

GENDER EQUALITY AND EDUCATION

A. Guimarães, F. Rebelo

Universidade Portucalense (PORTUGAL)

Abstract

The present study focused on issues related to gender equality and education, more specifically on university students' perceptions of gender inequality and its manifestations, with emphasis on domestic violence, justice application and execution of the respective penalties and its relationship with education. In particular, it was important to find out whether the resulting discrimination concerns them and, especially, about the sectors where inequality is most pronounced and its consequences. One objective sought to ascertain whether teaching in schools has contributed to increasing knowledge, understanding and promotion of gender equality, as well as whether, and to what extent, in universities the syllabus of curricular units dedicated to fundamental rights and constitutional law include this problematic within them. Another objective was to find out if there is sufficient scientific research carried out in this area and if that which exists is appropriate to contribute to a better life and a better future with respect to this theme.

The methodology followed consisted in the elaboration of a questionnaire with questions addressed to Brazilian students, of both genders, coming from the most diverse states of Brazil, varying their ages between 30/40 years, who were virtually attending the Master's Degree Course in Law, in the 2nd semester of the present academic year (2020-2021), at the Portucalense University, Portugal. The aim was to understand the perception of the students, who already have professional experience in the area of legal sciences, on the topic based on the reality experienced in Brazil. The survey was answered anonymously and freely.

The results showed that the overwhelming majority of students consider that gender equality between men and women is not realised in reality and have no doubts in stating that women are more disadvantaged. There is also a large majority who consider that it is at work where inequality is more accentuated. On the impact on education, almost all those who responded to the survey agree that more learning and better information are needed to combat inequality. On the other hand, however, almost all the students consider that young people of the 21st century are more informed about gender equality and that schools have contributed to this, leading us to believe that some favourable evolution has been taking place, so there was today a greater understanding and promotion of gender equality than there was in the past. It was concluded that the application of justice and the execution of sentences were often not fair and appropriate; also, scientific research in this area should be increased, as it is certainly a privileged instrument in the fight against the crime of gender violence.

Keywords: Gender equality, discrimination, education, gender violence crime, justice.

1 INTRODUCTION

Gender equality continues to be a highly topical issue. We need only to think of the most radical, ideological, religious and political movements that are active in some parts of the world and that put parity between men and women into crisis. Even in so-called civilised and more evolved societies, the position and role of women in the family, at work and generally in society, still follow a stereotyped model according to traditional patterns. Gender discrimination affects all areas of women's lives and has countless repercussions at the level of domestic violence, affecting fundamental human legal assets, such as women's physical and psychological integrity and/or their personal and sexual freedom. This is an intolerable form of violence which nowadays still has inconceivable numbers: it is the most reported type of crime in Portugal against a spouse or similar, with 27,637 reports, 75% of the victims being women. The cities of Lisbon, Oporto and Setúbal account for most of these reports. Of the 33,873 criminal enquiries that were concluded, 5,043 led to indictments, 2,001 were provisionally suspended without indictments and 21,327 ended with an order to close the case. Regarding convictions, 3,671 cases were subject to suspension of the execution of the prison sentence [1].

2 METHODOLOGY

The methodology followed consisted in the elaboration of a survey that was freely and anonymously answered by our students of Brazilian nationality, of both genders, coming from the most diverse states of Brazil, who were attending the Master's Degree Course in Law, in the academic year 2020/21, at the Portucalense University, where we are lecturers. These students are aged between 30-40 years old, with professional and life experience background. The aim of the survey was to understand the perception of the students, who already have professional experience in the area of legal sciences, on the topic based on the reality experienced in Brazil. It was very important for us to get the views on gender equality from mature students, which gave us the confidence to get thoughtful and careful answers. We tried to find out whether at the educational level the contents of the programme emphasise this issue and sensitise the students to the prevention and repression of the phenomenon of discrimination.

3 THE PROBLEM

Fifteen questions were posed to our students for them to answer freely, with guaranteed anonymity.

