



Reference data 2018 (01/01/2018 - 31/12/2018)

Start/end date of the data collection campaign : 01/03/2019 - 01/10/2019

Objective :

The CEPEJ decided, at its 31th plenary meeting, to launch the eighth evaluation cycle 2018 – 2020, focused on 2018 data. The CEPEJ wishes to use the methodology developed in the previous cycles to get, with the support of its national correspondents' network, a general evaluation of the judicial systems in the 47 member states of the Council of Europe as well as three observer states (Israel, Morocco and Kazakhstan). This will enable policy makers and judicial practitioners to take account of such unique information when carrying out their activities.

The present questionnaire was adapted by the Working group on evaluation of judicial systems (CEPEJ-GT-EVAL) in view of the previous evaluation cycles and considering the comments submitted by CEPEJ members, observers, experts and national correspondents. The aim of this exercise is to increase awareness of judicial systems in the participating states, to compare the functioning of judicial systems in their various aspects, as well as to have a better knowledge of the trends of the judicial organisation in order to help improve the efficiency of justice. The evaluation questionnaire and the analysis of the results becomes a genuine tool in favour of public policies on justice, for the sake of the European citizens.

Instruction :

The ways to use the application and to answer the questions are guided by two main documents:

- User manual
- Explanatory note

While the explanatory note gives definitions and explanations on the CEPEJ evaluation questionnaire and the methodology needed for replying, the User manual is a tool to help you navigate through this application. You can download the Explanatory note as a whole on the CEPEJ website. The specific explanations are also accessible for each question within this application under the tab "Explanatory note". This will serve as immediate consultation tool when answering questions. The user manual is accessible in the "Documentation" tab of the application.

In case you have any questions related to these documents or on the use of the application, please do not hesitate to contact the Secretariat.

1.General and financial information

1.1.Demographic and economic data

1.1.1.Inhabitants and economic general information



001. Number of inhabitants (if possible on 1 January of the reference year +1)

[10 276 617]

Comments

002. Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €)

| | Amount |
|--|---|
| State or federal level | 88 626 529 000 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Regional / federal entity level (total for all regions / federal entities) | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |

Comments

003. Per capita GDP (in €) in current prices for the reference year

[19 614]

Comments

004. Average gross annual salary (in €) for the reference year

[16 766]

NA

Comments

005. Exchange rate of national currency (non-Euro zone) in € on 1 January of the reference year +1

[]

Allow decimals : 5

NAP

Comments

A1. Please indicate the sources for answering questions 1 to 5

Sources: Sources for questions 1, 2 and 3 -National Statistics Institute (Instituto Nacional de Estatística)

Sources for question 4 - Ministry of Solidarity, Employment and Social Security (Ministério da Solidariedade, Emprego e Segurança Social)

1.1.2. Budgetary data concerning judicial system



006. Annual (approved and implemented) public budget allocated to the functioning of all courts, in € (without the budget of the public prosecution services and without the budget of legal aid). If you cannot separate the budget allocated to the courts from the budgets of public prosecution services and/or legal aid, please go to question 7. If you are able to answer this question 6, please answer NA to the question 7.

| | Approved budget (in €) | Implemented budget (in €) |
|--|--|---|
| TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7) | 484 673 254 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 1. Annual public budget allocated to (gross) salaries | 425 895 938 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2. Annual public budget allocated to computerisation | 3 723 557 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 1 866 649 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 3. Annual public budget allocated to justice expenses (expertise, interpretation, etc.) | 1 200 000 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 1 185 948 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 4. Annual public budget allocated to court buildings (maintenance, operating costs) | 44 014 955 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 29 427 384 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 5. Annual public budget allocated to investments in new (court) buildings | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| 6. Annual public budget allocated to training | 164 100 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 45 672 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 7. Other (please specify) | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |

Please indicate any useful comment to explain the figures provided. If the annual public budget allocated to the functioning of all courts actually implemented is different from the approved annual public budget allocated to the functioning of all courts, please indicate the main reasons for the differences: 6.2. The decrease in relation to 2016 is related to the non-payment of information and communication technology licenses in 2018, which resulted from the unpredictability of the procurement process.

6.3 This value corresponds to the expenses related to psychologist, interpreters and experts. There is no apparent justification for the noted increase.

6.6. The increase in relation to 2017 is due to the general budget increase.

007. If you cannot answer question 6 because you cannot isolate the public budget allocated to courts from the budget allocated to public prosecution services and/or legal aid, please fill only the appropriate line in the table according to your system:

| | Approved budget (in €) | Implemented budget (in €) |
|---|--|--|
| Total annual public budget allocated to all courts and the public prosecution services together | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| Total annual public budget allocated to all courts and legal aid together | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| Total annual public budget allocated to all courts, public prosecution services and legal aid together | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |

Comments - Please indicate any useful comment to explain the figures provided. If the annual public budget actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences:

008. Are litigants in general required to pay a court fee to start a proceeding at a court of general jurisdiction:

| | Litigants required to pay a court fee to start a proceeding at a court of general jurisdiction ? |
|-------------------------------|--|
| for criminal cases | (X) Yes () No |
| for other than criminal cases | (X) Yes () No |

If there are exceptions to the rule to pay these court fees, could you please provide comments on those exceptions?

008-1. Please briefly present the methodology of calculation of these court fees:

- In general, courts costs and official fees are not related neither to the nature of the case, nor to the volume of activity, but are related to the value of the disputed claim. There are exceptions when certain classes are involved such as the Government or entities recognized to have social utility, e.g. mercy houses or charitable institutions. The Portuguese law refers to the concept of value for purposes of calculating the justice tax and this calculation is based on a unit of cost (UC) which varies according to a table and is actualized yearly. In 2014, 2016 and 2018 its value was maintained at 102 Euros.

The fixed costs for litigants in civil proceedings are set out in articles 5-7 and in the attached tables I and II of the Decree Law 34/2008 of 26th February 2008 (Regulation of Procedural Costs). The fixed costs for litigants involved in criminal proceedings are set out in article 8 and in the attached table III of the same Decree Law.

008-2. The amount of court fees requested to commence an action for 3000€ debt recovery:

- [204]
 NA
 NAP

Comments

009. Annual income of court fees received by the State (in €):

- [129 093 962]
 NA
 NAP

Comments

012. Annual approved public budget allocated to legal aid, in €.

| | TOTAL | Criminal cases | Other than criminal cases |
|--|---------------------------------|---------------------|---------------------------|
| TOTAL - Annual approved public budget allocated to legal aid (12.1 + 12.2) | 53 213 075 [] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |
| 12.1 for cases brought to court (court fees and/or legal representation) | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |

| | | | |
|---|--|--|--|
| 12.2 for cases not brought to court (legal advice, ADR and other legal services) | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
|---|--|--|--|

Comments In 2016, in fact, the amounts of budget allocated to legal aid considered in the approved budget were lower than in 2018. However, in 2016 the execution amount was very much in line with the approved budget and the amount implemented in 2018.

012-1. Annual implemented public budget allocated to legal aid, in €.

| | TOTAL | Criminal cases | Other than criminal cases |
|---|---|--|--|
| TOTAL - Annual implemented public budget allocated to legal aid (12-1.1 + 12-1.2) | 54 522 686 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 12-1.1 for cases brought to court (court fees and/or legal representation) | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 12-1.2 for cases not brought to court (legal advice, ADR and other legal services) | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |

If the public budget actually implemented regarding legal aid is different from the annual approved public budget allocated to legal aid, please indicate the main reasons for the differences:

013. Annual (approved and implemented) public budget allocated to the public prosecution services, in €.

| | Approved budget (in €) | Implemented budget (in €) |
|---|--|--|
| Total annual public budget allocated to the public prosecution services, in € (including 13.1) | 109 000 000 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 131 069 729 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 13.1. Annual public budget allocated to training of public prosecution services | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |

Please indicate any useful comment to explain the figures provided. Moreover, if the annual public budget allocated to the public prosecution services actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences:

014. Authorities formally responsible for the budgets allocated to the courts (multiple options possible):

| | Preparation of the total court budget | Adoption/approval of the total court budget | Management and allocation of the budget among the courts | Evaluation of the use of the budget at a national level |
|----------------------------|---|---|--|---|
| Ministry of Justice | (X) Yes () No <input type="checkbox"/> NAP | (X) Yes () No <input type="checkbox"/> NAP | (X) Yes () No <input type="checkbox"/> NAP | (X) Yes () No <input type="checkbox"/> NAP |
| Other ministry | (X) Yes () No <input type="checkbox"/> NAP | (X) Yes () No <input type="checkbox"/> NAP | (X) Yes () No <input type="checkbox"/> NAP | (X) Yes () No <input type="checkbox"/> NAP |

| | | | | |
|------------------------------|------------------------------|------------------------------|------------------------------|------------------------------|
| Parliament | () Yes (X) No [] NAP | (X) Yes () No [] NAP | () Yes (X) No [] NAP | (X) Yes () No [] NAP |
| Supreme Court | () Yes (X) No [] NAP | () Yes (X) No [] NAP | () Yes (X) No [] NAP | () Yes (X) No [] NAP |
| High Judicial Council | () Yes (X) No [] NAP | () Yes (X) No [] NAP | () Yes (X) No [] NAP | () Yes (X) No [] NAP |
| Courts | () Yes (X) No [] NAP | () Yes (X) No [] NAP | () Yes (X) No [] NAP | () Yes (X) No [] NAP |
| Inspection body | () Yes (X) No [] NAP | () Yes (X) No [] NAP | () Yes (X) No [] NAP | () Yes (X) No [] NAP |
| Other | () Yes (X) No [] NAP | () Yes (X) No [] NAP | () Yes (X) No [] NAP | () Yes (X) No [] NAP |

If any other Ministry and/or inspection body and/or other, please specify: "Other" - Ministry of Finance

The Parliament adopts and evaluates the use of the State budget. The Ministry of Finance is always involved in the preparation and allocation of resources.

014-1. (Former question 61) Who is entrusted with responsibilities related to the budget within the court?

| | Preparation of the budget | Arbitration and allocation of the budget | Day to day management of the budget | Evaluation and control of the use of the budget |
|---------------------------------------|----------------------------------|---|--|--|
| Management Board | () Yes (X) No | () Yes (X) No | () Yes (X) No | () Yes (X) No |
| Court President | () Yes (X) No | () Yes (X) No | () Yes (X) No | () Yes (X) No |
| Court administrative director | () Yes (X) No | () Yes (X) No | () Yes (X) No | () Yes (X) No |
| Head of the court clerk office | (X) Yes () No | (X) Yes () No | (X) Yes () No | (X) Yes () No |
| Other | (X) Yes () No | (X) Yes () No | () Yes (X) No | (X) Yes () No |

Comments - If "other", please specify: The category "other" includes the District Management Council and the Ministry of Justice. The District Management Court has responsibilities on the preparation of the budget, allocation and for the report evaluation.

A2. Please indicate the sources for answering questions 6 to 14:

Sources: Financial and Equipments Institut (Instituto de Gestão Financeira e Equipamentos da Justiça)
Directorate General for Justice Policy (Direção-Geral de Política da Justiça)

1.1.3. Budgetary data concerning the whole justice system

015-1. Annual (approved and implemented) public budget allocated to the whole justice system, in € (this global budget includes the judicial system budget - see 15-2 and other elements of the justice system - see 15-3)

| | Approved budget (in €) | Implemented budget (in €) |
|---|------------------------------------|------------------------------------|
| Total annual public budget allocated to the whole justice system in € | 1 716 787 243 [] NA [] NAP | 1 619 793 694 [] NA [] NAP |

Please indicate any useful comment to explain the figures provided above and specify if a large portion of the budget allocated to the whole justice system comes from an international organisation. Moreover, if the annual public budget allocated to the whole justice system actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences:

015-2. Elements of the judicial system budget (Q6, Q7, Q12 and Q13)

| | Included | Not included | Does not exist (NAP) |
|--|----------|--------------|----------------------|
| Courts (see question 6 or 7) | (X) | () | () |
| Legal aid (see question 12 or 7) | (X) | () | () |
| Public prosecution services (see question 13 or 7) | (X) | () | () |

all values are included

015-3. Other budgetary elements

| | Included | Not included | Does not exist (NAP) |
|--------------------------|----------|--------------|----------------------|
| Prison system | (X) | () | () |
| Probation services | (X) | () | () |
| High Judicial Council | (X) | () | () |
| Constitutional court | () | (X) | () |
| Judicial management body | (X) | () | () |
| State advocacy | () | () | (X) |
| Enforcement services | () | (X) | () |
| Notariat | () | () | (X) |
| Forensic services | (X) | () | () |

| | | | |
|--|-------|-------|-------|
| Judicial protection of juveniles | (X) | () | () |
| Functioning of the Ministry of Justice | (X) | () | () |
| Refugees and asylum seekers services | () | (X) | () |
| Immigration Service | () | (X) | () |
| Some police services (e.g. : transfer, investigation, prisoners' security) | (X) | () | () |
| Other | () | () | (X) |

If "other", please specify: "other" is not applicable

A3. Please indicate the sources for answering questions 15-1, 15-2 and 15-3:

Sources: Sources: Financial and Equipments Institut (Instituto de Gestão Financeira e Equipamentos da Justiça)

2. Access to justice and all courts

2.1. Legal Aid

2.1.1. Scope of legal aid

016. Does legal aid apply to:

| | Criminal cases | Other than criminal cases |
|--|--|--|
| Representation in court | (X) Yes () No [] NA [] NAP | (X) Yes () No [] NA [] NAP |
| Legal advice, ADR and other legal services | (X) Yes () No [] NA [] NAP | (X) Yes () No [] NA [] NAP |

016-1. Please briefly describe the organisation of the legal aid system in your country both before going to court and during court proceedings.

- Legal protection is the constitutionally and legally enshrined system ensuring that no one experiences difficulty or is prevented, due to their social or cultural status, or lack of financial means, from being informed of, exercising or defending their rights.

It consists of two types:

- Legal information, which seeks to inform of one's rights and the legal system, providing for the optimum exercise of those rights and the fulfilment of the legally established duties, in particular by means of the gradual creation of services providing access to the courts and judicial services and; - Legal protection, which includes: (i) Legal advice, and (ii) Legal aid, which takes the following forms:

Total or partial exemption from court fees and other charges relating to the proceedings; Deferment of payment of court fees and other

charges relating to the proceedings; Appointment and payment of the legal representative's fees, or alternatively, payment of fees to the enforcement agent. Legal protection may be granted for the resolution of any type of legal dispute or litigation and legal aid does not depend on any prior assessment of the purpose and complexity of the action to be commenced or already brought, its merit or the type of proceedings.

017. Does legal aid include the coverage of or the exemption from court fees?

- Yes
- No
- NAP

If yes, please specify:

018. Can legal aid be granted for the fees that are related to the enforcement of judicial decisions (e.g. fees of an enforcement agent)?

- Yes
- No
- NAP

If yes, please specify:

019. Can legal aid be granted for other costs (different from those mentioned in questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc.)?

| | Criminal cases | Other than criminal cases |
|-----------------------------------|---|---|
| Legal aid granted for other costs | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments - If yes, please specify: Legal aid may also include fees of technical advisors or experts, costs of other legal professionals (notaries) and travel costs. In addition, all applications, certificates and any other documents requested for legal protection purposes are exempt from taxes, fees and charges.

