

*Building trust
by delivering support,
protection and justice*

Portugal

First thematic
evaluation report

GREVIO

Group of Experts
on Action against Violence
against Women and
Domestic Violence



Council of Europe Convention
on preventing and combating
violence against women
and domestic violence
(Istanbul Convention)

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**Building trust by delivering
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PORTUGAL

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and Domestic Violence (GREVIO)

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Contents

Executive summary	4
Introduction.....	7
I. Emerging trends in the areas of violence against women and domestic violence	9
II. Changes in definitions, comprehensive and co-ordinated policies, funding and data collection in the areas of violence against women and domestic violence	11
A. Definitions (Article 3)	11
B. Comprehensive and co-ordinated policies (Article 7)	12
C. Financial resources (Article 8)	13
D. Data collection (Article 11).....	15
III. Analysis of the implementation of selected provisions in priority areas in the fields of prevention, protection and prosecution	18
A. Prevention.....	18
1. General obligations (Article 12)	18
2. Education (Article 14).....	19
3. Training of professionals (Article 15).....	21
4. Preventive intervention and treatment programmes (Article 16)	23
B. Protection and support	26
1. General obligations (Article 18)	26
2. General support services (Article 20)	27
3. Specialist support services (Article 22).....	30
4. Support for victims of sexual violence (Article 25)	32
C. Substantive law	33
1. Custody, visitation rights and safety (Article 31)	33
2. Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48)	35
D. Investigation, prosecution, procedural law and protective measures	36
1. General obligations (Article 49) and Immediate response, prevention and protection (Article 50)	37
2. Risk assessment and risk management (Article 51).....	42
3. Emergency barring orders (Article 52).....	43
4. Restraining or protection orders (Article 53)	44
5. Measures of protection (Article 56)	46
Appendix I List of proposals and suggestions by GREVIO	47
Appendix II List of the national authorities, other public bodies, non-governmental organisations and civil society organisations with which GREVIO held consultations .	54

Executive summary

This evaluation report addresses progress made in providing support, protection and justice to victims of violence against women and domestic violence under selected provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention). It was preceded by the baseline evaluation report on Portugal, published on 21 January 2019. GREVIO selected the theme of “building trust by delivering support, protection and justice” as the focus of its first thematic evaluation round in order to identify developments that have taken place after the completion of the baseline evaluation procedure and that help to achieve a fundamental premise of the Istanbul Convention. To address this overarching theme, the report not only assesses the level of comprehensiveness and co-ordination of national policies but also covers their level of funding and evaluation and offers insights into the data-collection efforts made. Moreover, GREVIO reports under this thematic evaluation round delve into and provide more in-depth information on the implementation of selected provisions in the areas of prevention, protection and prosecution as building blocks for a comprehensive response to the different forms of violence against women that instils trust in victims. These areas correspond to requirements of the Istanbul Convention in respect of which GREVIO’s baseline evaluation procedures, and the Conclusions on the implementation of recommendations of the Committee of the Parties to the Istanbul Convention, have revealed significant challenges and the need for further action. By identifying emerging trends in preventing and combating violence against women and domestic violence, GREVIO shines a light on the laudable efforts made for the implementation of this convention – shared across parties or unique to some – and identifies manifestations of violence that are increasing in prevalence or that are enabled by underlying structural reasons that remain unaddressed.

This assessment has been carried out by the Council of Europe Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), an independent human rights monitoring body mandated to monitor the implementation of the convention. GREVIO’s findings are based on the information obtained during the various steps of the first thematic evaluation procedure, as set out in Article 68 of the convention. These include written reports (a state report submitted by the country authorities and additional information submitted by the Obstetric Violence Observatory in Portugal, the Portuguese Association of Women Lawyers (APMJ), AMCV, APAV, FEM and others, the National Confederation of Organisations representing People with Disabilities (CNOD), the Association for Family Planning (AFP) and End FGM) and a five-day evaluation visit to Portugal. A list of the bodies and entities with which GREVIO held exchanges can be found in Appendix II.

The report assesses the wide variety of measures taken by the Portuguese authorities to prevent violence against women and domestic violence and to deliver protection, support and justice for victims. In this regard GREVIO welcomes the legislative changes introduced to the Criminal Code and the Code of Criminal Procedure, including in particular the change of the force-based definition of rape to a consent-based one. These, together with the two consecutive changes introduced to the law on domestic violence in 2020 and 2021, demonstrate a willingness to undertake structural reforms in the field of violence against women, further aligning the Portuguese legislative framework with the requirements of the Istanbul Convention. GREVIO further welcomes the efforts to embed the healthcare sector in the wider framework for protection of women victims of violence, in particular through the work of the well-trained Adult Violence Prevention Teams (EPVAs) present in every hospital and healthcare centre in Portugal. Furthermore, the efforts to streamline data collection through the work put into the introduction of a new, centralised database and the further efforts made to raise awareness about violence against women, in particular concerning FGM, are similarly commendable. GREVIO also notes the positive effect on victims’ trust brought about by the introduction of the Offices for Victim Support (GAVs), operated by NGOs and integrated into the work of prosecution offices, and the rollout of integrated specialised domestic violence sections in several prosecution offices across the country. All of the above exemplify the Portuguese authorities’ holistic approach to violence against women, with notable long-term efforts invested in an array of different sectors.

Beyond the progress made in Portugal to implement the convention, GREVIO has identified areas that require urgent action by the authorities to comply fully with the convention's provisions. GREVIO identified a need to introduce mandatory and systematic initial and in-service training for members of the judiciary that would cover all forms of violence against women covered by the Istanbul Convention as a matter of priority. This is required in order to address the shortcoming identified in respect of lenient and disproportionate sanctions issued by the judiciary, particularly in respect of domestic and sexual violence, the need to emphasise the lack of scientific grounds when it comes to the so-called parental alienation syndrome and the remaining patriarchal attitudes that privilege the protection of the family unit at the expense of victims' rights found to exist among some members of the judiciary.

While significant efforts have been invested in increasing the availability of specialised services for women victims, a dedicated national telephone helpline for women victims of different forms of violence, operating around the clock, still does not exist. Further efforts are similarly required to bring the number of available family places in shelters across the country in line with the requirements of the convention and to increase the overall availability of medium and long-term specialist support services for women victims. GREVIO also identified the need to remove a legal requirement currently in place making obtaining a place in a shelter contingent on the reporting of the violence.

A time limit restricting the possibility for a victim to report the crime of rape is still in place in Portugal. Removing the requirement to report within six or 12 months of the incident remains a priority for the upcoming period if victims of sexual violence are to be given the possibility to report freely and without constraints.

Last, GREVIO found that an overhaul of the systems for emergency barring and protection orders should be undertaken in Portugal. At the moment, emergency barring orders take 48 hours to obtain and can only be issued by a judge as part of ongoing criminal proceedings – a system that does not provide immediate protection for victims. In addition, protection orders should be available to be requested *ex parte* by victims, and the monitoring of their implementation needs to be strengthened if the system of protection is to be brought into line with the requirements of the convention.

GREVIO has identified a number of additional issues that require sustained action in order to effectively build trust by delivering protection, support and justice for acts of violence against women. These relate to the need to:

- ensure appropriate and sustainable funding for women's rights organisations providing specialist support services and take measures to address the unequal position between women's rights organisations and other organisations providing services to victims, including faith-based organisations, when it comes to securing sustainable and sufficient funding;
- allocate appropriate financial resources to the implementation of any national strategies and action plans;
- ensure that all issues covered in Article 14, paragraph 1, of the convention that include gender stereotypes, gender equality and the various forms of violence against women are included in the mandatory school curriculum and are taught, in practice, to all pupils, adapted to the age and evolving capacity of learners;
- ensure that all professionals, particularly law-enforcement officers, who might come into contact with victims of violence against women receive continuous training on violence against women;
- ensure that long-term treatment programmes for perpetrators of domestic and sexual violence are available in sufficient capacity;
- develop a fully operational multi-agency co-ordinated response to all forms of violence against women;
- review and align the system of reporting by professionals in relation to the forms of violence against women covered by the Istanbul Convention;
- ensure that systematic screening and risk assessment take place in proceedings for custody and visitation rights, including through the use of standardised questionnaires, in order to

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- establish whether there has been a history of violence between the parties and to enable the swift and effective exchange of information by family courts with all relevant stakeholders;
- effectively enforce the exception to mandatory reconciliation in divorce proceedings where there is a history of domestic violence;
 - abolish the mandatory attendance of victims at parental conference hearings in proceedings concerning custody and visitation and ensure the prohibition of quasi-mandatory mediation practices in cases where there have been incidents of violence;
 - ensure a swift and gender-sensitive response by all law-enforcement officials to all cases of violence against women, including in cases of violence in the digital sphere, and ensure accountability of law-enforcement agents who have failed in their duty to protect victims;
 - take measures to ensure that suspending criminal proceedings for perpetrators does not lead to a denial of justice for victims, in conformity with Article 55, paragraph 1, of the Istanbul Convention, and identify factors that contribute to the attrition of cases of violence against women.

Last, GREVIO has identified further areas in which improvements are required in order to comply fully with the obligations of the convention under this round's theme. These relate, among other things, to the need to embed a gendered understanding of violence against women and domestic violence in national policy documents; to address the specific needs of women victims exposed to intersecting forms of discrimination, in particular women with disabilities, Roma women and migrant, refugee and asylum-seeking women; to promote an understanding within society that violence against women and domestic violence are rooted in stereotypes and are distinctly gendered phenomena; and to develop and expand the existing services for victims of sexual violence, with a particular focus on short and long-term psychological counselling.

Introduction

The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210, the Istanbul Convention) is the most far-reaching international treaty to tackle violence against women and domestic violence.

It sets up a two-pillar monitoring mechanism to assess the level of implementation by its parties: the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), an independent expert body, and the Committee of the Parties, a political body composed of official representatives of the parties to the convention. In line with Article 68 of the convention, GREVIO has been providing country-based monitoring reports under its baseline evaluation procedure since 2017. Its baseline evaluation report on Portugal, offering a comprehensive assessment of the convention's implementation in its entirety, was published on 21 January 2019, following Portugal's ratification of the Istanbul Convention on 5 February 2013.

The present report was drawn up under GREVIO's first thematic evaluation round, launched in 2023 and focusing on the theme of building trust by delivering support, protection and justice. To address this overarching theme, in its first section it describes emerging trends in the areas of preventing and combating violence against women and domestic violence in the country. Section two aims to identify developments in key areas such as comprehensive and co-ordinated policies, funding and data collection that have ensued following the completion of the baseline evaluation procedure. Section three presents more in-depth information on the implementation of selected provisions in the areas of prevention, protection and prosecution, in light of the significant challenges and the need for further action revealed by the baseline evaluation procedures and the conclusions on the implementation of recommendations of the Committee of the Parties to the Istanbul Convention.

In respect of Portugal, the first thematic evaluation procedure was initiated in accordance with Article 68 of the convention by letter and transmission of GREVIO's first thematic questionnaire on 26 May 2023. The Portuguese authorities subsequently submitted their state report on 26 October 2023, the deadline set by GREVIO. Following a preliminary examination of the state report, GREVIO carried out an evaluation visit to Portugal, which took place from 24 to 28 June 2024. The delegation was composed of:

- Pascale Franck, Member of GREVIO
- Helmut Tichy, Member of GREVIO
- Mihail Stojanoski, Administrator at the Secretariat of the monitoring mechanism of the Istanbul Convention

During the evaluation visit, the delegation met with a wide range of governmental and non-governmental representatives working in the area of preventing and combating violence against women. GREVIO wishes to highlight its constructive exchanges with the Portuguese authorities, in particular with Ms Margarida Balseiro Lopes, the Minister of Youth and Modernisation of Portugal, and Ms Sandra Ribeiro, the President of the Commission for Citizenship and Equality. A list of the national authorities, non-governmental organisations and others met is set out in Appendix II of this report. GREVIO is grateful for the valuable information provided by all of them. For the co-operation and support provided throughout the entire evaluation procedure, it wishes to extend its gratitude to Ms Marta Silva, the head of the Domestic and Gender-Based Violence Unit at the Commission for Citizenship and Equality, who was appointed as contact person. The state report and the written contributions submitted by civil society are available on the country monitoring website of the Istanbul Convention.¹

The present assessment was drawn up under the exclusive responsibility of GREVIO and is based on the information collected during the various steps of the evaluation procedure. In keeping with the approach adopted in its baseline evaluation reports, the findings made reflect different levels of

1. See www.coe.int/en/web/istanbul-convention/portugal.

urgency, indicated in order of priority by the following verbs: “urges”, “strongly encourages”, “encourages” and “invites”.

Resulting from a process of confidential dialogue with the aim of offering country-specific proposals and suggestions for improvement within the national context of the party under review, this report describes the situation as observed by GREVIO up until 18 October 2024. Where relevant, significant legislative and policy developments up until 27 March 2025 have also been taken into account.

According to the convention, national parliaments shall receive this report from the national authorities (Article 70, paragraph 2). GREVIO requests the national authorities to translate this report into their official national language(s) and to ensure that it is widely disseminated, not only to the relevant state institutions at all levels (national, regional and local), in particular to the government, the ministries and the judiciary, but also to NGOs and other civil society organisations that work in the field of violence against women.

I. Emerging trends in the areas of violence against women and domestic violence

Driving change through legislative reform

1. Since the adoption of GREVIO's baseline evaluation report on Portugal, GREVIO notes with satisfaction that a number of the identified challenges have been addressed by legislative amendments. The reforms undertaken are significant, impacting several important pieces of legislation such as the Criminal Code, the Code of Criminal Procedure and the law on domestic violence, and have followed a broad consultation process. The most important change was made to address the force-based definition of rape in the Criminal Code, which was amended in 2019 to now include any act of a sexual nature performed "against the recognisable will of the victim." This move towards a "no-means-no" definition of rape is an important step in the implementation of the Istanbul Convention. What is more, in the course of 2023 the definition was broadened to include forcing someone to perform acts of a sexual nature on third parties, further aligning the Criminal Code with the requirements of the Istanbul Convention. Moreover, the nascent judicial interpretation of this provision as requiring active consent – as opposed to proof of lack of consent – demonstrates a growing understanding of the need for criminal justice for non-consensual sexual acts in Portugal.

2. The law on domestic violence was also amended in 2020 and 2021, expanding the use of remote electronic monitoring of the implementation of emergency barring orders ("urgent coercive measures"), introducing changes to the system of such orders and providing for the possibility to communicate decisions on emergency barring orders to the family courts that initiate or revise existing custody arrangements. GREVIO notes positively the continuous will to drive change through legislative reform, and points to the need to apply this will in order to fully align Portuguese legislation with the Istanbul Convention, notably in relation to the criminalising of forced sterilisation and reviewing the legal definition concerning sexual harassment.

