



Last update: 15/03/2021

## Portugal

<b>Membership to the Council of Europe</b>	22 September 1976
<b>Entry into force of the European Convention on Human Rights</b>	9 November 1978
<b>First case under supervision of execution</b>	<b>Guincho</b> (8990/80) Judgment final on 10 July 1984
<b>Total number of cases transmitted for supervision since the entry into force of the Convention</b>	513
<b>Total number of cases closed by final resolution</b>	478

### MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION\*

#### > Access to a court

**Impossibility to have access to court for the examination of the cassation complaint** due to a restrictive interpretation of a procedural rule by the Supreme Court.

**Meggi Cala** (24086/11)  
Judgment final on 02/05/2016

**Status of execution**  
Standard supervision

#### > Fairness of judicial proceedings

**Failure of the Court of appeal to hear, in 2007, the accused in person in criminal proceedings** instituted against her for threats and insults and resulting in her conviction to 265 hours of community service.

**Moreira Ferreira** (19808/08)  
Judgment final on 05/10/2011

**Status of execution**  
Standard supervision

**Unfairness of the disciplinary proceedings against magistrates** due to insufficient control by the Supreme Court of the sanctions imposed by the High Council for the Judiciary.

**Tato Marinho Dos Santos Costa Alves Dos Santos** (9023/13)  
Judgment final on 21/09/2016

**Status of execution**  
Standard supervision

#### > Length of judicial proceedings

**Excessive length of judicial proceedings** revealing a structural problem in the administration of justice and lack of an effective compensatory remedy.

**Vicente Cardoso** (30130/10)  
Judgment final on 12/03/2013

**Status of execution**  
Enhanced supervision

\* Detailed information concerning the Committee of Ministers' supervision of the execution of judgments and decisions of the European Court of Human Rights, notably the distinction between enhanced and standard supervision, are available on [the website of the Department for the Execution of Judgments](#).



MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION\*

> **Enforcement of domestic judicial decisions**

**Unlawful tax enforcement procedure** due to the tax authorities' and administrative courts' disregard of an acquittal in criminal proceedings for tax fraud.

**Melo Tadeu** (27785/10)  
Judgment final on 23/03/2015

**Status of execution**  
Standard supervision



## SUPERVISION CLOSED - MAIN REFORMS ADOPTED \*\*

## &gt; Conditions of detention

**Abolition of the legal ceilings for the number of examinations** conducted by one expert per year and increase of the capacity of regional health offices and recruitment of additional psychiatrists.

**Magalhães Pereira No. 2** (15996/02)  
Judgment final on 20/03/2006

**Final Resolution**  
**CM/ResDH(2009)53**

## &gt; Fairness of judicial proceedings – civil rights

Following an amendment to the Code of Civil Procedure in 2008, **the notes transmitted by the first instance judge to the court of appeal must also be communicated to the parties.**

**Ferreira Alves** (41870/05)  
Judgment final on 14/07/2009

**Final Resolution**  
**CM/ResDH(2012)45**

## &gt; Length of judicial proceedings

**Legislative reform to accelerate judicial proceedings** and introduction of a compensatory remedy.

**Oliveira Modesto and Others** group  
(34422/97+)  
Judgment final on 08/09/2000

**Final Resolution**  
**CM/ResDH(2016)149**

**Martins Castro et Alves Correia de Castro** group (33729/06)  
Judgment final on 10/09/2008

**Final Resolution**  
**CM/ResDH(2016)99**

## &gt; Protection of private and family life

**In vetting procedures, 2007 legislation improved the protection of private life in case of security investigations of employees** and provided for effective remedies in this regard.

**Antunes Rocha** (64330/01)  
Judgment final on 12/10/2005

**Final Resolution**  
**CM/ResDH(2013)230**

**Introduction of new provisions in the Civil and Criminal Codes in 2008:**

- in case of divorce, obligation to submit an agreement on the exercise of parental authority to the prosecutor, on the basis of the best interest of the child;
- punishment by up to two years' imprisonment or by a up to 240 day-fine for child abduction or refusal to abide by agreements regulating the exercise of parental authority.

