



The EU Mutual Learning Programme in Gender Equality

**Women in political
decision-making**
Slovenia, 15-16 June 2016

Comments Paper - Portugal



The information contained in this publication does not necessarily reflect the position or opinion of the European Commission.

This publication is supported by the European Union Rights, Equality and Citizenship Programme (2014-2020).

This programme is implemented by the European Commission and shall contribute to the further development of an area where equality and the rights of persons, as enshrined in the Treaty, the Charter and international human rights conventions, are promoted and protected.

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Towards parity democracy

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1. Introduction and relevant country context

With the establishment of a democratic regime in Portugal in 1974, women and men were given equal rights under the Portuguese law. The principle of equality was enshrined by the Portuguese Constitution, which became effective on 25 April 1976.

The electoral system in Portugal was designed to be based on proportional representation, with closed lists. Voters cast their votes on lists of candidates selected and determined by each political party. The electorate is therefore unable to select a specific candidate or use a preferential vote. Portugal has a unicameral Parliament type.

The debate on parity democracy¹ in Portugal began to take form during the 90s initiated by the national machinery for gender equality (at the time: *Commission for Equality and Women's Rights* – *Comissão para a Igualdade e para os Direitos das Mulheres* - CIDM) and women's rights NGOs². In 1991 CIDM sponsored the creation of a working group on Parity Democracy, composed by women's rights NGO and enjoying consultative status with CIDM. In the context of the national elections that were to be held that same year, this group developed the initiative "*Political participation and parity democracy*", whereby it gathered in a public hearing party leaders and women in charge of women's rights bodies within political parties in order to understand their stance towards parity and their assessment of the *de facto* situation. Although there was encouraging consensus on its importance, women's rights bodies stressed the lack of equal opportunities in practice. A similar consult took place after the disappointing results of the national election that year, which elected only 8.7 % women.

In 1993 the first national meeting of women elected at local level was organised, in the context of the local elections due later that year. This meeting approved the creation of a platform of women elected at local level, and parity at all levels of decision making was one of its claims.

The following year witnessed the organisation of a landmark event called the Parity Parliament (January 31 – February 1, 1994). This event was attended by all women members and former members of the Portuguese Parliament from 1975 to 1994. Each of them invited one male member or former member of the Portuguese Parliament for the event, thereby creating an assembly with equal number of men and women. With large media coverage nationally and internationally, the conclusions of this event pointed to the need to further work towards balanced participation between men and women in political decision-making.

¹ According to the Council of Europe parity democracy is "the full integration of women on an equal footing with men in all levels and in all areas of the workings of a democratic society, by means of multidisciplinary strategies". The definition was first provided in a report delivered by a group of specialists on "Equality and Democracy" headed by Maria de Lourdes Pintasilgo in 1996.

² Women's rights NGO's together with others, in particular from the southern EU countries, also strongly mobilised to promote the study and discussion about electoral systems more favourable to the election of women.

In 1997 the Portuguese Constitution was reviewed for the fourth time. This review process successfully included, among the State's responsibilities (Article 9), the duty to "promote equality between men and women". Furthermore, two major changes were made to Article 109, concerning citizens' rights to political participation. The reference to "direct and active participation of citizens in political life" was amended to contain an explicit reference to "men and women". Furthermore, it was stated that "*the law must promote equality in the exercise of civic and political rights and non-discrimination in terms of sex regarding access to public positions*".

A second national gathering of women elected at local level took place in 1997. This meeting approved a Charter for parity political participation at local level. A few days before the local elections held that year, the women's rights NGO's in consultative status with the national machinery for gender equality published in the newspapers data highlighting the disparity between women's major contribution to the economy and the frustrating low proportion of women in political decision making bodies.