Embedding healthcare services in the multi-agency response to violence against women

3. Another positive trend is the development of the healthcare sector into one of the strongest pillars in Portugal's multi-agency response to violence against women. Composed of well-trained and proactive healthcare professionals attentive to the needs of victims, the healthcare sector is part and parcel of Portugal's response to violence against women. As discussed in more detail throughout the report, healthcare professionals are trained to screen for different types of violence, and systematically apply well-established protocols that aim to provide holistic, victim-centred care for victims. Furthermore, they co-operate with law-enforcement agencies, specialist support service providers from civil society and other relevant stakeholders in order to secure efficient referrals of victims and ensure that they obtain a short- and long-term response to their needs. The wide availability and high standards applied by forensic medical professionals, who follow a strict protocol for the collection and processing of any samples collected and who co-operate with the stakeholders above, completes the positive picture. GREVIO notes that this positive trend is the result of cost-intensive, dedicated and concerted work by a number of authorities extending beyond the healthcare sector over a period of many years.

4. GREVIO stresses that healthcare services are of fundamental importance when it comes to earning the trust of individual victims, who often find themselves at their most vulnerable during initial entry into the system of protection, which for many is through the healthcare sector. Against this backdrop, the positive role played by medical professionals in Portugal would be greatly enhanced if the reporting obligation for all forms of violence placed on them was removed. This would further entice victims to approach healthcare professionals, who could then earn their trust and provide them with services in full confidence and irrespective of their willingness to report their experience, as required by the Istanbul Convention.

Safety first: patriarchal attitudes prevailing over the rights and needs of victims and their children in court proceedings

5. Although some courts in Portugal have shown a progressive and welcome understanding of the recently introduced consent-based definition of rape, this is significantly undermined by the widespread tendency among the judiciary to attach great importance to protecting the family as a whole, including families marred by violence, at the expense of the rights and interests of women victims and their children. This harmful tendency observed by GREVIO is linked to lingering patriarchal attitudes among some members of the judiciary, which leads to negative consequences for women victims of violence, in their role as victims in criminal proceedings and in proceedings before family courts.

6. As the report notes, prosecutors and criminal courts have a tendency to promote suspension of criminal proceedings against perpetrators, which in practice results in no conviction. When a case does proceed to trial, sentences tend to be overly lenient and frequently suspended. GREVIO notes that these trends are partly a result of a widely held belief among these professionals that the unity of families should be protected as a matter of priority. In addition, family courts are increasingly portraying women victims of violence as manipulating or instrumentalising their children to refuse contact with the other parent. Instead of screening for a history of abuse and identifying past exposure to such abuse as a reason for refusing contact, such portrayals of women are increasingly used to justify extensive visitation rights or (shared) custody of the abusive parent, placing contact over the safety of women victims and their children. GREVIO fully supports the right of the child to maintain its ties with both parents as enshrined in Article 9, paragraph 3, of the UN Convention on the Rights of the Child, but past and ongoing exposure to domestic violence requires exceptions to be made in the best interest of the child. Moreover, it points to the need to uphold the principle of safety over contact as set out in Article 31, paragraph 2, of the Istanbul Convention.

The digital dimension of violence against women

7. Online and technology-facilitated violence against women is a growing phenomenon in many countries. In recent years, women and girls in Portugal have experienced an overall increase in crimes committed in the digital sphere, including online stalking, sextortion and the non-consensual sharing of intimate images. Effective investigation and prosecution of such offences requires technical expertise, training and the necessary digital tools. The specialist units among law-enforcement agencies recently introduced across Portugal to address the needs of women victims of gender-based violence must have the growing digital dimension of violence against women, including digital manifestations of domestic violence, at the core of their work. Continuous action to develop the required expertise is necessary, guided by GREVIO's General Recommendation No. 1 on the digital dimension of violence against women.² This is all the more so given that research has shown that almost half of domestic violence victims report experiencing some form of online abuse during the relationship and/or after the relationship ended.³

2. GREVIO General Recommendation No. 1 on the digital dimension of violence against women, adopted on 20 October 2021, Council of Europe, available at: www.rm.coe.int/grevio-rec-no-on-digital-violence-against-women/1680a49147.

3. Ibid., p. 14, with further references.

II. Changes in definitions, comprehensive and co-ordinated policies, funding and data collection in the areas of violence against women and domestic violence

8. Chapter I of the Istanbul Convention sets out general principles that apply to all the substantive articles contained in Chapters II to VII and therefore lay the foundation for a comprehensive and adequate response that ensures the delivery of support, protection and justice for all women and girls at risk of or who have experienced gender-based violence. These include, among other things, that it is a fundamental human right for everyone, particularly women, to live a life free from violence in both the public and the private sphere, that the convention must be implemented without discrimination on any ground, and that the potential for, and effects of, multiple forms of discrimination should be borne in mind. They also spell out that a gender perspective must be integrated into the implementation of the convention and the evaluation of its impact. Chapter II of the Istanbul Convention sets out the core requirement for a holistic response to violence against women: the need for state-wide effective, comprehensive and co-ordinated policies, sustained by the necessary institutional, financial and organisational structures.

A. Definitions (Article 3)

9. Article 3 of the Istanbul Convention sets out key definitions of concepts that are fundamental to its implementation. “Violence against women” refers to “all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”, whereas the expression “domestic violence” is to be understood as referring to “all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim”. The definition of “gender-based violence against women” provided in paragraph *d* of Article 3 seeks to ensure more clarity about the nature of the violence covered, by explaining that this is “violence that is directed against a woman because she is a woman or that affects women disproportionately”.

10. The civil law act concerning domestic violence in Portugal (Law No. 112/2009) does not spell out a definition of domestic violence, but instead refers to the definition provided in Article 152 of the Criminal Code. To address GREVIO’s findings in its baseline evaluation report about the above definition falling short of including economic violence, Law No. 112/2009 and the Criminal Code have been amended since. The Criminal Code now makes explicit reference to economic violence when prescribing the elements of domestic violence, making it a rare example of an inclusive criminal offence of domestic violence. Given that the civil law segment borrows the criminal law definition as explained above, GREVIO notes that the amendments have effectively aligned the definitions used in both fields.

11. In response to the second finding in GREVIO’s baseline evaluation report under this article concerning the overly narrow definition of the term victim used in Portuguese legislation, an extended definition has been introduced, now including children up to the age of 18 and specifically referring to children exposed to domestic violence, which GREVIO welcomes.⁴

12. On 14 August 2023 Portugal adopted its seventh consecutive National Action Plan for Preventing and Combating Violence against Women and Domestic Violence (“the NAP”) for the period 2023-2026, which is linked to the National Strategy for Equality and Non-Discrimination, adopted for the period 2018-2030 (“National Strategy”). The National Strategy in its preamble states that its key objective is to eliminate gender stereotypes that are at the heart of discrimination between women and men, preventing their substantive equality and hence serving as a root cause of violence against women. Despite this laudable goal, GREVIO notes that not enough of this sentiment can be seen guiding the operative parts of the NAP. One example is the use of the term “violence in the life

4. This was done by means of Law No. 57/2021 of 16 August 2021, which amended Law No. 112/2009, specifically its Article 2.

cycle” throughout the NAP as an umbrella term for domestic violence and violence against women, as a gender-neutral concept capturing all violence experienced throughout the life cycle. In addition, important practice guidance published in recent years – such as the Guidelines on Action in Situations of Violence in Adults: Clinical Record of Violence in Adults, issued by the General Directorate of Health, and Practical Note No. 1 on domestic violence issued by the Attorney General in 2023 – does not offer a perspective that focuses on the gendered dynamics and root causes of such violence.⁵ As with its findings in the baseline evaluation report, GREVIO cannot but note that despite some positive examples, recognition for violence against women as a gendered phenomenon as required under the Istanbul Convention remains lacking overall.

13. GREVIO encourages the Portuguese authorities to firmly embed a gendered understanding of violence against women and domestic violence in national policy documents and practice guidance and to ensure the practical implementation of such an understanding.

B. Comprehensive and co-ordinated policies (Article 7)

14. Article 7 of the Istanbul Convention requires parties to take co-ordinated and comprehensive measures to prevent and combat all forms of violence against women. Policies must ensure effective co-operation and place the rights of victims at their centre. This includes taking into account and addressing the specific circumstances and barriers experienced by women exposed to or at risk of multiple forms of discrimination, in line with Article 4, paragraph 3, of the convention.⁶ Ensuring service delivery, effective protection and justice with a comprehensive understanding of intersecting forms of discrimination is a fundamental element in building trust among all women and girls.

15. GREVIO notes with satisfaction that since the adoption of the baseline evaluation report the Portuguese authorities have continued to develop long-term, co-ordinated policies to prevent and combat violence against women, including during the Covid-19 pandemic. The National Strategy adopted on 21 May 2018 is supported by three action plans, including one on preventing and combating violence against women and domestic violence (mentioned above), adopted for the period 2023-2026. The Commission for Citizenship and Gender Equality (CIG) is tasked with monitoring their implementation.

16. GREVIO notes with satisfaction that the NAP covers most if not all forms of violence covered under the Istanbul Convention in a comprehensive way, envisaging strategic goals such as preventing and combating harmful traditional practices, and places a special focus on female genital mutilation (FGM) and child, early and forced marriages in line with GREVIO’s earlier findings. GREVIO further notes with satisfaction that the NAP is also comprehensive when it comes to bringing together the activities of all stakeholders, such as line ministries, municipalities and external co-operation partners. As a further positive example, the NAP also envisages the involvement of youth, cultural and sports associations in the prevention of domestic violence and violence against women.⁷ Of particular note in this regard is the creation of a support programme for children orphaned as a consequence of gender-based killings and domestic violence, to be set up in the course of 2024.⁸ Further to the list of positive developments, GREVIO notes that in May 2020 a guide prescribing common standards for prevention programmes and projects was adopted by the CIG, which complements the guide on minimum requirements for intervention in situations of domestic violence and gender-based violence adopted in 2016.⁹ During 2021 the CIG organised training

5. For the guidelines issued by the General Directorate of Health, see www.cig.gov.pt/2022/02/dgs-publica-orientacao-de-atuacao-em-situacoes-de-violencia/. For the practical note issued by the Attorney General, see www.gfcj.ministeriopublico.pt/pagina/nota-pratica-no-1-violencia-domestica-bem-juridico. The guideline and protocols therein, as well as the note issued by the Attorney General, take a gender-neutral approach.

6. These include, but are not limited to, women from national and/or ethnic minorities, Roma women, migrant, asylum-seeking and refugee women, women with disabilities, women without a residence permit, LGBTI women, women from rural areas, women in prostitution and women with addiction issues.

7. Measures envisaged under specific objectives 11 and 13 of the National Strategy and the NAP.

8. Specific measure no. 217 of the NAP.

9. The guide is available on the website of the CIG. See www.cig.gov.pt/bases-de-dados/documentacao/#Viol%C3%Aancia%20Contra%20as%20Mulheres.

sessions to raise awareness and disseminate the requirements of the new guide among relevant entities.

17. Moreover, GREVIO notes with satisfaction that the NAP envisages training for relevant professionals who work with victims exposed to intersectional discrimination, such as the elderly, women with disabilities, women with mental health issues, migrants, Roma and other groups of victims.¹⁰ However, given that this measure is the only occasion in which Roma are mentioned in the present NAP, it is difficult for GREVIO to conclude that the perspective of Roma women victims was sufficiently integrated into the creation of policies in the domain of violence against women. Similar observations can be made in respect of migrant and refugee women, as well as other groups of victims at risk of or exposed to intersectional discrimination, such as women with disabilities. The provisions of the two other NAPs concerning equality between women and men and combating discrimination that implement the present National Strategy do not lead to a different conclusion. On a positive note, GREVIO welcomes the launch of a “white paper” by the CIG in co-operation with academics to address intersectional discrimination, which should produce scientifically grounded recommendations to improve the existing legal framework. The findings of this project were published in February 2024 and their implementation is currently pending.¹¹

18. Despite the above positive developments and in line with the Committee of the Parties’ conclusions following the baseline evaluation procedure, GREVIO is concerned that the individual responses to women victims of violence may be lacking effectiveness, as they vary across regions and municipalities.¹² To address this concern, in 2021 the CIG initiated an audit to evaluate the compliance of entities providing services to victims with the applicable standards in the field. Although service providers pointed to a number of erroneous findings resulting from the audit in individual cases and stressed that the process also imposed an added layer of requirements on them, GREVIO notes that it has nonetheless contributed to a degree of harmonisation of the provision of support services to victims across the country. However, further efforts, including the provision of adequate funding across all regions in Portugal, are required to fully address the lack of effectiveness in responding to individual cases of violence against women.

19. **GREVIO encourages the Portuguese authorities to:**

- a. address the specific needs of women victims exposed to intersecting forms of discrimination, in particular women with disabilities, Roma women, and migrant, refugee and asylum-seeking women, and to integrate the perspective of such groups into the design, implementation, monitoring and evaluation of comprehensive and co-ordinated policies for preventing and combating violence against women;**
- b. undertake further efforts to harmonise and monitor the implementation and the quality of the services provided to women victims of domestic violence and violence against women across the country.**

C. Financial resources (Article 8)

20. Article 8 of the convention aims to ensure the allocation of appropriate financial and human resources for activities carried out both by public authorities and by relevant non-governmental and civil society organisations.¹³

10. Specific measure no. 416 of the NAP (2023-2026).

11. For more info on project Multiversity and access to the white paper (Multiversidade - Livro Branco sobre discriminação múltipla e interseccional), see [Project Multiversity - White Paper on multiple and intersectional discrimination - NOVA School of Law | Faculdade de Direito da Universidade NOVA de Lisboa \(unl.pt\)](#)

12. See Conclusions on the implementation of recommendations in respect of Portugal adopted by the Committee of the Parties to the Istanbul Convention, IC-CP/Inf(2022)4, page 3, available at www.coe.int/en/web/istanbul-convention/portugal.

13. Explanatory Report to the Istanbul Convention, paragraph 66.

21. The sources of funding for preventing and combating violence against women in Portugal have remained the same as during GREVIO's baseline evaluation, much like the funding opportunities for providers of specialist support services for victims, with a limited shift towards the use of municipalities' funds.¹⁴ GREVIO notes with satisfaction that funding for activities by public authorities has on the whole increased.¹⁵ A similar development can be observed with regard to the overall funding of the national network for specialised support services for victims, which is operated almost exclusively by non-profit entities, where an upwards trend in funds allocated by the state can be seen for the period 2019-2023. In this regard, GREVIO notes with satisfaction the introduction of a specialised financing instrument dedicated to organisations who work on preventing and combating FGM introduced in 2018. The funds allocated to this instrument have grown from €10 000 to €80 000 since then.¹⁶ GREVIO further notes with interest the opening of additional specialist support services for victims of gender-based violence, addressing in particular the needs of migrant women, LGBTI women and women and girls at risk of harmful traditional practices and women with disabilities.¹⁷ GREVIO notes, however, that a specific budget dedicated to the implementation of the NAP is missing, and that the financing of the different measures therein is envisaged to take place through the respective budgets of the line ministries and agencies.