We asked when they first became interested in the issue of gender inequality and its manifestations, namely the discrimination arising from it, whether in childhood, in youth or only in adulthood; whether equality between men and women should be guaranteed in all areas of life; whether gender equality between men and women is realised in reality; whether it is men or women who are at a greater disadvantage in this area; in which sectors inequality is more accentuated (in the family, in the place of residence, at school or at work); whether, within the respondents' families, domestic chores and childcare and education are tasks that are equally shared by the two spouses; whether they consider there to be sufficient training and awareness-raising activities aimed at alerting people to gender inequality and its consequences; whether the young people of the 21st century are more informed about gender equality; whether schools have contributed towards increasing knowledge, understanding and promotion of gender equality; whether the syllabus in higher education includes this problem in the subjects which are most suitable for this type of discussion, such as fundamental rights and constitutional law; whether they agree that there is sufficient scientific research carried out in this area and whether the existing research is appropriate to strengthen a better life and a better future with regard to this issue; whether the penalties provided for in the penal code for the crime of domestic violence are sufficient; whether the courts apply fair sentences, in sentencing, given the seriousness of the crime and, finally, whether the suspension of the execution of the prison sentence is appropriate in cases where the defendant is primary.

4 THE RESULTS

The results obtained were not entirely surprising. The answers reflected the facts and phenomena that we become aware of through empirical knowledge and common experience and expressed the opinions expressed by the community in general.

In a universe of thirty-five respondents, the answers revealed that:

- 1 It was during adulthood that people became more attentive and began to take an interest in gender equality issues, representing 54.3% of those polled, with 34.3% who had already dedicated their attention to this subject during their youth and a residual part - 11.4% - who already valued this subject during childhood;
- 2 A representative majority considered that gender equality should be guaranteed in all areas of life - 85.7%;
- 3 Only 8.6% of those polled consider that gender equality is a reality in practice, with the remaining 91.4% having the opposite opinion;
- 4 It is women who are at a clear disadvantage in terms of gender equality, with 97.1% of responses in this regard;
- 5 Inequality between men and women is most marked at work (77.1%), followed by inequality felt in the family (20%);
- 6 Domestic chores and those related to the care and education of children are divided equally between both spouses at a percentage of 51.4%;

- 7 A well-representative majority - 82.9% - believes that the necessary and sufficient awareness-raising and training actions do not exist with a view to alerting people to gender inequality and its consequences;
- 8 However, 97.1% consider that the youth of the 21st century are more informed on the issue of gender equality;
- 9 Schools have contributed towards increasing knowledge, understanding and promotion of gender equality, with 74.3% of the answers in this regard;
- 10 51.4% of those polled revealed a lack of treatment of this problem in higher education, namely in the subjects of fundamental rights and constitutional law, whose syllabus does not include these issues;
- 11 Also 77.1% expressed the insufficiency of scientific research in this area;
- 12 Nevertheless, existing scientific research is appropriate to strengthen a better life and a better future with regard to this issue;
- 13 Domestic violence being one of the most evident and serious manifestations of gender inequality, 74.3% of those polled consider the penalties for this crime to be insufficient;
- 14 And 71.4% also reveal that, in cases of conviction, they do not apply fair sentences in view of the gravity of the crime in question;
- 15 Regarding the application of the institute of suspension of the execution of the prison sentence by the courts in the case of primary defendants, 60% of the respondents disagree with this solution.

5 RESULTS ANALYSIS

We consider our questionnaire to be useful for validating what is becoming a generalised feeling of maintenance of gender inequality in our society.

The answers provided left no doubt as to the topicality and relevance of the subject. Gender equality is not yet an effective reality, as it is a right that has a long way to go to achieve the realisation of article 13 of the Constitution of the Portuguese Republic, which establishes the principle of equality, in terms of fundamental rights and duties.

- 1 All citizens have the same social dignity and are equal before the law.
- 2 No one shall be privileged, favoured, prejudiced, deprived of any right or exempted from any duty on the grounds of ancestry, sex, race, language, place of origin, religion, political or ideological beliefs, education, economic situation, social status or sexual orientation [2].

The Charter of Fundamental Rights of the European Union enshrines the right of all citizens to equality before the law in Article 20 and the prohibition of discrimination on any ground such as sex in Article 21 [3].

The United Nations Secretary-General has stated that "gender inequality is the great injustice of our time and the greatest human rights challenge we face" [4].

Portugal is ranked 16th in the 2020 Gender Equality Index of the European Institute for Gender Equality (EIGE), having demonstrated progress in this area since 2010 in relation to the other countries of the European Union [5]. The aspects considered most relevant for Portugal to reach this position were those related to a growing increase in women's education at higher education level and the greater number of positions occupied by women in the administration of companies, ministries and parliament.

