



COUNCIL OF EUROPE    CONSEIL DE L'EUROPE

**EUROPEAN COMMISSION**  
**FOR THE EFFICIENCY OF JUSTICE**  
**(CEPEJ)**

**PILOT-SCHEME**  
**FOR**  
**EVALUATING JUDICIAL SYSTEMS**

# SCHEME FOR EVALUATING JUDICIAL SYSTEMS

**Country:** Portugal

**Contact Name:** Pedro Duro

## I. General information

### 1. Number of inhabitants

Number: 10 407 500 Year of reference: 2002  
Source: Instituto Nacional de Estatística (National Statistics Office)

### 2. Total annual State/regional public budget

Budget: 47 169 627 222 euros Year of reference: 2002  
Source: Official journal (Diário da República, n.º 298, I Série, 27 de Dezembro de 2001)

### 3. Average gross annual salary

Salary: 8 005 euros Year of reference: 2001  
Source: Instituto Nacional de Estatística (National Statistics Office)

The figures referring to the year 2002 are not yet available

## II. Access to Justice and to all courts

### II. A. Legal aid/cost of justice

#### 4. Annual public budget spent on legal aid

Annual budget:

NA

Year :

2002

Source :

Instituto de Gestão Financeira e Patrimonial  
(Financial and Patrimonial Management Institute)

The figure we have is – 30 615 000 euros;  
However, some of this capital refers to  
amounts that should be paid in the year 2001  
but were only paid in 2002.

#### 5. If possible, specify

##### - the annual public budget spent on legal aid in criminal cases

Annual budget:

NA

Year :

.....

Source :

Ministério da Segurança Social e do Trabalho  
(Social Security and Labour Ministry)

Just from the year 2003 onwards it is  
possible to detach this kind of information.

##### - annual public budget spent on legal aid in other court cases

Annual budget:

NA

Year :

.....

Source :

Ministério da Segurança Social e do Trabalho  
(Social Security and Labour Ministry)

Just from the year 2003 onwards it is  
possible to detach this kind of information.

#### 6. Total number of legal aid cases (in a year)

Number of cases:

NA

Year :

2002

Source :

Ministério da Segurança Social e do Trabalho  
(Social Security and Labour Ministry)

We only have data concerning non criminal  
matters.

#### 7. If possible, specify:

##### - the total number of legal aid cases in criminal matters (in a year)

Number of cases: NA

Year :

2002

Source :

This matter is ultimately considered and  
approved by the courts; Data not available.

##### - the total number of legal aid cases in other court cases (in a year)

Number of cases:

87 948

Year :

2002

Source :

Ministério da Segurança Social e do Trabalho  
(Social Security and Labour Ministry)

We do not know, from this total, how many actually followed the  
judicial course.

8. Does your country have an income and asset test for granting legal aid?

Yes / No: Y

9. If yes, what is the maximum income level for granting legal aid?

Income level:

7 308 euros

Year :

2002

1½ minimum legal income x 14 months.

10. Is it possible to refuse legal aid for lack of the merit of the case?  
(eg. for frivolous or vexatious actions, or cases without merit)

Yes / No:

N

It can't be refused; however it can be withdrawn when, in the appeal court, the defendant has been considered guilty of acting in bad faith; the Bar Association may also refuse to appoint lawyers or solicitors based on the lack of the merit of the case, when there has been 3 legal consecutive excuses.

If yes, is the decision taken by :

(please indicate the right answer)

- the court
- a body external to the court
- a mixed decision-making body (court and external)
- other:

What factors are taken into account?

Factors:

.....

11. In general do litigants have to pay a court tax or fee to start a proceeding at a general jurisdiction court?

Yes / No / Otherwise: Y

If yes, is this true for :

- criminal cases? Yes / No Y
- other than criminal cases? Yes / No Y

12. Does your country have a private system of legal expenses insurance for individuals?

Yes / No / Otherwise: Y

13. Do judicial decisions have an impact on who bears legal costs which are paid by the parties during the procedure?

Yes / No / Otherwise:

Y

If yes, is this true for :

- criminal cases ? Yes / No Y
- other than criminal cases? Yes / No Y

14. In your country, have studies been carried out on the costs of cases brought to courts concerning: - users? Yes / No N  
 - the State? Yes / No N

If yes, please indicate the references of these studies published in the year 2002 or 2003:  
 (Author / instance) (Title) (Type of courts or costs reported on):

.....  
 .....  
 .....