22. Various types of organisations founded and incorporated under different legal frameworks are involved in the provision of services to women victims in Portugal. These involve women's rights NGOs, various types of charity foundations and faith-based organisations. This differentiation is at the core of the different funding schemes and taxation regimes they are subject to. GREVIO notes with concern that faith-based organisations still find themselves in a privileged position vis-à-vis women's rights organisations offering specialist support when it comes to securing sustainable and sufficient funding. This is done for historical reasons and the traditional role of faith-based organisations in providing services to children in need, the elderly, the homeless and other vulnerable groups.¹⁸ On the other hand, women's rights organisations depend on renewable biennial or multi-annual funding schemes, which involve significant bureaucratic hurdles and require extensive documentation. Many of these schemes are, in practice, inaccessible for recently established, smaller or community-based organisations that offer vital support to women in need of specific and interlinking support in relation to experiences of gender-based violence. Women's rights groups have alerted GREVIO to the fact that the move towards financing by municipalities mentioned above has in some cases introduced additional uncertainties, threatening the ability to provide specialist support services from one day to the next.¹⁹

23. Unlike faith-based organisations, funding for women's rights organisations providing specialised services is usually prescribed in a framework agreement offered by the authorities and transferred on the basis of a fixed reference value per service provided. GREVIO notes that because of the differences between organisations discussed above, there are significant discrepancies in the contracts and amounts transferred. Discrepancies also exist between the amounts depending on the municipality and region of the country.²⁰ These inequalities often contribute to the creation of an atmosphere of mistrust on the part of women's rights organisations in the work of the authorities.

14. The sources of funding as discussed in the baseline evaluation report are the state's own funds (state social security), a share of the income generated through state-licensed gambling and funds received from the European Union. See GREVIO's baseline evaluation report, page 19.

15. For example, the Social Security Institute had allocated €4 568 008 to shelters in 2016, while the amount for 2021 was €5 787 145. See GREVIO's baseline evaluation report on Portugal, page 19, and the state report, page 13.

16. NGO submission by APF and End FGM, page 3.

17. State report, page 54.

18. NGO submission by AMCV, APAV, FEM and others, page 21.

19. Information obtained during the evaluation visit.

20. NGO submission by AMCV, APAV, FEM and others, page 21. For example, organisations based in the Lisbon area are prevented from accessing some of the funds allocated by the European Union. This is due to the different classification of Lisbon (Área Metropolitana de Lisboa) under the EU NUTS classification as belonging in the "more developed regions" category, as compared to other regions of the country. See Commission Implementing Decision (EU) 2021/1130 of 5 July 2021 setting out the list of regions eligible for funding from the European Regional Development Fund and the European Social Fund Plus and of Member States eligible for funding from the Cohesion Fund for the period 2021-2027, available at www.eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32021D1130.

24. Non-governmental organisations working in the field have drawn GREVIO's attention to the fact that because of the use of the reference value method of financing they struggle to obtain core funding that would meet their needs as regards salaries, rent, utility bills and similar costs for daily operations. Moreover, the reference values defined by the state rarely, if ever, cover the actual costs of the service provided to victims.²¹ All of these circumstances force many service providers to depend on additional financing from private sources to close the gap.

25. As to the issue of their participation in policy making, GREVIO notes that the overwhelming sentiment among women's rights NGOs remains that co-operation with the CIG through its Consulting Board remains largely top-down, informing NGOs about decisions, rather than involving them constructively in reaching those decisions, as also noted in the baseline evaluation report. Attempts to reform the consultation process have so far not been successful, as according to indications from women's rights NGOs, the proposals discussed would have further reduced their influence.²² GREVIO notes, however, that reforms regarding NGO participation are on-going.

26. Recalling the findings issued in its baseline evaluation report, GREVIO strongly encourages the Portuguese authorities to:

- a. ensure appropriate long-term and sustainable funding for women's rights organisations providing specialist support services for women victims of any form of violence covered by the Istanbul Convention and their children, throughout the country, based on transparent and accessible procedures;**
- b. take measures to address the unequal position between women's rights organisations and other organisations providing services to victims, including faith-based organisations, when it comes to securing sustainable and sufficient funding, by acknowledging the value and expertise that the former bring in terms of following a gendered approach to violence against women;**
- c. strengthen the existing co-operation mechanisms with women's rights organisations to ensure that consultation processes are inclusive and transparent and afford those organisations the means to effectively contribute to policy making.**

27. GREVIO further strongly encourages the Portuguese authorities to allocate appropriate financial resources to the implementation of any national strategies and action plans, whether current or in the future, which would streamline their implementation.

D. Data collection (Article 11)

28. Preventing and combating violence against women and domestic violence requires evidence-based policy making. The collection of systematic and comparable data from all relevant administrative sources is crucial in this regard, as is information on the prevalence of all forms of violence against women.

1. Law-enforcement agencies and the justice sector

29. In its baseline evaluation report, GREVIO had called on the Portuguese authorities to expand their data collection to cover all forms of violence covered by the convention, to refine the data indicators as regards stalking, sexual violence and rape, and to harmonise data-collection efforts in order to draw more significant conclusions and allow for evidence-based policy making.

30. Since then, law enforcement and the judicial authorities have started to collect extensive disaggregated data that are published online by the General Directorate of the Ministry of Justice,

21. Information obtained during the evaluation visit.

22. Information obtained during the evaluation visit.

which GREVIO welcomes.²³ Data on domestic and sexual violence are published by the General Secretary of Internal Security in its annual report while data on stalking, forced marriage and other crimes covered under the convention are collected and published by the judiciary and the CIG.²⁴ GREVIO was informed about minor problems with data input, where some parameters, including important information about the victim and the perpetrator such as their personal details, relationship and similar, were sometimes omitted from individual data entries. GREVIO notes that although these concerns require further efforts, they do not undermine the overall positive impression of the reforms undertaken by multiple authorities in this field.²⁵

31. To further address the challenges identified in 2021, the authorities initiated a pilot project to create a unified database on violence against women and domestic violence (BDVMVD) connecting data sources with the aim of “promoting in-depth knowledge of violence against women and domestic violence, contributing to the creation of policies and prevention of these forms of violence” as well as “producing a global and integrated perspective on gender-related killings and other forms of violence”.²⁶ The BDVMVD aims to follow cases from reporting until their final outcome by collecting and integrating data from 10 different stakeholders, including the judiciary and the different law-enforcement agencies, on reports, protection orders, the investigation, the judicial outcome and the compensation awarded to victims, and even integrating information from the Retrospective Domestic Violence Homicide Analysis Team.²⁷ In addition it will offer disaggregated data for domestic violence, sexual violence, FGM, stalking and other crimes falling within the domain of violence against women.²⁸ Anonymised data will be communicated to the CIG on a quarterly basis and published.²⁹ Once finalised, the database will be under the purview of the General Secretariat of the Ministry of Home Affairs. GREVIO welcomes the steps taken so far and notes that the relevant data-collection protocols have been deemed compliant with the domestic and international standards in the field. The database is at the final stage of development.

2. Healthcare sector

32. GREVIO had observed in its baseline evaluation report that despite the introduction of the Adult Violence Prevention Teams (EPVAs) in hospitals and health centres throughout Portugal and the adoption of guiding protocols for data collection, further efforts were needed to improve data collection in healthcare, including by training healthcare professionals on adequate data-collection practices and regular monitoring of those practices.

33. Since 2020 the existing electronic health record database used in healthcare has been upgraded with the introduction of clinical records of violence in adults (CRVA), the aim of which is to record data on cases of domestic violence and violence against women, whether suspected or confirmed. The CRVA contains information on screening, personal data on the victim and perpetrator, the type of violence and any individual plan for working with the victim. The system has already produced relevant data and professionals have been trained to use it. A corresponding user guide has been issued to that end. However given its recent rollout and as per the state report, the CRVA is still underused, and additional training for professionals remains necessary.³⁰

34. GREVIO notes with interest the effort put into data collection in healthcare as regards FGM, which is further facilitated by the introduction of the CRVA. Data are collected on the type of mutilation, the origin of the victim, whether the mutilation was performed in Portugal or abroad, and other parameters. The number of CRVA data entries on FGM is increasing, which makes it possible to assess the geographical locations where FGM is performed, which in turn allows for the creation of adequate responses and follow-up of cases.

23. Statistics collected by Portugal's justice system are available at: www.estatisticas.justica.gov.pt/sites/siej/en-us/Pages/Temas/CriminalidadeJusticaPenal.aspx.

24. The annual reports of the General Secretary of Internal Security are available at: www.ssi.gov.pt/publicacoes/relatorio-anual-de-seguranca-interna.

25. Information obtained during the evaluation visit.

26. See the new Article 37a, paragraph 2, of Law No. 112/2009, introduced in 2021.

27. See Article 51, Risk assessment and risk management, below.

28. Article 37a, paragraph 4 of Law No. 112/2009, added in 2021.

29. Article 37a, paragraphs 5 and 10.

30. State report, page 20.

3. Social services

35. GREVIO notes that the relevant social services such as social welfare offices, youth welfare offices, public housing and labour market services do not currently engage in systematic data collection on the number of women and girls who contact such services seeking help in relation to their experience of violence against women and domestic violence. Data that are collected are not communicated to a central authority or published. According to the authorities, it is expected that this shortcoming will be addressed by the integration of social service providers into the BDVMVD, which is being finalised.

36. GREVIO also notes the introduction of a full information management system (the “Vivido platform”), which is to be used by the network of specialist support services for victims. This is an online platform that collects data from all specialised service providers and allows for co-ordination between them and the efficient referral of victims, under the supervision of the CIG, while at the same time ensuring the protection of victims’ data. The platform has been in use since January 2024 and currently has over 800 service providers registered as users across the country. Because of its recent introduction, its operational effect is yet to be evaluated, but the initial results appear promising.³¹

37. Women’s rights organisations alerted GREVIO to the growing reluctance among victims to have their data entered and shared between an increasing number of institutions using the new platform, which they fear would increase their vulnerability and exposure by leaving a significant digital footprint. Furthermore, as NGOs obtain financing primarily through reference values paid per victim, they are concerned that financing would be cut short in case a victim refuses to volunteer her information into an official, government-run database. GREVIO notes that any data-collection exercises undertaken to implement the Istanbul Convention will need to be carried out in line with the standards set out in the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data.

38. **GREVIO encourages the Portuguese authorities to:**

- a. continue their efforts in respect of data collection by law enforcement and the judiciary, operationalise a database that would follow violence against women cases from report to their final outcome, judicial or otherwise, and collect data disaggregated by the sex and age of the victim and the perpetrator, their relationship, geographical location, and whether any barring or protection orders have been issued, on all the forms of violence covered by the Istanbul Convention;**
- b. reinforce their efforts to increase awareness among health professionals of the relevance of collecting data in relation to all forms of violence against women, including domestic violence, and enhance their skills and capacity to collect data, including through relevant training;**
- c. collect data on the number of women and girls who contact social services seeking help in relation to their experiences of violence against women, including domestic violence, disaggregated by sex, age and type of violence, the relationship of the perpetrator to the victim and geographical location as well as other factors deemed relevant. The rights of victims who choose not to volunteer information into the database should not be negatively affected by that decision.**

31. For more details on the platform, see www.eeagrants.org/archive/2014-2021/projects/PT-WORKLIFE-0005.

III. Analysis of the implementation of selected provisions in priority areas in the fields of prevention, protection and prosecution

A. Prevention

39. Chapter III of the Istanbul Convention contains a number of general and more specific obligations in the area of prevention. This section analyses progress made since the baseline evaluation monitoring procedure towards the implementation of early preventive measures. It also covers progress made with regard to the adoption of the more specific preventive measures provided under this chapter in the area of education, training of all relevant professionals and perpetrator programmes. Ensuring the effective prevention of all forms of violence against women and domestic violence is an important step in rendering it unacceptable and reducing levels of perpetration.³² In turn, effective prevention empowers women and girls to speak out about their experiences and seek support and protection.

1. General obligations (Article 12)

40. Article 12 sets out a number of general preventive measures that represent the overarching principles of the parties' duty to prevent violence against women. These include the requirement to promote changes in the social and cultural patterns of behaviour of women and men, with a view to eradicating prejudices, customs, traditions and all other practices based on the idea of the inferiority of women or on stereotyped roles for women and men. A positive contribution to achieving such change can be made by men and boys acting as role models and advocates for equality between women and men and mutual respect, including by speaking out against violence, engaging other men in ending violence against women or actively taking on caring responsibilities. Moreover, flowing from the premise that violence against women is a cause as much as a consequence of gender inequality, Article 12 further requires that parties adopt specific measures to empower women in order to enable them to recognise and reject discrimination and unequal power relations and, ultimately, to reduce women's vulnerability to violence and to achieve greater gender equality.

41. To address some of the findings in GREVIO's baseline evaluation report, the authorities have since significantly increased awareness-raising efforts, including measures targeting victims at risk of or facing intersectional discrimination. The guiding documents in this domain are the National Strategy and corresponding NAP, wherein preventing and eradicating tolerance of violence against women and raising awareness and promoting a culture of non-violence is listed as a strategic objective.³³ The NAP for gender equality mentioned above also contains relevant measures to raise awareness of relevant issues, such as the need to train non-teaching staff on the influence of sexist stereotypes in education, among other things, which GREVIO welcomes.³⁴

42. On the whole, GREVIO notes with satisfaction the extensive and diverse preventive efforts by the Portuguese authorities spearheaded by the CIG, which often include women's rights organisations in the relevant activities. For example, Portugal runs three regular annual awareness-raising campaigns: on FGM (beginning on 6 February), on dating violence (beginning on 14 February) and on gender-based violence against women (beginning on 25 November). Furthermore, in line with the National Strategy on Education, which is aligned with the National Strategy on Gender Equality, several engaging and creative awareness-raising campaigns promoting non-violent behaviour have been rolled out in primary schools. GREVIO also notes positively the increase in co-operation initiatives involving private companies with the aim of facilitating the reporting of domestic violence and raising awareness.

43. Since the publication of the baseline evaluation report, the authorities have also launched the first national campaign on preventing and combating early and forced marriages, which targets

32. The importance of this endeavour has been reiterated and strengthened through the Dublin Declaration on the Prevention of Domestic, Sexual and Gender-Based Violence, adopted in Dublin, Ireland, by 38 member states of the Council of Europe.