2.1.2. Information on legal aid

020. Please indicate the number of cases for which legal aid has been granted:

| | Total | Cases brought to court | Cases not brought to court |
|--------------------------|--|--|--|
| TOTAL | 196 627 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| In criminal cases | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |

| | | | |
|-------------------------------------|--|--|--|
| In other than criminal cases | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
|-------------------------------------|--|--|--|

Comments - Please specify when appropriate:

021. In criminal cases, can individuals who do not have sufficient financial means be assisted by a free of charge (or financed by a public budget) lawyer?

| | Assisted by a free of charge lawyer |
|----------------------------|--|
| Accused individuals | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Victims | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

Comments - If yes, please specify:

022. In criminal cases are these individuals free to choose their lawyer within the framework of the legal aid system?

| | free selection of lawyer |
|----------------------------|--|
| Accused individuals | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP |
| Victims | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP |

Comments

023-0. Does your country have an income and assets evaluation for granting full or partial legal aid?

Yes

No

Comments - Please indicate if any other criteria are taken into account for the granting of legal aid and any comment that could explain the data provided above:

023. If yes, please specify in the table:

| | Annual income value (for one person), (in €) | Assets value (for one person), (in €) |
|--|--|--|
| Full legal aid to the applicant for criminal cases | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| Full legal aid to the applicant for other than criminal cases | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| Partial legal aid to the applicant for criminal cases | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |

Partial legal aid to the applicant for other than criminal cases

NA
 NAP

NA
 NAP

024. Is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?

Yes

No

Comments - If yes, please explain the exact criteria for denying legal aid:

025. Is the decision to grant or refuse legal aid taken by:

the court

an authority external to the court

a mixed authority (court and external bodies)

Comments

026. Is there a private system of legal expense insurance enabling individuals (this does not concern companies or other legal persons) to finance court proceedings?

Yes

No

Comments - If appropriate, please inform about the current development of such insurances in your country; is it a growing phenomenon? The Portuguese private system corresponds to the EU's legal expenses insurance special regime set in Directive 2009/138/EC, of 25 November 2009.

It is not a growing phenomenon in Portugal.

027. Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared:

| | Judicial decisions direct how legal costs will be shared |
|------------------------------|--|
| in criminal cases | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| in other than criminal cases | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

Comments

B1. Please indicate the sources for answering questions 20 and 23 :

Sources: Sources: Question 20 - Ministry of Solidarity and Social Welfare (Ministério da Solidariedade e Segurança Social)
Question 23 - Directorate-General for Justice Policy (Direcção-Geral da Política da Justiça)

2.2.Court users and victims

2.2.1.Rights of the users and victims

028. Are there official internet sites/portals (e.g. Ministry of Justice, etc.) where general public may have free of charge access to the following:

| | Yes | Internet adresse(es) |
|--|--------------------------|--|
| legal texts (e.g. codes, laws, regulations, etc.) | <input type="checkbox"/> | <input checked="" type="checkbox"/> www.dre.pt; http://www.pgdlisboa.pt/leis/lei_main.php |
| case-law of the higher court/s | <input type="checkbox"/> | <input checked="" type="checkbox"/> http://www.dgsi.pt/;https://justica.gov.pt/Jurisprudencia |
| other documents (e.g. downloadable forms, online registration) | <input type="checkbox"/> | <input checked="" type="checkbox"/> www.citius.mj.pt |

Please specify what documents and information are included in “other documents”: “citius” include a number of downloadable forms and online registration. It’s a web portal aimed to the dematerialization of Justice services.

029. Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?

- Yes, always
 No
 Yes, only in some specific situations

Comments - If yes, only in some specific situations, please specify:

030. Is there a public and free-of-charge specific information system to inform and to help victims of offences?

- Yes
 No

Comments - If yes, please specify:

031. Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

| | Information mechanism | Special arrangements in hearings | Other specific arrangements |
|---------------------------------|--|--|--|
| Victims of sexual violence/rape | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Victims of terrorism | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Minors (witnesses or victims) | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Victims of domestic violence | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

| | | | |
|--|--|--|--|
| Ethnic minorities | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Disabled persons | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Juvenile offenders | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Other (e.g. victims of human trafficking, forced marriage, sexual mutilation) | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

Comments - If "other vulnerable person" and/or "other special arrangements", please specify:

031-1. Is it possible for minors to be a party to a judicial proceeding:

Yes

No

Comments - If yes, please specify which procedures can be concerned (civil, criminal, administrative / normal or accelerated procedure) and at which conditions (can minor benefit from legal aid, be represented by a lawyer, etc.):

032. Does your country allocate compensation for victims of offences?

Yes, please specify for which kind of offences: It applies to all cases in which intentional crimes occur that cause grievous bodily harm or death. Should any of these situations occur, the persons who have access to the compensation fund are the victim himself and his/her legal heirs.

No

Comments

032-1. Is a court decision necessary in the framework of the compensation procedure?

Yes

No

Comments

033. If yes, does this compensation come from:

a public fund

damages and interests to be paid by the person responsible

a private fund

Comments

034. Are there studies that evaluate the recovery rate of the damages awarded by courts to victims?

Yes

No

Comments - If yes, please illustrate with available data concerning the recovery rate, the title of the studies, the frequency of the studies and the coordinating body:

035. Do public prosecutors have a specific role with respect to victims (protection and assistance)?

Yes

No

Comments - If yes, please specify:

036. Do victims of offences have the right to dispute a public prosecutor's decision to discontinue a case? Please verify the consistency of your answer with that of the question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a decision by a judge". (The answer NAP means that the public prosecutor cannot decide to discontinue a case on his/her own. A decision by a judge is needed.)

Yes

No

NAP

Comments - If necessary, please specify:

037. Is there a system for compensating users in the following circumstances:

| | Number of requests for compensation | Number of condemnations | Total amount (in €) |
|---|---|---|---|
| Total | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Excessive length of proceedings | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Non-execution of court decisions | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Wrongful arrest | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Wrongful conviction | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Other | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments - Where appropriate, please give details on the compensation procedure and the calculation method for the amount of the compensation (e.g. the amount per day for unjustified detentions or convictions):

2.2.2 Confidence and satisfaction of citizens with their justice system

038. Does your country implement surveys aimed at legal professionals and court users to measure their trust in justice and their satisfaction with the services delivered by the judicial system? If yes, how frequently and up to what level?

| | National level | Court level |
|-----------------------------------|--|--|
| 1. Surveys aimed at judges | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc |

| | | |
|--|--|---|
| 2. Surveys aimed at court staff | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc |
| 3. Surveys aimed at public prosecutors | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc |
| 4. Surveys aimed at lawyers | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc |
| 5. Surveys aimed at the parties | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc |
| 6. Surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies, NGOs) | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc | <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc |
| 7. Surveys aimed at victims | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc |
| 8. Other not mentioned | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc | <input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc |

Comments - Please, indicate the references and links to the satisfaction surveys you mentioned above: <https://pgwrk-websitemedia.s3.eu-west-1.amazonaws.com/production/pwk-web-encj2017-p/Reports/ENCJ Report IAQ 2017-2018 adopted GA Lisbon 1 June 2018.pdf>

040. Is there a national or local procedure for filing complaints about the functioning of the judicial system? (for example, handling of the case by a judge or the duration of a proceeding)

Yes

No

Comments

041. If yes, please specify certain aspects of this procedure:

| | Authority responsible for dealing with the complaint | Existence of a time limit to deal with the complaint for this authority |
|---|--|--|
| Court concerned | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Higher court | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Ministry of Justice | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| High Judicial Council | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Other external bodies (e.g. Ombudsman) | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

Comments

041-1. If yes, please specify certain aspects of this procedure:

| | Number of complaints | Compensation amount granted |
|---|--|--|
| Court concerned | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| Higher court | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| Ministry of Justice | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| High Judicial Council | 907 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| Other external bodies (e.g. Ombudsman) | 18 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments - If possible, please give information concerning the efficiency of this complaint procedure and any useful comment: The complaints concerned, among other motives, the handling of the cases by the judges and the duration of proceedings. They include complaints from the High Judicial Council, the Administrative High Judicial Council and the Ombudsman (other external bodies).

3. Organisation of the court system

3.1. Courts

3.1.1. Number of courts

042. Number of courts considered as legal entities (administrative structures) and geographic locations.

| | Number of courts |
|--|--|
| 42.1 First instance courts of general jurisdiction (legal entities) | 150 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 42.2 First instance specialised courts (legal entities) | 394 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 42.3 All the courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all Supreme Courts) | 312 <input type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments These data correspond to the values given for the last scoreboard.

The differences registered result from the changes to the judicial organization (Law n. 40-A/2016, 22 December) in force since January 1, 2017.

42.1 the number of 1st instance courts with general jurisdiction decreased due to the increase of specialized courts.

Accordingly, 20 courts that were closed in 2014 were re-enacted as proximity judgments, new family sections were created as well as new sections with generic jurisdiction.

043. Number (legal entities) of first instance specialised courts (or specific judicial order)

| | Number of courts |
|---|--------------------------|
| Total (must be the same as the data given under question 42.2) | 411 [] NA [] NAP |
| Commercial courts (excluded insolvency courts) | 20 [] NA [] NAP |
| Insolvency courts | [] NA [X] NAP |
| Labour courts | 44 [] NA [] NAP |
| Family courts | 49 [] NA [] NAP |
| Rent and tenancies courts | [] NA [X] NAP |
| Enforcement of criminal sanctions courts | 5 [] NA [] NAP |
| Fight against terrorism, organised crime and corruption | [] NA [X] NAP |
| Internet related disputes | [] NA [X] NAP |
| Administrative courts | 17 [] NA [] NAP |
| Insurance and / or social welfare courts | [] NA [X] NAP |
| Military courts | [] NA [X] NAP |
| Other specialised 1st instance courts | 276 [] NA [] NAP |

Comments - If “other specialised 1st instance courts”, please specify: Changes to the judicial organization (Law n. 40-A/2016, 22 December) are in force since January 1, 2017.

044. Is there a foreseen change in the structure of courts [for example a reduction of the number of courts (geographic locations) or a change in the powers of courts]?

(X) Yes

() No

Comments - Please specify: Law n.° 19/2019, 19th February.

The recent amendments to the Law of the Organization of the Judiciary System are intended to ensure the reciprocal proximity of justice and citizens in two key segments: criminal jurisdiction and family and minors jurisdiction.

These new amendments aim to facilitate people's access to courts and combat the desertification of the interior regions of the country.

045. Number of first instance courts (geographic locations) competent for a case concerning:

| | Number of courts |
|------------------------------------|--------------------------|
| a debt collection for small claims | 186 [] NA [] NAP |
| an employment dismissal | 52 [] NA [] NAP |
| a robbery | 186 [] NA [] NAP |
| an insolvency case | 67 [] NA [] NAP |

Comments For debt collection of small claims - previously we only considered the court for the european order for payment procedure (Tribunal Judicial da Comarca do Porto - Juízo Central Cível do Porto),now we consider all competent courts for debt collection for small claims.

we also changed the other values because they didn't reflect the geographic locations of the courts that resulted from the recent changes to the judicial organization.

045-1. Is your definition for small claims the same as the one in the Explanatory note?

Yes

No

Comments - If not, please give your definition for small claims:

045-2. Please indicate the value in € of a small claim:

[15 000]

Comments

C. Please indicate the sources for answering questions 42, 43 and 45:

Sources: Question 42, 43 and 45 –Directorate-General for Justice Administration (Direcção-Geral da Administração da Justiça).

3.2. Court staff

3.2.1. Judges and non-judge staff

046. Number of professional judges sitting in courts (if possible on 31 December of the reference year). (Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts)



| | Total | Males | Females |
|---|----------------------------|--------------------------|----------------------------|
| Total number of professional judges (1 + 2 + 3) | 1 979 [] NA [] NAP | 767 [] NA [] NAP | 1 212 [] NA [] NAP |
| 1. Number of first instance professional judges | 1 456 [] NA [] NAP | 463 [] NA [] NAP | 993 [] NA [] NAP |
| 2. Number of second instance (court of appeal) professional judges | 452 [] NA [] NAP | 253 [] NA [] NAP | 199 [] NA [] NAP |
| 3. Number of Supreme Court professional judges | 71 [] NA [] NAP | 51 [] NA [] NAP | 20 [] NA [] NAP |

Comment - Please provide any useful comment for interpreting the data above: The number of Supreme Court Judges has been decreasing since 2015. In absolute terms the decrease from 2016 to 2018 is from 82 to 71 judges, which is not significant in absolute terms, but acquires a more relevant expression in relative terms.

047. Number of court presidents (professional judges).

| | Total | Males | Females |
|--|---------------------|---------------------|---------------------|
| Total number of court presidents (1 + 2 + 3) | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |
| 1. Number of first instance court presidents | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |
| 2. Number of second instance (court of appeal) court presidents | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |
| 3. Number of Supreme Court presidents | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |

Comments

048. Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December of the reference year):

| | Figure |
|--------------------------------|---------------------|
| Gross figure | [] NA [X] NAP |
| In full-time equivalent | [] NA [X] NAP |

Comments - If necessary, please provide comments to explain the answer provided:

048-1. Do these professional judges sitting in courts on an occasional basis deal with a significant part of cases?

Yes If yes, please give specifications on the types of cases and an estimate in percentage.

No

NAP

Comments

049. Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December of the reference year) (e.g. lay judges or “juges consulaires”, but not arbitrators or persons sitting in a jury):

| | Figure |
|-------------------------|--|
| Gross figure | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| In full time equivalent | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |

Comments

049-1. If such non-professional judges exist at first instance in your country, please specify for which types of cases:

| | Yes | No | Echevinage |
|--|--------------------------|--------------------------|--------------------------|
| criminal cases (severe) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| criminal cases (misdemeanour and/or minor) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| family law cases | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| labour law cases | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| social law cases | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| commercial law cases | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| insolvency cases | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| other civil cases | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

NAP

Comments - If “other”, please specify:

050. Does your judicial system include trial by jury with the participation of citizens?

Yes

No

Comments

050-1. If yes, for which type of case(s)?

Criminal cases

Other than criminal cases

Comments The Portuguese judicial system foresees trial by jury in severe criminal cases.

051. Number of citizens who were involved in such juries for the year of reference:

[]

NA

NAP

Comments

052. Number of non-judge staff who are working in courts (if possible on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled)

| | Total | Males | Females |
|--|--|--|--|
| Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5) | 5 818 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 1 959 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 3 859 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| 2. Non-judge staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, court recording, helping to draft the decisions) | 5 486 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 1 836 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 3 650 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management) | 94 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 63 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 31 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 4. Technical staff | 238 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 60 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 178 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 5. Other non-judge staff | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments - If “other non-judge staff”, please specify: In 2018, as in 2017 there were no other non-judge staff.