**II. B. Users of the courts and victims**

15. Are there official internet sites/portals (eg. Ministry of justice, etc..) through which the general public may have free access to:

- legal texts (eg. codes, laws, regulations, etc..)? Yes / No Y  
 internet address: among others we have: [www.mj.gov.pt](http://www.mj.gov.pt) and [www.portalcidadao.pt](http://www.portalcidadao.pt) - web portals  
[www.digesto.gov.pt](http://www.digesto.gov.pt) / [www.dr.incm.pt](http://www.dr.incm.pt) - websites

- to the case-law of the higher court/s? Yes / No Y  
 internet address: [www.dsgi.pt](http://www.dsgi.pt)

- to other documents (for examples legal forms)? Yes / No Y  
 internet address: [www.tribunaisnet.mj.pt](http://www.tribunaisnet.mj.pt)

If yes, please give the internet address

16. Is there a public and free-of-charge specific information system to inform and to help victims of crimes? Yes / No Y

Comments:

There are several public services, telephone lines and associations, one of which is the Portuguese Victim Support Association.

17. Is there a public, free of charge and personalised specific information system, managed by the police or the justice system, on the follow up given to complaints by victims of crime? Yes / No N

Comments:

We hope to have this information as soon as the management data processing scheme "Habilus" makes it available. At the moment it is not possible to obtain this kind of information.

18. Does your country have a public compensation fund to compensate financially victims of crimes? Yes / No Y

Comments:

The Crime Protection Victims Commission. It provides the victims of violent crime with financial aid. The maximum amount - 29 927,9 euros is given whenever intentional crimes occur that cause grievous bodily harm or death.

19. Does your country have users' or legal professionals' (judges, lawyers, officials, etc.) surveys to measure public trust and satisfaction with the services delivered by the judiciary?  
Yes / No N

If yes, are these surveys  
- at national level Yes / No  
- at court level Yes / No

20. Is there a national or local procedure for making complaints about the performance of the judiciary (eg. through an ombudsman)? Yes / No Y

Please specify:

- at court level/internal procedure Yes / No N  
- at court level/external procedure Yes / No N  
- at national level/internal procedure Yes / No Y  
- at national level/external procedure Yes / No Y

Comments:

At national level/internal procedure, the complaint may be addressed to the Judicial Judges' or to the Public Prosecutors' High Council as well as to the Administrative and Tax Judges' High Council; at national level/external procedure the complaint may be addressed to the Ombudsman.

21. As a general rule, do the institutions which receive such complaints have an obligation to respond and/or to deal with the complaint within a certain time limit? Y

- time limit to respond: Yes / No Y  
- time limit for dealing with the complaint: Yes / No Y

All the entities but the Ombudsman have a time limit to respond and for dealing with the complaint. In the case of the Ombudsman, however, the time limit depends on the cooperation of all the parties involved and on the nature of the complaint in question.

### III. Functioning of courts and efficiency of justice

#### III. A. Functioning

22. Total number of courts

Number of courts: 362

There are 2 jurisdictions:  
One Judicial:  
327 first instance courts  
6 high courts  
Another Administrative and Tax:  
27 first instance courts  
2 high courts

This number does not include 7 military courts, 1 Accounts court and 1 Constitutional court.

(a) All the following answers, related to this matter, concern only this type of courts.

23. Number of general jurisdiction first instance courts

Number of courts: 229

**24. Number of specialised first instance courts**  
*Please specify the different areas of specialisation*

(area of specialisation)	(number of courts)
Specialised judicial jurisdiction	125
Juvenile courts	18
Labour courts	47
Enforcement of sanctions courts	4
Maritime court	1
Administrative and Tax courts	27
Commerce courts	2
Criminal instruction court	5
Civil and/or criminal courts	21

**25. Number of professional judges sitting in courts**  
*(present the information in full time equivalent and for permanent posts)*

Number of judges: 1 551      fte      Year : 2002

This number refers to professional judges sitting in courts at December 31.

