



Last update: 04/10/2018

Portugal

Membership to the Council of Europe	22 September 1976
Entry into force of the European Convention on Human Rights	9 November 1978
First case under supervision of execution	Guincho (8990/80) Judgment final on 10 July 1984
Total number of cases transmitted for supervision since the entry into force of the Convention	482
Total number of cases closed by final resolution	442

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

Non enforcement of a final judgment ordering to demolish the part of a building encroaching on a property.

Figueiredo Gonçalves (57422/09)
Judgment final on 18/02/2014

Status of execution
Standard supervision

> Respect for private and family life – specific situations

Unjustified placement of children into public care in view of their adoption and deprivation of their mother of her parental and visiting rights, partly grounded on her refusal to undergo sterilisation; unfairness of the whole decision process on account of the lack of effective involvement of the mother in the process.

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

Status of execution
Standard supervision

> Freedom of expression

Disproportionate civil and judicial convictions of journalists and professors for attacking the reputation of public officials in the press.

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

Status of execution
Standard supervision

> Discrimination

Difference in treatment based on age and sex due to a decision of the Supreme Administrative Court which led to the reduction of the amount of compensation awarded to a woman following a medical malpractice.

Carvalho Pinto De Sousa Morais (17484/15)
Judgment final on 25/10/2017

Status of execution
Standard procedure



SUPERVISION CLOSED - MAIN REFORMS ADOPTED**

> 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

> 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

> 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

> 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

> 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

** 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**

> 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**

> 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

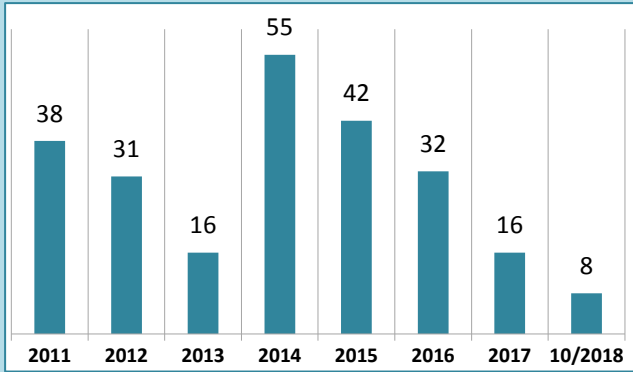
**Final Resolution
CM/ResDH(2007)89**



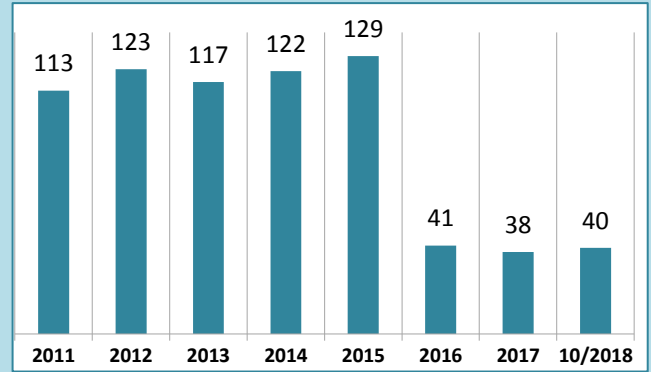
STATISTICS***

New cases

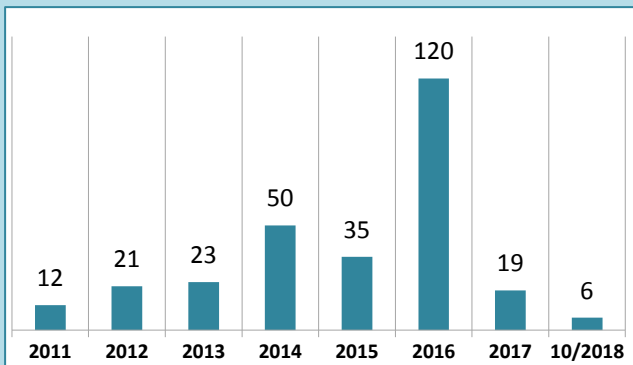
(judgments transmitted for supervision of their execution during the year)



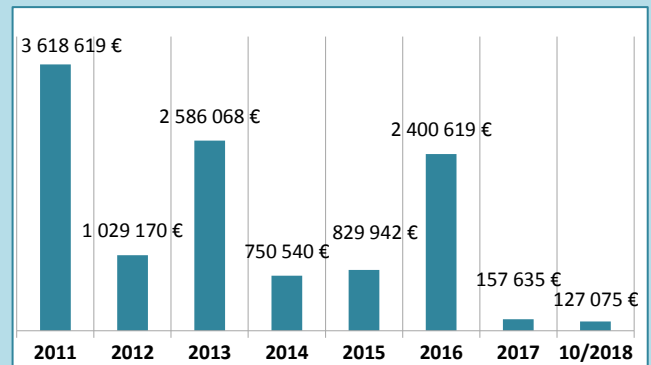
Total of pending cases



Cases closed by final resolution



Just satisfaction awarded



*** 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.