



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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REFERENCE: DB/follow-up/Portugal/69

13 April 2018

Excellency,

In my capacity as Rapporteur on Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honor to refer to the examination of the combined eighth and ninth periodic report of Portugal, at the Committee's sixty-second session, held in October 2015. At the end of that session, the Committee's concluding observations (CEDAW/C/PRT/CO/8-9) were transmitted to your Permanent Mission. You may recall that in paragraph 51 on follow-up on the concluding observations, the Committee requested Portugal to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 23 (c), 25 (b) and 37 of the concluding observations.

The Committee welcomes the follow-up report received on time in November 2017 (CEDAW/C/PRT/CO/8-9/Add.1) under the CEDAW follow-up procedure. At its sixty-ninth session, held in March 2018 in Geneva, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 23** of the concluding observations, urging the State party to “**establish a mechanism for ensuring effective cooperation and coordination between family and criminal courts in order to ensure that women have immediate recourse to protection orders and injunctions against abusive partners, without the need to engage in criminal proceedings**”: The State party informed that Law no. 24/2017 of May 24 has recently amended Law no. 112/2009 which establishes the legal regime applicable to the prevention of domestic violence, protection and assistance of its victims, the Civil Code, the Civil Child Protection Procedure, and the Criminal Procedure. The State party reported that according to this law, the Public Prosecution Office must be immediately informed when barring orders, such as the restriction of contacts between the parents, are applied, as to establish, as a matter of urgency, the regulation or modification of the exercise of parental responsibilities.

The Committee welcomes the adoption of Law no.24/2017 and the subsequent amendments made to the national legislation. It however regrets the lack of information on the establishment of a standing mechanism for ensuring effective cooperation and coordination between family and criminal courts in order to ensure that women have immediate recourse to protection orders and injunctions against abusive partners. The Committee considers that the State party took substantial steps to implement the recommendations. It considers that the recommendation **has been substantially implemented**.

His Excellency
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The Committee considers that the information provided by the State party is thorough and extensive, but fails to respond fully to the recommendations. It thus considers that the information provided is **partially satisfactory**.

The Committee recommends that, in relation to **paragraph 23** of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to **establish a standing mechanism for ensuring effective cooperation and coordination between family and criminal courts in order to ensure that women have immediate recourse to protection orders and injunctions against abusive partners**.

With regards to the recommendation made in **paragraph 25** of the concluding observations, that the State party “**establish crisis centres and emergency services for victims of rape and standard protocols dealing with victims of rape**”: The State party reported in 2016, a protocol was signed between the Ministry of Justice, the Deputy Minister, responsible for the Gender Equality area, and the Association of Women against Violence (AMCV) in order to establish a pilot response of a specialized nature for care, psychosocial support and individual psychological support to women and girls victims of sexual violence in the city of Lisbon.

The Committee welcomes the signature of a protocol between the Ministry of Justice and the Association of Women against Violence (AMCV) for the establishment of mechanisms of support for victims of sexual violence in the city of Lisbon. However regretting the lack of measures taken to establish crisis centres for women victims of rape, the Committee considers that the State party has taken some steps to implement the recommendation. The Committee thus considers that the recommendation **has been partially implemented**.

The Committee considers that the information provided by the State party is thorough and extensive, but fails to respond fully to the recommendations. It thus considers that the information provided is **partially satisfactory**.

With regards to the recommendation that the State party “**raise the awareness of hospital staff and police officers about the assistance required in cases of rape**”: The State Party reported that the Ministry of Health, through the Directorate-General of Health (DGS), established, in 2013, the Health Action on Gender, Violence and Life Cycle (ASGVVCV), through Order no. 6378, of May 16, which also encompasses sexual violence. In this context, a national network of Teams for the Prevention of Violence in Adults (EPVA) was created, which is to raise awareness of professionals on available services for violence prevention. It further reported on the drafting of manuals in the area of sexual violence, such as the Handbook on Sexual violence for Professionals.