Source : Gabinete de Política Legislativa e Planeamento  
(Legal Policy and Planning Office)

**26. Number of non-professional judges sitting in courts**  
*(present the information in full time equivalent and for permanent posts)*

Number of judges: 733 non-professional judges      Year : 2002

Source : Direcção-Geral da Administração da Justiça (Justice Administration Directorate-General)  
Direcção-Geral da Administração Extra Judicial (Extra-Judicial Administration Directorate-General)

Please give details:

294 social judges in actual service  
439 substitute social judges

**27. Number of non-judge administrative staff who are working in courts**  
*(present the information in full time equivalent and for permanent posts)*

Number of staff: 9 730      fte      Year : 2002

9 680 administrative staff  
50 assessors

Source : Gabinete de Política Legislativa e Planeamento  
(Legal Policy and Planning Office)

**28. Annual budget allocated to all courts**

Annual budget: 488 907 862,00 euros      Year : 2002

Source : Direcção-Geral da Administração da Justiça (Justice Administration Directorate General)

29. Annual budget allocated to the Ministry of justice or the institution (for example Judicial Council) which is responsible for the functioning of the courts

Annual budget: 11 473 283,00 euros Year : 2002

Source : Direcção-Geral da Administração da Justiça  
(Justice Administration Directorate General)

30. Has the budget for justice increased during the last 5 years? Yes / No Y  
What are the figures?

Budget	Year
348 916 576,93 euros	1999
Budget	Year
402 098 712,29 euros	2000
Budget	Year
440 120 161,76 euros	2001
Budget	Year
488 907.862,00 euros	2002

31. Which institution is formally responsible for setting up the budget devoted to courts?

- the ministry of Justice (or equivalent) Yes / No Y The General Secretary (SG)
- the Government Yes / No
- the Parliament Yes / No
- the Judicial Council Yes / No
- the Courts Yes / No
- other: IGFPJ

The General Secretary of the Ministry of Justice is the entity responsible for setting up the budget related to the judiciary; The Financial and Patrimonial Management Institute sets the budget allocated to each court

32. Who manages the budget of the courts?

- the President of the Court Yes / No
- the person administratively responsible for the court Yes / No Y
- other:

The justice secretaries manage the budget of the courts.

33. Which institution is responsible for arranging and scheduling the court hearings/sessions?

- in criminal cases: the court / public prosecutor / lawyer / other: The judge

The judges who preside over the courts sessions/hearings are also responsible for arranging and scheduling them.

- in other than criminal cases the court / public prosecutor / lawyer / other: The judge



### III. B. Efficiency

#### 34. Total number of criminal cases received by the public prosecutor (in a year)

Number of cases: 499 798 Year : 2002  
Source : Gabinete de Política Legislativa e Planeamento (Legal Policy and Planning Office)

#### 35. Total number of criminal cases dropped by the public prosecutor (in a year)

Number of cases: 388 755 Year : 2002  
Source : Gabinete de Política Legislativa e Planeamento (Legal Policy and Planning Office)

Please indicate also, out of this total, those dropped as the offender has not been identified

Number of cases: NA  
Source : Gabinete de Política Legislativa e Planeamento (Legal Policy and Planning Office)

It is not possible to detach this information from the total number of criminal cases dropped by the public prosecutor.

#### 36. Total number of criminal cases which are concluded by a sanction/measure, imposed or negotiated by the public prosecutor (in a year)

Number of cases: 1 399  
Source : Gabinete de Política Legislativa e Planeamento (Legal Policy and Planning Office)

The public prosecutor has no power to impose direct sanctions; nonetheless it can always, with the approval of the judge and of the defendant himself, apply certain injunctions and behaviour rules whenever the crime for which the defendant is prosecuted is punishable with less than 5 years of imprisonment or other than a prison sentence. If the defendant obeys all the injunctions and behaviour rules the case is filed.  
The public prosecutor may also file the case if the crime for which the defendant is prosecuted allows the exemption from sentence, if all the conditions required are fulfilled and if it has the approval of the judge.  
As to the given figures: from this total, 1 272 cases are from the former type; the other 127 are from the latter.