33. National Strategy, strategic objective no. OE1.

34. Measure no. 222 of the National Action Plan for Gender Equality (2023-2026).

the public at large but also public and technical professionals, informing them of, among other things, the main indicators of these phenomena.³⁵

44. In addition to these newly introduced prevention efforts GREVIO welcomes the expansion of tried-and-tested preventive measures, notably the efforts made at Portuguese airports to identify women and girls travelling to locations where FGM is known to be practised and therefore who may be at risk of undergoing FGM. Highlighted as a promising practice in the baseline evaluation report, GREVIO notes with satisfaction that these efforts have been further intensified through the creation and distribution of a model for signalling and prevention of FGM and early and forced marriages, circulated to border authorities, explaining how to detect such cases and make appropriate referrals. The existing guidelines on FGM used by healthcare professionals were also reviewed, and support for relevant community-based organisations working on this issue was reinforced.³⁶

45. Results from the awareness-raising efforts are highlighted by civil society who note a slow but noticeable shift in society away from traditional gender roles and towards speaking out against domestic violence.³⁷ Despite these developments, GREVIO notes that patriarchal values, gendered power relations and a limited understanding of gender-based violence against women are still prevalent in some layers of society and among some professionals, particularly in the judiciary and non-specialised units of law enforcement. The specific challenges relating to these professional groups are discussed further in this report under Articles 31, 49 and 50.

46. In light of the above GREVIO points to the need to develop more specific and targeted preventive measures and awareness-raising campaigns to address the heightened prevalence of gender-based violence that Roma women and migrant and refugee women residing in Portugal face. Research shows that perceptions surrounding domestic violence among Roma women in Portugal are in dire need of being addressed in a co-ordinated, sustained and strategic manner, including through outreach and trust-building measures.³⁸ GREVIO notes in this regard that aligning Portugal's national Roma integration strategy with the National Strategy on Gender Equality, similar to the strategy on education, could harmonise the efforts and contribute to creating more efficient measures and policies. GREVIO further notes that more effort is needed to increase awareness about the digital manifestations of violence against women, and that further work is needed to ensure the sustainable involvement of men and boys in promoting positive behaviour around sexuality.

47. GREVIO encourages the Portuguese authorities to continue their awareness-raising efforts to promote an understanding within society of violence against women and domestic violence as rooted in stereotypes and as a distinctly gendered phenomenon. Efforts should be made to promote changes in mentalities and attitudes that contribute to justifying and perpetuating violence against women, especially among professionals in the judiciary and non-specialised units of law enforcement. Specific attention should be paid to reaching groups of victims exposed to intersectional discrimination, such as Roma women and girls, and specific effort should be made to address the role of men and boys in prevention and in all digital manifestations of violence against women. An impact evaluation should be carried out to assess the effect of the awareness-raising measures.

2. Education (Article 14)

48. The drafters of the convention recognised the important role that formal and informal educational settings play in addressing the root causes of violence against women and girls. Article 14 therefore requires the design of teaching material that promotes equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in

35. State report, page 8.

36. Ibid.

37. Information obtained during the evaluation visit. For example, the number of domestic violence incidents reported to the police in 2023 rose to 30 461, compared to 26 483 in 2018. See the portal of judicial statistics of Portugal, www.estatisticas.justica.gov.pt/sites/siej/en-us/Pages/Temas/CriminalidadeJusticaPenal.aspx.

38. See Project Pattern, National Report – Portugal available at www.projectpattern.eu/outputs/. To illustrate the point, one of the women interviewed as part of the study states the following: “In the Roma community, being slapped around isn’t domestic violence. [Is it normal?] Yes, it is. [Is it a part of life?] Yes, it’s a part of life. It is, unfortunately.”

interpersonal relationships and the right to personal integrity and that informs learners of the different forms of gender-based violence against women, adapted to the age and capacity of learners and where parties deem appropriate. The obligation to promote these principles extends to informal educational facilities as well as any sports, cultural and leisure facilities. In this context, GREVIO underlines the importance of informing parents about the content of related courses, the qualifications of the persons providing the courses and to whom any questions can be directed.

49. Citizenship education is the main course taught in basic and secondary Portuguese education, covering the issues of equality between women and men, non-stereotyped gender roles, mutual respect and human rights. Although its curriculum was developed in line with the National Strategy on Education, which prescribes that gender equality should be mainstreamed in citizenship education, the choice of the individual components of the course, including of gender equality, falls within the discretion of individual schools. GREVIO notes with concern that as a consequence, some schools opt out of teaching some or all of the elements of Article 14 of the convention.³⁹ GREVIO further notes with concern examples of growing opposition among parents to such course content, which drives schools even further towards choosing to opt out. GREVIO shares the concern expressed by civil society that opting out of teaching by schools, or obtaining exceptions for pupils to attend such courses, deprives children of age-appropriate learning opportunities to acquire the necessary knowledge and skills to build healthy relationships based on respect and consent, a fundamental building block for the prevention of violence against women.⁴⁰

50. In the context of health education taught at primary and secondary level, various additional elements contained in Article 14, paragraph 1, are covered, notably the issue of healthy relationships, adopting a culture of respect and tolerance and diversity in gender expression and sexual orientation.

51. Media education is a topic also taught under citizenship education. Although various initiatives to address violence in the digital sphere exist in schools, such as the “Be safe, be brave” project, digital literacy and online safety do not seem to systematically form part of the formal curriculum, the relevance of which has been explained by GREVIO in its General Recommendation No. 1 on the digital dimension of violence against women.⁴¹

52. GREVIO notes with interest the various campaigns addressing issues such as sexism and gender stereotyping in schools, some of which are discussed under Article 12 above. In 2021, this theme was the subject of a national school competition that resulted in the production of short videos by students, which was well received.⁴² GREVIO further notes positively the work of the “Escola Segura” (Safe School) a joint project of the police and the Ministry of Education, tasked with school security, which also works on the prevention of violence, including through awareness-raising measures among pupils.⁴³

53. A further positive development that GREVIO notes since its last evaluation is that teaching staff have been trained to detect whether pupils have been victims of or have witnessed domestic violence. Incidents of violence occurring in schools are recorded and monitored on a Ministry of Education platform and referred to law-enforcement agencies. Moreover, GREVIO welcomes the information that several universities in Portugal have introduced internal procedures to tackle sexual and other types of harassment and discrimination. Although in 2022 only four cases resulted in criminal proceedings out of 154 received complaints, the introduction of the mechanism is nonetheless a positive step.⁴⁴

39. NGO submission by AMCV, APAV, FEM and others, page 33.

40. Ibid.

41. www.rm.coe.int/grevio-rec-no-on-digital-violence-against-women/1680a49147.

42. State report, page 27.

43. For more details about the project and data about the lectures delivered, see www.psp.pt/Pages/atividades/programa-escola-segura.aspx.

44. See Mais de uma centena de queixas de assédio recebidas por universidades – apenas quatro penalizadas, available at www.publico.pt/2023/04/22/sociedade/noticia/centena-queixas-assedio-recebidas-universidades- apenas-quatro-penalizadas-2047113.

54. The increase in consumption of (violent) pornography among children and adolescents, especially the detrimental impact that it has on their ability to establish healthy and consent-based sexual relations, is a worrying trend that GREVIO has already noticed in other parties and appears relevant in the context of Portugal as well.⁴⁵ According to a study conducted recently, the average age at which individuals in Portugal begin to consume pornography is 13.5 years.⁴⁶ In this regard, GREVIO points to the need to include teaching material on consent and the right of personal integrity in the curriculums for primary and secondary education in Portugal, which appears to be currently lacking. According to the authorities, plans exist within the Ministry of Education to address this phenomenon in the near future.⁴⁷

55. As regards Article 14, paragraph 2, of the convention, GREVIO notes that some steps have been taken by the Portuguese authorities to promote the principles of equality between women and men, non-stereotyped gender roles, mutual respect and non-violent conflict resolution in interpersonal relationships in informal educational facilities and in sports, cultural and leisure facilities.⁴⁸ Among these, GREVIO notes with particular interest the existence of several online platforms to report violence against athletes, including sexual harassment, run by the Portuguese Institute of Sports and Youth, the Portuguese Football Federation and others. However, continuous efforts are needed in the informal sector to reach the convention's goals.

56. Last, GREVIO notes that the extent to which the materials made available to teachers are used in practice and across all schools in Portugal remains unclear, making it difficult to assess the level of implementation of Article 14. In this regard GREVIO observes that the need to develop a set of indicators to evaluate pupils' skills and competences remains a challenge to be addressed.

57. GREVIO strongly encourages the Portuguese authorities to ensure that all issues covered in Article 14, paragraph 1, that include gender stereotypes, gender equality and the various forms of violence against women are included in the mandatory school curriculum and are taught, in practice, to all pupils, adapted to the age and evolving capacity of learners. Such efforts should include the notion of freely given consent in sexual relations and should raise their awareness of the harmful effects of violent pornography and the implications of the sharing of intimate images of oneself and others. Such efforts should be subject to regular evaluation by means of a unified set of indicators. This approach should include information for parents about the education of their children on these topics.

58. GREVIO encourages the Portuguese authorities to further promote the principles of equality between women and men, non-stereotyped gender roles, mutual respect and non-violent conflict resolution in interpersonal relationships in informal educational facilities and in sports, cultural and leisure activities, as required under Article 14, paragraph 2, of the Istanbul Convention.

3. Training of professionals (Article 15)

59. Building society's trust by delivering support, protection and justice to women and girls with experiences of gender-based violence requires well-trained professionals across a wide spectrum of fields. The standard set by the convention in its Article 15 is that of systematic initial and in-service training of all those who deal with victims or perpetrators of all acts of violence. The training that is required must cover the prevention and detection of such violence, equality between women and men, the needs and rights of victims and the prevention of secondary victimisation.

60. In its baseline evaluation report, GREVIO had noted that training on gender-based violence against women had been made available to professionals working in healthcare, law enforcement

45. See GREVIO's first thematic evaluation report on Austria, page 9, with further references.

46. See Maria Leonor Carvalho Teixeira, "Sexual violence and gender: the role of rape myths and violent pornography among college students" (2024), available at www.repositorio-aberto.up.pt/handle/10216/159274.

47. Information obtained during the evaluation visit.

48. See Article 12, General obligations.

and the judiciary. However, the training had either not been compulsory or it had been insufficiently available.

61. GREVIO welcomes the training made available to healthcare professionals, including to medical doctors, nurses, midwives and others (whether members of the EPVAs or otherwise), which has increased over the years and has had a positive impact.⁴⁹ Civil society organisations' expertise has also been relied on where relevant.⁵⁰ GREVIO notes that a "train the trainer" system of healthcare professionals training other professionals has been applied to ensure intergenerational transfer of knowledge and experience. Mandatory initial and in-service training includes all the protocols for working with victims and educating professionals on screening and detection of many, if not all, types of violence covered by the Istanbul Convention, including domestic violence (and including detecting signs of non-fatal strangulation), sexual violence and FGM.

62. Furthermore, GREVIO notes with satisfaction that training for both branches of Portuguese law enforcement on topics of gender-based violence has increased to include sexual violence, risk assessment and working with victims more broadly. This was done mainly through the introduction of comprehensive training plans. According to the information available, 4 061 police officers underwent initial training as part of this plan on issues such as domestic violence, sexual violence, treatment of victims with disabilities or cognitive impairment, victim interviewing techniques, risk assessment and similar. On the other hand, there appears to be a discrepancy in the level of training received and the responses offered by non-specialist law-enforcement officers to victims' reports of violence, in particular when it comes to understanding the power dynamics of domestic violence and the impact that digital manifestations of violence against women have on victims' lives, such as online stalking and non-consensual distribution of intimate images.⁵¹ Although the number of these reports is small, they underline the need for continued training on working with victims and case building.

63. On the other hand, GREVIO notes little progress when it comes to professionals working in the judiciary. Despite the protocols drawn up by the CIG and the Centre for Judicial Studies and the legislative changes making human rights a mandatory part of initial and in-service training for judges and prosecutors (Law No. 80/2019 amending Law No. 2/2008), patriarchal attitudes among professionals in the judiciary persistently stand out among the complaints from civil society and victims.⁵² GREVIO notes that despite the above, in practice, in-service training on issues falling under Article 15 of the convention for members of the judiciary remains voluntary, with many of them foregoing supplementary training on gender-based violence against women, opting for courses on other subjects instead.⁵³

64. While GREVIO underscores its full respect for the independence and autonomy of members of the judiciary, as well as for judicial autonomy in the organisation of training, it notes at the same time the unique and essential role the judiciary plays in applying the Istanbul Convention and incorporating its principles into national legislation. By virtue of this essential role, their decisions may directly engage states' responsibility.⁵⁴ It is therefore of paramount importance that, when adjudicating cases in criminal and civil law pertaining to violence against women, such decisions are informed and based on appropriate specialist knowledge, addressing, *inter alia*, gender stereotyping. Indeed, this requires expertise on very complex phenomena such as trauma-induced victim behaviour; the "freeze, flop and befriend" reactions of victims of rape, and the long-term harm and

49. NGO submission by AMCV, APAV, FEM and others, page 34.

50. State report, page 35.

51. Information obtained during the evaluation visit.

52. Article 74 of Law No. 2/2008 and information received during the evaluation visit. The complaints in question refer to the work of both criminal and family courts.

53. The complex nature of violence against women would merit mandatory in-service training of judges, in addition to initial training. Moreover, 24 member states of the Council of Europe require some form of compulsory in-service training for judges. See Council of Europe European Commission for the Efficiency of Justice (CEPEJ), Qualitative Data on European Judicial Systems, 2020, available at: www.public.tableau.com/app/profile/cepej/viz/QualitativeDataEN/QualitativeData.

54. The following are examples among many cases in the area of violence against women where the decisions of judge(s) engaged states' responsibility under the European Convention on Human Rights and led to a violation thereof: *Vuckovic v. Croatia* (Application No. 15798/20, 12 December 2023), *J.L. v. Italy* (Application No. 5671/16, 27 May 2021) and *Carvalho Pinto de Sousa Morais v. Portugal* (Application No. 17484/15, 25 July 2017).

consequences of witnessing domestic violence on children, as well as in-depth knowledge on the standards of the Istanbul Convention. Such training needs cannot be sufficiently addressed by ad hoc optional courses but require mandatory and in-depth training of judges on relevant issues. It is encouraging that this is increasingly being recognised and that judicial training academies are moving towards mandatory training on violence against women to address the complex nature of these offences. This is supported by information collected by the Council of Europe European Commission for the Efficiency of Justice (CEPEJ) in 2020 showing that 24 member states of the Council of Europe require some form of compulsory in-service training for judges, and that the complex nature of violence against women would merit inclusion of these topics.⁵⁵ Ways must be found, therefore, to ensure that members of the judiciary are equipped with the necessary knowledge to respond to women victims of violence and their children in a manner that instils their trust in the judiciary and provides an adequate sense of justice. This is of acute relevance not only in the context of criminal proceedings, but also in relation to family law cases, where judicial decisions on custody and visitation often do not offer sufficient consideration of the safety concerns and needs of women and children leaving abusive relationships, frequently ignoring allegations of domestic violence and/or accepting agreements despite a history of domestic violence. The need to emphasise the training of judges, prosecutors and other professionals working in the judiciary in Portugal becomes even more evident given GREVIO's finding under Article 31 concerning the settlement of custody and visitation rights.⁵⁶ GREVIO wishes to highlight that changing attitudes among sitting professionals in the judiciary is a long and arduous process, but one that could have a strong positive impact on victims' trust in the system for protection.