In 1999 the NGO "Alliance for Parity Democracy" published "What is parity democracy, after all?", a collection of frequently asked questions about the concept of parity and parity democracy³. Also in 1999, a public statement "Towards a parity democracy" was subscribed by five hundred Portuguese personalities. This statement called for the introduction of CEDAW-inspired special temporary measures with a view to attaining parity. Unsuccessful discussions of this issue took place in the Parliament in 1999 and later on in 2001.

In 2006, almost sixteen years after the first discussions of this matter, Portugal approved legislation setting a minimum threshold for political participation, referred to as the "Parity Act"⁴. Under its provisions, all candidate lists for local, national, and European elections – except in the Autonomous Regions of the Azores and Madeira, where this Act is not applicable - must guarantee a minimum participation of 33.3 % of each sex. The lists cannot contain more than two candidates of the same sex in consecutive order. The latter rule, however, is not applicable to parishes with 750 or fewer voters or to municipalities with 7,500 or fewer voters.

Penalties were foreseen for candidate lists found to be uncompliant with these provisions and not corrected in due time. These penalties impact the amount of public funding envisioned in the *Financing of Political Parties and Election Campaigns Act*⁵. Under this Act, parties are granted a subvention to cover campaign expenses: 20% of the subvention amount is equally distributed among all eligible parties (25% in the case of local elections) and the remaining 80% (75% in local elections) is proportionally allocated according to the election results.

The above mentioned penalties impact the subvention as per the following rules: If one of the sexes has a representation of under 20% in the candidate list, the proportional part of the subvention (80% or 75%) will be reduced by 50%; if one of the sexes has a representation of 20% or more and under 33,3% in the candidate list, the proportional part of the subvention (80% or 75%) will be reduced by 25%. If there is a violation of the rule stating that candidate lists cannot have more than 2

³ This booklet went on to be translated, revised and updated throughout the years, and the fourth major version was published and disseminated in 2016

⁴ [Parity Act 3/2006 of 21 August, rectified by the Declaration of Rectification No. 71/2006 of 4 October.](#)

⁵ Act 5/2015 of 10 April, [Financing of Political Parties and Election Campaigns Act](#)

candidates of the same sex placed consecutively, the proportional part of the subvention (80% or 75%) is reduced by 50%.

The European elections of 2009 were the first held under the purview of the Parity Act. In these elections, 36.4 %⁶ women candidates were elected. In the same year, national elections were also held, but the number of women elected was lower -, 27.39 %⁷ - although 38.7 % of the candidates were women⁸. The same happened in the 2011 national elections, in which 39.7 % of the candidates were women⁹ but which elected only 26.5 %¹⁰ of women candidates. In 2015, this latter figure rose again to 33 %.

As far as municipal elections are concerned, in the 2009 elections 27.6 %¹¹ women were elected but only 7.5 % as mayors. The number of women mayors rose to 8.1 % in 2013. Among the 1,345 candidates only 183 were women¹². According to data collected by the National Elections Commission, all the five biggest Portuguese parties had candidate lists not compliant with the parity law¹³.

2. Policy debate

The text of the Parity Act foresaw that five years after its entry into force, the Parliament would assess its impact on the promotion of equality between women and men and review the text accordingly. To this end, the Commission for Citizenship and Gender Equality (CIG) commissioned a study¹⁴. Nevertheless, the assessment by the Parliament did not happen yet.

In the upper mentioned study, a number of aspects were raised:

- The entry into force of the Parity Act contributed to increase women's participation in political decision-making;
- There is a need to distinguish between women candidates and elected women: the Act applies to the elaboration of the lists and not to the elections' outcomes, its impact being lower at this latter level;
- In fact, having compliant lists might fall short of the ultimate purposes of the Parity Law if the eligible places in those lists are occupied only by men, or if women are systematically excluded from heading the lists, especially when it's very likely that only one or two persons will be elected;
- The Parity Act had a reduced impact at the municipal/local levels. This impact was, unsurprisingly, even lower in the parishes and municipalities exempt from the Parity Act, as stated above;

⁶ Commission for Citizenship and Gender Equality, [Igualdade de Género em Portugal 2014](#)

⁷ Ibid.