**Reigado Ramos** (73229/01) Judgment final on 22/02/2006

**Final Resolution**  
**CM/ResDH(2012)132**

**In 2015, the Law on the promotion and protection of children and youth in danger was amended** in order to make the parents' legal representation obligatory in proceedings concerning the placement of their children.

**Soares de Melo** (72850/14)  
Judgment final on 16/05/2016

**Final Resolution**  
**CM/ResDH(2019)123**

\*\* This section may also include certain major reforms already implemented in the context of cases still pending.

For a thorough overview of reforms adopted since the entry into force of Protocol No. 11 in 1998 see the [Annual Report 2015](#), Part IV "Main achievements". As regards the period 1959-1998, see the overview provided by the European Court in its special publication "Survey : 40 years of activity", section IV "Effects of judgments and decisions" – both documents, together with a number of additional ones, are available also on the website of the Department for the Execution of Judgments of the European Court of Human Rights.



## SUPERVISION CLOSED - MAIN REFORMS ADOPTED\*\*

## &gt; Freedom of expression

Since 2007, the qualification of “violation of the judicial secret” as an offence is no longer applied automatically to the pre-trial phase but only on specific decisions taken by the investigation judge, or by the prosecution under the control of the investigation judge.

*Colaço Mestre* group (11182/03+)  
Judgment final on 26/07/2007

Final Resolution  
CM/ResDH(2015)115

According to the Supreme Court, national courts, when dealing with cases where the right to honour of public figures is in conflict with the right to freedom of expression, must take into account the case law of the European Court in order to prevent future violations of the right to freedom of expression.

*Medipress* group (55442/12)  
Judgment final on 30/11/2016

Final Resolution  
CM/ResDH(2019)201

## &gt; Protection of property rights

A new Court Fees Code from 2008 introduced a mixed system with upper limits far below of what could be imposed so far, which had led to fees exceeding expropriation compensation awarded.

*Perdigão* (24768/06)  
Judgment final on 16/11/2010

Final Resolution  
CM/ResDH(2011)243

The expropriation procedure, according to Expropriations Code, must be based on reasons of public interest; follow a well-established procedure; be the subject of a declaration of public utility by the competent authority and give rise to a fair compensation.

*Rolim Comercial S.A.* (16153/09)  
Judgment final on 16/07/2013

Final Resolution  
CM/ResDH(2017)318

## &gt; Discrimination

Equal treatment of heterosexual parents and parents living in homosexual relationships with regard to custody proceedings.