052-1. Number of non-judge staff by instance (if possible on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled)

| | Total | Males | Females |
|--|----------------------------|----------------------------|----------------------------|
| Total non-judge staff working in courts (1+2+3) | 5 784 [] NA [] NAP | 1 942 [] NA [] NAP | 3 842 [] NA [] NAP |
| 1. Total non-judge staff working in courts at first instance level | 5 532 [] NA [] NAP | 1 847 [] NA [] NAP | 3 685 [] NA [] NAP |
| 2. Total non-judge staff working in courts at second instance (court of appeal) level | 185 [] NA [] NAP | 75 [] NA [] NAP | 110 [] NA [] NAP |
| 3. Total non-judge staff working in courts at Supreme Court level | 67 [] NA [] NAP | 20 [] NA [] NAP | 47 [] NA [] NAP |

Comments Since 2016 there has been an increase of non-judge staff to meet the needs of additional staff. There were no legislative or other changes that could directly justify the increase.

053. If there are Rechtspfleger (or similar bodies) in your judicial system, please specify in which fields do they have a role:

- legal aid
- family cases
- payment orders
- registry cases (land and/or business registry cases)
- enforcement of civil cases
- enforcement of criminal cases
- other cases not mentioned (please describe in comment)
- non-litigious cases
- NAP

Comments - Please briefly describe their status and duties:

054. Have the courts outsourced certain services under their responsibilities to external providers?

- Yes
- No

Comments

054-1. If yes, please specify which services have been outsourced:

- IT services
- Training of staff
- Security
- Archives
- Cleaning
- Other types of services (please specify):

Comments

C1. Please indicate the sources for answering questions 46, 47, 48, 49 and 52

Sources: Directorate-General for Justice Policy (Direcção-Geral da Política de Justiça)

3.3. Public prosecution

3.3.1. Public prosecutors and staff

055. Number of public prosecutors (on 31 December of the reference year). Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts.

| | Total | Males | Females |
|--|----------------------------|--------------------------|--------------------------|
| Total number of prosecutors (1 + 2 + 3) | 1 389 [] NA [] NAP | 503 [] NA [] NAP | 886 [] NA [] NAP |
| 1. Number of prosecutors at first instance level | 1 295 [] NA [] NAP | 446 [] NA [] NAP | 849 [] NA [] NAP |
| 2. Number of prosecutors at second instance (court of appeal) level | 78 [] NA [] NAP | 46 [] NA [] NAP | 32 [] NA [] NAP |
| 3. Number of prosecutors at Supreme Court level | 16 [] NA [] NAP | 11 [] NA [] NAP | 5 [] NA [] NAP |

Please indicate any useful comment for interpreting the data above: In absolute terms the decrease from 2016 to 2018 is from 7 to 5 female prosecutors, which is not significant in absolute terms, but acquires a more relevant expression in relative terms.

056. Number of heads of prosecution offices.

| | Total | Males | Females |
|---|---------------------|---------------------|---------------------|
| Total number of heads of prosecution offices (1 + 2 + 3) | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |
| 1. Number of heads of prosecution offices at first instance level | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |
| 2. Number of heads of prosecution offices at second instance (court of appeal) level | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |
| 3. Number of heads of prosecution offices at Supreme Court level | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |

Please provide any useful comment for interpreting the data above:

057. Do other persons have similar duties to those of public prosecutors?

Yes

No

Comments - If yes, please specify their title and functions:

057-1. Please specify their number (in full-time equivalent):

[]

NA

059. If yes, is their number included in the number of public prosecutors that you have indicated under question 55?

Yes

No

NAP

Comments

059-1. Do prosecution offices have specially trained prosecutors in domestic violence and sexual violence ?

Yes

No

Comments

060. Number of staff (non-public prosecutors) attached to the public prosecution services (on 31 December of the reference year) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).

| | Total | Males | Females |
|---|--------------------------------------|------------------------------------|--------------------------------------|
| Number of staff (non-public prosecutors) attached to the public prosecution service | 1 700 <input type="checkbox"/> NA | 618 <input type="checkbox"/> NA | 1 082 <input type="checkbox"/> NA |

Comments

C2. Please indicate the sources for answering questions 55, 56 and 60

Sources: Directorate-General for Justice Policy (Direcção-Geral da Política de Justiça)

3.4. Gender equality

3.4.1 Specific provisions for facilitating gender equality

061-2. Are there specific provisions for facilitating gender equality within the framework of the procedures for recruiting :

| | Yes, please specify | No |
|--------------------|---------------------|-------|
| judges | () | (X) |
| prosecutors | () | (X) |
| non-judge staff | () | (X) |
| lawyers | () | (X) |
| notaries | () | (X) |
| enforcement agents | () | (X) |

[] NA

Comments - if the situation changed since the reference year, please specify in the comments. If you have additional comments please specify:

061-3. Are there specific provisions for facilitating gender equality within the framework of the procedures for promoting :

| | Yes, please specify | No |
|--------------------|---------------------|-------|
| judges | () | (X) |
| prosecutors | () | (X) |
| non-judge staff | () | (X) |
| lawyers | () | (X) |
| notaries | () | (X) |
| enforcement agents | () | (X) |

[] NA

Comments - if the situation changed since the reference year, please specify in the comments. If you have additional comments please specify:

3.4.2 At national level

061-4. Do you have, at national level, one or more recent surveys or reports related to - wholly or partly - the distribution males/females within the judicial system concerning:

| | Yes | No |
|-------------|-------|-----|
| judges | (X) | () |
| prosecutors | (X) | () |

| | | |
|---------------------------|-------|-------|
| non-judge staff | (X) | () |
| lawyers | () | (X) |
| notaries | (X) | () |
| enforcement agents | (X) | () |

Comments - If the situation changed since the reference year, please specify in the comments. Could you specify the reference or internet link of this/these document(s) or send it/them to us? http://www.cej.mj.pt/cej/estudos-gej/fich-pdf/eb_32Curso.pdf
http://www.siej.dgpj.mj.pt/SIEJ/PDFs/tribunais/Tribunais_Pessoal%20ao%20servico_Carreira.pdf;
http://www.siej.dgpj.mj.pt/SIEJ/PDFs/tribunais/Tribunais_Pessoal%20ao%20servico_Carreira.pdf

061-5. Is there a national programme or an orientation document to promote males/females equality within the judicial system?

(X) Yes

() No

Comments - if the situation changed since the reference year, please specify in the comments. Could you specify the reference or internet link of this/these document(s) or send it/them to us? The National Strategy for Equality and Non-Discrimination -Portugal + Igual - was adopted on May 21, 2018, by a Council of Ministers Resolution No. 61/2018. This Strategy that encompasses all the governative areas, also applies to the judicial system.

You can consult the document here:

<https://dre.pt/web/guest/home/-/dre/115360036/details/maximized>

061-6. At national level, is there any specific person (e.g. an equal opportunities commissioner)/institution dealing with gender issues in the justice system concerning:

| | Yes, please specify | No |
|---|---------------------|-------|
| the recruitment of judges | () | (X) |
| the promotion of judges | () | (X) |
| the recruitment of prosecutors | () | (X) |
| the promotion of prosecutors | () | (X) |
| the recruitment of non-judge staff | () | (X) |
| the promotion of non-judge staff | () | (X) |

Comments - if other than recruitment and/or promotion, please specify. If the situation changed since the reference year, please specify in the comments

061-6-1. Please specify the text which set up this person/institution :

(title, date, nature of the text)

061-6-2. Please specify the status of this person/institution:

(e.g. independent, attached to the Ministry of Justice, to the High Judicial Council or equivalent or to an inter-ministerial institution specifically dedicated to gender equality)

061-6-3. Please specify if this person/institution has an information and consultative function or if its opinions/decisions have legal consequences:

(e.g. block a decision or allow an appeal)

3.4.3 At court/public prosecution services level

061-7. At the court or public prosecution services level, is there a person (e.g. an equal opportunities commissioner)/institution specifically dedicated to ensure the respect of gender equality in the organisation of judicial work:

| | Yes | No |
|--|-----|-------|
| in courts (judges) | () | (X) |
| in public prosecution services (prosecutors) | () | (X) |
| for courts' non-judge staff | () | (X) |

Comments - If yes, please specify their titles and tasks. If the situation changed since the reference year, please specify in the comments.

061-8. Does the feminisation of certain functions, if it exists in your country, within courts or public prosecution services, lead to concrete changes in the organisation of the work in the following areas:

| | Yes | No |
|-----------------------------------|-----|-------|
| Assignment in different positions | () | (X) |
| Workload distribution | () | (X) |
| Working hours | () | (X) |

| | | |
|---|-------|-------|
| Modalities of teleworking and presence in the work space | () | (X) |
| Replacement of absent persons | (X) | () |
| Organisation of the hearings | () | (X) |
| Other | () | (X) |

Comments - If other, please specify. Could you also indicate concrete examples referring to the various possibilities mentioned? If the situation changed since the reference year, please specify in the comments.

061-9. In order to improve gender balance in access to different judicial professions and equality in promotion and in access to functions of responsibility, what are the measures, in your country, which:

have been already implemented (please specify) :

are planned (please specify) :

Comments - If the situation changed since reference year, please specify in the comments.

[X] NAP

061-10. In your judicial system, and eventually based on evaluation, studies or official reports, what are the main causes of inequalities in:

recruitment procedures (please specify):

promotion procedures and access to the functions of responsibility (please specify) :

Comments - If the situation changed since reference year, please specify in the comments.

061-11. In your courts, is there particular attention given to gender issues regarding the public and users of justice, in particular:

| | Yes, please specify | No |
|--|---------------------|-------|
| judges and court staff are more chosen among males or females according to the type of cases | () | (X) |
| the composition of hearings with several judges is always mixed | () | (X) |
| statistics exist concerning males and females who initiate a case/victims, accused persons, etc. | () | (X) |

Comments - if you have additional comments please specify. If the situation changed since reference year, please specify in the comments.

3.5 Use of information technologies in courts

3.5.1 General policies in Information Technology in judicial systems

062-1. Basic principles and models used in Information technology policies and strategies definition

| | Organisation |
|----------------------------|--|
| IT policies and strategies | <input type="checkbox"/> defined and coordinated at national level by one institution <input checked="" type="checkbox"/> defined and coordinated at national level by several institutions <input type="checkbox"/> defined and coordinated at unit/stakeholder level <input type="checkbox"/> other |
| IT Governance | <input type="checkbox"/> governed on national level by one institution <input checked="" type="checkbox"/> governed on national level by several institutions <input type="checkbox"/> organised at unit/stakeholder level <input type="checkbox"/> other |

Comments

065-1. In case there is a national structure in charge of the strategic policy making and governance of the judicial system modernisation (including also IT) what is the composition of this structure?

- () administrative, technical and scientific staff only
- () mixed teams of judicial staff (judges/prosecutors/etc.) and administrative/technical/scientific staff
- (X) other (please specify in a comment)

Comments - (please specify if there are other modernisation approaches that have been implemented): There are several entities that implement IT strategy and governance under the guidance of the Ministry of Justice

065-2. Which is the organisational model primarily chosen for conducting structural IT projects in courts and the management of applications (maintenance, evolution)?

| | Implementing new projects | Management of applications |
|---|---------------------------|----------------------------|
| Mainly by an IT department with the help of professionals in the field (judges, prosecutors, non-judge judicial staff, etc.) | (X) Yes () No | (X) Yes () Non |
| Mainly by professionals in the field (judges, prosecutors, non-judge judicial staff, etc.) with the help of an internal IT department and/or an external service provider | (X) Yes () No | () Yes (X) Non |
| Other alternatives (external service provider only – specify in a comment) | () Yes (X) No | () Yes (X) Non |

Comments - please also describe in case of “other alternatives”

065-3. Is there a device of detection and promotion of innovations regarding IT coming from personal and/or local/court level initiatives?

- (X) Yes
- () No

Comments (please specify projects that have experienced national developments) The Ministry of Justice promotes the presentation of ideas, from all the legal professionals, such as judicial staff, that may lead to specific measures of innovation and digital transformation in the judicial system.

065-4. Have you measured the impact resulting from the implementation of one or several components of your new information system?

- (X) Yes
- () No

065-4-1. If yes, have you measured the impact on (multiple answers possible):

- [X] Business processes
- [X] Workload
- [X] Human resources
- [X] Costs
- [] Other, please specify

Comments (please specify examples of the impact) The change of business proceedings related to the service desk in the courts and the adoption of new communication channels for interaction with citizens had a significant impact in the workload and human resources management. At the same time, citizens spend less time in courts and promotes efficiency and effectiveness of the justice system.

3.5.2 Security of courts information system and personal data protection

065-5. Are there independent audits or other mechanisms to contribute to the global security policy regarding the information system of the judiciary ?

Yes

No

Comments (please specify in particular if national frameworks of information security exist):

065-6. Is the protection of personal data managed by courts ensured at legislative level?

Yes

No

Comment - If yes, please specify among others: if there are authorities specifically responsible for protection of personal data; the extent of the rights granted to citizens in the specific framework of software used by courts; if there are controls or limitations by law regarding the sharing of databases managed by courts with other administrations (police, etc.)

3.5.3 Centralised databases for decision support

062-4. Is there a centralised national database of court decisions (case-law, etc.)?

Yes

Non

Comments

062-4-1. If yes, please specify the following information:

| | For 1st instance decisions | For 2nd instance decisions | For 3rd instance decisions | Link with ECHR case law | Data anonymised | Case-law database available free online | Case-law database available in open data |
|--------------------------------|---|---|---|--|--|--|--|
| Civil and/or commercial | <input type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes all judgements <input checked="" type="checkbox"/> Yes some judgements <input type="checkbox"/> No | <input type="checkbox"/> Yes all judgements <input checked="" type="checkbox"/> Yes some judgements <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Criminal | <input type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes all judgements <input checked="" type="checkbox"/> Yes some judgements <input type="checkbox"/> No | <input type="checkbox"/> Yes all judgements <input checked="" type="checkbox"/> Yes some judgements <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Administrative | <input type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes all judgements <input checked="" type="checkbox"/> Yes some judgements <input type="checkbox"/> No | <input type="checkbox"/> Yes all judgements <input checked="" type="checkbox"/> Yes some judgements <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

Comments - if it exists in other matters please specify

062-6. Is there a computerised national record centralising all criminal convictions?

Yes

No

062-6-1. If yes, please specify the following information:

- Linkage with other European records of the same nature
- Content directly available through computerised means for judges and/or prosecutors
- Content directly available for purposes other than criminal (civil and administrative matters)

Comments - Please specify who is the authority delivering the access The authority delivering the access is the General-Directorate for the Administration of Justice.

3.5.4 Writing assistance tools

062-7. Are there writing assistance tools for which the content is coordinated at national level? (models or templates, paragraphs already pre-written, etc.)

- Yes
- No

Comment – if it exists in other matters please specify It also exists in labour courts and maritime courts.

062-7-1. If yes, please specify the following information:

| | Availability rate |
|--------------------------------|---|
| Civil and/or commercial | <input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA |
| Criminal | <input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA |
| Administrative | <input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA |

062-8. Are there voice recording tools?

- Yes
- No

Comments The voice recognition features are to be implemented in all courts.

062-8-1. If yes, please specify:

| | Availability of simple dictation tools | Availability of multiple speakers recording tools | Voice recognition feature |
|--------------------------------|---|---|---|
| Civil and/or commercial | <input checked="" type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA | <input checked="" type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Pilot testing <input type="checkbox"/> No <input type="checkbox"/> NA |
| Criminal | <input checked="" type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA | <input checked="" type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Pilot testing <input type="checkbox"/> No <input type="checkbox"/> NA |
| Administrative | <input checked="" type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA | <input checked="" type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA | <input type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input checked="" type="checkbox"/> No <input type="checkbox"/> NA |

062-9. Is there an intranet site within the judicial system for distribution of news/novelities?