65. Last and more generally, GREVIO notes with interest the Annual Plan for Joint Training on Violence against Women and Domestic Violence introduced in 2021, which offers training to a wide group of professionals beyond the categories discussed above.⁵⁷ Over 7 000 individuals have benefited from the training already.⁵⁸ According to the authorities, this plan addresses general employees of the public administration and professionals working in law enforcement, justice, education, healthcare and social services. In view of the wide range of professionals included in the joint training initiative, GREVIO considers this an important step ahead in the conceptualisation of training approaches. Noting the strong potential of such training, GREVIO points to the need to ensure its effective evaluation in order to assess its impact and possible extension.

66. Recalling the findings issued in its baseline evaluation report, GREVIO urges the Portuguese authorities to step up their efforts to ensure mandatory and systematic initial and in-service training for members of the judiciary on all forms of violence against women covered by the Istanbul Convention.

67. GREVIO strongly encourages the Portuguese authorities to ensure that all professionals who might come into contact with victims receive continuous training on violence against women. This need is particularly relevant when it comes to law-enforcement officers and should cover the topics of prevention and detection of all acts of violence covered by the Istanbul Convention, stereotypes and perceptions of violence against women, the needs and rights of victims, including those of children exposed to violence, trauma-induced victim behaviour, and prevention of secondary victimisation, with a particular focus on their response to digital manifestations of violence against women.

4. Preventive intervention and treatment programmes (Article 16)

68. Perpetrator programmes are important elements of an integrated and comprehensive approach to preventing and combating violence against women. Under Article 16 of the convention, parties are required to set up or support programmes that prevent perpetrators of domestic violence and of sexual violence from reoffending and support them in adopting non-violent behavioural

55. Council of Europe European Commission for the Efficiency of Justice (CEPEJ), Qualitative Data on European Judicial Systems, 2020, available at: www.public.tableau.com/app/profile/cepej/viz/QualitativeDataEN/QualitativeData.

56. See Article 31, Custody, visitation rights and safety, below.

57. Developed further to the resolution of the Portuguese Council of Ministers No. 139/2019.

58. State report, page 35. For the annual plan published in 2020, see www.cig.gov.pt/wp-content/uploads/2020/06/172-20_PLANO_ANUAL_FORMACAO.pdf.

strategies. Making the safety of, the support for and the human rights of victims a primary concern, these programmes are key elements in ensuring women's safety from known perpetrators. The convention requires their close co-ordination with specialist support services for victims.

a. Programmes for perpetrators of domestic violence

69. In its baseline evaluation report, GREVIO had observed that the programmes for perpetrators of domestic violence in Portugal suffered from a number of weaknesses. These included a lack of minimum standards, insufficient co-operation with women's rights organisations, insufficient availability and their use as an alternative to sentencing of perpetrators.

70. Despite promising results reported for the two types of programmes in existence outside of prison settings, GREVIO notes that their overall availability remains insufficient to ensure access to behavioural change for perpetrators of domestic violence.⁵⁹ According to the available data, in the second quarter of 2024 there were a total of 2 482 perpetrators attending community-based programmes, compared to 1 273 at the end of 2018.⁶⁰ GREVIO commends the gradual increase in participation, but notes that most, if not all, perpetrators are ordered by courts to attend, either as part of a protection order, as an accessory penalty or as a precondition for the suspension of criminal proceedings. While GREVIO recognises the enhanced effect of protection orders if coupled with mandatory attendance of perpetrator programmes, it is concerned that the persistent focus on court-ordered attendance limits the reach of such programmes to those perpetrators within the criminal justice system. It is unclear to what extent pathways to voluntary attendance exist or are being created as only two facilities in Portugal offer limited voluntary programmes.

71. Another concern noted by GREVIO with regard to the above is that programmes are still often used as an alternative to criminal convictions, as found in the baseline evaluation report.⁶¹ In this respect, GREVIO recalls that it is the duty of the authorities to ensure that the interplay between perpetrator programmes and criminal proceedings does not work against the principle of victims' access to fair and just legal processes.⁶²

72. The VIDA programme applied in prison settings complements the two programmes mentioned above. It comprises 46 mandatory group sessions focusing on restructuring the offender's views on relationships and gender stereotypes.⁶³ In addition, several programmes targeting young offenders have recently been rolled out. Among these, GREVIO notes with interest the recently introduced child-to-parent violence programme developed in co-operation with the University of Coimbra.

73. More generally, although most programmes focus on changing the long-term behaviour of perpetrators and taking responsibility, there appears to be a lack of agreed minimum standards between the various programmes and initiatives, which still runs counter to GREVIO's earlier findings in its baseline evaluation report. The Council of Europe's recent comparative study and recommendations on programmes for perpetrators of domestic and sexual violence could offer

59. Portugal has two types of programmes for perpetrators outside of prison settings: PAVD in continental Portugal, and Contigo in the Azores, which was also extended to Madeira in 2019. The reported recidivism rate for the Contigo programme is 15.4%. See Capinha M. et al. (2023), "Intimate partner violence: a new cognitive, interpersonal and motivational framework for the rehabilitation of perpetrators in Portugal", in *International Journal of Offender Therapy and Comparative Criminology*, available at www.journals.sagepub.com/doi/full/10.1177/0306624X221148125. According to information submitted by the General Directorate for Reintegration and Prison Services concerning PAVD, the five-year recidivism rate was 22%, compared to a recidivism rate of 29% for perpetrators who have not undergone the programme.

60. www.cig.gov.pt/area-portal-da-violencia/portal-violencia-domestica/indicadores-estatisticos/#title5.

61. According to data provided by the authorities for 2024 although a majority of the participants in the Contigo programme were ordered to participate as part of a criminal sentence, 26,23% of the participants in the programme were there as part of an arrangement to have the criminal proceedings against them suspended. See also further discussion on the concept of suspending criminal proceedings in Articles 49 and 50, General obligations, immediate response, prevention and protection, the section on sentencing, below.

62. See page 57 of "Combating violence against women: minimum standards for support services", Council of Europe, 2008, available at: [www.coe.int/t/dg2/equality/domesticviolencecampaign/source/eg-vaw-conf\(2007\)study%20rev.en.pdf](http://www.coe.int/t/dg2/equality/domesticviolencecampaign/source/eg-vaw-conf(2007)study%20rev.en.pdf). Also see GREVIO's mid-term horizontal review, paragraph 195.

63. The VIDA programme has not seen much use compared to the other two programmes discussed above. State report, pages 38 and 39.

guidance on this issue.⁶⁴ GREVIO also points to the newly developed European standards for Perpetrator Programmes which align fully with the requirements of the Istanbul Convention and should serve as a basis for any efforts on the part of the authorities to expand and develop such programmes.⁶⁵ Moreover, providers of specialist victim support services and women's rights NGOs seem not to be systematically involved in the design and implementation of the programmes, which may negatively affect the safety of women victims.

74. GREVIO was alerted to the fact that perpetrators who fail to complete the community-based programmes are not always sanctioned, and that the impact of the programmes has not been measured. In the absence of official data on this issue, GREVIO notes with concern that without appropriate sanctions, completing the programmes remains dependent on the good will of the perpetrators. Furthermore, an impact assessment of the existing programmes remains a necessity.⁶⁶

75. GREVIO notes with interest that there are plans to expand the voluntary programmes discussed above in the near future, which will hopefully allow them to develop into widely available behavioural change programmes for those wishing to address abusive tendencies. In view of the widespread patriarchal notions and gender stereotypes, as well as the growing incidence of domestic violence in Portugal, more must be done to increase access to such programmes on a voluntary basis.

b. Programmes for perpetrators of sexual violence

76. There are two programmes of this type operating in prison settings in Portugal: the "Vincular" programme aimed at perpetrators of sexual violence against minors, and the "Conter" programme for perpetrators of sexual violence against adults. According to information received from the General Directorate for Reintegration and Prison Services, the Vincular programme has been attended by between 50 and 120 participants per year, while the latter has only received around 15 participants per year over the last few years, but it is unknown if these were court-ordered attendances or voluntary. The Conter programme focuses on cognitive restructuring, addressing deviant sexuality, develops personal and relational skills, promotes the development of empathic skills and focuses on the prevention of recidivism.

77. Recalling the findings issued in its baseline evaluation report, GREVIO strongly encourages the Portuguese authorities to:

- a. ensure that long-term treatment programmes for perpetrators of domestic and sexual violence are available in sufficient capacity;**
- b. ensure that all organisations and entities offering preventive intervention and treatment programmes for perpetrators of domestic and sexual violence within and outside of custodial settings adhere to a victim-centred approach to their work, closely co-operate with the relevant women's specialist services and operate on the basis of minimum standards established in line with the core elements as set out in the Explanatory Report to Article 16 of the Istanbul Convention;**
- c. ensure that perpetrator programmes are assessed on an ongoing basis as to their impact and build in sanctions when programmes are not completed by the perpetrator.**

64. The study also contains a checklist for programmes of domestic (page 26) and sexual (page 40) violence. See www.coe.int/en/web/istanbul-convention/-/new-publication-on-safe-and-effective-programmes-for-perpetrators-of-domestic-and-sexual-violence-out-now-.

65. See European Network for the Work with Perpetrators of Domestic Violence, European Standards for Perpetrator Programmes, available at: www.work-with-perpetrators.eu/european-standards-for-perpetrator-programmes.

66. See heading no. 5 on the CIG page dedicated to statistical data (Pessoas integradas em programas para agressores): www.cig.gov.pt/area-portal-da-violencia/portal-violencia-domestica/indicadores-estatisticos/#title5.

B. Protection and support

78. Chapter IV of the Istanbul Convention requires a multifaceted, professional and victim-oriented support structure for any woman or girl who has experienced any of the forms of violence covered by the convention. General and specialist support services that are victim-oriented, accessible to all and adequate in numbers greatly facilitate recovery by offering support, protection and assistance to overcome the multiple consequences of such violence. As such, they play a key role in offering a comprehensive and adequate response to the different forms of violence covered by the convention.

1. General obligations (Article 18)

79. Article 18 of the Istanbul Convention sets out a number of general principles to be respected in the provision of both general and specialist protective and supportive services for women victims of violence. One of these principles is the need for services to act in a concerted and co-ordinated manner, with the involvement of all the agencies concerned. More specifically, Article 18, paragraph 2, of the convention requires parties to put in place appropriate co-ordination mechanisms that can ensure effective co-operation among, *inter alia*, the judiciary, public prosecutors, law-enforcement agencies, local and regional authorities, NGOs and other relevant entities and organisations. In this regard, women's NGOs and specialist women's support services play an important role in guaranteeing that the rights of victims are safeguarded in multi-agency co-operation. Other general principles established under this article include the need for measures of protection and support to be based on a gendered understanding of violence against women and to focus on women's safety and human rights, taking into account the relationship between victims, perpetrators, children and their wider environment, and addressing their needs holistically. Specialist support services must aim at the empowerment and economic independence of women victims of violence and avoid their secondary victimisation. This provision equally stresses the importance of ensuring that access to services is not subject to the victim's willingness to press charges or testify against the perpetrator.

80. In its baseline evaluation report GREVIO had observed a need to develop further solutions offering a multi-agency co-ordinated response to all forms of violence covered under the Istanbul Convention and to ensure that services provided to victims are based on a gendered understanding of violence against women and prioritise the safety and human rights of victims, including that of child witnesses of violence.

81. To address the need for improved co-ordination and to better address the needs of victims, protocols were signed with a number of NGOs to create Offices for Victim Support (GAVs) integrated into local prosecution offices, which help with the co-ordination of services and victim referral.⁶⁷ GREVIO further notes with interest that in 2019 Integrated Specialised Domestic Violence Sections (SEIVDs) were opened within prosecution offices in Lisbon and Porto. Moreover, GREVIO welcomes the fact that some SEIVD offices have secured the services of psychology consultants, with the aim of, *inter alia*, providing victims with specialist assistance.⁶⁸

82. A multi-agency response for victims outside of the framework of the judicial system should be secured by means of the National Support Network for Victims of Domestic Violence supervised by the CIG, where all the providers of specialised services participate. GREVIO notes that several examples of successful multi-agency responses to violence exist, such as the Espaço Júlia integrated victim support centre in Lisbon (opened in 2015) and a similar centre operating in the city of Porto. The interdisciplinary teams in these centres offer victims a catalogue of services, including short- and long-term psychological help and counselling, assistance with access to general services, legal aid and similar. Several initiatives by NGOs have also resulted in victim support centres offering a multitude of similar services but their long-term operations are severely undercut by their inability to secure sufficient and sustainable funding, as identified under Article 8 above. In addition, GREVIO

67. The initial protocols were signed in 2019 with four women's rights organisations. See the state report, page 40.

68. Also see General obligations, immediate response, prevention and protection (Articles 49 and 50) below, Effective investigation and prosecution.

was alerted to funding conditions placed on such initiatives that suggested a diversion from a strong gendered understanding of violence against women.⁶⁹

83. GREVIO notes that the two integrated services in Lisbon and Porto as well as the NGO-led services are well integrated within the wider network of services available to victims on the basis of formal or non-formal protocols. They co-operate with the state-provided transportation service for victims, healthcare services, and law enforcement and judiciary. However, GREVIO notes that instances of fully integrated service provision for victims remain insufficient and are focused on big urban centres.

84. To embed multi-agency co-operation in its response to the needs of children and minor victims of violence, in 2019 the Portuguese authorities adopted a guide on integrated intervention for such cases of violence.⁷⁰ GREVIO welcomes such initiatives, particularly that the guide treats the needs of such victims in an integrated fashion, detailing the specific actions of the judicial, social security, education, healthcare and other authorities involved.

85. Moreover, a National Territorial Network of Support for Victims of Domestic Violence has been created. This network involves municipal authorities, specialist NGOs and public bodies tasked with education, employment, law enforcement, justice, health and social security, among other things. Public prosecution services are also part of this network.⁷¹ Further to the above, an experimental multi-agency response model (AGIR-VD) was introduced by law enforcement in 2019, which aims to co-ordinate all the entities necessary to respond to the identified risks faced by victims.⁷²

86. GREVIO notes with satisfaction the reforms to provide victims with multi-agency services within the framework of the judiciary outlined above and observes that although most of them are in the early stages of implementation, they have received an overall positive response from victims and women's rights organisations.⁷³ However, it cannot but conclude that outside of the judiciary, despite several promising individual practices, a true, multi-agency approach on a national level set out as a goal in a policy document and operating with a gendered perspective for all forms violence against women remains lacking.