We emphasize that the respondents mostly became aware of this issue in adulthood, which shows us that both the family and the school failed to transmit the ideals concerning fundamental rights and in particular the right to equality. There are 91.4% of respondents who state that gender equality is not implemented in practice. In this context, it is women who are undoubtedly at a clear disadvantage, which was demonstrated by 97.1% of the answers in this regard. This inequality affecting women is felt most in the workplace. This fact does not surprise us in view of national statistics revealing this gap between men and women and the maintenance and perpetuation of the role traditionally attributed to women with the corresponding stereotype. It starts in the very employability often refused to women due to their condition of mother, passing through the wage gap between men and women and up to the weakened claiming power of women. The wage asymmetry between men and women in Portugal stands at 10.6%, according to data provided by Pordata [6].

At family level, 51.4% of our respondents divide household chores and the care and education of their children equally. This has become a trend among modern couples and in this regard, we cannot disregard the fact that we are talking about respondents in the 30-40 age group in which the division of tasks appears as a necessity and inevitability for the good functioning of family harmony.

With regard to the dissemination of the subject of gender equality, the answers present an apparent contradiction: while 82.9% say that there are not enough awareness-raising and training actions to alert people to gender inequality and its consequences, 97.1% believe that young people of the 21st century are more informed on this issue. If this is the case, it is important to ascertain the main channel through which this information is transmitted to young people: 74.3% of the answers were in the sense of attributing to schools the role of increasing knowledge, understanding and promotion of gender equality.

We cannot fail to mention the role of political actors aimed at strengthening citizenship, with special emphasis on the V National Plan for Gender Equality, Citizenship and Non-Discrimination 2014 -2017, where the need for education in this area is highlighted from pre-school education, through primary and secondary education [7]. Since 2016 the subject of Citizenship and Development was adopted in schools whose programmatic content introduced gender equality. Later, through the Resolution of the Council of Ministers No. 61/2018, the National Strategy for Equality and Non-Discrimination 2018-2030 was approved [8]: "Achieve Gender Equality and Empower all women and girls" is one of the Sustainable Development Goals.

With regard to higher education, 77.1% of the respondents stated that scientific research in the area of gender equality and its manifestations is insufficient, although existing research can help to envisage a better future and that the most appropriate subjects for reflection and discussion (such as fundamental rights and constitutional law) do not include this subject in the syllabus. In fact, academic studies in this area are relatively recent and most of them focus on labour issues.

As domestic violence is one of the most evident and serious manifestations of the disrespect for gender equality, we pose some questions about criminal justice in this sector. As Rute Baptista states, "The promotion of gender equality is thus an indispensable tool for combating violence against women" [9]. The last Domestic Violence Annual Monitoring Report dates from October 2020 but reports to the year 2019 [10]. In it we can read that the crime of domestic violence was the most reported to the criminal police agencies, having been registered about 3 reports per thousand inhabitants. The police intervention took place at the victim's request (76%), by relatives or neighbours or by anonymous complaint. Minors witnessed these facts in 31% of the cases. In 76% of the cases, the violence occurred between doors, in the aggressor's and victim's home. Physical and psychological violence are the dominant forms and the victims are predominantly women, while the aggressors are predominantly men. There were 51 completed homicides and 33 attempted homicides; 52% of the victimisation is continuous [11].

Portuguese courts frequently apply, in case of conviction for the crime of domestic violence, the suspension of the execution of the prison sentence, especially in primary convicted offenders. This figure is provided for in article 50 of the Portuguese Penal Code and may take place whenever the conviction does not exceed five years' imprisonment and the agent's personality, living conditions, conduct prior and subsequent to the crime allow "the conclusion that the mere censure of the fact and the threat of imprisonment adequately and sufficiently fulfil the purposes of the punishment". As expressed in a decision of the Lisbon Court of Appeal, the suspension of the execution of the prison sentence "reflects a unease on the part of the legislator with prison sentences" [12]. The crime of domestic violence, provided for in Article 152 of the Portuguese Penal Code, carries a sentence of up to five years' imprisonment when committed in its simple form. If the violence results in serious injury to physical integrity, the prison sentence is from two to eight years and if the victim's death results, the prison sentence is from three to ten years.

From the answers obtained, 74.3% consider the penalties provided for this crime to be insufficient, which leads to the conclusion that they are in favour of increasing the penal frameworks for this type of crime as a way of general prevention of the phenomenon. When there is an actual conviction, 71.4% disagree with the sentences applied as they are not fair in relation to the seriousness of the crime, falling short of what is desirable, and 60% responded that they disagree with the recurrent application of the institute of suspension of the execution of the prison sentence by the courts in the case of primary defendants, thus defending actual imprisonment even when the aggressor has no criminal record.