Availability rate:

- 100% - accessible to everyone in judiciary
 50-99% - accessible for most judges/prosecutors in all instances
 10-49% - in some courts only
 1-9% - in one court only
 0% (NAP) - No access

NA

Comments

3.5.5 Technologies used for administration of the courts and case management

063-1. Is there a case management system (CMS) ? (Software used for registering judicial proceedings and their management)

- Yes
 No

Comments - if it exists in other matters please specify It exists in all courts and subject matters (family, labour, maritime) citius/SITAF

063-1-1. If yes, please specify the following information:

| | CMS deployment rate | Status of case online | Centralised or interoperable database | Early warning signals (for active case management) | Status of integration/connection of a CMS with a statistical tool |
|--------------------------------|---|--|---|---|---|
| Civil and/or commercial | <input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input checked="" type="checkbox"/> accessible to parties <input type="checkbox"/> publication of decision online <input type="checkbox"/> both <input type="checkbox"/> not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> Fully integrated including BI <input checked="" type="checkbox"/> Integrated <input type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Criminal | <input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input checked="" type="checkbox"/> accessible to parties <input type="checkbox"/> publication of decision online <input type="checkbox"/> both <input type="checkbox"/> not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> Fully integrated including BI <input checked="" type="checkbox"/> Integrated <input type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Administrative | <input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input checked="" type="checkbox"/> accessible to parties <input type="checkbox"/> publication of decision online <input type="checkbox"/> both <input type="checkbox"/> not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> Fully integrated including BI <input checked="" type="checkbox"/> Integrated <input type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP |

063-2. Computerised registries managed by courts

| | Deployment rate | Data consolidated at national level | Service available online | Statistical module integrated or connected |
|----------------------|---|--|--|--|
| Land registry | <input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

| | | | | |
|--------------------------|---|--|--|--|
| Business registry | <input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
|--------------------------|---|--|--|--|

Comment – if it exists in other matters please specify Land and Business Registry is managed by the Registry and Notariat Institut - Ministry of Justice (Instituto dos Registos e Notariado)

063-6. Budgetary and financial management systems of courts

| | Tool deployment rate | Data consolidated at national level | System communicating with other ministries (financial among others) |
|---|---|--|--|
| Budgetary and financial management of courts | <input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Justice expenses management | <input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Other (please specify in comments) | <input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

Comments

063-7. Measurement tools to assess the workload of judges, prosecutors and/or non-judge/non-prosecutor staff (tool quantifying the activity of judges, prosecutors and/or non-judge/non-prosecutor staff – for example the number of cases resolved)

Yes

No

Comments

063-7-1. If yes, please specify the following information:

| Tools deployment rate | Data used for monitoring at national level | Data used for monitoring at court local level | Tool integrated in the CMS |
|------------------------------|---|--|-----------------------------------|
|------------------------------|---|--|-----------------------------------|

| | | | | |
|---|--|--|--|--|
| For judges | (X) 100% () 50-99% () 10-49% () 1-9% () 0% (NAP) [] NA | (X) Yes () No [] NA [] NAP | () Yes (X) No [] NA [] NAP | (X) Yes () No [] NA [] NAP |
| For prosecutors | (X) 100% () 50-99% () 10-49% () 1-9% () 0% (NAP) [] NA | (X) Yes () No [] NA [] NAP | () Yes (X) No [] NA [] NAP | (X) Yes () No [] NA [] NAP |
| For non-judge/non-prosecutor staff | (X) 100% () 50-99% () 10-49% () 1-9% () 0% (NAP) [] NA | (X) Yes () No [] NA [] NAP | () Yes (X) No [] NA [] NAP | (X) Yes () No [] NA [] NAP |

3.5.6 Technologies used for communication between courts, professionals and/or court users

users

064-2. Is there a possibility to submit a case to courts by electronic means?(possibility to introduce a case by electronic means, for example an e-mail or a form on a website)

(X) Yes

() No

Comments

064-2-1. If yes, please specify the following information:

| | Availability rate | Simultaneous submission of cases in paper form remains mandatory | Specific legislative framework authorising the submission of a case | An integrated/connect ed tool with the CMS |
|--------------------------------|--|---|--|---|
| Civil and/or commercial | (X) 100% () 50-99% () 10-49% () 1-9% () 0% (NAP) [] NA | () Yes (X) No [] NA [] NAP | (X) Yes () No [] NA [] NAP | (X) Yes () No [] NA [] NAP |
| Criminal | (X) 100% () 50-99% () 10-49% () 1-9% () 0% (NAP) [] NA | () Yes (X) No [] NA [] NAP | (X) Yes () No [] NA [] NAP | (X) Yes () No [] NA [] NAP |

| | | | | |
|-----------------------|---|---|---|---|
| Administrative | <input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP |
|-----------------------|---|---|---|---|

Comments - if it exist in other matters please specify System name: CITIUS.NET/ SITAF.WEB/ BNA

064-3. Is it possible to request legal aid by electronic means?

Yes

No

Comments It is only possible to request legal aid by eletronic means in criminal cases when the defendant is presented in court. In such cases lawyers are obtained automatically through a web service called SinOA.

064-3-1. If yes, please specify the following information:

| | Requesting legal aid electronically |
|--|---|
| Availability rate | <input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA |
| Formalisation of the request in paper form remains mandatory | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Specific legislative framework regarding requests for legal aid by electronic means | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Granting legal aid is also electronic | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Information available in CMS | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP |

064-4. Is it possible to transmit summons to a judicial meeting or a hearing by electronic means? (a judicial meeting relates to stages prior to a court hearing, with a view to mediation or conciliation)

Yes

No

Comments

064-4-1. If yes, please specify the following information:

| | Summons produced by CMS | Simultaneous summon in paper form remains mandatory | Consent of the user to be notified by electronic means | Modalities (if other please specify in comments) | Specific legislative framework |
|--------------------------------|-------------------------|---|--|---|--------------------------------|
| Civil and/or commercial | [X] | [] | [] | [] SMS [] E-mail [X] Specific computer application [] Other | [X] |
| Criminal | [X] | [] | [] | [] SMS [] E-mail [X] Specific computer application [] Other | [X] |
| Administrative | [X] | [] | [] | [] SMS [] E-mail [X] Specific computer application [] Other | [X] |

Comments

064-6. Are there possibilities of electronic communication between courts and lawyers and/or parties? (sending of electronic files and data concerning a judicial proceeding with or without scanned documents, mainly to develop dematerialised communication)

Communication between court and lawyers representing parties

(X) Yes

() No

Communication between court and parties not represented by lawyer

() Yes

(X) No

Comments

064-6-1. If yes, please specify the following information:

| Tool deployment rate | Trial phases concerned | Modalities (if there are different according to the trial phases or if other, please specify in a comment) | Specific legal framework |
|----------------------|------------------------|--|--------------------------|
| | | | |

| | | | | |
|--------------------------------|--|--|---|---|
| Civil and/or commercial | <input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) - for this matter <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Submission of a case to a court <input checked="" type="checkbox"/> Phases preparatory to a hearing <input checked="" type="checkbox"/> Schedule of hearings and/or appeals management <input checked="" type="checkbox"/> Transmission of court decisions | <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other | <input checked="" type="checkbox"/> Yes |
| Criminal | <input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) - for this matter <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Submission of a case to a court <input checked="" type="checkbox"/> Phases preparatory to a hearing <input checked="" type="checkbox"/> Schedule of hearings and/or appeals management <input checked="" type="checkbox"/> Transmission of court decisions | <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other | <input checked="" type="checkbox"/> Yes |
| Administrative | <input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) - for this matter <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Submission of a case to a court <input checked="" type="checkbox"/> Phases preparatory to a hearing <input checked="" type="checkbox"/> Schedule of hearings and/or appeals management <input checked="" type="checkbox"/> Transmission of court decisions | <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other | <input checked="" type="checkbox"/> Yes |

Comments

064-7. Terms and conditions of electronic communication used by professionals other than lawyers (sending of electronic data concerning a judicial proceeding with or without scanned documents, mainly to develop dematerialised communication)

| | Tool deployment rate | Modalities (if there are different according to the deeds or if other, please specify in a comment) | Specific legal framework |
|--|---|---|---|
| Enforcement agents (as defined in Q169 and following) | <input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other | <input checked="" type="checkbox"/> Yes |

| | | | |
|--|---|--|---|
| Notaries (as defined in Q192 and following) | <input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input checked="" type="checkbox"/> Other | <input checked="" type="checkbox"/> Yes |
| Experts (as defined in Q202 and following) | <input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA | <input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other | <input type="checkbox"/> Yes |
| Judicial police services | <input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other | <input type="checkbox"/> Yes |

Comments

064-9. Are there online processing devices of specialised litigation? (low value litigation, undisputed claims, preparatory phases to the resolution of family conflicts, etc. – please, specify in “comments” section)

Yes

No

Comments – Please describe the system that exists. civil undisputed claims

064-10. Videoconferencing between courts, professionals and/or users (this concerns the use of audio-visual devices in the framework of judicial proceedings such as the hearing of parties, etc.)

Yes

No

Comments

064-10-1. If yes, please specify the following information and describe in comments of this section the cases of actual use of videoconferencing and the expected benefits (for example, the use of this device to reduce the number of detainees’ transfers to the court):

| | Deployment rate (chose one only) | Proceeding phase | Specific legislative framework |
|--------------------------------|---|---|--|
| Civil and/or commercial | <input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input type="checkbox"/> Prior to the hearing <input checked="" type="checkbox"/> During the hearing <input type="checkbox"/> After the hearing | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

| | | | |
|-----------------------|---|--|--|
| Criminal | <input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Prior to the hearing <input checked="" type="checkbox"/> During the hearing <input type="checkbox"/> After the hearing | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Administrative | <input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input type="checkbox"/> Prior to the hearing <input checked="" type="checkbox"/> During the hearing <input type="checkbox"/> After the hearing | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

Comments

064-11. Recording of hearings or debates (sound or audio-visual recording during the investigation and/or trial phase(s))

Yes

No

Comments

064-11-1. If yes, please specify the following information:

| | Tool deployment rate | Type of recording | Specific legislative framework |
|--------------------------------|---|---|---|
| Civil and/or commercial | <input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Sound <input type="checkbox"/> Video <input type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Criminal | <input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Sound <input type="checkbox"/> Video <input type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Administrative | <input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA | <input checked="" type="checkbox"/> Sound <input type="checkbox"/> Video <input type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP |

064-12. Is electronic evidence admissible?

| | |
|---|------------------------------|
| Admissibility of electronic evidence | Legislative framework |
|---|------------------------------|

| | | |
|--------------------------------|--|---|
| Civil and/or commercial | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> General law only <input checked="" type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only |
| Criminal | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> General law only <input checked="" type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only |
| Administrative | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> General law only <input checked="" type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only |

Comments

3.6. Performance and evaluation

3.6.1. National policies applied in courts and public prosecution services

066. Are quality standards determined for the judicial system at national level (are there quality systems for the judiciary and/or judicial quality policies)?

Yes

No

Comments - If yes, please specify:

067. Do you have specialised personnel entrusted with implementation of these national level quality standards?

| | Yes / No |
|---|--|
| within the courts | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| within the public prosecution services | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

Comments

3.6.2. Performance and quality objectives at court level/public prosecution services

077. Concerning court activities, have you defined performance and quality indicators?

Yes

No

Comments

078. If yes, please select the main performance and quality indicators that have been defined for courts:

number of incoming cases

length of proceedings (timeframes)

- number of resolved cases
- number of pending cases
- backlogs
- productivity of judges and court staff
- satisfaction of court staff
- satisfaction of users (regarding the services delivered by the courts)
- costs of the judicial procedures
- number of appeals
- appeal ratio
- clearance rate
- disposition time
- other (please specify):

Comments

077-1. Concerning public prosecution activities, have you defined performance and quality indicators?

- Yes
- No

Comments

078-1. If yes, please select the main performance and quality indicators for the public prosecution services that have been defined:

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of prosecutors and prosecution staff
- satisfaction of prosecution staff
- satisfaction of users (regarding the services delivered by the public prosecutors)
- costs of the judicial procedures
- clearance rate
- disposition time
- percentage of convictions and acquittals
- other (please specify):

Comments

073. Do you have a system to evaluate regularly court performance based primarily on the defined indicators?

Yes

No

Comments

073-0. If yes, please specify the frequency:

Annual

Less frequent

More frequent

Comments - If "less frequent" or "more frequent", please specify: Besides an annual report, there are also a trimestral and semestral statistics to evaluate judge's performance.

In the case of the Administrative and Tax Courts the reports are semestral.

073-1. Is this evaluation of the court activity used for the later allocation of resources within this court?

Yes

No

Comments

073-2. If yes, which courses of action are taken?

Identifying to the causes of improved or deteriorated performance

Reallocating resources (human/financial resources based on performance (treatment)

Reengineering of internal procedures to increase efficiency (treatment)

Other (please specify):

Comments

073-3. Do you have a system to evaluate regularly the performance of the public prosecution services based primarily on the defined indicators?

Yes

No

Comments

073-4. If yes, please specify the frequency:

Annual

Less frequent

More frequent

Comments - If "less frequent" or "more frequent", please specify:

073-5. Is this evaluation of the activity of public prosecution services used for the later allocation of resources within this public prosecution service?

Yes

No

Comments

073-6. If yes, which courses of action are taken?

- Identifying to the causes of improved or deteriorated performance
- Reallocating resources (human/financial resources based on performance (treatment))
- Reengineering of internal procedures to increase efficiency (treatment)
- Other (please specify):

Comments

079. Who is responsible for evaluating the performance of the courts (multiple options possible) :

- High Judicial Council
- Ministry of Justice
- Inspection authority
- Supreme Court
- External audit body
- Other (please specify):

Comments

079-1. Who is responsible for evaluating the performance of the public prosecution services (multiple options possible) :

- Public prosecutorial Council
- Ministry of Justice
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- External audit body
- Other (please specify):

Comments

3.6.3. Measuring courts' / public prosecution services activity

070. Do you regularly monitor court activities (performance and quality) concerning:

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of judges and court staff
- satisfaction of court staff
- satisfaction of users (regarding the services delivered by the courts)
- costs of the judicial procedures

- number of appeals
- appeal ratio
- clearance rate
- disposition time
- other (please specify):

Comments

070-1. Do you regularly monitor public prosecution activities (performance and quality) concerning:

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of prosecutors and prosecution staff
- satisfaction of prosecution staff
- satisfaction of users (regarding the services delivered by the by the public prosecution)
- costs of the judicial procedures
- clearance rate
- disposition time
- percentage of convictions and acquittals
- other (please specify):

Comments

071. Do you monitor the number of pending cases and cases that are not processed within a reasonable timeframe (backlogs) for:

- civil law cases
- criminal law cases
- administrative law cases

Comments

072. Do you monitor waiting time during judicial proceedings?

| | Yes (If yes, please specify) | No |
|---|------------------------------|-------|
| within the courts | (X) | () |
| within the public prosecution services | () | (X) |

Comments Through SITAF and CITIUS (case management systems) it is possible to check waiting times during judicial proceedings.