#### 37. Total number of criminal cases charged by the public prosecutor before the courts (in a year)

Number of cases: 82 539 Year : 2002  
Source : Gabinete de Política Legislativa e Planeamento (Legal Policy and Planning Office)

#### 38. Total number of incoming criminal cases in the courts involving robbery cases (in a year)

Number of cases: NA Year : .....  
Source : Gabinete de Política Legislativa e Planeamento (Legal Policy and Planning Office)

Correlation not possible; we have only data concerning completed cases.

### 39. Total number of judicial decisions, involving robbery (in a year)

Number of cases: 1 937 Year : 2002  
Source : Gabinete de Política Legislativa e Planeamento (Legal Policy and Planning Office)

*Please indicate, if possible:*

Number of convicted persons:	1 877	% of convicted persons:	79%
Number of acquitted persons:	506	% of acquitted persons:	21%

Convicted persons: 1 877  
Non-convicted persons: 506

(a) The number of convicted persons plus the number of defendants is not equal to the total of completed cases as one case may have more than one defendant.

### 40. Percentage of decisions involving robbery subject to an appeal to a higher court (in a year)

Percentage of decisions: NA Year :  
Source : Gabinete de Política Legislativa e Planeamento (Legal Policy and Planning Office)

We have no way of following up the information at this stage.  
Nonetheless, we can always give the number of appeals completed at the courts of Appeal, by this type of crime.

### 41. Total number of incoming criminal cases in the courts, involving intentional homicide (in a year)

Number of cases: NA Year :  
Source : Gabinete de Política Legislativa e Planeamento (Legal Policy and Planning Office)

Correlation not possible; we have only data concerning completed cases.

### 42. Total number of judicial decisions, involving intentional homicide (in a year)

Number of decisions: 219 Year : 2002  
Source : Gabinete de Política Legislativa e Planeamento (Legal Policy and Planning Office)

*Please indicate also if possible:*

Number of convicted persons:	186	% of convicted persons:	84%
Number of acquitted persons:	38	% of acquitted persons:	16%

Convicted persons: 186  
Non-convicted persons: 38

(a) The number of convicted persons plus the number of defendants is not equal to the total of completed cases as one case may have more than one defendant.

### 43. Percentage of decisions concerning intentional homicide subject to an appeal to a higher court (in a year)

Percentage of decisions: NA Year : .....  
Source : Gabinete de Política Legislativa e Planeamento (Legal Policy and Planning Office)

We have no way of following up the information at this stage.  
Nonetheless, we can always give the number of appeals completed at the courts of Appeal, by this type of crime.

#### 44. Total number of incoming civil and administrative cases in the courts (in a year)

Number of cases: 598 138 Year : 2002  
Source : Gabinete de Política Legislativa e Planeamento  
(Legal Policy and Planning Office)

580 763 civil cases:  
labour cases: 72 806  
juvenile cases: 30 732  
other civil cases: 476 778  
maritime cases: 447  
17 375 administrative and tax cases:  
administrative cases: 4 879  
tax cases: 12 496

(a) It is not possible, from the different kinds of cases, to select those with litigious disputes from those in which law requires the intervention of a court to ratify or authorize certain acts or facts.

#### 45. Total number of judicial decisions in civil and administrative matters (in a year)

Number of decisions: 531 972 Year : 2002  
Source : Gabinete de Política Legislativa e Planeamento  
(Legal Policy and Planning Office)

516 769 civil cases:  
labour cases: 69 796  
juvenile cases: 31 155  
other civil cases: 415 534  
maritime cases: 284  
15 203 administrative cases:  
administrative cases: 4 514  
tax cases: 10 689

(a) It is not possible, from the different kinds of cases, to select those with litigious disputes from those in which law requires the intervention of a court to ratify or authorize certain acts or facts.

