee (139.8).

#### New developments since last review:

There is an increase in the maternal mortality rate and in the number of cases of highly medicalized births and caesarean sections, sometimes without women's free and informed consent, as well as unequal implementation of the abortion law. Furthermore, emergency obstetric and mental health services are not widely available throughout Portugal.

#### How the State is failing women:

Portugal is not adequately observing sexual and reproductive rights of women and girls, namely on the access to abortion and protection of pregnancy and childbirth rights. These shows the fragility of these rights in the context of crises and the danger of their reversibility.

There are regional asymmetries and increased difficulties of access to health care in certain areas of the territory, namely rural areas.

Violations of women's human rights in the reproductive and perinatal spheres (particularly the mistreatment or violence they are subjected to in obstetric settings) are gross violations of women's human rights.

Most hospitals have pre-signed forms that are presented to women as a means of "preapproving" all the medical interventions. Sometimes migrant and foreign



women were made to sign the forms, without being provided with a translator.

Birth Plans, through which many women attempt to communicate their consent and refusal regarding their labour and birth, is still widely viewed with suspicion, made fun of, or refused by hospital institutions, more often than not.

Legally speaking, "obstetric violence" is a non-existent phenomenon in Portugal. The legal cases in which obstetric violence occurs do not reveal the extent of violence in childbirth and are judged to be cases of mere medical negligence.

#### Recommendations:

- Guarantee maternity and paternity leave of equal duration (excluding the time needed for women's recovery) paid at 100% and not transferable.
- Effective implementation of the law on abortion in all the territory.
- Assure that obstetric emergency services are widely and equally available in all territory.
- Implement a mechanism to monitor the WHO recommendations in maternity hospitals.