3.6.4. Information regarding courts /public prosecution services activity



080. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts?

Yes (please indicate the name and the address of this institution):Directorate-General for Justice Policy (Ministry of Justice)

No

Comments

080-1. Does this institution publish statistics on the functioning of each court:

Yes, on internet

No, only internally (in an intranet website)

No

Comments

080-2. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the public prosecution services?

Yes (please indicate the name and the address of this institution):Public Prosecutor General's Office

No

Comments

080-3. Does this institution publish statistics on the functioning of each public prosecution service?

Yes, on internet

No, only internally (in an intranet website)

No

Comments

081. Are individual courts required to prepare an activity report (that includes, for example, data on the number of resolved cases or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?

Yes

No

Comments - If yes, please describe the content of the report and its audience (i.e. to whom the report is intended):

081-1. If yes, please specify in which form this report is released:

Internet

Intranet (internal) website

Paper distribution

Comments

081-2. If yes, please, indicate the periodicity at which the report is released:

Annual

Less frequent

More frequent

Comments

081-3. Are public prosecution services required to prepare an activity report (that includes, for example, data on the number of incoming cases, the number of decisions, the number of public prosecutors and administrative staff, targets and assessment of the activity)?

Yes

No

Comments - If yes, please describe the content of the report and its audience (i.e. to whom the report is intended):

081-4. If yes, please specify in which form this report is released:

Internet

Intranet (internal) website

Paper distribution

Comments

081-5. If yes, please, indicate the periodicity at which the report is released:

Annual

Less frequent

More frequent

Comments

3.6.5 Courts administration

082. Is there a process or structure of dialogue between the public prosecution services and courts regarding the way cases are presented before courts (for example the organisation, number and planning of hearings, on-call service for urgent cases, selection of simplified procedures of prosecution...)?

Yes

No

Comments - If yes, please specify:

082-1. Is there in general a process or structure of dialogue between lawyers and courts regarding the way cases are presented before courts in other than criminal matters (e.g. organisation, number and planning of hearings, on-call service for urgent cases)?

Yes

No

Comments - If yes, please specify:

3.6.6 Performance and evaluation of judges and public prosecutors

083. Are there quantitative performance targets defined for each judge (e.g. the number of resolved cases in a month or year)?

Yes

No

Comments

083-1. Who is responsible for setting the individual targets for each judge?

Executive power (for example the Ministry of Justice)

Legislative power

Judicial power (for example the High Judicial Council, Supreme Court)

President of the court

Other (please specify):

Comments

114. Is there a system of qualitative individual assessment of the judges' work?

Yes

No

Comments

114-1. If yes, please specify the frequency of this assessment:

Annual

Less frequent

More frequent

083-2. Are there quantitative performance targets defined for each public prosecutor (e.g. the number of decisions in a month or year)?

Yes

No

Comments

083-3. Who is responsible for setting the individual targets for each public prosecutor

Executive power (for example the Ministry of Justice)

Prosecutor General /State public prosecutor

Public prosecutorial Council

Head of the organisational unit or hierarchical superior public prosecutor

Other (please specify):

Comments

120. Is there a system of qualitative individual assessment of the public prosecutors' work?

Yes

No

Comments

120-1. If yes, please specify the frequency of this assessment:

Annual

Less frequent

More frequent

Comments

C4. Please indicate the sources for answering the questions in this chapter:

Sources: General Prosecutors Office

High Judicial Council

Administrative High Judicial Council

4.Fair trial

4.1.Principles

4.1.1.Principles of fair trial



084. Percentage of first instance criminal in absentia judgments (cases in which the suspect is not attending the hearing in person nor is represented by a lawyer)?

[]

[X] NA

[] NAP

Comments - Please add methodology for calculation used.

085. Is there a procedure to effectively challenge a judge, if a party considers that the judge is not impartial?

Yes

No

Comments - Please could you briefly specify: The parties have the possibility to lodge an appeal to the immediately superior court.

085-1. Ratio between the total number of initiated procedures of challenges and total number of finalised challenges (in the reference year):

[]

[X] NA

Comments

086. Is there in your country a monitoring system for the violations related to Article 6 of the European Convention on Human Rights?

- For civil procedures (non-enforcement)
- For civil procedures (timeframe)
- For criminal procedures (timeframe)
- NAP

Comments - Please specify what are the terms and conditions of this monitoring system (information related to acknowledged violations by ECHR at the State/courts level; implementation of internal systems to prevent other violations (that are similar) and if possible to measure an evolution of the established violations):

086-1. Is there in your country a possibility to review a case after a decision on violation of human rights by the European Court of Human Rights?

- Yes
- No
- NAP

Comments

D1. Please indicate the sources for answering questions in this chapter.

Sources: Portuguese Government Agent for the Court of Human Rights

4.2. Timeframe of proceedings

4.2.1. General information

087. Are there specific procedures for urgent matters regarding:

- civil cases
- criminal cases
- administrative cases
- There is no specific procedure for urgent matters

Comments - If yes, please specify:

088. Are there simplified procedures for:

- civil cases (small disputes)
- criminal cases (misdemeanour cases)
- administrative cases
- There is no simplified procedure

Comments - If yes, please specify:

088-1. For these simplified procedures, may judges deliver an oral judgement with a written order

and without the full reasoning of the judgement ?

civil cases

criminal cases

administrative cases

Comments - If yes, please specify:

089. Do courts and lawyers have the possibility to conclude agreements on arrangements for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions and on dates of hearings)?

Yes

No

Comments - If yes, please specify:

4.2.2. Case flow management – first instance



091. First instance courts: number of other than criminal law cases.

| | Pending cases on 1 Jan. ref. year | Incoming cases | Resolved cases | Pending cases on 31 Dec. ref. year | Pending cases older than 2 years from the date the case came to the first instance court |
|--|--|--|--|--|--|
| Total of other than criminal law cases (1+2+3+4) | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3) | 230 602 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 296 748 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 323 967 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 203 383 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 47 476 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2. Non litigious cases (2.1+2.2+2.3) | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3) | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2.2. Registry cases (2.2.1+2.2.2+2.2.3) | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |

| | | | | | |
|--|--|--|--|--|--|
| 2.2.1. Non litigious land registry cases | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| 2.2.2 Non-litigious business registry cases | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| 2.2.3. Other registry cases | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| 2.3. Other non-litigious cases | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| 3. Administrative law cases | 71 446 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 24 382 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 27 055 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 68 773 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 4. Other cases | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments The question 91_1 “Civil (and commercial) litigious cases”, includes the case-flow of civil justice, labour justice and juvenile justice. It does not include civil and labour enforcement cases.

On 1 September 2013, the new Code of Civil Procedure entered into force, establishing a new regime for the enforcement action in Portugal, based on a new paradigm, which states that the processes that run in court must stand out clearly - those who are dependent on the commission of an act of the judge or the secretary – from those who run out of court. This new model, which enables a new way of organizing tasks, of work monitoring and of differentiating responsibilities is provided for in Article 551, paragraph 5 of the new Code of Civil Procedure. This new system follows more closely the current model in other countries and, without prejudice to the specificities of each planning and method of statistical production, will facilitate the future approach to a comparison of the Portuguese system with that of other countries. From a statistical point of view, this new model has not yet however been reflected in numbers, as work is still ongoing aimed at demarcating the procedures that are in court, waiting for an act, from those that are being handled by other entities. Since is not yet possible to provide figures that reflect the amount of work taken on by the courts as referred above, the data does not include civil and labour. The number of enforcement cases for the year 2018 are: Pending cases on 1 Jan. 2018 700.638; Incoming cases:127.646; Resolved cases:222.480; Pending cases on 31 Dec. 2018: 605.804 This numbers correspond to the total number of existing procedures in Portugal in 2018, following the existing model prior to the entry into force of the said legal diploma.

For this reason, the alerts and notes transmitted in previous years with regard to comparisons between countries still remain. A comparative reading of these values must, as we have repeatedly drawn attention, be very cautious, refraining from any comparison in terms of volume or duration of cases and should be limited to the evaluation of the development indicators.

The question 91_3 ”Administrative law cases”, includes administrative and tax cases.

The number of Pending cases on 1Jan. that correspond only to tax cases is 47931

The number Incoming cases that correspond only to tax cases is 14895

The number of Resolved cases that correspond only to tax cases is 16828

The number of pending cases on 31 Dec. that correspond only to tax cases is 45998

91.1 Due to increased efficiency of first instance courts, we can notice for the last several cycles a down-word trend in respect of the number of pending cases, namely civil and commercial litigious cases

092. If courts deal with “civil (and commercial) non-litigious cases”, please indicate the case categories included:

. NAP

093. Please indicate the case categories included in the category "other cases":

| |
|-------|
| . NAP |
|-------|

094. First instance courts: number of criminal law cases.

| | Pending cases on 1 Jan. ref. year | Incoming cases | Resolved cases | Pending cases on 31 Dec. ref. year | Pending cases older than 2 years from the date the case came to the first instance court |
|--|-----------------------------------|-----------------------------|-----------------------------|------------------------------------|--|
| Total of criminal law cases (1+2+3) | 45 893 [] NA [] NAP | 77 617 [] NA [] NAP | 79 126 [] NA [] NAP | 44 384 [] NA [] NAP | 18 459 [] NA [] NAP |
| 1. Severe criminal cases | 42 071 [] NA [] NAP | 61 863 [] NA [] NAP | 63 408 [] NA [] NAP | 40 526 [] NA [] NAP | 18 013 [] NA [] NAP |
| 2. Misdemeanour and / or minor criminal cases | 2 238 [] NA [] NAP | 7 437 [] NA [] NAP | 7 563 [] NA [] NAP | 2 112 [] NA [] NAP | 104 [] NA [] NAP |
| 3. Other cases | 1 584 [] NA [] NAP | 8 317 [] NA [] NAP | 8 155 [] NA [] NAP | 1 746 [] NA [] NAP | 342 [] NA [] NAP |

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences". If "Other cases" please specify: Regarding the decrease of the numbers comparing to 2016, there were no legislative changes or others that could explain this decrease. Due to increased efficiency of first instance courts, we can notice for the last several cycles a down-word trend in respect of the number of pending cases, namely criminal law cases.

4.2.3. Case flow management – second instance

097. Second instance courts (appeal): Number of "other than criminal law" cases.

| | Pending cases on 1 Jan. ref. year | Incoming cases | Resolved cases | Pending cases on 31 Dec. ref. year | Pending cases older than 2 years from the date the case came to the second instance court |
|---|-----------------------------------|-----------------------------|-----------------------------|------------------------------------|---|
| Total of other than criminal law cases (1+2+3+4) | 14 087 [] NA [] NAP | 24 849 [] NA [] NAP | 24 130 [] NA [] NAP | 14 806 [] NA [] NAP | [X] NA [] NAP |
| 1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3) | 6 547 [] NA [] NAP | 20 661 [] NA [] NAP | 21 030 [] NA [] NAP | 6 178 [] NA [] NAP | [X] NA [] NAP |

| | | | | | |
|--|---|---|---|---|---|
| 2. Non litigious cases (2.1+2.2+2.3) | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| 2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3) | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| 2.2. Registry cases (2.2.1+2.2.2+2.2.3) | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| 2.2.1. Non litigious land registry cases | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| 2.2.2 Non-litigious business registry cases | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| 2.2.3. Other registry cases | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| 2.3. Other non-litigious cases | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| 3. Administrative law cases | 7 540 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | 4 188 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | 3 100 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | 8 628 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| 4. Other cases | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |

Comments - If "Other cases" please specify Regarding the increase in the number of pending administrative law cases comparing to 2016, there were no legislative changes or others that could explain this variation".

098. Second instance courts (appeal): Number of criminal law cases.

| | Pending cases on 1 Jan. ref. year | Incoming cases | Resolved cases | Pending cases on 31 Dec. ref. year | Pending cases older than 2 years from the date the case came to the second instance court |
|--|---|--|--|---|--|
| Total of criminal law cases (1+2+3) | 3 713 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | 10 928 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | 10 995 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | 3 646 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| 1. Severe criminal cases | 3 713 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | 10 928 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | 10 995 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | 3 646 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |

| | | | | | |
|--|---------------------|---------------------|---------------------|---------------------|---------------------|
| 2. Misdemeanour and / or minor criminal cases | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |
| 3. Other cases | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP |

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences". If "Other cases", please specify.

4.2.4. Case flow management – Supreme Court



099. Highest instance courts (Supreme Court): Number of “other than criminal law” cases:

| | Pending cases on 1 Jan. ref. year | Incoming cases | Resolved cases | Pending cases on 31 Dec. ref. year | Pending cases older than 2 years from the date the case came to the Supreme Court |
|--|-----------------------------------|----------------------------|----------------------------|------------------------------------|---|
| Total of other than criminal law cases (1+2+3+4) | 1 394 [] NA [] NAP | 3 919 [] NA [] NAP | 3 870 [] NA [] NAP | 1 443 [] NA [] NAP | [X] NA [] NAP |
| 1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3) | 332 [] NA [] NAP | 2 850 [] NA [] NAP | 2 803 [] NA [] NAP | 379 [] NA [] NAP | [X] NA [] NAP |
| 2. Non litigious cases (2.1+2.2+2.3) | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP |
| 2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3) | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP |
| 2.2. Registry cases (2.2.1+2.2.2+2.2.3) | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP |
| 2.2.1. Non litigious land registry cases | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP |
| 2.2.2 Non-litigious business registry cases | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP |

| | | | | | |
|---------------------------------------|--|--|--|--|--|
| 2.2.3. Other registry cases | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| 2.3. Other non-litigious cases | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| 3. Administrative law cases | 1 062 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 1 069 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 1 067 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 1 064 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 4. Other cases | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |

Comments - If "Other cases", please specify Regarding the slight decrease in the number of pending civil and commercial litigious cases at the beginning of the year 2018, comparing to 2016, there were no legislative changes or others that could explain this decrease

099-1. At the level of the Highest court (Supreme Court), is there a procedure of manifest inadmissibility?

Yes

No

Comments

099-1-1. If yes, please indicate the number of:

cases received by the Highest court? [0]

cases closed by this procedure? [0]

Comments The number of cases is NOT AVAILABLE.

I could not publish the section without fulfilling the box.