(b) It is not also possible, due to all the different types of cases, to select those that were completed with trial from those that were not.

#### 46. Percentage of decisions concerning civil and administrative matters subject to an appeal to a higher court (in a year)

Percentage of decisions: NA Year : .....  
Source : Gabinete de Política Legislativa e Planeamento  
(Legal Policy and Planning Office)

We have no way of following up the information at this stage. Nonetheless, we can always give the number of appeals completed at the courts of Appeal.

#### 47. Total number of incoming divorce cases in the courts (in a year)

Number of cases: 10 115 Year : 2002  
Source : Gabinete de Política Legislativa e Planeamento  
(Legal Policy and Planning Office)

This number comprises both the divorces and judicial separation of spouses and properties. We cannot detach these data.

#### 48. Total number of judicial decisions in divorce cases (in a year)

Number of decisions: 10 007 Year : 2002  
Source : Gabinete de Política Legislativa e Planeamento  
(Legal Policy and Planning Office)

It came into force, on the 1st of January 2002, the legislative act that has excluded from the courts the cases of divorce and separation of spouses and properties by mutual agreement. The courts, however, have the right to decide over those that are still pending and to decide over those that, although litigious in the first place, turn into mutual agreement by the will of the parties involved.  
So, from the total of completed cases – 17 777 we detach those that in the first stage were classified as litigious divorces – 10 007. (This number does not consider litigious separation of spouses and properties: 118)

#### 49. Percentage of decisions concerning divorce cases subject to an appeal to a higher court (in a year)

Percentage of decisions: NA Year : .....  
Source : Gabinete de Política Legislativa e Planeamento  
(Legal Policy and Planning Office)

We have no way of following up the information at this stage. Nonetheless, we can always give the number of appeals completed at the courts of Appeal, by this type of case.

#### 50. Total number of incoming employment dismissal cases in the courts (in a year)

Number of cases: NA Year : 2002  
Source : Gabinete de Política Legislativa e Planeamento  
(Legal Policy and Planning Office)

We cannot detach data concerning just individual working contracts dismissals from all the other contained in the same item. For that matter, only those figures regarding collective dismissal cases can be given: 31.

#### 51. Total number of judicial decisions of employment dismissal cases (in a year)

Number of decisions: 2 810 Year : 2002  
Source : Gabinete de Política Legislativa e Planeamento  
(Legal Policy and Planning Office)

This total does not consider collective dismissal cases.

#### 52. Percentage of decisions concerning employment dismissal cases subject to an appeal to a higher court (in a year)

Percentage of decisions: NA Year : .....  
Source : Gabinete de Política Legislativa e Planeamento  
(Legal Policy and Planning Office)

We have no way of following up the information at this stage.

## IV. Use of Information Technology in the court

### 53. Annual IT budget allocated to the courts (if possible in Euros)

Annual budget: 6 412 210,83 euros

Year :

2002

Source :

Direcção-Geral da Administração da Justiça (Justice Administration Directorate General)

### 54. In general, do the courts in your country have computer facilities?

- for judges Yes / No Y

- for non-judges court staff Yes / No Y

### 55. Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary ? Yes / No Y

If yes, please specify the name and the address of this institution

(Name) Gabinete de Política Legislativa e Planeamento (Legal Policy and Planning Office)

(Address) Av. Óscar Monteiro Torres, 39 1000-216 LISBOA/PORTUGAL

### 56. What kind of facilities can be used by the clients of the courts to communicate with the courts ?

- Telephone Yes / No Y

- Mail Yes / No Y

- Fax Yes / No Y

- E-mail Yes / No Y

- Internet Yes / No N

All but the internet are possible

### 57. Is there an electronic form to carry out certain procedural steps? Yes / No Y

## V. Fair trial

### 58. Percentage of adversary judgements in criminal cases in first instance

Percentage of judgements:

100%

Year :

2002

Source :

Gabinete de Política Legislativa e Planeamento  
(Legal Policy and Planning Office)

The defendant has always the opportunity to know and comment on the observations filed or evidence adduced by the other party, although in some cases the trial may carry on without the presence of the defendant; however, a lawyer must always assure his representation at court.