⁸ Dinâmia-CET/ISCTE-IUL, [Study on the application of the Parity Act, 2011](#)

⁹ Ibid.

¹⁰ Commission for Citizenship and Gender Equality, [Igualdade de Género em Portugal 2014](#)

¹¹ Dinâmia-CET/ISCTE-IUL, [Study on the application of the Parity Act, 2011](#)

¹² Portal about the [local elections of 2013](#), accessed on 26 May 2015

¹³ National Elections Commission, [Inobservance of the Parity Act – Local Elections 2013](#)

¹⁴ Dinâmia-CET/ISCTE-IUL, [Study on the application of the Parity Act, 2011](#)

- Furthermore, at the municipal/local levels, a pattern emerges whereby women, once elected, tend to join deliberative bodies (parish assembly and municipal assembly), while men tend to occupy positions in executive bodies (parish council and town hall).

Women's NGO's in Portugal have raised the need to assess and review the Parity Act on a number of occasions, namely during the last CEDAW review to Portugal (November 2015). This has resulted in the following recommendation to Portugal: § 31 - *The Committee calls on the State party to increase the representation of women in political life by amending its Parity Law, in order to reach a 50 percent representation of both sexes in all legislative assemblies at the European, national and local levels. The same should be done in the Autonomous Regions. It also recommends that the State party reinforces the sanction in case of failure to comply with the law, for instance by foreseeing the automatic nullity of those lists*¹⁵.

Although there are no policy debates on women's participation in political decision making at the moment in Portugal, there's an ongoing debate concerning the level of women's participation in economic decision-making. In June 2015 the Portuguese Government signed a letter of agreement to promote gender equality in the management board of listed companies, in a logic of self-regulation, aimed at achieving at least 30 % of the least represented sex [women] on company boards by the end of 2018. Recently the Portuguese Government announced the intention to change the focus from self-regulation to specific legislation regarding a minimum threshold of parity in economic decision in listed companies. The proposed goal is to reach one-third of the least represented sex [women] in management bodies of listed companies by 2020, with an intermediate target of 20 % by 2018. Furthermore, it was also announced the intention to implement minimum thresholds to increase to a level of 40 % the proportion of the least represented sex [women] in top state positions (president, vice president and director general) by 2019, with an intermediate target (2017) of 33 % regarding both state direct and indirect administration and public enterprises. This agenda for gender equality started recently to be discussed with the social partners.

3. Transferability aspects

The quota law in Slovenia regards political decision-making and sets thresholds of 35 % (National Assembly) and 40 % (local and European elections) (40 % being the threshold of parity according to the Council of Europe¹⁶). In France, the goal is a 50/50 representation, attainable through a zipper system: alternation of one man/woman in the candidate lists. In Portugal, as stated, the goal was set at a minimum representation of 33.3 % of each sex in the composition of the lists.

In France there was an enforcement of the rule for a gender balanced representation beyond the field of politics, opening the door to new laws on gender equal access in professional, economic and social bodies, like public corporations, private companies and sports federations. More recently, the focus is shifting towards genuine power-sharing articulating both "quantitative" and "qualitative"

¹⁵ Committee on the Elimination of Discrimination against Women: [Concluding observations on the combined eighth and ninth periodic reports of Portugal](#)

¹⁶ Recommendation Rec(2003)3 of the Council of Europe's Committee of Ministers on balanced participation of women and men in political and public decision making.

parity: beyond the 50/50 representative power-sharing among women and men, assessing the effective roles and positions shared among women and men.