87. Welcoming the significant number of projects initiated in Portugal, and recalling the findings issued in its baseline evaluation report, GREVIO strongly encourages the Portuguese authorities:

- a. to continue their efforts and develop a fully operational multi-agency co-ordinated response to all forms of violence against women, with the strong involvement of local authorities and the participation of all the stakeholders concerned, including non-governmental organisations defending women's rights and combating violence against women;**
- b. to ensure that the provision of protection and support services to victims is based on a gendered understanding of violence against women and follows an approach that gives priority to the safety of and respect for the human rights of the victims, including child witnesses.**

2. General support services (Article 20)

a. Social services

88. General support services, such as social services, health services and housing or employment services, must be equipped to offer support and protection to women victims of gender-based violence of all ages and backgrounds. Article 20 of the Istanbul Convention requires

69. Information obtained during the evaluation visit.

70. The guide can be found at the website of CIG: www.cig.gov.pt/bases-de-dados/documentacao/.

71. State report, pages 40-41.

72. State report, page 41.

73. Information obtained during the evaluation visit.

states parties to ensure that these services are adequately resourced and that the staff are adequately trained on the different forms of violence against women and able to respond to victims in a supportive manner, in particular those that women and girls turn to first (often health and social services).⁷⁴ Their interventions are often decisive for victims' onward journey towards a life free from violence and thus represent a core element of a trust-based system of protection and support.

89. GREVIO welcomes the fact that since its baseline evaluation report further measures have been taken by the Portuguese authorities to expand and improve the range of services and measures women victims of violence can access. One of the key new measures introduced in 2020 is the family restructuring leave and allowance, which allows up to 10 days' leave from employment for victims of domestic violence paid for by public funds.⁷⁵

90. In addition to the already existing property rental support scheme for victims of domestic violence, which covers up to six months of rent, women victims can also obtain access to housing through the National Institute for Housing or the municipalities as a matter of priority. However, indications received from women's rights organisations highlighted that housing for victims remains largely inaccessible because of a general shortage of housing in Portugal in recent years, in particular in the Lisbon region. Private companies have assisted victims to overcome this gap, albeit in a limited fashion. While GREVIO understands that tackling this challenge requires extensive resources and a shift in broader policy making, it nonetheless stresses that it is of fundamental importance to support women victims through housing schemes in order to enable them to rebuild their lives.

91. The Employment and Vocational Training Institute has adopted internal procedures aimed at prioritising access to employment for victims, intended to operationalise the provisions of Law No. 112/2009. However, aside from providing victims with vocational training, the other provisions for helping victims secure work remain largely ineffective. To counter this, the existing unemployment benefit scheme was extended to include victims of domestic violence, starting in October 2023.⁷⁶ GREVIO notes with interest that this reform will help victims overcome situations of financial dependence and allow them to begin rebuilding their lives.

92. Representatives of women's rights organisations have indicated to GREVIO that access to social services for women exposed to intersectional discrimination is often hampered by a lack of understanding among professionals on how to apply an intersectional perspective in order to successfully undertake outreach activities and meet the needs of these women. Consequently, many Roma women victims lack trust in general support services in Portugal and make little use of the services available.⁷⁷ The needs of women victims of violence who are asylum seekers and refugees are similarly not adequately addressed in the absence of a mechanism to systematically screen, identify and refer them to appropriate support services. The recent creation of a single agency that deals with asylum and migration (AIMA) represents an important step in strengthening these mechanisms. GREVIO points to the urgent need to develop its potential in order to offer comprehensive support and protection to women and girls who are seeking asylum or have been granted refugee status, including through the training of AIMA staff on issues of gender-based violence. Last, despite intensive efforts by the authorities, difficulties that women from rural areas face in accessing general services persist as a result of a lack of co-ordination of services in such areas and geographical isolation.

93. GREVIO encourages the Portuguese authorities to step up measures to ensure adequate access for all women and girls to general support services, and to continue their efforts to reduce regional disparities in the availability and quality of the services provided. In doing so, additional measures must be taken to devise more effective responses to the

74. Explanatory Report to the Istanbul Convention, paragraph 127.

75. See Articles 43a to 43c of Law No. 112/2009, introduced in 2020.

76. The scheme is intended for victims who are assigned victim status and whose employment has been terminated voluntarily or otherwise. Other conditions linked to the duration of the previous employment, applicable to all recipients of the benefit, still apply.

77. Information obtained during the evaluation visit.

needs of women and girls exposed to intersectional discrimination, including those of Roma women victims and asylum-seeking and refugee women victims.

b. Healthcare services

94. The response of the national healthcare system to violence against women was reorganised following the adoption of GREVIO's baseline evaluation report with the creation of a comprehensive National Programme for the Prevention of Violence in the Lifecycle by the Directorate-General for Health. This programme places an added focus on prevention, detection and intervention in relation to women victims of gender-based violence entering the healthcare system, which GREVIO welcomes.⁷⁸ GREVIO notes that the EPVA teams, present in all public hospitals and healthcare centres in Portugal, appear to be well trained, knowledgeable and fully embedded within healthcare settings, providing specialised guidance to healthcare professionals, training and co-ordination. GREVIO notes with interest that further reforms to the EPVA structure are ongoing, which is a positive sign of continued efforts to further improve their work.

95. Protocols guiding healthcare professionals in their responses to different types of victims of violence exist and are, for the most part, duly followed by professionals, aided by the new CRVA database.⁷⁹ The protocols prescribe the procedures for screening, detection and action, including rules for further referral, depending on the level of risk detected.⁸⁰

96. Healthcare services in Portugal are available for free, for all victims, irrespective of residence and migration status, which GREVIO welcomes. Such an arrangement has simplified the access for various groups of victims exposed to intersectional discrimination to healthcare services, thereby increasing the chances of identifying, supporting and referring victims, including those who are disenfranchised and those in hard-to-reach groups.

97. GREVIO was alerted to the existence of a general obligation for healthcare professionals working in state-run healthcare centres to report any suspicion of violence to law enforcement, which should be followed without any exception and regardless of the will of the victim.⁸¹ The situation is different when it comes to private healthcare institutions where healthcare professionals are only bound by the respective codes of ethics depending on their exact profession, which set out different rules regulating the conflict between the respect for the autonomy of the patient and the duty to report. GREVIO recalls that it is important to strike a balance between enabling professionals to report and involving victims or seeking their consent to take such a step. In line with GREVIO's findings and the requirements of Article 28 of the convention, parties should, as far as possible, make the obligation to report contingent on the prior consent of the victim, unless there is risk of imminent danger to the victim or another person, the victim is a minor or is unable to protect themselves because of physical or mental disabilities. Failure to do so may undermine women's trust in the authorities and should be avoided, including through making available harmonised criteria and guidance for reporting by professionals, where they do not exist already.⁸²

98. Recalling the principle of women's empowerment mainstreamed throughout the Istanbul Convention, GREVIO strongly encourages the authorities in Portugal to review and align their system of reporting by professionals in relation to the forms of violence against women covered by the Istanbul Convention, including by making available harmonised criteria and guidance for reporting. Where a duty to report is imposed on professionals in relation to victims of violence, GREVIO encourages the relevant authorities to ensure that informed consent is sought from a victim of violence for the reporting of a suspicion of a criminal act, outside of those cases where there is a reasonable suspicion that there is an imminent danger to the victim or another person, or where the victim is a child. These procedures should be applied by all healthcare institutions in the country, in full respect of

78. For examples of positive results, see the state report, page 47.

79. For more on the CRVA database, see Data collection (Article 11), Healthcare sector, above.

80. For more details on the different workflows and protocols applied by Portuguese healthcare professionals, see the state report, pages 49-51.

81. Information obtained during the evaluation visit.

82. See GREVIO's first thematic evaluation report on Albania, paragraph 98, and on Austria, paragraph 100.

medical secrecy and in compliance with the right for respect for private life and the protection of personal data.

3. Specialist support services (Article 22)

99. Specialist support services ensure the complex task of empowering victims through optimal support and assistance catered to their specific needs and are an equally important cornerstone of a trust-based system of protection and support. Much of this is best ensured by women's organisations and by support services provided, for example, by local authorities with specialist and experienced staff with in-depth knowledge of gender-based violence against women. They need to be able to address the different types of violence covered by the Istanbul Convention and to provide support to all groups of victims, including hard-to-reach groups.

100. In response to GREVIO's findings in the baseline evaluation report, the number of specialist support services, the number of emergency and long-term shelters and the number of non-residential victim support centres has increased in the period under review.⁸³ According to data received by the authorities, there are currently 38 long-term shelters with 729 places, and 25 emergency shelters with 279 places across the country. However, GREVIO notes that there is no information whether these are family places or individual ones. In any event, these numbers still fall short of the standard set out in the Explanatory Report to the Istanbul Convention of at least one family place per 10 000 inhabitants.⁸⁴ Indications made by NGOs suggest that places in short-term emergency shelters are extremely limited, especially in the Lisbon metropolitan area. Consequently, victim service providers in Lisbon often resort to placing victims in hotels to meet their urgent need for accommodation. These arrangements are not based on any official protocol but are secured upon the initiative of individual service providers.⁸⁵ GREVIO therefore points to the urgent need to map the existing services and assess the needs of victims across the country in order to close the remaining gaps in service provision. The introduction of transitional houses also remains a challenge to be addressed.

101. In relation to the increase mentioned above, GREVIO welcomes the opening of several specialised support services addressing the specific needs of women victims faced with intersectional discrimination.⁸⁶ At the same time GREVIO recalls the requirement to secure access to specialised victim services, including psychological support, for victims of all forms of violence against women, with an appropriate geographical distribution. GREVIO further welcomes the extension in 2020 of the maximum period for stays in emergency accommodation from 15 days, extendable once, to three months (although extendable twice for some particularly vulnerable categories of victims, including victims with a disability, with mental health issues and elderly victims).⁸⁷ In addition, three victim support offices (GAVs) specifically targeting victims with a migration background have been opened, in Lisbon, Faro and Porto.⁸⁸

102. GREVIO notes with satisfaction that despite some exceptions the problems regarding the lack of services available for children residing with their mothers in shelters, primarily concerning the inability of these children to change schools, as identified in the baseline evaluation report, have been resolved.

103. Access to shelters, however, is limited to women victims who have reported the crime and have subsequently received victim status from the law-enforcement agencies.⁸⁹ GREVIO notes with concern that such a requirement limits the access to support services by victims who, for whatever

83. See GREVIO's baseline evaluation report on Portugal, page 40, for comparison.

84. See the Explanatory Report to the Istanbul Convention, paragraph 135.

85. Information obtained during the evaluation visit.

86. These are three non-residential support centres for migrant women victims, four centres for LGBTI victims, one shelter for women victims of harmful traditional practices, one shelter for women with mental health issues and one shelter for women with disabilities, as envisaged in the previous NAP (2018-2021). See the state report, page 54.

87. The amendment was made by means of Regulatory Decree No. 3/2020, which amended Article 28 of Regulatory Decree No. 2/2018, regulating the organisation and functioning of care structures, emergency reception responses and shelters.

88. State report, page 63.

89. In addition to law enforcement, the CIG can also in exceptional cases assign the status of a victim, but according to available information, this possibility has not seen any practical use.

reason, choose not to immediately file a report and makes service provision contingent upon reporting the crime, which runs counter to the requirements of the Istanbul Convention. GREVIO further notes that law-enforcement agencies are still allowed a margin of discretion to assess whether the report made by the victim contains “no strong indication that it is unfounded”, in which case they may refuse to attribute victim status.⁹⁰ Although there is no indication of victims being denied such status, GREVIO notes that the above represents a barrier to women victims wishing to access shelters.

104. In relation to forced marriage, FGM and child victims and witnesses of violence – for which services had been found to be lacking during the baseline evaluation procedure – several measures have been undertaken since. In 2021, a working group was created to address early and forced marriages, identify best practices and make policy proposals.⁹¹ GREVIO notes that although the results of its work have so far been limited, the mandate of this group has been extended and policy proposals are expected in the near future. The guide on detecting FGM was reformed and distributed to the relevant services, as mentioned above.⁹² Last, the creation of 31 psychological response teams addressing the needs of child victims of domestic violence, supported by funds from the European Union, is a new development that GREVIO welcomes.

105. Last as regards specialised services available for women victims, reforming the existing telephone helpline for women victims of violence and transforming it into a dedicated helpline that would cater exclusively to the needs of women victims, in line with the requirements of the Istanbul Convention, is nearly complete, according to the authorities. Given that this shortcoming was also highlighted by the Committee of the Parties to the Istanbul Convention in its conclusions on Portugal’s implementation of the committee’s earlier recommendations, GREVIO trusts that the helpline will be restructured and aligned with the requirements of the convention as a matter of urgency.⁹³

106. **Recalling the findings in its baseline evaluation report, GREVIO urges the Portuguese authorities to:**

- a. **set up or support the functioning of a dedicated telephone helpline for women victims of different forms of violence, operated by qualified staff trained in all forms of violence covered under the Istanbul Convention;**
- b. **increase the number and capacity of women-only shelters providing safe accommodation to victims of all forms of violence against women, in line with the standards set by the Istanbul Convention and with an adequate geographical distribution, with the aim of achieving the standard set in the Explanatory Report to the Istanbul Convention of one family place per 10 000 inhabitants;**
- c. **ensure the availability of immediate, medium and long-term specialist support services, including psychological support to victims of all forms of violence against women, with an appropriate geographical distribution, while catering to the specific needs of vulnerable women subject to intersectional discrimination;**
- d. **remove the requirement for women victims to report a crime in order to gain access to a shelter.**

107. **GREVIO further encourages the Portuguese authorities to:**

- a. **further pursue their efforts to expand specialist support services for women victims of domestic violence with mental health issues, cognitive impairment or physical disabilities that require medical care or support;**

90. Article 14, paragraph 1, of Law No. 112/2009.

91. State report, page 59.

92. See General obligations (Article 12), above.

93. See Committee of the Parties’ recommendations and conclusions issued in respect of the baseline evaluation procedure for Portugal, from 28 January 2019 and 8 June 2022, respectively.

- b. conduct a mapping exercise on the number, types and geographical location of specialist support services available per type of violence covered by the Istanbul Convention in order to assess the needs of all women and girls victims of such violence.**

4. Support for victims of sexual violence (Article 25)

108. Under Article 25 of the Istanbul Convention, parties are required to provide a set of holistic services to victims of sexual violence, including immediate medical care and trauma support, combined with forensic examinations, as well as short and long-term psychological counselling and therapy to ensure the victim's recovery. Such services should be provided by trained and specialised staff in an appropriate manner to respond to the victims' needs, preferably within rape crisis or sexual violence referral centres established in sufficient number through the country to ensure their easy access. The recommendation is to set up one of the above-mentioned centres per every 200 000 inhabitants.⁹⁴

109. In its baseline evaluation report, GREVIO had identified a need to expand the existing rape crisis and/or sexual violence referral centres in order to ensure a balanced geographical spread and to ensure that the catalogue of services these centres offer is aligned with the requirements of the Istanbul Convention.

110. It therefore welcomes the opening of a new sexual violence referral centre in Porto, in addition to the existing one in Lisbon, although it notes that more ambitious plans in terms of their rollout had been originally envisaged.⁹⁵ Both centres are run by specialist women's rights organisations, are financed by the state and are available to all victims of sexual violence, regardless of their residence or health insurance status, apply a trauma-informed approach and offer short and long-term counselling. While this is commendable and greatly enhances women's access to such a vital service, the available number of centres still falls short of the requirement of one such centre per 200 000 inhabitants, and an even geographical distribution of these centres has not been attained. The sexual violence centre in Lisbon received financing from the state based on a protocol that covers funding for up to 35 victims per year.⁹⁶ However, the need for such services is far greater than this, which became particularly evident during the Covid-19-induced lockdowns.