59. Is there a right to an interpreter for all those within your jurisdiction if the persons cannot understand or speak the language used in court? Yes / No Y

60. Is there an effective remedy to a superior jurisdiction for all cases? Yes / No N

Only for criminal cases; for non-criminal cases it depends on the value of the case and on the issue concerned.

61. Are reasons given for all prison sentences? Yes / No Y

62. Average length, in days, of robbery cases from the formal beginning of the prosecution until the first instance judgment

Average length: 306 days Year : 2002

Source : Gabinete de Política Legislativa e Planeamento (Legal Policy and Planning Office)

63. Average length, in days, of robbery cases from the formal beginning of the prosecution until the appellate judgment

Average length: NA days Year : .....

Source : Gabinete de Política Legislativa e Planeamento (Legal Policy and Planning Office)

We have no way of following up the information at this stage. Correlation, with the figure given before, is not possible.

64. Average length, in days, of divorce cases from the deposit of the complaint until the first instance judgment

Average length: 359 days Year : 2002

Source : Gabinete de Política Legislativa e Planeamento (Legal Policy and Planning Office)

This figure only concerns litigious divorces. (litigious separation of spouses and properties: 405 days)

65. Average length, in days, of divorce cases from the deposit of the complaint until the appellate judgment

Average length: NA days Year : .....

Source : Gabinete de Política Legislativa e Planeamento (Legal Policy and Planning Office)

We have no way of following up the information at this stage. Correlation, with the figure given before, is not possible.

66. Average length, in days, of employment dismissal cases from the deposit of the complaint until the first instance judgment

Average length: 259 days Year : 2002

Source : Gabinete de Política Legislativa e Planeamento (Legal Policy and Planning Office)

This total does not consider collective dismissal cases.

67. Average length, in days, of employment dismissal cases from the deposit of the complaint until the appellate judgment

Average length: NA days Year : .....  
Source : Gabinete de Política Legislativa e Planeamento  
(Legal Policy and Planning Office)

We have no way of following up the information at this stage. Correlation, with the figure given before, is not possible.

68. Do you, on a regular basis, measure the size of backlog cases in the courts?

Yes / No Y

69. Do you have a way of analysing queuing time during court procedures?

Yes / No N

If yes, please specify:

.....

## VI. Judges

70. Gross annual salary of a first instance professional judge at the beginning of his/her career

Annual salary : 32 272,04 euros Year : 2002  
Source : Conselho Superior de Magistratura (Judicial Judges' High Council)  
Conselho Superior dos Tribunais Administrativos e Fiscais (Administrative and Tax Judges' High Council)

71. Gross annual salary of a judge of the Supreme Court or of the highest appellate court

Annual salary : 77 582,54 euros Year : 2002  
Source : Conselho Superior de Magistratura (Judicial Judges' High Council)  
Conselho Superior dos Tribunais Administrativos e Fiscais (Administrative and Tax Judges' High Council)

72. Can judges combine their work with other professions (for example as a university professor, arbitrator, consultant)? Yes / No N

If yes, please specify:

.....

Except teaching or research on legal fields; in both these cases they cannot be paid

73. Are judges recruited and nominated by an independent institution? Yes / No Y

(if yes), who are represented in this institution:

- the members of the judiciary Yes / No Y
- officials not part of the judiciary Yes / No
- a mixture of the two categories referred to above Yes / No

The Judicial Judges' High Council, the Administrative and Tax Judges' High Council and the Judicial Studies Centre.

Is the process of selection and nomination of judges carried out according to pre-established procedures? Yes / No Y

74. Is there a system of induction and continuation training for judges?

No / Yes, but not compulsory / Yes, compulsory Y

Yes, both the induction and the continuation training are compulsory.

What is the average percentage of judges who have attended a continuation training session each year?

Percentage of judges: 12% Year: 2002

Source: Centro de Estudos Judiciários (Judicial Studies Centre)

75. Is there a system of supervision and control on the courts - other than through appeal? Yes / No Y

If yes, please specify:

The Judicial Judges' High Council and the Administrative and Tax Judges' High Council.