100. Highest instance courts (Supreme Court): Number of criminal law cases.

| | Pending cases on 1 Jan. ref. year | Incoming cases | Resolved cases | Pending cases on 31 Dec. ref. year | Pending cases older than 2 years from the date the case came to the Supreme Court |
|--|--|--|--|--|---|
| Total of criminal law cases (1+2+3) | 127 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 965 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 941 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 151 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 1. Severe criminal cases | 127 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 965 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 941 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 151 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2. Misdemeanour and / or minor criminal cases | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| 3. Other cases | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences". If "Other cases", please specify

4.2.5. Case flow management and timeframes – specific cases



101. Number of litigious divorce cases, employment dismissal cases, insolvency, robbery cases, intentional homicide cases, cases relating to asylum seekers and cases relating to the right of entry and stay for aliens received and processed by first instance courts.

| | Pending cases on 1 Jan. ref. year | Incoming cases | Resolved cases | Pending cases on 31 Dec ref. year |
|---|-----------------------------------|-----------------------------|-----------------------------|-----------------------------------|
| Litigious divorce cases | 3 871 [] NA [] NAP | 8 256 [] NA [] NAP | 8 560 [] NA [] NAP | 3 567 [] NA [] NAP |
| Employment dismissal cases | 1 462 [] NA [] NAP | 3 312 [] NA [] NAP | 3 559 [] NA [] NAP | 1 215 [] NA [] NAP |
| Insolvency | 2 175 [] NA [] NAP | 12 437 [] NA [] NAP | 12 748 [] NA [] NAP | 1 864 [] NA [] NAP |
| Robbery case | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |
| Intentional homicide | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |
| Cases relating to asylum seekers (refugee status under the 1951 Geneva Convention) | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |
| Cases relating to the right of entry and stay for aliens | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |

Comments The decrease of the number of pending cases follows the global general tendency of decrease of the number of civil and labor cases filed and pending. We have not identified any legislative or other changes that could directly justify the decrease of such cases.

101-1. Could you briefly describe the system in your country dealing with judicial remedies relating to asylum seekers (refugee status under the 1951 Geneva Convention) and the right of entry and stay for aliens:

. Please check general comments

102. Average length of proceedings, in days (from the date the application for judicial review is lodged). The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the enforcement procedure.

| | % of decisions subject to appeal | Average length in 1st instance (in days) | Average length in 2nd instance (in days) | Average length in 3rd instance (in days) | Average total length of the total procedure (in days) | % of cases pending for more than 3 years for all instances |
|---|---|---|---|---|---|---|
| Civil and commercial litigious cases | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Litigious divorce case | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Employment dismissal case | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Insolvency | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Robbery case | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| Intentional homicide | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments

103. Where appropriate, please indicate the specific procedure regarding divorce cases (litigious and non-litigious):

Please check general comments

104. How is the length of proceedings calculated for the six case categories of question 102? Please give a description of the calculation method.

Please, have a look at the general comment.

4.2.6. Case flow management – public prosecution

105. Role and powers of the public prosecutor in the criminal procedure (multiple options possible):

- to conduct or supervise police investigation
- to conduct investigations
- when necessary, to request investigation measures from the judge
- to charge

to present the case in court

to propose a sentence to the judge

to appeal

to supervise the enforcement procedure

to discontinue a case without needing a decision by a judge (ensure consistency with question 36!)

to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision

other significant powers (please specify):check comments

Comments

106. Does the public prosecutor also have a role in:

civil cases

administrative cases

insolvency cases

Comments - If yes, please specify:

107. Cases processed by the public prosecutor - Total number of first instance criminal cases:

| | Received during the reference year | Discontinued during the reference year (see Q108 below) | Concluded by a penalty or a measure imposed or negotiated by the public prosecutor | Cases brought to court |
|--|--|--|--|---|
| Total number of first instance cases processed by the public prosecutor | 458 270 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | 47 092 <input type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments

107-1. If the guilty plea procedure exists, how many cases were brought to court by the prosecutor through this procedure?

| | Number of guilty plea procedures |
|------------------------------|--|
| Total | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| Before the court case | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| During the court case | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments

108. Total number of cases which were discontinued by the public prosecutor.

| |
|-----------------|
| Number of cases |
|-----------------|

| | |
|---|---------------------|
| Total number of cases which were discontinued by the public prosecutor (1+2+3+4) | [X] NA [] NAP |
| 1. Discontinued by the public prosecutor because the offender could not be identified | [X] NA [] NAP |
| 2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation | [X] NA [] NAP |
| 3. Discontinued by the public prosecutor for reasons of opportunity | [X] NA [] NAP |
| 4. Other | [X] NA [] NAP |

Comments

109. Do the figures include traffic offence cases?

Yes

No

Comments

D2. Please indicate the sources for answering questions 91, 94, 97, 98, 99, 100, 101, 102, 107, 107-1 and 108.

Sources: Directorate-General for Justice Policy (Direcção-Geral da Política de Justiça)

5. Career of judges and public prosecutors

5.1. Recruitment and promotion

5.1.1. Recruitment and promotion of judges

110. How are judges recruited?

mainly through a competitive exam (open competition)

mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)

a combination of both (competitive exam and working experience)

other (please specify): check comments

Comments

111. Authority(ies) responsible for recruitment. Are judges initially/at the beginning of their career recruited and nominated by:

an authority made up of judges only

- an authority made up of non-judges only
- an authority made up of judges and non-judges

Comments - Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles:

112. Is the same authority (Q111) competent for the promotion of judges?

- Yes
- No

Comments

113. What is the procedure for the promotion of judges? (multiple answers possible)

- Competitive test / Exam
- Other procedure (interview or other)
- No special procedure

Comments - Please specify how the promotion of judges is organised (especially if there is no competition or examination):

113-1. Please indicate the criteria used for the promotion of a judge? (multiple answers possible)

- Years of experience
- Professional skills (and/or qualitative performance)
- Performance (quantitative)
- Assessment results
- Subjective criteria (e.g. integrity, reputation)
- Other
- No criteria

Comments - Please specify any useful comment regarding the criteria (especially if you have checked the box “performance” or “other”):

5.1.2. Status, recruitment and promotion of prosecutors

115. What is the status of public prosecution services?

- statutory independent
- under the authority of the Minister of Justice or another central authority
- other (please specify):

Comments - When appropriate, please specify the objective guarantees of this independence (transfer, appointment...).

115-1. Does the law or another regulation prevent specific instructions to prosecute or not, addressed to a public prosecutor?

- Yes
- No

Comments - If yes, please specify:

116. How are public prosecutors recruited?

- mainly through a competitive exam (open competition)
- mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)
- a combination of both (competitive exam and working experience)
- other (please specify):check comments

Comments

117. Authority(ies) responsible for recruitment. Are public prosecutors initially/at the beginning of their career recruited by:

- an authority composed of public prosecutors only
- an authority composed of non-public prosecutors only
- an authority composed of public prosecutors and non-public prosecutors

Comments - Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles:

118. Is the same authority (Q.117) formally responsible for the promotion of public prosecutors?

- Yes
- No, please specify which authority is competent for promoting public prosecutors: High Council of the Public Prosecution Service

Comments

119. What is the procedure for the promotion of prosecutors? (multiple answers possible)

- Competitive test / exam
- Other procedure (interview or other)
- No special procedure

Comments - Please, specify the procedure (especially if it is a procedure different from a competitive test or an exam):

119-2. Please indicate the criteria used for the promotion of a prosecutor:

- Years of experience
- Professional skills (and/or qualitative performance)
- Performance (quantitative)
- Assessment results
- Subjective criteria (e.g. integrity, reputation)
- Other
- No criteria

Comments - Please, specify any useful comment regarding the criteria (especially if you have checked the box "performance" or "other"):

5.1.3.Mandate and retirement of judges and prosecutors

121. Are judges appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

- Yes, please indicate the compulsory retirement age:70

No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify:

121-1. Can a judge be transferred to another court without his/her consent:

For disciplinary reasons

For organisational reasons

For other reasons (please specify modalities and safeguards):

No

Comments

122. Is there a probation period for judges (e.g. before being appointed "for life")? If yes, how long is this period?

Yes, duration of the probation period (in years):2

No

Comments

123. Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

Yes, please indicate the compulsory retirement age:70

No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify:

124. Is there a probation period for public prosecutors? If yes, how long is this period?

Yes, duration of the probation period (in years):2

No

Comments

125. If the mandate for judges is not for an undetermined period (see question 121), what is the length of the mandate (in years)?

[]

NA

NAP

Comments

125-1. Is it renewable?

Yes

No

NAP

Comments

126. If the mandate for public prosecutors is not for an undetermined period (see question 123),

what is the length of the mandate (in years)?

[]

[] NA

[X] NAP

Comments

126-1. Is it renewable?

() Yes

() No

[X] NAP

Comments

E1. Please indicate the sources for answering the questions in this chapter:

Sources: High Judicial Council
Public Prosecutors Office

5.2. Training

5.2.1. Training of judges

127. Types of different trainings offered to judges:

| | Compulsory | Optional | No training proposed |
|--|---------------------|---------------------|----------------------|
| Initial training (e.g. attend a judicial school, traineeship in the court) | (X) Yes () No | () Yes (X) No | () Yes (X) No |
| General in-service training | (X) Yes () No | (X) Yes () No | () Yes (X) No |
| In-service training for specialised judicial functions (e.g. judge for economic or administrative issues) | (X) Yes () No | (X) Yes () No | () Yes (X) No |
| In-service training for management functions of the court (e.g. court president) | (X) Yes () No | () Yes (X) No | () Yes (X) No |
| In-service training for the use of computer facilities in courts | () Yes (X) No | () Yes (X) No | (X) Yes () No |
| In-service training on ethics | (X) Yes () No | () Yes (X) No | () Yes (X) No |

Comments According to the legal professional statute of judges (Law 21/85) in-service training is a right and a duty, and each judge shall attend at least two sessions every year.

As the Centre for Judicial Studies (CEJ) offers more than one hundred sessions a year only a very small part is mandatory. For this reason both boxes (Compulsory) and (optional) were filled in.

We note that every year the Centre for Judicial training (CEJ) announces the ongoing training activities that it develops the concerned

year and to which judges can apply.

128. Frequency of the in-service training of judges:

| | Frequency of the judges training |
|--|---|
| General in-service training | <input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed |
| In-service training for specialised judicial functions (e.g. judge for economic or administrative issues) | <input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed |
| In-service training for management functions of the court (e.g. court president) | <input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed |
| In-service training for the use of computer facilities in courts | <input type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input checked="" type="checkbox"/> No training proposed |
| In-service training on ethics | <input checked="" type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed |

Comments - Please indicate any information on the periodicity of the continuous training of judges:

5.2.2. Training of prosecutors



129. Types of different trainings offered to public prosecutors:

| | Compulsory | Optional | No training proposed |
|---|--|--|--|
| Initial training | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| General in-service training | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| In-service training for specialised functions (e.g. public prosecutors specialised on organised crime) | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| In-service training for management functions (e.g. Head of prosecution office, manager) | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| In-service training for the use of computer facilities in office | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| In-service training on ethics | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

Comments We note that every year the Centre for Judicial training (CEJ) announces the ongoing training activities that it develops the

concerned year and to which prosecutors can apply.

130. Frequency of the in-service training of public prosecutors :

| | Frequency of the in-service training |
|--|--|
| General in-service training | <input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed |
| In-service training for specialised functions (e.g. public prosecutor specialised on organised crime) | <input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed |
| In-service training for management functions (e.g. Head of prosecution office, manager) | <input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed |
| In-service training for the use of computer facilities in office | <input type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input checked="" type="checkbox"/> No training proposed |
| In-service training on ethics | <input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed |

Comments - Please indicate any information on the periodicity of the in-service training of prosecutors: According to the legal professional statute of prosecutors (Law 47/86) in-service training is a right and a duty, and each prosecutor shall attend at least two sessions every year.

As the Centre for Judicial Studies (CEJ) offers more than one hundred sessions a year, only a very small part is mandatory. For this reason both boxes (Compulsory) and (optional) were filled in.

131. Do you have public training institutions for judges and / or prosecutors?

| | Initial training only | Continuous training only | Initial and continuous training |
|---|--------------------------|--------------------------|-------------------------------------|
| One institution for judges | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| One institution for prosecutors | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| One single institution for both judges and prosecutors | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comments

131-0. If yes, what is the budget of such institution(s)?

| |
|---|
| Budget of the institution for the reference year, in € |
|---|

| | |
|--|--|
| One institution for judges | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| One institution for prosecutors | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| One single institution for both judges and prosecutors | 9 930 997 <input type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments

131-1. If judges and/or prosecutors have no compulsory initial training in such institutions, please indicate briefly how these judges and/or prosecutors are trained?

. NAP

131-2. Number of in-service training courses (in days) organised by the judicial training institution for judges, prosecutors, non-judge and non-prosecutor staff

| | Number of training courses in days organised, without e-learning | Online training courses available during the reference year (e-learning) |
|---|--|--|
| Total | 139 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 4 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 1. Only for judges | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2. Only for prosecutors | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 3. Only for other non-judge staff | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 4. Only for other non-prosecutor staff | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 5. Other common training | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments:

E2. Please indicate the sources for answering the questions in this chapter:

Sources: Center for Judicial Studies

5.3. Practice of the profession

5.3.1. Salaries and benefits of judges and prosecutors

132. Salaries of judges and public prosecutors on 31 December of the reference year:

| | Gross annual salary, in € | Net annual salary, in € | Gross annual salary, in local currency | Net annual salary, in local currency |
|---|---|--|--|--|
| First instance professional judge at the beginning of his/her career | 35 699 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President) | 85 820 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| Public prosecutor at the beginning of his/her career | 35 699 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |
| Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Attorney General). | 85 820 <input type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP |

Comments

133. Do judges and public prosecutors have additional benefits?

| | Judges | Public prosecutors |
|-------------------------|--|--|
| Reduced taxation | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Special pension | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Housing | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Other financial benefit | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

Comments

134. If “other financial benefit”, please specify:

. For judges and prosecutors “other financial benefit” can include:

- Remuneration Supplement for Performing Urgent Services
- Residence Subsidy
- Representation Expenses
- Travel Expenses

- Per diem/expense allowance

[] NAP

135. Can judges combine their work with any of the following other functions/activities?

| | With remuneration | Without remuneration |
|---------------------------------|--------------------------|-----------------------------|
| Teaching | () Yes (X) No | (X) Yes () No |
| Research and publication | (X) Yes () No | (X) Yes () No |
| Arbitrator | () Yes (X) No | () Yes (X) No |
| Consultant | () Yes (X) No | () Yes (X) No |
| Cultural function | () Yes (X) No | (X) Yes () No |
| Political function | () Yes (X) No | () Yes (X) No |
| Mediator | () Yes (X) No | () Yes (X) No |
| Other function | () Yes (X) No | (X) Yes () No |

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If "other function", please specify.

137. Can public prosecutors combine their work with any of the following other functions/activities?

| | With remuneration | Without remuneration |
|---------------------------------|--------------------------|-----------------------------|
| Teaching | () Yes (X) No | (X) Yes () No |
| Research and publication | () Yes (X) No | (X) Yes () No |
| Arbitrator | () Yes (X) No | () Yes (X) No |
| Consultant | () Yes (X) No | () Yes (X) No |
| Cultural function | () Yes (X) No | () Yes (X) No |
| Political function | () Yes (X) No | () Yes (X) No |

| | | |
|-----------------------|--|--|
| Mediator | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Other function | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If "other function", please specify:

139. Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative objectives in relation to the number of resolved cases (e.g. number of cases resolved over a given period of time)?

Yes

No

Comments - If yes, please specify the conditions and possibly the amounts:

5.3.2 Body/institution of ethics

138. Is there in your country an institution / body giving opinions on ethical questions of the conduct of judges (e.g. involvement in political life, use of social media by judges, etc.)

Yes

No

Comments

138-1. If yes, how is this institution / body formed

only by judges

by judges and other legal professionals

other, please specify:

Comments

138-2. Are the opinions of this institution / body publicly available?