The Committee welcomes the creation of a national network of Teams for the Prevention of Violence in Adults (EPVA) which, inter alia, will increase the training and preparation of professionals on available services for violence prevention and the drafting of a Handbook on Sexual violence for Professionals. However regretting the lack of awareness raising of hospital staff and police officers about the assistance required in case of rape, the Committee considers that the State party has taken some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

The Committee considers that the information provided is thorough and extensive, but fails to respond fully to the recommendation. It considers that the information provided is **partially satisfactory**.

The Committee recommends that, in relation to **paragraph 25** of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

1. **Establish crisis centres and emergency services for victims of rape.**
2. **Raise the awareness of hospital staff and police officers about the assistance required in cases of rape.**

With regards to the recommendation made in **paragraph 37** of the concluding observations, that the State party “**provide for adequate safeguards to ensure that overly medicalized procedures, such as caesarean operations, for childbirth are thoroughly assessed and carried out only when necessary and with the informed consent of the patient**”: The State party reported that in order to reduce the caesarean rate in Portugal, without jeopardizing the good health outcomes achieved in recent years, its National Commission for the Reduction of Caesarean Section Rate (CNRTC) has drawn up a standard and five clinical guidelines on technical aspects related to caesarean sections for health professionals and has produced information and awareness-raising texts for health professionals and the general public, which contributed to greater homogeneity in clinical practice in this area of maternal health care.

The Committee welcomes the drawing up of standard clinical guidelines and of awareness raising texts in this regard. The Committee considers that the State party has taken substantial steps to implement the recommendation. The Committee thus considers that the recommendation **has been substantially implemented**.

The Committee considers that the information provided by the State party is thorough and extensive and responds fully to the recommendations. It thus considers that the information provided is **satisfactory**.

Regarding the recommendation that the State party “**amend its law on voluntary termination of pregnancy and eliminate the excessively burdensome conditions recently introduced, including the requirement of fees, in order to provide women with freedom of informed choice and ensure respect for their autonomy**”: The State party reported that in February 2016, through Law 3/2016, it repealed both Law 134/2015, which sets for the payment of moderating fees for abortion when it is performed at the request of the woman, and Law 136/2015, which contains restraints for abortion on women and introduces the obligation to undergo psychological and social support during the reflection period.

The Committee considers that, through the adoption of Law 3/2016, abolishing the obligation to pay moderate fees for abortion when performed at the request of the women, restraints on abortion on women’s request and the obligation to undergo psychological and social support during the reflection period, the State party took substantial steps to implement the recommendation. The Committee thus considers that the **recommendation has been implemented**.

The Committee considers that the information provided by the State party is thorough and extensive and responds fully to the recommendations. It thus considers that the information provided is **satisfactory**.

With regards to the recommendation that the State party “**organize its health services so that the exercise of conscientious objection in such cases does not impede the effective access of women to reproductive health-care services, including abortion**”: The State party reported that its Law 16/2007 decriminalization in cases of voluntary interruption of pregnancy, obliges professionals who object to providing abortion to confirm in a written declaration to their hospital director, that they will assist all pregnant women facing a health risk by referring them to a willing clinician and that they will not participate in the counselling.



The Committee takes note of the legislation aiming to guarantee that the exercise of conscientious objection does not impede the effective access of women to reproductive health-care services. It however regrets the lack of information on measures taken to implement the recommendation after its last review. It considers that the recommendation **has been partially implemented**.

The Committee considers that the information provided by the State party is thorough and extensive, but fails to respond fully to the recommendation. It considers that the information provided is **partially satisfactory**.

The Committee recommends that, in relation to **paragraph 37** of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to **develop and implement action addressing to a strengthened organization its health services so that the exercise of conscientious objection in such cases does not impede the effective access of women to reproductive health-care services, including abortion**.

Accept, Excellency, the assurances of my highest consideration.

Yours sincerely,

Hilary Gbedemah
Rapporteur on follow-up
Committee on the Elimination of Discrimination against Women