

STATEMENT
UPR PRE-SESSION ON THE PORTUGUESE REPUBLIC
GENEVA, 4TH OF APRIL 2019
Delivered by: PORTUGUESE PLATFORM FOR WOMEN'S RIGHTS

1. Presentation of the organization

The Portuguese Platform for Women's Rights is a nation-wide, umbrella organization of 27 NGOs that work in the field of women's human rights and gender equality.

2. National consultation

The National Commission for Human Rights – an interministerial body - promoted a meeting with national NGOs in January and reserved two pages of its report for contributions from NGOs. Our statement is based on the information publicly available as of the 11th of March (draft National Report shared with NGOs in January).

3. Plan of the statement

We will address two issues:

- male violence against women, in particular domestic violence and trafficking of women for sexual exploitation;
- the participation of women in economic and political life, in particular equal and dignified working conditions and parity in decision-making.

All of our issues and sub-issues are framed as targets (5.2, 5.5 and 8.5¹) of Sustainable Development Goals 5 and 8.

4. Male violence against women

a) Domestic violence

Previous recommendations: Combating domestic violence was the topic of numerous recommendations to Portugal in previous years (2009 and 2014).²

New developments since last review: There is a growing public consciousness of domestic violence as a heinous crime. That consciousness was mostly prompted by: the failure of the system on the prevention, protection of victims and

¹ 5.2: Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation./ 5.5 : Ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making, in politic, economic and public life./ 8.5: By 2030, achieve full and productive employment and decent work for all women and men, including for young people, persons with disabilities, and equal pay for work of equal value.

² In 2009, various countries such as Bulgaria, Mauritius and France (103.5) recommended to facilitate the prosecution of domestic violence perpetrators and Sweden (102.14) urged for improved measures for protection of victims to be implemented. In 2014, domestic violence and gender-based violence remained important topics, with countries such as Poland (126.49) and Bolivarian Republic of Venezuela (126.37) recommending measures to prevent domestic violence, bring the perpetrators to justice and protect the victims.

women's access to justice; women's NGOs are vocal in making visible the failure of the system and demanding an appropriate response; the very low rate of convictions which stems mainly from lack of gender analysis and knowledge reflects in existing misogynistic judicial decisions.

How the system fails: domestic violence is not considered a gendered crime in Portuguese legislation, despite the fact that women are 80% of victims and men are 84% of perpetrators; the rate of cases brought to justice is very low because the vast majority of cases are closed without any accusation. Some cases are also suspended during the investigation phase as a way of resolving the case without going to trial. Additionally, less than 7% actually result in convictions, the vast majority of which are suspended and not real prison sentences. There is also a lack of coordination between Criminal and Family Courts that re-victimize not only the women but also the hidden victims of domestic violence, the children (particularly in matters of child custody - there's been judges who have ordered accused fathers to visit regularly the children even in shelters when they are there with the mothers, for example). Furthermore, the organizations which have created and are managing the shelters and victim support services are often underfunded, therefore they are unable to secure long-term, specialized and stable support to victims of all forms of violence against women.

Recommendation: Stop considering domestic violence as a gender-neutral crime and frame the laws, policies and system practices keeping in mind that this is male violence against women and girls and ensure funding in State budget for fighting male violence against women and girls.

b) Trafficking of women and girls for sexual exploitation

Previous recommendations: In 2009 and 2014, several countries³ recommended Portugal to improve the identification of victims, legislation, protection systems and prosecution of perpetrators of human trafficking.

New developments since last review: Official figures contradict the reality of frontline women's NGOs. There is a lack of adequate victim identification mechanisms. There's also a lack of information on the protection and assistance in place for women victims of trafficking. The Network of Support and Protection to Trafficking Victims has a significant number of members which advocate for legalizing pimping and prostitution as sex work, in contradiction with UN human rights treaties ratified by Portugal, namely those put forth in the CEDAW and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. This is a serious obstacle to the proper identification, follow-up and support to women and girls victims of trafficking for sexual exploitation.

³ In 2009, Italy (101.26) and the Russian Federation (102.15) urged Portugal to improve the efficiency of existing legislation regarding trafficking in persons and to establish a clear registration system for victims. In 2014, Moldova (127.35) recommended "the enforcement of the legal framework for the prosecution of human traffickers and appropriate assistance for victims of trafficking in human beings".

Recommendation: To consider sex trafficking and exploitation in prostitution as a form of male 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.

5. Women's participation in political and economic life

a) Equal and dignified working conditions

Previous recommendations: In the last review in 2014, various countries⁴ urged Portugal to combat the gender pay gap and workplace discrimination against women.

New development since last review: Portugal has a high gender pay gap, which has increased in recent years (from 8.5% in 2007 to 17.5% in 2017). Women in Portugal work full-time and do the vast majority of care and domestic unpaid work, which adds up to an additional 5h30 hours work in the home, while men work 1h30. Women are most of the working poor and the gender pensions gap in Portugal is 31%.

Recommendation: The recently adopted law of equal pay for equal work and work of equal value (60/2018 of 21st of August) should be expanded beyond the largest companies, considering that the vast majority of companies in Portugal are micro, small and medium-sized (where most women are working), and include mandatory procedures for work-life balance.

b) Parity in decision-making

Previous recommendations: In 2009 and 2014, countries issued recommendations to promote gender equality in decision-making⁵.

New development since last review: Women are still underrepresented in European, national and local Portuguese politics: only 36,4% in the parliament and only 10,3% of mayors. Portugal debated changes to the so-called "Parity law" for over a year in the parliament and it was finally adopted in February, too late to be applied for the European Elections (May). The changes to the law fall short of the CEDAW Committee 2015 Final Observations. In practice, it is still not a parity law (50/50), it is a threshold of parity law (40/60) which only applies to the composition of the lists and therefore it does not ensure parity of outcomes; does not apply to the autonomous regions of Azores and Madeira. There is also a growing backlash from certain political actors and sectors of society against any temporary special measures promoting the participation of the underrepresented sex.

Recommendation: A real parity law (50/50) which should apply equally to lists, outcomes and all national territory.

⁴ Spain (126.11), Vietnam (126.12) and Paraguay (126.9).

⁵ In the first review, in 2009, Spain (103.3) issued a recommendation for Portugal to extend policies and strategies of gender equality to all levels of the public administration. In the review of 2014, Greece (125.6) recommended Portugal to take measures in promoting women's participation in political affairs.