Yes

No

[] NAP

Comments - Please describe the work of this institution / body, the frequency of opinions, etc. The Portuguese High Judicial Council and the High Judicial Council for Administrative and Tax Courts have the responsibility to promote judicial ethics. Even though there is no Code of Ethics, the Statute of Judicial magistrates contains rules regarding this matter. Both councils have the competence to issue opinions on legal acts related to the judiciary and the Statute of Judges.

Please see: www.cstaf.pt; www.csm.org.pt/deliberacoes/

[] NAP

138-3. Is there in your country an institution / body giving opinions on ethical questions of the conduct of prosecutors (e.g. involvement in political life, use of social media by prosecutors, etc.)

Yes

No

Comments

138-4. If yes, how is this institution / body formed

- only by prosecutors
- by prosecutors and other legal professionals
- other, please specify:

Comments

138-5. Are the opinions of this institution / body publicly available?

- Yes
- No
- NAP

Comments - Please describe the work of this institution / body, the frequency of opinions, etc. The High Council of the Public Prosecutors' Office, includes members elected by the Parliament and members elected by the public prosecutors from among their number. It has the responsibility to appoint, post, transfer, promote, dismiss prosecutors, appreciate professional merit and to exercise disciplinary action over the prosecutors.

It also issues legal opinions related to the Prosecutors Statute and conduct: <https://www.csm.org.pt/deliberacoes/>

NAP

5.4. Disciplinary procedures

5.4.1. Authorities responsible for disciplinary procedures and sanctions

140. Who is authorised to initiate disciplinary proceedings against judges (multiple options possible)?

- Court users
- Relevant Court or hierarchical superior
- High Court / Supreme Court
- High Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power (please specify):
- Other (please specify):
- This is not possible

Comments

141. Who is authorised to initiate disciplinary proceedings against public prosecutors (multiple options possible):

- Citizens
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor

- Public prosecutorial Council (High Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power (please specify):
- Other (please specify):
- This is not possible

Comments

142. Which authority has disciplinary power over judges? (multiple options possible)

- Court
- Higher Court / Supreme Court
- High Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power (please specify):
- Other (please specify):

Comments

143. Which authority has disciplinary power over public prosecutors? (multiple options possible):

- Supreme Court
- Head of the organisational unit or hierarchical superior
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (High Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power (please specify):
- Other (please specify):

Comments

5.4.2. Number of disciplinary procedures and sanctions

144. Number of disciplinary proceedings initiated during the reference year against judges and public prosecutors. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

| | |
|--------|-------------|
| Judges | Prosecutors |
|--------|-------------|

| | | |
|---|--|---|
| Total number (1+2+3+4) | 24 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 28 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 1. Breach of professional ethics | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | 5 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2. Professional inadequacy | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | 19 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 3. Criminal offence | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | 4 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 4. Other | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments - If "other", please specify:

145. Number of sanctions pronounced during the reference year against judges and public prosecutors:

| | Judges | Prosecutors |
|---|---|---|
| Total number (total 1 to 10) | 20 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 14 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 1. Reprimand | 5 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 7 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2. Suspension | 4 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 1 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 3. Withdrawal from cases | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 4. Fine | 11 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 5 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 5. Temporary reduction of salary | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 6. Position downgrade | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 7. Transfer to another geographical (court) location | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 8. Resignation | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 9. Other | 0 <input type="checkbox"/> NA <input type="checkbox"/> NAP | 1 <input type="checkbox"/> NA <input type="checkbox"/> NAP |

| | | |
|----------------------|------------------------|------------------------|
| 10. Dismissal | 0 [] NA [] NAP | 0 [] NA [] NAP |
|----------------------|------------------------|------------------------|

Comments - If "other", please specify. If a significant difference exists between the number of disciplinary proceedings and the number of sanctions, please indicate the reasons. 9. other: compulsory retirement

E3. Please indicate the sources for answering questions 144 and 145:

Sources: The High Council of the Judiciary (Conselho Superior da Magistratura), the High Council of the Prosecutors (Conselho Superior do Ministério Público) and the High Council of Administrative and Fiscal Courts (Conselho Superior dos Tribunais Administrativos e Fiscais).

6. Lawyers

6.1. Profession of lawyer

6.1.1. Status of the profession of lawyers

146. Total number of lawyers practising in your country:

| | Total | Male | Female |
|-------------------|------------------|------------------|------------------|
| Number of lawyers | 32 368 [] NA | 14 617 [] NA | 17 751 [] NA |

Comments

147. Does this figure include "legal advisors" who cannot represent their clients in court (for example, some solicitors or in-house counsellors)?

Yes ()

No (X)

Comments

148. Number of legal advisors who cannot represent their clients in court:

[]

[X] NA

[] NAP

Comments

149. Do lawyers have a monopoly on legal representation in (multiple options are possible):

| | First instance | Second instance | Highest instance court (Supreme Court) |
|-------------|----------------|-----------------|--|
| Civil cases | [] | [X] | [X] |

| | | | |
|-----------------------------------|-------|-------|-------|
| Dismissal cases | [] | [] | [] |
| Criminal cases – Defendant | [X] | [X] | [X] |
| Criminal cases – Victim | [X] | [X] | [X] |
| Administrative cases | [] | [] | [] |

[] NAP

Comments - Please indicate any useful clarifications regarding the content of lawyers' monopoly:

149-0. If there is no monopoly, please specify the organisations or persons that may represent a client in court:

| | First instance | Second instance | Highest instance court (Supreme Court) |
|-----------------------------------|-----------------------|------------------------|---|
| Civil society organisation | () Yes (X) No | () Yes (X) No | () Yes (X) No |
| Family member | () Yes (X) No | () Yes (X) No | () Yes (X) No |
| Self-representation | (X) Yes () No | () Yes (X) No | () Yes (X) No |
| Trade union | () Yes (X) No | () Yes (X) No | () Yes (X) No |
| Other | (X) Yes () No | () Yes (X) No | () Yes (X) No |

Comments - If "other", please specify. In addition, please specify for the categories mentioned the types of cases concerned by this/these representation(s):

149-1. In addition to the functions of legal representation and legal advice, can a lawyer exercise other activities?

- [] Notarial activity
- [X] Arbitration / mediation
- [X] Proxy / representation
- [] Property manager
- [] Real estate agent
- [] Other law activities (please specify):

Comments

149-2. What are the statuses for exercising the profession of lawyer?

- [X] Self-employed lawyer
- [X] Staff lawyer
- [X] In-house lawyer

Comments

150. Is the lawyer profession organised through:

- a national bar association
- a regional bar association
- a local bar association

Comments

151. Is there a specific initial training and/or exam to enter the profession of lawyer?

- Yes
- No

Comments - If not, please indicate if there are other specific requirements as regards diplomas or university degrees:

152. Is there a mandatory general in-service professional training system for lawyers?

- Yes
- No

Comments

153. Is the specialisation in some legal fields linked to specific training, levels of qualification, specific diploma or specific authorisations?

- Yes
- No

Comments - If yes, please specify:

F1. Please indicate the sources for answering questions 146 and 148:

Sources: National Bar Association

6.1.2. Practicing the profession

154. Can court users establish easily what the lawyers' fees will be (i.e. a prior information on the foreseeable amount of fees)?

- Yes
- No

Comments

155. Are lawyers' fees freely negotiated?

- Yes
- No

Comments

156. Do laws or bar association standards provide any rules on lawyers' fees (including those freely negotiated)?

- Yes, laws provide rules
- Yes, standards of the bar association provide rules
- No, neither laws nor bar association standards provide rules

Comments

6.1.3. Quality standards and disciplinary procedures

157. Have quality standards been determined for lawyers?

- Yes
- No

Comments - If yes, what are the quality criteria used?

158. If yes, who is responsible for formulating these quality standards:

- the bar association
- the Parliament
- other (please specify):

Comments

159. Is it possible to file a complaint about:

- the performance of lawyers
- the amount of fees

Comments - Please specify:

160. Which authority is responsible for disciplinary procedures?

- a judge
- Ministry of Justice
- a professional authority
- other (please specify):

Comments

161. Disciplinary proceedings initiated against lawyers. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

| | Number of disciplinary proceedings |
|---|--|
| Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4) | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 1. Breach of professional ethics | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |

| | |
|----------------------------|---|
| 2. Professional inadequacy | <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 3. Criminal offence | <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 4. Other | <input type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments - If "other", please specify:

162. Sanctions pronounced against lawyers.

| | Number of sanctions |
|--|---|
| Total number of sanctions (1 + 2 + 3 + 4 + 5) | <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 1. Reprimand | <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2. Suspension | <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 3. Withdrawal from cases | <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 4. Fine | <input type="checkbox"/> NA <input type="checkbox"/> NAP |
| 5. Other | <input type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments - If "other", please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons.

7. Court related mediation and other alternative Dispute Resolution

7.1 Court related mediation

7.1.1 Details on court related mediation

163. Does the judicial system provide for court-related mediation procedures?

Yes

No

Comments

163-1. In some fields, does the judicial system provide for mandatory mediation with a mediator?

Before/instead of going to court

Ordered by the court, the judge, the public prosecutor or a public authority in the course of a judicial proceeding

No mandatory mediation

Comments - If there is mandatory mediation, please specify which fields are concerned: The resort to family mediation, as regards civil juvenile restraining orders (procedural forms designed, in most cases, to supplement and regulate the incapacity of exercising the rights of the children), is specially foreseen in the General Regime of the Civil Juvenile Procedure (RGPTC), approved by the Law 141/2015, of 8 September. Therein, it is set forth that, at any stage of the proceedings and whenever deemed appropriate, the judge may, on his own motion but with the parties' consent or at their request, determine the intervention of the public or private services on family mediation. To such purpose, it is also established the judge's duty to inform the interested parties on the existence and objectives of the services on family mediation.

(The agreement reached through mediation shall be homologated by the judge if it meets the interest of the child).

It ought to be referred that a compulsory mediation model, having as reference experiences such as the "ordered" or "mandatory" mediation (California) has been considered in the course of the works that led to the recent approval of RGPTC, in particular with respect to the regulation of the exercise of parental responsibility. Such possibility was set aside as it was considered that, on one hand, the willingness trait would be, by itself, an enhanced factor if not even determinant to the success of the proceedings and, on the other hand, in due consideration to the contraindication of the principle of mediation in cases of domestic violence.

Accordingly, the provisions set forth in article 48(1) of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), approved and ratified by Portugal (Res. AR 4/2013, of 21/1), were taken into account:

"Parties shall take the necessary legislative or other measures to prohibit mandatory alternative dispute resolution processes, including mediation and conciliation, in relation to all forms of violence covered by the scope of this Convention." Thus, the Portuguese legislator chose to maintain the voluntary basis of the mediation process and, at the same time, establish a "specialized technical hearing", of a compulsory nature, whenever the parties do not reach an agreement at the judicial hearing and do not consent to mediation (Articles 23 and 38 of RGPTC). The "specialized technical hearing" on parental dispute matters is entrusted to the court's technical assistance team and is designed to provide a diagnosed assessment on the parents' competences and on the parties' availability towards an agreement that may better safeguard the superior interest of the child. At the same time, this intervention purports to fulfil the enlightenment and awareness goals inherent to a pre-mediation session.

This is an intervention which is clearly different from the mediation process. It may be highlighted, for instance and among others, its distinct purposes and characteristics: on one hand, the contents of the sessions are not confidential (the outcome of the intervention shall culminate with a reasoned notice to the court) and on the other, the specialized technical auditor is a real court advisor (and not an impartial and independent third party as the mediator).

163-2. In some fields, does the legal system provide for mandatory informative sessions with a mediator?

Yes

No

Comments - If there are mandatory informative sessions, please specify which fields are concerned:

164. Please specify, by type of cases, who provides court-related mediation services:

| | Private mediator | Public authority (other than the court) | Judge | Public prosecutor |
|-----------------------------------|--|--|--|--|
| Civil and commercial cases | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP |
| Family cases | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP |
| Administrative cases | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP |

| | | | | |
|---|--------------------------------|--------------------------------|--------------------------------|--------------------------------|
| Labour cases including employment dismissals | (X) Yes () No [] NAP | (X) Yes () No [] NAP | () Yes (X) No [] NAP | () Yes (X) No [] NAP |
| Criminal cases | () Yes (X) No [] NAP | (X) Yes () No [] NAP | () Yes (X) No [] NAP | () Yes (X) No [] NAP |
| Consumer cases | (X) Yes () No [] NAP | (X) Yes () No [] NAP | () Yes (X) No [] NAP | () Yes (X) No [] NAP |

Comments we have altered the answer on administrative cases because it is now clear for us, from the explanatory report and the formulation of the question that the question doesn't include arbitration.

165. Is there a possibility to receive legal aid for court-related mediation or receive these services free of charge?

(X) Yes

() No

[] NAP

Comments - If yes, please specify (only one or both options)::

166. Number of accredited or registered mediators for court-related mediation:

| | Total | Males | Females |
|----------------------------|---------------------|---------------------|---------------------|
| Number of mediators | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |

Comments There is a national registry on private mediators and also a national registry on public mediators, but one can not determine who among them practice court- related mediation. Besides, since the registration is not mandatory, there are also some mediators that are not registered and may practice court-related mediation.)

167. Number of court-related mediations:

| | Number of cases for which the parties agreed to start mediation | Number of finished court-related mediations | Number of cases in which there is a settlement agreement |
|---|--|--|---|
| Total (1 + 2 + 3 + 4 + 5 + 6) | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |
| 1. Civil and commercial cases | 2 455 [] NA [] NAP | 2 455 [] NA [] NAP | 1 226 [] NA [] NAP |
| 2. Family cases | 221 [] NA [] NAP | 246 [] NA [] NAP | 55 [] NA [] NAP |
| 3. Administrative cases | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |
| 4. Labour cases including employment dismissal cases | [X] NA [] NAP | [X] NA [] NAP | [X] NA [] NAP |

| | | | |
|--------------------------|--|--|--|
| 5. Criminal cases | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 6. Consumer cases | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments - Please indicate the source: As for the years 2016 and 2017, we have provided the numbers, according to the Justice Statistics – Directorate-General for Justice Policy - and these statistics do not include the number of cases for which parties agreed to start mediation, but only the number of procedures that were concluded with a mediation agreement in a given year. For 2018, we have called upon another statistic source - the annual report of the Council of the Courts of Peace – which provides indeed the number of cases for which parties agreed to start mediation in the courts of peace. Concerning "family cases", the numbers are correct, since the indicated number of finished court-related mediations also include procedures that had begun in 2017, but were concluded in 2018, whereas the number of cases for which the parties agreed to start such mediation only refers to 2018.

168. Do the following alternative dispute resolution (ADR) methods exist in your country?

- Mediation other than court-related mediation
- Arbitration
- Conciliation (if different from mediation)
- Other ADR (please specify):

Comments

G1. Please indicate the source for answering question 166:

Source: Directorate-General for Justice Policy - Ministry of Justice

8.Enforcement of court decisions

8.1.Execution of decisions in civil matters

8.1.1.Functioning

169. Do you have enforcement agents in your judicial system?

- Yes
- No

Comments

170. Number of enforcement agents

| | Total | Male | Female |
|-------------------------------------|--------------------------------------|------------------------------------|------------------------------------|
| Number of enforcement agents | 1 143 <input type="checkbox"/> NA | 407 <input type="checkbox"/> NA | 736 <input type="checkbox"/> NA |

Comments

171. Are enforcement agents (multiple options are possible):

- judges
- bailiffs practising as private professionals under the authority (control) of public authorities
- bailiffs working in a public institution
- other

Comments - Please specify their status and powers:

171-1. Do enforcement agents have the monopoly in exercising their profession?