76. Is there in your country a system of temporary judges? Yes / No Y

If yes, are these temporary judges paid on the basis of their activity? Yes / No Y

If yes, please specify:

2 305,16 euros per month  
32 272,24 euros per year

77. Annual number of disciplinary proceedings against judges

Number of proceedings: 24 Year: 2002

Source: Conselho Superior de Magistratura (Judicial Judges' High Council)  
Conselho Superior dos Tribunais Administrativos e Fiscais (Administrative and Tax Judges' High Council)

78. Annual number of sanctions against judges

Number of sanctions: 9 Year: 2002

Source: Conselho Superior de Magistratura (Judicial Judges' High Council)  
Conselho Superior dos Tribunais Administrativos e Fiscais (Administrative and Tax Judges' High Council)



## VII. Public prosecutors

### 79. Annual budget for the public prosecution

Annual budget: 75 568 266,02 euros Year : 2002  
Source : Direcção Geral do Orçamento – 5.<sup>a</sup> Delegação (5<sup>th</sup> Delegation of the General Budget Department)

### 80. Number of professional public prosecutors (in full time equivalent)

Number of prosecutors: 1 176 Year : 2002  
Source : Gabinete de Política Legislativa e Planeamento  
(Legal Policy and Planning Office)

### 81. Gross annual salary of a public prosecutor at the beginning of his/her career

Annual salary : 32 272,24 euros Year : 2002  
Source : Procuradoria Geral da República (General Prosecutor Office)

### 82. Gross annual salary of a public prosecutor of the Supreme Court or of the highest appellate court

Annual salary : 75 322,80 euros Year : 2002  
Source : Procuradoria Geral da República (General Prosecutor Office)

### 83. Can public prosecutors combine their work with other professions? Yes / No N

If yes, please specify:

.....

Except teaching or research on legal fields; in both these cases they cannot be paid

### 84. Are public prosecutors recruited and nominated by an independent institution? Yes / No Y

(If yes), who are represented in this institution:

- the public prosecutors? Yes / No Y
- other stakeholders outside? Yes / No
- a mixture of the two categories referred to above? Yes / No

Is the process of selection and nomination of public prosecutors done according to pre-established procedures? Yes / No Y

85. Is there a system of induction and continuation training for public prosecutors?

No / Yes, but not compulsory / Yes, but compulsory Y

Yes, both the induction and the continuation training are compulsory.

What is the average percentage of prosecutors who have participated in continuation training each year?

Percentage of prosecutors: 29% Year : 2002

Source : Centro de Estudos Judiciários (Judicial Studies Centre)

86. Is there a system of supervision and control on public prosecutors? Yes / No Y

If yes, please specify:

The Public Prosecutors' High Council

87. Annual number of disciplinary proceedings against public prosecutors

Number of proceedings: 37 Year : 2002

Source : Procuradoria Geral da República (General Prosecutor Office)

88. Annual number of sanctions against public prosecutors

Number of sanctions: 6 Year : 2002

Source : Procuradoria Geral da República (General Prosecutor Office)

## VIII. Lawyers

89. Number of lawyers practising in your country

Number of lawyers: 18 425 Year : 2002

Source : Gabinete de Política Legislativa e Planeamento (Legal Policy and Planning Office)

This number does not include:  
4 400 trainee lawyers  
2 197 solicitors  
387 trainee solicitors

90. Is there a national bar association? Yes / No Y

91. Have quality standards been formulated for lawyers? Yes / No Y

If yes, who is responsible for formulating these quality standards?

- the bar association Yes / No Y

- the legislature Yes / No

- other Yes / No

The decree-law n. 84/84 of 16<sup>th</sup> March includes the lawyers' deontology norms.

92. Can disciplinary proceedings be instituted against lawyers? Yes / No Y

93. Annual number of disciplinary proceedings against lawyers

Number of proceedings: 1 794 Year : 2002

Source :  
Ordem dos Advogados (The Bar Association)

94. Annual number of sanctions against lawyers

Number of sanctions: 244 Year : 2002

Source :  
Ordem dos Advogados (The Bar Association)

95. Is it possible to complain about the performance of lawyers? Yes / No Y

If yes, please specify:

Through the Bar Association.