111. Moreover, GREVIO notes the efforts made by the authorities to standardise the provision of services in the above centres, and to victims of sexual violence in general, including the expansion of psychological services for such victims and the introduction of protocols on the collection of forensic evidence.⁹⁷

112. In addition, GREVIO notes that there are 35 centres for forensic medicine around the country, with three of them providing services around the clock (Lisbon, Porto and Coimbra). A total of 77 forensic specialists are tasked with collecting forensic evidence from victims of sexual violence. The geographical distribution of these specialists is such that one is available within 100 kilometres of even the remotest parts of the country. If such an expert is not available, other trained medical professionals can also step in to collect the samples. In any case the samples are later processed by trained forensic experts, which secures the necessary expertise. Collection, transport and processing of samples is done in line with a standard protocol, which is systematically applied by professionals. Evidence is stored for a minimum of two years, or longer if necessary. GREVIO notes the commendable availability of standardised forensic services for all victims of rape and sexual violence across the country. It stresses, however, the need to further develop the availability of short and long-term psychological counselling for victims of sexual violence in order to ensure their recovery.⁹⁸

94. Explanatory Report to the Istanbul Convention, paragraph 142.

95. According to the authorities the total number of specialised structures offering support for victims of sexual violence, including the two sexual violence referral centres, is four, which in 2023 provided assistance to a total of 324 victims.

96. See more about the financing schemes for service providers under Article 8, above.

97. State report, pages 50 and 62.

98. See the Mid-term Horizontal Review of GREVIO baseline evaluation reports, paragraph 277.

113. GREVIO encourages the Portuguese authorities to develop and expand the existing services for victims of sexual violence, placing particular focus on ensuring the availability of short and long-term psychological counselling for such victims as required by Article 25 of the Istanbul Convention.

C. Substantive law

114. Chapter V of the Istanbul Convention covers a range of provisions related to substantive law, in the area of both civil and criminal law, which aim to create the necessary legislative framework to prevent women and girls' further victimisation and to ensure robust intervention and prosecution by law-enforcement agencies. This section focuses on progress made with respect to selected provisions of the convention in the area of substantive law, notably Article 31 on custody, visitation rights and safety and Article 48 on the prohibition of mandatory alternative dispute resolution processes or sentencing in cases of violence against women.

1. Custody, visitation rights and safety (Article 31)

115. Custody and visitation decisions in relation to families with a history of abuse require a careful balancing of the different interests at stake. Article 31 of the convention seeks to ensure that incidents of violence covered by the convention, in particular domestic violence, are taken into account in decisions on custody and visitation rights, to ensure that the exercise of these rights does not harm the rights and safety of the victim or children. This provision contributes directly towards their trust in the authorities because it offers essential protection from post-separation abuse.⁹⁹

116. In its baseline evaluation report, GREVIO had urged the Portuguese authorities to rectify the shortcomings identified in the work of family courts pertaining to the lack of effort to systematically take into account incidents of violence when deciding on custody and visitation rights. Insufficient exchange of information with criminal courts, a lack of screening for violence and no possibility to conduct risk assessments were identified as the key shortcomings in this regard. Furthermore, the authorities were called upon to ensure that the arrangements made for supervised visitation with an abusive parent comply with the requirements of the Istanbul Convention.

117. Portuguese law requires that family courts take incidents of violence into consideration when they decide on custody and visitation rights. GREVIO notes positively the Attorney General's Directive No. 5/2019 instructing prosecutors to communicate all relevant information to family courts as a matter of urgency, which aims to further implement this obligation. It also notes the changes to Law No. 112/2009 made in 2021 that introduced the right for criminal courts to restrict the parental rights of a perpetrator.¹⁰⁰ However, these and other newly introduced measures, such as the possibility for prosecutors to request that family courts regulate parental rights as a matter of urgency, or having family courts request a certificate of convictions from parties, are rarely made use of in practice.

118. GREVIO notes with concern that on the whole these reforms fall short of resolving the concerns raised. Multiple reports from legal professionals and civil society indicate that civil courts are still frequently unaware of any barring or protection orders issued, or any pending criminal proceedings. As a consequence, visitation and custody rights are often not restricted in respect of the abusive parent, even in cases where a protection order had been issued.¹⁰¹ Last, the available

99. It is noteworthy that in the case of *Bîzdîga v. the Republic of Moldova* (Application No. 15646/18, 17 October 2023), the European Court of Human Rights held that in proceedings concerning the custody and visitation rights regarding children in a domestic violence context, the primary focus must be on the best interests of the child, and an assessment of any risks of violence or other forms of ill-treatment therefore has to form an integral part of such proceedings. For this reason, it found that an alleged history of domestic violence was a relevant and even mandatory factor to be weighed in the assessment of domestic authorities when deciding on contact rights (paragraph 62). In the recent case of *Luca v. the Republic of Moldova* (Application No. 55351/17, 17 October 2023), the Court found a violation of Article 8 of the European Convention on Human Rights on account of the failure of the Moldovan authorities to take into account incidents of domestic violence in the determination of child contact rights.

100. Article 31, paragraph 1(e), of Law No. 112/2009, introduced in 2021.

101. Information obtained during the evaluation visit.

measures are limited to situations where criminal proceedings have been commenced in relation to the violence experienced, with no comparable measures in place for when this is not the case.¹⁰²

119. Further to the issue above, family courts are still not under an obligation to screen for violence, and there is no mechanism available to them to detect such cases, for example by means of a standardised questionnaire, despite GREVIO's earlier findings pointing to this shortcoming.¹⁰³ As to risk assessments, GREVIO notes that these may be done as part of criminal proceedings only, following a report of the crime. Where they are done, they are not always communicated to family courts, and the introduction of the SEIVD and GAV offices, although a positive step, has so far not alleviated this shortcoming.

120. New procedural safeguards such as scheduling separate appointments or the introduction of separate waiting rooms do not appear to have been introduced. On the contrary, parties in custody proceedings seem to be purposely made to face each other by family courts in "parental conference" hearings to negotiate a solution between them.¹⁰⁴ As a result, the overwhelming outcome is shared custody between the parents, even in cases with a history of violence. GREVIO notes with grave concern that even when evidence of violence is brought to their attention, judges argue that it is in the child's best interests to maintain a relationship with the abusive parent and that these interests may even prevail over the possible risks to the child's safety.¹⁰⁵ One reason for this is the persistent lack of awareness among family court judges of the negative impact on children exposed to violence perpetrated by one parent against the other. Judges also often lacked awareness of the fact that the exercise of shared custody may be a means for a perpetrator of domestic violence to continue to maintain control and domination over the mother and her children and that family law proceedings may offer an arena for further threats, manipulation and intimidation.¹⁰⁶

121. In rare cases when parental rights are restricted, visitation with the abusive parent is usually allowed to continue under supervision at a Family Support and Parental Counselling Centre (Centro de Apoio Familiar e Aconselhamento Parental – CAFAP), which are sometimes operated by faith-based organisations. Women's rights organisations have brought to GREVIO's attention the fact that the staff in these centres frequently lack the necessary skills and knowledge about the dynamics of intimate partner violence and the possible continuation of the abuse and control via visitation rights. Furthermore, staff also frequently rely on the so-called parental alienation syndrome to explain children's reluctance to engage with or their fear of their fathers.¹⁰⁷ These structures appear to lack any safeguards to prevent secondary victimisation of women who are ordered to bring their children in. GREVIO notes the absence of any evaluation or audit of such supervised visitation centres, which is urgently needed.¹⁰⁸

122. Last, GREVIO notes with concern that concepts that position women victims of violence as "alienating" their children from abusive fathers, introduced on the basis of the so-called parental alienation syndrome, are gaining traction among judicial professionals in Portugal. The reluctance of family courts to limit parental rights in cases where there had been violence is also partially to be attributed to this phenomenon. Women are portrayed as manipulative, over-protective or jealous, and positioned as instrumentalising children against their (abusive) father. These attitudes find their way into judicial reasoning, psychological and other expert opinions, and judicial decisions on all levels.¹⁰⁹ GREVIO notes with concern that very little effort is made to call into question and challenge the use of concepts such as so-called parental alienation syndrome, the exception being the Attorney General's Office, which has held periodic meetings with public prosecutors to discuss the lack of credible grounds of this, and related concepts. Instead, references to concepts of or akin to so-called parental alienation syndrome by professionals in the judiciary, despite its lack of scientific basis, is

102. See the report by Associação Portuguesa de Mulheres Juristas (APMJ), page 17.

103. State report, page 70.

104. See Article 48, Prohibition of mandatory alternative dispute resolution processes or sentencing, below.

105. Information obtained during the evaluation visit.

106. Information obtained during the evaluation visit.

107. See the NGO submission by AMCV, APAV, FEM and others, page 48.

108. Ibid., page 49.

109. See report by APMJ, page 14.

even encouraged and promoted, albeit unofficially, as a sound and beneficial legal approach in regulating parental rights.¹¹⁰

123. Against this background, GREVIO draws attention to the fact that deciding on custody and visitation without taking sufficient account of previous incidents of domestic violence, and without an evaluation of the safety risks for women victims and their children, continues to fall short of the requirements of Article 31 of the Istanbul Convention. Exposure to such violence breeds fear, causes trauma, adversely affects children's development and is recognised as a form of psychological violence.¹¹¹ GREVIO also underlines that the use of the so-called parental alienation syndrome increases the risk of violence against women and their children going undetected since it ignores the gender-based nature of domestic violence and the essential aspects of child welfare.

124. GREVIO urges the Portuguese authorities to:

- a. take measures to inform the professionals concerned, particularly those involved in the judiciary, law-enforcement agencies, social services, and medical, psychological and psychiatric sectors, of the absence of any scientific grounds for the so-called parental alienation syndrome, as well as to raise public awareness concerning this subject;**
- b. ensure the effective consideration of a history of violence by family courts in order to assess whether such violence would warrant restricting custody and visitation rights, and the prioritisation of the safety and respect of the rights of women victims and their children by all statutory agencies and organisations involved in the implementation of supervised visitation.**

125. Recalling the findings issued in its baseline report, GREVIO strongly encourages the Portuguese authorities to take legislative or other measures to ensure, in the determination of custody and visitation arrangements:

- a. the systematic screening, including through the use of standardised questionnaires, and risk assessment in order to establish whether there has been a history of violence between the parties;**
- b. the swift and effective exchange of information by family courts with all relevant stakeholders, concerning risk assessments and any other relevant information.**

2. Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48)

126. Article 48, paragraph 1, of the Istanbul Convention requires parties to prohibit the mandatory participation in any alternative dispute resolution processes, including mediation and conciliation, in relation to cases of all forms of violence against women covered by the convention. This provision stems from the principle that violence against women is a manifestation of unequal power relations and that victims of such violence can never enter the alternative dispute resolution processes on an equal footing with the perpetrator. To avoid the re-privatisation of such violence and to enable the victim to seek justice, it is the responsibility of the state to provide access to adversarial court proceedings on the basis of robust criminal law provisions.

127. GREVIO notes with regret that since its baseline evaluation report no effective measures have been taken to ensure that women victims of violence are granted the legally obtainable exception from the otherwise mandatory conciliation hearing in divorce proceedings. Although it notes positively the adoption of Law no. 3/2023 which allows for dispensing with conciliation in cases where there had been violence, GREVIO observes that the problem persists in practice mainly as a result of the above-mentioned lack of co-ordination and exchange of information between family courts and the criminal justice system.

110. Information obtained during the evaluation visit.

111. See United Nations Committee on the Rights for the Child, General Comment No. 13, adopted on 18 April 2011, paragraph 21e, CRC/C/GC/13.

128. Furthermore, GREVIO notes with concern that a “parental conference”, obligatory for both parties, is called in proceedings concerning custody and parental rights. The conference may be postponed but not avoided, and any absence is subject to a fine.¹¹² In addition, if one party, including the non-abusive parent, does not attend – for safety reasons or because of the fear of not being able to negotiate on an equal level with the abusive ex-partner – the court may postpone the hearing and decide on a temporary regime of custody, and their absence will count against them, leading to a (temporary) loss of custody.¹¹³ With no exceptions in place for cases where the relationship has been marred with violence, GREVIO notes with grave concern that this practice amounts to quasi-mandatory mediation in family law, contrary to Article 48 of the Istanbul Convention, and must be addressed urgently. The above-mentioned need for screening and risk assessments are of vital importance to address this concern.

129. A separate issue brought to GREVIO’s attention is the growing use family courts make of so-called family constellation therapy. According to the information available to GREVIO, parties undergoing divorce or custody proceedings are often strongly encouraged, even informally ordered, by some judges to attend such therapy, which is provided by external institutions with the aim of finding a mediated solution to their dispute, effectively seeking to reconcile the couple.¹¹⁴ As family constellation therapy has not been recognised by the Order of Psychologists of Portugal as a therapeutic model, all related costs must be borne by the couple themselves. GREVIO notes with concern that the absence of any screening obligation for violence by family courts and the unavailability of risk assessments may result in victims of domestic violence undergoing such therapy at the request (or order) of a judge.

130. While GREVIO recognises the importance of ensuring viable solutions for civil matters after separation, and that mutually acceptable solutions reached jointly may be preferable to lengthy court proceedings, it emphasises the fact that women victims of domestic violence do not enter mediation processes on an equal footing with their abusers. GREVIO points to the urgent need to ensure that any offers of mediation in civil law proceedings made by judges are done after a robust screening process for a history of violence, and with the full and informed consent of the victims concerned. Of equal urgency is the need to raise the level of awareness among judges and mediators of the power imbalances in relationships marred by violence, and of the fear of the potential negative repercussions of refusing mediation processes among women victims of domestic violence.

131. Recalling the findings issued in its baseline evaluation report, GREVIO strongly encourages the Portuguese authorities to uphold and effectively enforce the exception to mandatory reconciliation in divorce proceedings where there is a history of domestic violence.

132. GREVIO further strongly encourages the Portuguese authorities to take legislative or other measures to abolish the mandatory attendance of victims at parental conference hearings in proceedings concerning custody and visitation, and ensure the prohibition of quasi-mandatory mediation practices such as “family constellation therapy” in cases where there have been incidents of violence.

D. Investigation, prosecution, procedural law and protective measures

133. Full accountability for all acts of violence against women requires an adequate response from law-enforcement agencies and the criminal justice sector. Chapter VI of the Istanbul Convention establishes a set of measures to ensure criminal investigations, prosecutions and convictions in a manner that validates women’s and girls’ experiences of violence, that avoids their secondary

112. The only alternative envisaged is to hold the conference via video link in cases where one parent lives in a different municipality. See Article 35 of the General Regime of the Civil Tutelary Process (Regime Geral do Processo Tutelar Cível), paragraph 4.

