



Implementation of UN resolutions (progress achieved in the period from 1 august 2018 to date) - Portugal

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## Violence against Women (A/RES/73/148)

### 1 - Sexual harassment

Penal Code:

Article 154-A of the Penal Code, defines the crime of stalking, which was introduced by Law No. 83/2015 of August 5, with a comprehensive scope: 1. Any person who repeatedly persecutes or harasses another person, by any means, directly or indirectly, in a manner that is likely to cause him/her fear or disquiet or jeopardize his/her freedom of determination, shall be punished by imprisonment for up to 3 years or a fine, if a more severe penalty does not fit him/her under another legal provision. 2. The attempt is punishable. 3. In the cases provided for in paragraph 1, ancillary sentences may be applied to the defendant to prohibit contact with the victim for a period of 6 months to 3 years and an obligation to attend specific programs to prevent conduct typical of stalking. 4. The accessory penalty of contact with the victim shall include removal from the place of residence or place of work of the victim and compliance with it must be supervised by technical means of remote monitoring. 5. The criminal procedure depends on complaint.

Regarding the crime of stalking, among others, Law no. 101/2019, of 6 September, amended Article 200 of the Criminal Procedure Code (CPC) - concerning the prohibition and imposition of conducts (e.g. measures to remove and treat the accused and protect the victim) - giving a new wording to paragraph 4 of this article, as follows:

- "The obligations provided for in subparagraphs a), d), e) and f) of paragraph 1, may also be imposed on the accused, if there are strong indications of the practice of the crime of threat, coercion or stalking, within a maximum period of 48 hours. "

This means that the measures contained in paragraph 1, in particular the prohibition of contact with the victim and for his protection, as well of the accused's treatment, can be adopted within 48 hours after the reporting of the crime to the authorities, instead of only being imposed as accessory sanctions to the conviction at the end of the process.

To ensure the victim's safety, the prohibition imposed on the defendant of contacting by any means with a particular person or frequenting certain places may be monitored by technical means of remote control.

Moreover, following the recommendations of the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), Law no. 101/2019, of 6 September, reviewed the description of the crimes of rape and sexual coercion, clarifying that these offences are based on the absence of the consent of the victim and that the use of violence warrants the application of an aggravated penalty.

Finally, article 170 of the Penal Code defines the crime of sexual importunacy - Whoever importunes another person by way of performing exhibitionist acts, formulating sexual proposals or compelling such person to a contact of a sexual nature is punished with imprisonment up to one year, or a fine up to 120 days, if a more serious sentence is not applicable under another legal provision.

Concerning sexual harassment in the labour market, several information actions and instruments have been developed:

In October 2018 and 2019, the Commission for Equality in Labour and Employment launched a campaign “Zero Tolerance for Harassment at Work” and disseminated a Guide to develop a Code of Conduct to prevent and combat harassment at work – which aims to help employers to produce a management instrument that promotes zero tolerance towards harassment.

Produced in 2018 and relaunched in 2019, the Commission for Citizenship and Gender Equality disseminated the campaign “Equality Minute”, resulting from a partnership under the EEAGrants Fund to raise awareness on gender inequalities in the labour market. It consisted of a series of videos on the following topics: sexual harassment, domestic and care work, and gender pay gap.

The websites of the Labour Inspectorate and of the General Inspectorate for Finance provide specific forms to report harassment situations at work as well as further information on types of harassment.

Under the EEAGRANTS fund, a call was launched between 8 March 2020 until 31 May 2020, to support action-research projects that, among others, aim to combat the various expressions of sex discrimination in the labour market, affecting particularly women, namely, pay-gap; sex segregation in professions and in accessing professions; discrimination in the career progression and work conditions; vertical segregation; discrimination in the exercise of parental rights; in work-life balance; and moral and sexual harassment (a total of 870.000€).

Under the same fund, a bilateral activity between Portugal and Norway is being developed on the topic “combatting bullying and sexual harassment at work”, which includes exchange of practices and the development of new instruments (guide/checklist) and training for employers to prevent and combat sexual harassment.

In 2019, the Commission for Equality in Labour and Employment produced a guide for equality plans to help public and listed companies develop such plans under Law 62/2017, 1 August, including a section on prevention of harassment at work.

In March 2020, the Commission for Equality in Labour and Employment launched a glossary of key terms of gender equality in the labour market, including moral and sexual harassment.

## **2 - Measures taken in Portugal regarding domestic violence and the COVID-19 crisis:**

The Portuguese Government adopted measures to ensure the safety and support of victims of domestic violence against the increased risk of violence during the confinement that is necessary to contain the COVID-19.

- Broad dissemination of information about support services and helplines, safety advices and alerts:
  - Campaign #SegurançaEIsolamento, on social media, television, radio and press – to remind victims that they can always ask for help, to let them know about support services and to alert the community to be vigilant, to help and to report. These materials are also available in different languages (Arabic, Bengali, French, Hindi, Mandarin, Nepalese and Russian) as well as in sign language.