96. What is the amount paid to a lawyer by the State in respect of legal aid for a first instance divorce case?

Amount: 418,95 euros Year : 2002

Source :  
Gabinete de Política Legislativa e Planeamento  
(Legal Policy and Planning Office)

This amount regards first instance divorce and judicial separation of spouses and properties cases.

## IX. Mediators and mediation proceedings

97. Number of accredited or registered mediators

Number of mediators: 94 Year : 2002

Source :  
Direcção-Geral da Administração Extra Judicial (Extra-Judicial Administration Directorate General)

82 registered mediators at the Peace Courts  
12 registered mediators at the Family Mediation Office

98. How much public budget is devoted to mediation?

Amount: 237 570,08 euros Year : 2002  
Source : Direcção-Geral da Administração Extra Judicial  
(Extra-Judicial Administration Directorate General)

99. Number of incoming mediation cases (in a year)

Number of cases: 417 Year : 2002  
Source : Direcção-Geral da Administração Extra Judicial  
(Extra-Judicial Administration Directorate General)

Incoming cases at the Peace Courts: 336  
Incoming cases at the Family Mediation Office: 81

100. Number of cases solved through mediation (in a year)

Number of cases: 146 Year : 2002  
Source : Direcção-Geral da Administração Extra Judicial  
(Extra-Judicial Administration Directorate General)

Cases solved at the Peace Courts: 96  
Cases solved at the Family Mediation Office: 50

If possible, please specify:

- number of criminal cases solved through mediation: 0

- number of cases other than criminal solved through mediation: 146

Mediation does not concern criminal cases.  
Mediation only concerns civil cases and some indemnity requests in criminal matters when there are no criminal complaints or when those claims/complaints have been given up.

101. In which areas of law is mediation most practised and successful in your country?

- in criminal cases? Yes / No 0

- in other than criminal cases? Yes / No Y

Year : 2002 Source : Direcção-Geral da Administração Extra Judicial  
(Extra-Judicial Administration Directorate General)

## X. Enforcement agents and execution of court decisions

### 102. Number and types of enforcement agents

Only from the year 2003 onwards do we have the figure of the execution solicitor.

#### - in criminal cases:

(Type)	(Number)	(Year)	(Source)
Watch and ward personnel	4 200	2000	Direcção-Geral dos Serviços Prisionais (Prison Services Directorate General)

#### - in other than criminal cases:

Probation and Minors Protection Services personnel	593	2000	Instituto de Reinserção Social (Probation and Minors Protection Service)
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### 103. Is there an institution to supervise or control the activities of enforcement agents?

Yes / No      y

If yes, please specify: Direcção-Geral dos Serviços Prisionais (The Prison Services Directorate General)  
Instituto de Reinserção Social (Probation and Minors Protection Service)

### 104. Annual number of disciplinary proceedings against enforcement agents

Number of proceedings: 94                      Year : 2002

Source : Direcção-Geral dos Serviços Prisionais (The Prison Services Directorate General)  
Instituto de Reinserção Social (Probation and Minors Protection Service)

### 105. Annual number of sanctioned enforcements agents

Number of agents: 51                              Year : 2002

Source : Direcção-Geral dos Serviços Prisionais (The Prison Services Directorate General)  
Instituto de Reinserção Social (Probation and Minors Protection Service)

106. Is it possible to file a complaint against an enforcement agent? Yes / No Y

If yes, please specify:

There are several services within the Ministry of Justice to whom these complaints may be addressed. They will be, ultimately, forwarded to the Prison Services Directorate General or to the Probation and Minors Protection Service.

107. Does the court play a role in the execution of court decisions? Yes / No Y

If yes, please specify:

Whenever the offender fails to obey the court decisions and whatever the nature of the case, the court has always, in a greater or lesser degree, a decisive role in the execution of the court decisions.

108. Are the courts competent to decide against public authorities? Yes / No Y

Are the courts involved in executing decisions against public authorities? Yes / No Y