Transferability aspects might encompass, therefore, two dimensions:

- A **quantitative** one, whereby a higher level of ambition in the definition of minimum parity thresholds might be envisioned, in line with the CEDAW recommendations cited above. The Council of Europe definition of parity threshold (40 %) provides a solid benchmark in this instance. The introduction of the zipper system (one man/one woman or vice-versa) could be a useful way to bolster this aim, as research shows that closed systems (as the Portuguese), benefit from such a system.
- A **qualitative** one, whereby the parity aim is enlarged to other professional, economic and social bodies. This qualitative dimension is particularly timely in Portugal, since policy debates are now entering these areas. In a more general way, qualitative approaches such as the ones being applied in France are especially important as a way to advance the parity goal, since they can provide more insightful assessments of the impact of parity initiatives and can counteract the misguided view that parity is only a matter of numerical proportions oblivious of the actual roles and functions being performed by each sex.

4. Conclusions and recommendations

Women in power and decision-making is one of the twelve critical areas of concern of the Beijing Platform for Action (1995) and is referred to in articles 7 and 8 of the 1979 legally binding United Nations Convention on the Elimination of All forms of Discrimination against Women (CEDAW).

The Council of Europe adopted a Recommendation on the equal participation of women and men in political and public decision making in 2003, a Recommendation on gender equality standards and mechanisms in 2007, and a Recommendation on increasing women's representation in politics through the electoral system in 2010. Though not legally binding, these are strong and political recommendations.

The Treaty of the European Union defines equality between women and men as a value and an objective of the EU and defines gender mainstreaming in all areas as a horizontal principle. The Treaty on the Functioning of the European Union also opens up the possibility (article 157§4) of fostering equality between women and men through positive action measures, gender quotas being an example.

Although there is no binding provision at the European Union level for the realisation of equality between women and men in political decision-making, EU institutions have been adopting nonbinding texts relative to gender equality in decision-making:

- The Council Resolution on the balanced participation of men and women in decision-making (1995)
- The Council Recommendation on the balanced participation of women and men in the decision-making process (1996)
- The European Parliament resolution on women in decision-making (2000)
- The Women's Charter adopted by the European Commission (2010)

- The EU Strategy for Equality between Women (2010-2015);
- The Strategic engagement for gender equality (2016-2019).

There is, therefore, room for action regarding:

- **Binding provision to ensure the equal participation of women and men in any of the EU decision-making bodies – 50/50:** Introduction of binding measures for all European institutions, including in the election of the European Parliament and in the nomination process of the European Commission.
- **Gender stereotypes and sexism:** Address and tackle the gender norms, attitudes and stereotypes hindering women's equal participation in decision-making positions. Gender stereotypes and perceptions in relation to women in politics prevail due to persistent gendered attributes and competences associated to politicians which constitute an obstacle either to women's entrance or permanence in politics. Simultaneously address and tackle the gender norms, attitudes and stereotypes hindering men's participation in caring and private life with integrated policies aimed at promoting a balance between working and family life for both men and women.
- **European and national political mentoring network:** Mentoring programmes for young women and inexperienced women from all backgrounds in political decision-making at national (political parties) and EU level (European Parliament) complemented with training and capacity-building on subjects such as women's human rights, gender equality, leadership and decision-making, public standing and speaking, stakeholders' analysis and alliances, with the participation and visibility of feminist women role models in politics and from civil society.
- **Foster political will within political parties, empowering women's groups:** Indexing state subventions to political parties to the balanced participation of women and men at all levels of decision-making and electoral lists, through the means of implementation of gender equality auditing and the introduction of term-limits to elected candidates; have mandatory zipper systems (one man/one woman or vice-versa) for all closed lists (electoral, nominations and appointments) and rejection of uncompliant lists.
- **Training and awareness raising campaigns:** Develop training and awareness-raising initiatives on women's participation in political decision-making and leadership, targeted to specific groups, such as decision-makers and the media, highlighting the case for making women's political participation and representation a factual and visible reality.
- **Monitoring and evaluation:** Guarantee countries' due diligence with international commitments such as CEDAW, in particular its articles 5,7 and 8, by establishing parity observatories responsible for monitoring the implementation of the applicable measures and with competences and political mandates to develop recommendations to political parties, governments, and other relevant stakeholders.