6 CONCLUSIONS

- 1 Gender equality is an issue that particularly affects women (97.1% of the answers) and has serious manifestations at the level of the commission of the crime of domestic violence.
- 2 The respondents revealed that they began to worry about this problem essentially in adulthood (54.3%), with little interest in the matter during childhood (11.4%) or youth (34.3%).
- 3 The answers were very expressive - 91.4% - in the sense that they consider that gender equality is still not a reality and that it does not materialise in practice and it is at work (77.1%) and in the family (20%) where inequality between men and women is most accentuated, nevertheless the fact that domestic tasks, caring for and raising children are activities that are already being shared equally by a significant number of couples (51.4%).
- 4 The respondents consider that there are not enough training and awareness-raising actions on the problem of gender inequality (82.9%) and its consequences but, at the same time, they recognise that the young people of the 21st century are informed on the subject of gender equality (97.1%).
- 5 Schools have given their contribution to this information and promotion of gender equality (74.3%) but they reveal that in higher education there are subjects such as fundamental rights and constitutional law that do not deal with this thematic (51.4%).
- 6 Concomitantly, they believe that scientific research in this area is insufficient (77.1%) but that the existing research helps to strengthen a better future in this sector (57.1%).
- 7 One of the most visible and serious manifestations of gender inequality is domestic violence, with the respondents stating that the penalties provided for in the penal code for this crime are insufficient (74.3%) and that the courts, in the event of conviction, do not apply fair sentences in view of the gravity of the crime in question (71.4%), in addition to the fact that 60% disagree with the application of the suspension of the execution of the sentence even to primary convicts, implicitly defending effective imprisonment as a sanction in these cases.

REFERENCES

- [1] Relatório Anual de Segurança Interna – Ano 2020, Sistema de Segurança Interna, Accessed 3 September, 2021, pp. 14, 70-73. Retrieved from <https://www.portugal.gov.pt/download-ficheiros/ficheiro.aspx?v=%3d%3dBQAAAB%2bLCAAAAAAABAAzNDQ1NAUABR26oAUAAAA%3d>
- [2] Constituição da República Portuguesa, Accessed 3 September, 2021. Retrieved from <https://www.parlamento.pt/Legislacao/Paginas/ConstituicaoRepublicaPortuguesa.aspx>
- [3] Carta dos Direitos Fundamentais da União Europeia, Accessed 3 September 2021. Retrieved from <https://eur-lex.europa.eu/legal-content/PT/TXT/PDF/?uri=CELEX:12016P/TXT&from=FR>
- [4] A. Guterres, “Nações Unidas”. Centro Regional de Informação para a Europa Ocidental. Accessed 3 September, 2021. Retrieved from <https://unric.org/pt/a-desigualdade-de-genero-e-o-desequilibrio-de-poder/>
- [5] Índice de Igualdade de Género, 2020 – POCH, Gender Equality Index. Accessed 3 September, 2021. Retrieved from <https://eige.europa.eu/gender-equality-index/2020/country/PT>
- [6] PORDATA, 2019, Accessed 3 September 2021. Retrieved from <https://www.pordata.pt/Europa/Disparidade+salarial+entre+homens+e+mulheres-3560>
- [7] V Plano Nacional para a Igualdade de Género, Cidadania e Não Discriminação, 2014 - 2017, Diário da República, 1.ª série - N.º 253, de 31 de dezembro de 2013.
- [8] Diário da República n.º 97/2018, Série I, de 2018-05-21.
- [9] R. Baptista, “A educação para a igualdade de género nas escolas como ferramenta para o combate da violência contra as mulheres. O que tem feito Portugal?”, p.1, Universidade do Minho, Escola de Direito, Accessed 3 September, 2021. Retrieved from <https://www.direito.uminho.pt/pt/Sociedade/PublishingImages/Paginas/Atualidade-Juridica/A%20educa%C3%A7%C3%A3o%20para%20a%20igualdade%20de%20g%C3%A9nero%20nas%20escolas.pdf>

- [10] Violência Doméstica - 2019. Relatório anual de monitorização. Outubro de 2020, Ministério da Administração Interna Secretaria-Geral da Administração Interna, Accessed 3 September, 2021. Retrieved from https://www.sg.mai.gov.pt/Documents/vd/RelVD_2019.pdf
- [11] Estatísticas APAV, Relatório Anual 2020, pp. 8 e 17. Accessed 3 September, 2021. Retrieved from https://apav.pt/apav_v3/images/pdf/Estatisticas_APAV_Relatorio_Anual_2020.pdf
- [12] Tribunal da Relação de Lisboa, Processo 3798/17.3PYLSB.L1-5, de 11/05/2019, Relator VIEIRA LAMIM.