- Yes
- No

Comments - Please indicate any useful clarifications regarding the content of the enforcement agents' monopoly or on the opposite regarding the competition they have to deal with: In exceptional legal situations there are court official (bailiffs) that can be appointed by court to exercise some activities that may also be carried out by enforcement agents.

171-2. Can the enforcement agent carry out the following civil enforcement proceedings:

| | Option |
|---|---|
| Seizure of movable tangible properties | <input checked="" type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP |
| Seizure of immovable properties | <input checked="" type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP |
| Seizure from a third party of the debtor claims regarding a sum of money | <input checked="" type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP |
| Seizure of remunerations | <input checked="" type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP |
| Seizure of motorised vehicles | <input checked="" type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP |
| Eviction measures | <input checked="" type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP |
| Enforced sale by public tender of seized properties | <input checked="" type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP |

Other

- Yes with monopoly
- Yes without monopoly
- No
- NAP

Comments

171-3. Apart of the enforcement of court decisions, what are the other activities that can be carried out by enforcement agents?

- Service of judicial and extrajudicial documents
- Debt recovery
- Voluntary sale of moveable or immoveable property at public auction
- Seizure of goods
- Recording and reporting of evidence
- Court hearings service
- Provision of legal advice
- Bankruptcy procedures
- Performing tasks assigned by judges
- Representing parties in courts
- Drawing up private deeds and documents
- Building manager
- Other

Comments Other" means other proceedings that can be determined by law.

172. Is there a specific initial training or exam to become an enforcement agent?

- Yes
- No

Comments

172-1. Is there a system of mandatory general continuous training for enforcement agents?

- Yes
- No

Comments

173. Is the profession of enforcement agents organised by (the answer NAP means that the profession is not organised):

- a national body
- a regional body
- a local body

NAP

Comments

174. Are enforcement fees easily established and transparent for court users?

Yes

No

Comments

175. Are enforcement fees freely negotiated?

Yes

No

Comments

176. Do laws provide any rules on enforcement fees (including those freely negotiated)?

Yes

No

Comments

H0. Please indicate the sources for answering question 170

Source: Professional Body of Enforcement Agents - Comissão para o Acompanhamento dos Auxiliares da Justiça (CAAJ)

8.1.2. Efficiency of enforcement services

177. Is there a body entrusted with supervising and monitoring the enforcement agents' activity?

Yes

No

Comments

178. Which authority is responsible for supervising and monitoring enforcement agents?

professional body

judge

Ministry of Justice

public prosecutor

other (please specify): Comissão para o Acompanhamento dos Auxiliares da Justiça (CAAJ)

Comments It's a public and independent body of Government and Professional Body – Comissão para o Acompanhamento dos Auxiliares da Justiça (CAAJ). This body is responsible for discipline and supervision (internal and external inspections) of the activity of enforcement agents and insolvency agents also.

179. Have quality standards been determined for enforcement agents?

Yes

No

Comments - If yes, what are the quality criteria used?

180. If yes, who is responsible for establishing these quality standards?

professional body

judge

Ministry of Justice

other (please specify): Comissão para o Acompanhamento dos Auxiliares da Justiça (CAAJ)

Comments

181. Is there a specific mechanism for executing court decisions rendered against public authorities, including supervising such execution?

Yes

No

Comments - If yes, please specify:

182. Is there a system for monitoring how the enforcement procedure is conducted by the enforcement agent?

Yes

No

Comments - If yes, please specify:

183. What are the main complaints made by users concerning the enforcement procedure? Please indicate a maximum of 3.

no execution at all

non execution of court decisions against public authorities

lack of information

excessive length

unlawful practices

insufficient supervision

excessive cost

other (please specify):

Comments

184. Has your country prepared or established concrete measures to change the situation concerning the enforcement of court decisions – in particular regarding decisions against public authorities?

Yes

No

Comments - If yes, please specify: Decree-Law 226/2008, November 20th , aimed at simplify enforcement procedures and avoid useless tasks;

Decree-Law 4/2013, January 11th, approved a set of urgent measures against pending backlogs in the area of enforcement procedures; Ordinance 308/2011, December 21st, aimed at improving various aspects of civil enforcement actions. There were no specific measures regarding decisions against public authorities.

185. Is there a system measuring the length of enforcement procedures:

| | Existence of the system |
|--------------------------|-------------------------|
| for civil cases | (X) Yes () No |
| for administrative cases | (X) Yes () No |

Comments

186. Regarding a decision on debt collection, please estimate the average timeframe to notify the decision to the parties who live in the city where the court sits (one option only):

- () between 1 and 5 days
- (X) between 6 and 10 days
- () between 11 and 30 days
- () more (please specify):
- [] NA

Comments

187. Number of disciplinary proceedings initiated against enforcement agents. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

| | Number of disciplinary proceedings initiated |
|--|--|
| Total number of initiated disciplinary proceedings (1+2+3+4) | 120 [] NA [] NAP |
| 1. For breach of professional ethics | 112 [] NA [] NAP |
| 2. For professional inadequacy | 4 [] NA [] NAP |
| 3. For criminal offence | 4 [] NA [] NAP |
| 4. Other | 0 [] NA [] NAP |

Comments - If "other", please specify: Since 2015, CAAJ has been giving special attention and priority to the filing and prosecution of disciplinary proceedings against enforcements agents regarding more serious situations (e.g. irregular movement and lack of provision of professional accounts), which originated more severe disciplinary penalties (suspension of activity and disbarment), as well as criminal proceedings, in which the CAAJ's specific cooperation is most often requested. With the adoption of stricter control mechanisms (not only

at the legal and regulatory level, but mainly with the implementation of IT solutions that limit the possibility of deviant behavior) the verification of the occurrence of infringing behaviors has also reduced, which resulted in the decrease of disciplinary proceedings against enforcement agents.

188. Number of sanctions pronounced against enforcement agents:

| | Number of sanctions pronounced |
|--|--------------------------------|
| Total number of sanctions (1+2+3+4+5) | 98 [] NA [] NAP |
| 1. Reprimand | 1 [] NA [] NAP |
| 2. Suspension | 3 [] NA [] NAP |
| 3. Withdrawal from cases | 0 [] NA [] NAP |
| 4. Fine | 76 [] NA [] NAP |
| 5. Other | 18 [] NA [] NAP |

Comments - If “other”, please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons:

H1. Please indicate the sources for answering questions 186, 187 and 188:

Source: Supervision Body of Enforcement Agents – Comissão para o Acompanhamento dos Auxiliares da Justiça (CAAJ)

8.2. Execution of decisions in criminal matters

8.2.1. Functioning of execution in criminal matters

189. Which authority is in charge of the enforcement of judgments in criminal matters? (multiple options possible)

- Judge
- Public prosecutor
- Prison and Probation Services
- Other authority (please specify):

Comments - Please specify his/her functions and duties (e.g. initiative or monitoring functions).

190. Are the effective recovery rates of fines decided by a criminal court evaluated by studies?

() Yes

(X) No

Comments

191. If yes, what is the recovery rate?

() 80-100%

() 50-79%

() less than 50%

Comments - Please indicate the source for answering this question:

9. Notaries

9.1. Profession of notary

9.1.1. Number and status of notaries

192. Number and type of notaries in your country. If you do not have notaries skip to question 197.

| | Total | Male | Female |
|---|--------------------------|--------------------------|--------------------------|
| TOTAL (1+2+3+4) | 431 [] NA [] NAP | 107 [] NA [] NAP | 324 [] NA [] NAP |
| 1. Private professionals (without control from public authorities) | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP |
| 2. Professionals appointed by the State | 431 [] NA [] NAP | 107 [] NA [] NAP | 324 [] NA [] NAP |
| 3. Public officials | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP |
| 4. Other | [] NA [X] NAP | [] NA [X] NAP | [] NA [X] NAP |

Comments - If "other", please specify the status:

192-1. What are the access conditions to the profession of notary (multiple options possible):

[X] diploma

[X] professional experience/professional training

[X] exam

[X] appointment procedure by the State

[] other (please specify):

Comments

192-2. Are notaries appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

- yes, please indicate the age of retirement:70
- no, please specify the duration of the appointment:

Comments - are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: There are exceptions such as dismissal as a disciplinary sancion, dismissal by request, incapacity.

194. What kind of activities do notaries perform (multiple options possible):

- Within some civil procedures (for example inheritance or inheritance distribution; divorce by mutual consent)
- Authentication
- Certification of signatures
- Legality control of documents submitted by the parties
- Mediation
- Taking of oaths
- Other, for example collect taxes, keep registers etc. (please specify):check comment

Comments

194-1. Do notaries have the exclusive rights when exercising their profession:

- Within some civil procedures (for example inheritance or inheritance distribution; divorce by mutual consent)
- Authentication
- Certification of signatures
- Legality control of documents submitted by the parties
- Mediation
- Taking of oaths
- Other, for example collect taxes, keep registers etc. (please specify):wills, irrevocable proxy, inventory proceedings

Comments - Please indicate any useful clarifications regarding the content of the notaries' exclusive rights or on the opposite regarding the competition they have to deal with:

194-2. In which areas of law do notaries perform their activities (multiple options possible)?

- Real estate transaction
- Family law
- Succession law
- Company law
- Legality control of gambling activities
- Other

Comments

194-3. Do notaries use specialised digital systems in their activity?

- In establishing authentic instruments
- In recording authentic instruments (archives)

Other activity (please specify):accounting systems and communications management systems

Comments

195. Is there an authority entrusted with supervising and monitoring the notaries' work?

Yes

No

Comments

196. If yes, which authority is responsible for supervising and monitoring notaries (multiple options possible)?

professional body

court

Ministry of Justice

public prosecutor

other (please specify):

Comments

196-1. Is there a system of general continuous training for all notaries?

Yes

No

Comments There is no mandatory continuous training for notaries, such as it exists for magistrates, but there is training available. There is only mandatory initial training.

11. Please indicate the sources for answering question 192:

Sources: Chamber of Notaries (Ordem dos Notários)

10.Court interpreters

10.1.Details on profession of court interpreter

10.1.1.Status of court interpreters

197. Is the title of court interpreters protected?

Yes

No

Comments

198. Is the function of court interpreters regulated by legal norms?

Yes

() No

Comments

199. Number of accredited or registered court interpreters:

[]

[X] NA

[] NAP

Comments

200. Are there binding provisions regarding the quality of court interpretation within judicial proceedings?

() Yes

(X) No

Comments - If yes, please specify (e.g. having passed a specific exam):

201. Are the courts responsible for selecting court interpreters?

[] Yes, for recruitment and/or appointment for a specific term of office

[X] Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

[] No, please specify which authority selects court interpreters

Comments

J1. Please indicate the sources for answering question 199

Sources: Directorate-General for the Administration of Justice (Direcção-Geral da Administração da Justiça)

11. Judicial experts

11.1. Profession of judicial expert

11.1.1. Status of judicial experts

202. In your system, what types of judicial experts can be requested to participate in judicial procedures (multiple choices possible):

[] experts who are requested by the parties to bring their expertise to support their argumentation,

[X] experts appointed by a court to put their scientific and technical knowledge on issues of fact at the court's disposal,

[] "legal experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the judicial work (but do not take part in the decision).

[] Other (please specify):

Comments

202-1. Are there lists or databases of registered judicial experts?

Yes

No

Comments - Please indicate any useful comment regarding these lists or databases of experts, if they do exist (e.g. : Does the expert take an oath? How is his/her skill evaluated? By whom?):

202-2. Who is responsible for registering judicial experts?

Ministry of justice

Courts

Independent body (association of judicial experts)

Other

Comments

202-3. Is the registration of judicial experts limited in time?

Yes, for how long

No

Comments

203. Is the title of judicial experts protected?

Yes

No

Comments - If appropriate, please explain the meaning of this protection:

203-1. Does the judicial expert have an obligation of training?

| | Obligation of training |
|----------------------------|--|
| Initial training | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Continuous training | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

Comments

203-2. If yes, does this training concern:

judicial proceedings

the profession of expert

other

Comments

204. Is the function of judicial experts regulated by legal norms?

Yes

No

Comments

204-1. On the occasion of a task entrusted to him/her, does the judicial expert have to report any potential conflicts of interest?

Yes

No

Comments

205. Number of accredited or registered judicial experts:

| | Total | Male | Female |
|-------------------|--|--|--|
| Number of experts | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |

Comments

205-1. Who sets the expert remuneration?

-- The expert remuneration is established by the Regulation of Judicial Fees (article 17 and Annex IV)

206. Are there binding provisions regarding the exercise of the function of judicial expert within judicial proceedings?

Yes

No

Comments - If yes, please specify, in particular the given time to provide a technical report to the judge: When the investigation does not end with the immediate presentation of the technical report, the judge will establish the timeframe for the conclusion of the report; this period may not exceed 30 days (article 483 of the Civil Procedure Code).

206-1. Number of cases where expert opinion was ordered by a judge or requested by the parties

| | Number of cases |
|--|--|
| Total (1+2+3+4) | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 1.Civil and commercial litigious cases | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 2.Administrative cases | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |
| 3.Criminal cases | <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP |

4. Other cases

NA

NAP

Comments

207. Are the courts responsible for selecting judicial experts?

Yes, for recruitment and/or appointment for a specific term of office

Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

No, please specify which authority selects judicial experts Directorate-General for the Administration of Justice

Comments As from 2013, Directorate-General for the Administration of Justice (Direcção-Geral da Administração da Justiça) can select judicial experts (Ordonnance n. 860/2012, 30 November,, DR II Série n.º 11 de 16 January 2013).

207-1. Does the judge control the progress of the expertise?

Yes

No

Comments

K1. Please indicate the sources for answering question 205

Sources: Directorate-General for the Administration of Justice (Direcção-Geral da Administração da Justiça)

12. Reforms in judiciary

12.1. Foreseen reforms

12.1.1. Reforms

208. Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? Please inform whether these reforms are under preparation or have only been envisaged at this stage. Have innovative projects been implemented? If possible, please observe the following categories:

1. (Comprehensive) reform plans In October 2019, a new government will be elected; therefore, it is not possible to establish what are the plans and reforms for the years to come. Nevertheless, some on going reforms will probably continue, such as:
 - changes in the legal aid regime in order to improve transparency and more equality in the access to justice system;
 - ongoing revision of the professional statutes of some legal professions, such as judges, and prosecutors;
 - on going new action plan for the prison system

2. Budget NAP

3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings) NAP

3.1. Access to justice and legal aid NAP

4. High Judicial Council NAP

5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education and training, etc. NAP

6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities NAP

7. Enforcement of court decisions NAP

8. Mediation and other ADR NAP

9. Fight against crime NAP

9.1. Prison system NAP

9.2 Child friendly justice NAP

9.3. Violence against partners NAP

10. New information and communication technologies NAP

11. Other NAP