- Telephone contacts of existing services in each district and municipality.
- Safety advices for victims of domestic violence during confinement.
- Advice for neighbours to be vigilant and to help.
- Display and distribution of the above information in areas that remain open to the public, in partnership with distribution companies, transport, gas stations, pharmacies, as well as in cooperation with municipalities and public services, etc.
- Dissemination of this information on the website Estamos ON and associated app, which congregates information on Government action regarding COVID-19.
- Strengthening and diversification of channels for victims to seek help:
  - Reinforcement of information and support channels for victims by the Commission for Citizenship and Gender Equality (CIG):
  - National helpline - 800 202 148. It is a toll-free line, available 24/7.
  - Availability of a new e-mail address [violencia.covid@cig.gov.pt](mailto:violencia.covid@cig.gov.pt) accessible to victims and professionals.
  - Launch of the new SMS 3060 line by the Vodafone Foundation, free and confidential, so that victims can send written requests for help.
  - For a quick response to requests received through these channels, CIG established a contact procedure with the security forces to ensure immediate verification, on location, of all high risk cases.
- Ensuring the functioning and strengthening of victim support structures and services:
  - All services in charge of supporting, sheltering and transporting victims, provided by the National Support Network for Victims of Domestic Violence, are considered essential services and remain active.
  - Support and reinforced coordination of the National Support Network for Victims of Domestic Violence by the Commission for Citizenship and Gender Equality (CIG) that also issues recommendations/clarifications in this context of emergency.
  - Meetings with all support structures within the National Support Network for Victims of Domestic Violence, and experts, to identify needs and responses during the pandemic and in the aftermath.
  - Opening of two new emergency shelter facilities with 100 vacancies (adding to the existing 65 shelters and 167 support services, including specialized services for LGBTI people, men, women with mental illness and with disabilities).
  - Extension of the statutory time limits during which victims remain in shelters.
  - Definition of a specific procedure between the Commission for Citizenship and Gender Equality (CIG) and the National Institute of Medical Emergency (INEM) to respond to suspected cases of COVID-19 within the National Support Network for Victims of Domestic Violence.
- All services within the National Support Network for Victims of Domestic Violence adopted contingency plans (including isolation rooms) and action plans with urgent measures such as:

- Creation/reinforcement of remote communication/support tools such as video call, SMS, Messenger, WhatsApp and email.
- Strengthening of the helpline services.
- In person assistance in urgent situations, with alternating teams.
- Increased monitoring of all cases.
- Appointment of a team for urgent requests and situations.
- Close cooperation with other services and municipalities to respond to urgent requests for shelter.
- Partnerships with several entities and companies to guarantee that all services of the National Support Network for Victims of Domestic Violence continue to access essential goods and resources during this emergency period, such as food, medicines, personal care products, cleaning products and IT equipment namely to ensure that sheltered children follow virtual school classes and activities.
- Security forces intensified their action by contacting known domestic violence cases, to verify potential situations of increased risk and to engage in protective measures, where necessary, as this remains a priority investigation crime.
- All local Commissions for the Protection of Children and Young People were given specific guidelines on procedures in cases of domestic violence during the pandemic
- In the context of the PT2020 funds, and as an exceptional measure, reimbursement decisions are automatic following 30 working days after the claim is made by the beneficiaries, expenses with actions or events that are cancelled or postponed due to COVID-19 are considered eligible for reimbursement, and flexibilization of conditions for the financial and physical reprogramming of projects.
- The special regime on pardon of criminal sentences approved in this period expressly excluded more serious crimes such as domestic violence and crimes against sexual freedom and sexual self-determination.

### **Studies on the gender impact of COVID-19**

The Portuguese Foundation for Science and Technology launched a call - Gender Research 4 COVID 19 – for new studies on the gender implications of the current pandemic, with a total available amount of 500.000 euros, open between 15 May and 2 June. This is in an initiative of the Portuguese Government, bringing together the areas of citizenship and equality and science and higher education, to stimulate new research on how gender social relations impact individual, family, economic and sanitary reactions to the crisis, and to support informed strategies to combat gender inequalities and violence against women and domestic violence in this context.

#### **The call includes three research lines:**

1. Gender and labour market, focusing on the differentiated impacts on employment and unemployment, teleworking and difficulties in reconciling professional, personal and family life, and the role of women in affected sectors and occupations at the frontline of dealing with the pandemic.



2. Gender stereotypes and roles, focusing on the dimensions of care and domestic work and associated gender roles, and reconciliation between teleworking with care and support to school activities.
3. Violence against women and domestic violence, focusing on patterns and dynamics of violence, State and civil society's responses, and on the development of prevention and response tools and instruments.

Finally, noteworthy is the approval of a bill in April 2020 (now being discussed in Parliament) amending Law 112/2009 that establishes a specific legal regime applicable to crime prevention and to the protection and assistance to victims. It includes among others the following dimensions:

Within 72 hours, the office of the Attorney General or the criminal investigation polices should undertake measures regarding evidence to assess the risk of new acts of violence being perpetrated against the victim and related persons, by the Attorney General or the criminal police authorities, as well as in cases where the accused is detained.

Competences in civil matters are granted to criminal courts to issue urgent interim decisions to protect the victim, such as the provisional regulation of the exercise of parental responsibilities, the provisional use of the family home and the custody of company pets; these decisions are immediately communicated to the Attorney General of the competent court.