*Salgueiro da Silva Mouta* (33290/96)  
Judgment final on 21/03/2000

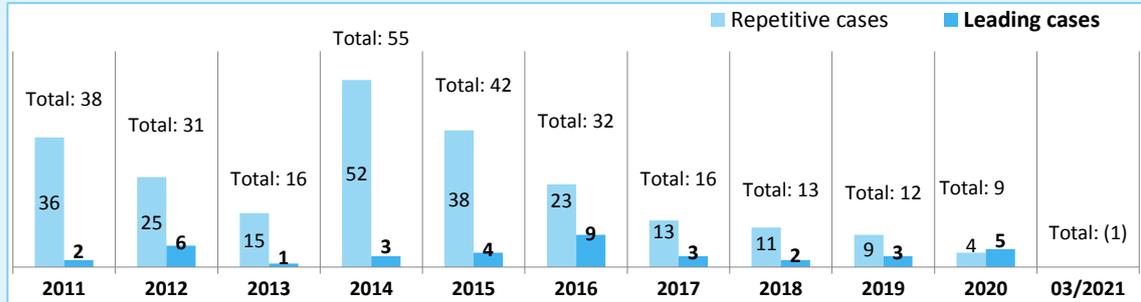
Final Resolution  
CM/ResDH(2007)89



# STATISTICS\*\*\*

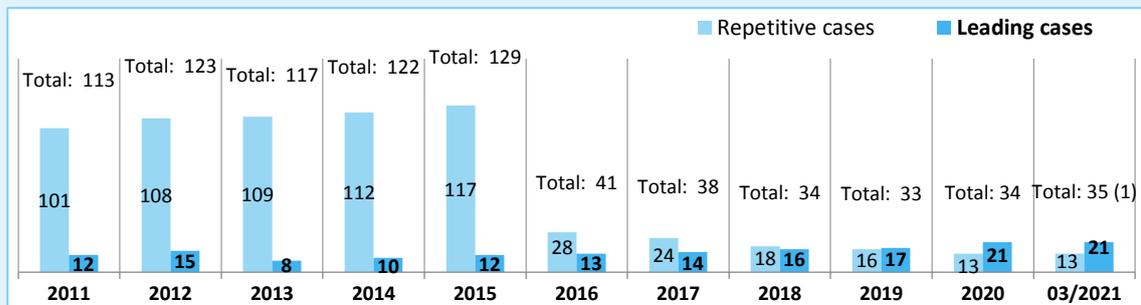
## New cases

(judgments transmitted for supervision of their execution during the year)



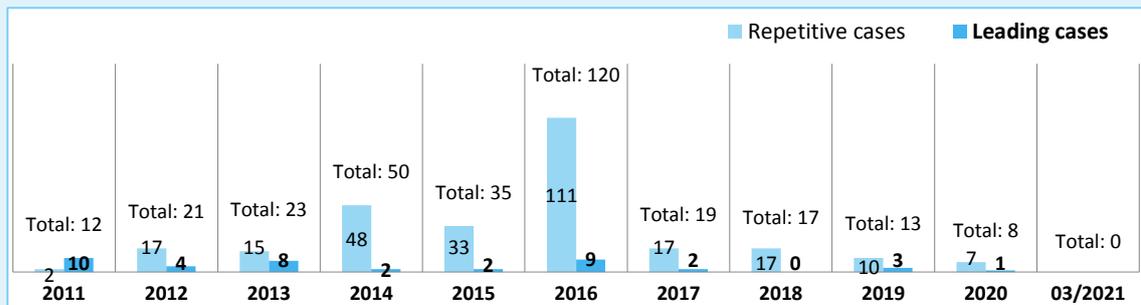
Figures bracketed correspond to the number of cases not yet classified as leading or repetitive, but they are taken into account in the total number of new cases.

## Pending cases

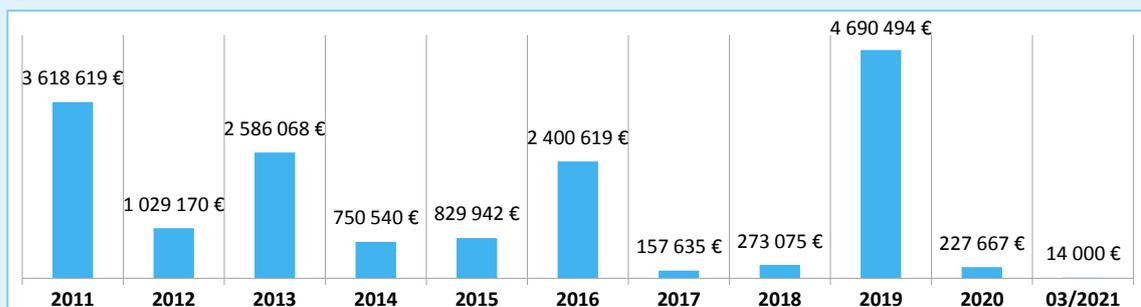


Figures bracketed correspond to the number of cases not yet classified as leading or repetitive, but they are taken into account in the total number of pending cases.

## Cases closed by final resolution



## Just satisfaction awarded by the European Court



\*\*\* Detailed statistics are available in the annual reports of the Committee of Ministers. Figures are reported as they appear in the annual report for each year.