113. Information obtained during the evaluation visit.

114. See the conclusions of a conference on family constellation therapy, held by the Centre for Judicial Studies of Portugal in July 2021, available at www.cej.justica.gov.pt/LinkClick.aspx?fileticket=UKfw3NDZgrA%3d&portalid=30.

victimisation and that offers protection throughout the different stages of proceedings. The provisions covered in this section are fundamental to the delivery of protection and justice for all women and girls who are at risk of or who have experienced gender-based violence.

1. General obligations (Article 49) and Immediate response, prevention and protection (Article 50)

134. A key principle of an adequate response to violence against women is that of swift and effective investigations and judicial proceedings that are based on a gendered understanding of these types of offences and that take into consideration the rights of the victim during all stages. Law-enforcement officials and those in the judicial system often do not prioritise incidents of violence against women and domestic violence, thereby contributing to the impunity of perpetrators and reinforcing the misconception that this type of violence is “acceptable” in society.¹¹⁵ A consequence of assigning low priority to incidents of violence against women and domestic violence are delays in initiating investigations and judicial processes, which in turn may lead to the loss of vital evidence and to an increased risk for the victim of repeated violence. For these reasons, Article 49 of the convention requires parties to ensure that investigations and judicial proceedings are conducted without undue delay, while at the same time respecting the rights of victims during each stage of these processes. Article 50 further reinforces these obligations by requiring that law-enforcement agencies react promptly and appropriately in cases of violence against women, including by offering victims immediate protection and by engaging in the prevention of violence. GREVIO reports focus on the application of Article 50 at key stages of the criminal justice process, notably reporting, investigation, prosecution and conviction, all of which are key contributors to victims’ sense of support, protection and justice.

a. Reporting to, immediate response and investigations by law-enforcement agencies

135. GREVIO notes with satisfaction that both branches of the Portuguese police (the GNR and the PSP) have specialised units dedicated specifically to investigating domestic violence.¹¹⁶ According to the state report, around 74% (487 out of 663) of police stations now have a victim assistance room.¹¹⁷ In 2020 universal standards concerning the victim assistance rooms were approved, which GREVIO notes as a positive contribution to improving the trust of women victims requiring assistance from law-enforcement agencies to report their case. Last, the option to report crimes online was introduced in 2008, resulting in 530 online reports of domestic violence since.

136. To complement the already existing protocol on domestic violence, in 2019 the authorities adopted a manual aimed at all units of the police on the procedure to follow within the first 72 hours of receiving a report of domestic violence (the “72 hours manual”). GREVIO welcomes the fact that it comprehensively outlines the actions to be taken by the police, focusing on the protection of victims and evidence collection, including the questioning of victims, risk assessment and the adoption of an individual safety plan. GREVIO notes with satisfaction that the manual extends to psychological violence and to cases of violence occurring in the digital sphere.¹¹⁸ According to the manual, all evidence, including the victim’s statement, should be collected within a maximum of 72 hours after the report is made, after which the case should be handed over to the prosecution. However, information provided by legal professionals indicates that this deadline is not always respected in practice, and completing the initial steps of the investigation may take up to several months.¹¹⁹ GREVIO notes the importance of the introduction of the manual for the harmonisation of police responses across the country and emphasises the need to ensure its application in practice.

137. GREVIO notes with interest the introduction of new forms for the recording of domestic violence reports by law-enforcement agencies in 2021 that address some of the shortcomings identified in GREVIO’s baseline evaluation report concerning data collection. The new forms now

115. Explanatory Report to the Istanbul Convention, paragraph 255.

116. State report, page 88.

117. State report, page 89.

118. The 72 hours manual (Manual de Atuação Funcional a adotar pelos OPC nas 72 horas subsequentes à denúncia) can be found under “Documentação Nacional”, on CIG’s website: www.cig.gov.pt/bases-de-dados/documentacao/.

119. Information obtained during the evaluation visit.

require the collection of information such as the victim's sex, relationship of the perpetrator to the victim, the presence of any children and the location of any injuries suffered and is intended to complement the 72 hours manual.

138. While noting the encouraging reforms above, GREVIO recalls its findings under Article 15 and observes that although the training and reforms to improve the gender-sensitive approach of law-enforcement agents since the adoption of its baseline report have had an effect, this effect remains confined to the specialised units of law enforcement, who are not always the point of first contact for victims. Indications received from civil society suggest a lack of awareness of the seriousness of instances of digital manifestations of violence against women among non-specialist law-enforcement officers. Victims have been required to make repeated reports to law enforcement about non-consensual sharing of intimate images or online stalking, which have not always led to a response.¹²⁰ GREVIO attributes the above shortcomings overwhelmingly to persistent patriarchal values and a lack of understanding of the dynamics of gender-based violence against women and gendered power relations, which are still prevalent among non-specialised law-enforcement agents. While individual officers may go to great lengths to provide victims with assistance, this remains the exception rather than the rule.¹²¹

139. On a related issue, GREVIO notes with concern that when faced with gender-based violence, Roma women in Portugal often seek help within the community as a first resort, avoiding contact with law-enforcement agencies where possible. The reasons cited relate to the general understanding among many Roma women victims that law-enforcement agencies would not intervene in their community if a complaint of domestic violence were made. GREVIO was alerted to a similar understanding harboured by women from migrant communities as well. This points to a need to build further trust in law-enforcement responses, especially among women and girls exposed to intersecting forms of discrimination.

140. Last, GREVIO notes that the failure of law-enforcement agents to comply with their due diligence obligation to protect women victims and investigate gender-based violence is rarely sanctioned. Women's rights' organisations informed GREVIO that there are few to no cases of police officers being sanctioned for failing in their duty to protect victims or otherwise discharge their duties when it comes to reports of violence against women.¹²²

141. Conscious of the number of commendable reforms undertaken in the field of law-enforcement agencies' response to violence against women, GREVIO strongly encourages the Portuguese authorities to:

- a. take further measures to ensure a swift and gender-sensitive response of all law-enforcement officials to all cases of domestic violence and violence against women, including in cases of violence in the digital sphere, especially by taking into account the special needs of women faced with intersectional discrimination, in particular by proactively reaching out and building trust among Roma and migrant women victims;**
- b. take measures to ensure accountability of law-enforcement agents who have failed in their duty to protect victims or have otherwise acted in violation of the rules applicable to processing cases of domestic violence and violence against women.**

b. Effective investigation and prosecution

142. While observing evident progress, in its baseline evaluation report GREVIO had nonetheless urged the Portuguese authorities to further improve their collection of evidence and to ensure that cases are handled with a gendered understanding of violence and that investigations are focused on the safety and human rights of the victim and her children. Furthermore, it had urged the

120. Information obtained during the evaluation visit.

121. Report submitted by APMJ, page 20.

122. Information obtained during the evaluation visit.

authorities to ensure that the use of alternative judicial procedures, namely suspension of proceedings, is done in a way that is mindful of the gendered nature of violence against women, fully respects victims' human rights, guarantees their need for safety and upholds the principle of criminal accountability.

143. In this context, GREVIO welcomes the introduction of the previously mentioned Integrated Specialised Domestic Violence Sections (SEIVDs), established in the prosecution offices in Lisbon and Porto pursuant to a directive from the Attorney General. The SEIVDs, which are dedicated to working specifically with families and children, will undoubtedly help prioritise and increase the quality of case building. GREVIO welcomes the fact that their expansion to other parts of the country is envisaged in the NAP.¹²³ GREVIO further notes positively that some SEIVDs also integrate Offices for Victim Support (GAVs), run by women's rights organisations and financed by the state. Their role is to advise the prosecution on cases in the field of violence against women and to facilitate the victims' transition through the justice system by guiding them and keeping them informed of their rights and procedures, which together with psychological consultants engaged to assist victims during criminal proceedings should add a new level of gender sensitivity to prosecutorial work across Portugal.¹²⁴ The number of GAV offices is constantly increasing with plans to add two new offices each year until 2026. GREVIO notes with interest that a study has been commissioned to evaluate the work of the GAVs.

144. In this regard, GREVIO also notes the increased use of "statements for future use" taken by prosecutors.¹²⁵ Although this practice does not extend to all cases of violence against women, prosecutors are under instruction to take a thorough statement from a victim at the outset of the investigation, which is recorded and then used for all subsequent judicial proceedings. Although additional efforts remain necessary to further expand the use of these statements to further reduce the need for victims to appear in court, their use has so far been received positively by both legal professionals and civil society representing victims as a useful tool for avoiding secondary victimisation.¹²⁶

145. GREVIO notes that investigation and prosecution of sexual violence nonetheless remains a serious challenge in Portugal. Defined as a semi-public crime under Portuguese law, rape is not prosecuted *ex officio*, and adult victims are obliged to report it within six or, in some exceptional cases, 12 months of the event for action to be taken.¹²⁷ If an adult victim submits a report after that period, investigation and prosecution will not commence. Recalling its findings under Article 55, paragraph 1, of the convention in its baseline evaluation report, where GREVIO had urged the Portuguese authorities to introduce *ex officio* prosecution for sexual violence, it notes with grave concern that the procedural bar concerning a deadline to report rape severely limits the access to justice for women victims of rape. This is all the more so given that some victims may choose to report the rape at a later time.

146. As was observed in its baseline evaluation report, GREVIO notes that prosecuting domestic violence in Portugal still depends largely on the evidence provided by the victim. As the prosecution rarely takes the initiative to proactively collect additional evidence, a victim withdrawing her statement would effectively end the investigation in a large majority of cases.¹²⁸ In 2020, 3 659 indictments were lodged out of 27 637 reports of domestic violence made to the police. In 2021, 26 520 reports were recorded by law enforcement, while the prosecution submitted indictments in only 3 941 cases.¹²⁹ The available data indicate that the situation is similar when it comes to other

123. Measure no. 211 of the NAP.

124. GAV offices now operate in Braga, Aveiro, O'Porto-East, Coimbra, Lisbon-North, Lisbon-West, Lisbon Margem-Sul, Setubal, Leiria and Faro. Psychological consultants currently work in the regional prosecutors' offices in Lisbon, Porto, Coimbra and Évora. See the state report, page 40.

125. See also the discussion under Article 56, Measures of protection, below.

126. Information obtained during the evaluation visit.

127. Article 115 of the Criminal Code. The prosecution can in some exceptional cases initiate the investigation within one year, if this is considered to be "in the interests of the victim" (Article 178, paragraph 2, of the Criminal Code).

128. Information received during the evaluation visit. Also see the NGO submission by AMCV, APAV, FEM and others, pages 52-53.

129. State report, page 153.

forms of violence against women.¹³⁰ In view of this, GREVIO cannot but note that these data raise questions about the overall response of the prosecution when it comes to violence against women and domestic violence.

147. Another issue that GREVIO notes with concern is the extensive use of the possibility to suspend criminal proceedings against perpetrators of domestic violence.¹³¹ Under Portuguese law, criminal proceedings for domestic violence (and other crimes punishable with imprisonment of up to five years) can be suspended on the initiative of the public prosecutor once the consent of the victim has been obtained. Some sexual violence crimes against children can also be subject to a suspension of proceedings, if this is found to be in the interests of the victim.¹³² Although the suspension is contingent on obtaining the victims' consent, GREVIO is concerned that because of the uneven power relations between victim and perpetrator and the gendered character of domestic violence, such consent may not always be truly voluntary. GREVIO notes that the decision to suspend proceedings is verified by a judge, and that the Attorney General has taken measures to ensure that consent is obtained through an in-person interview with the victim with the aim of ensuring that it was given out of the victim's free and informed will.¹³³ Despite this and drawing on the available information, GREVIO notes with concern that some victims are pressured into accepting the suspension of proceedings, given that it can be an efficient tool for the judiciary to dispense with a high number of cases without going to trial. However, victims may live in the same household as the perpetrator or be in a relationship of financial dependence with them, all of which may put significant pressure on victims to forego continuing the criminal proceedings, despite having initially had the courage to file a report. Additional reasons such as their position vis-à-vis their perpetrator in family law proceedings may make it difficult for victims to insist on the continuation of the criminal proceedings.

148. GREVIO is of the opinion that the recent measures discussed under this subheading that were introduced to alleviate these concerns do not address the risks inherent in the uneven power relations in cases of domestic violence. Furthermore, GREVIO stresses that removing a case from the judicial process, thereby foregoing a criminal conviction, also runs counter to Article 55 of the Istanbul Convention, which requires that certain offences are prosecuted despite the withdrawal of a victim's statement or complaint. Suspending the proceedings against perpetrators, including those accused of committing domestic and sexual violence, also leads to impunity and runs counter to the need to ensure justice for victims. In view of all of the above, GREVIO points to the need to ensure that any suspension of criminal proceedings made by prosecutors is done only with the full and informed consent of the victims concerned, and that a balance is struck between dealing with high caseloads and ensuring justice and accountability for acts of violence as covered by the convention.

149. Last, GREVIO notes with concern that migrant women victims of violence have no possibility of obtaining leave to remain in the country for the duration of an ongoing investigation or criminal proceedings. While reforms to amend this are underway, the situation currently disincentivises their pursuit of justice.¹³⁴

150. GREVIO urges the Portuguese authorities to take legislative and other measures to remove the requirement placed on adult victims to report rape within six or 12 months of the event as a prerequisite for an investigation to be opened.

151. While noting a number of positive developments, GREVIO recalls the findings issued in its baseline report and strongly encourages the Portuguese authorities to:

- a. take measures to ensure that suspending criminal proceedings for perpetrators does not lead to a denial of justice for victims, in conformity with Article 55,**

130. Information received during the evaluation visit.

131. The number of suspended criminal proceedings for all crimes in Portugal has been growing year on year. See the General Secretary of Internal Security's annual report for 2023, page 108, available at www.ssi.gov.pt/publicacoes/relatorio-anual-de-seguranca-interna.

132. Article 281(9) of the Code of Criminal Procedure and Article 178, paragraph 4, of the Criminal Code.

133. Directive of the Attorney General No. 5/2019.

134. State report, page 95.

paragraph 1, of the Istanbul Convention, including by ensuring that consent is freely given and that victims' human rights and safety are respected;

- b. ensure that prosecution services enhance their case-building efforts for all forms of violence covered by the Istanbul Convention, including through the timely collection of evidence to move away from an over-reliance on victim statements;
- c. identify and address any factors that contribute to attrition concerning all cases of violence against women covered by the Istanbul Convention at the stage of investigation and prosecution.

c. Conviction rates

152. In its baseline evaluation report, GREVIO had urged the authorities to take measures to uphold perpetrators' accountability and ensure that their sentencing is commensurate with the gravity of the offence. However, the number of convictions for domestic violence, for example, has not increased since.¹³⁵ In view of the low number of indictments compared to the number of reported incidents, as discussed above, further efforts are required across the full criminal justice system to ensure criminal liability for domestic and other forms of violence. This is all the more important as domestic violence and most other types of violence against women are public crimes and are investigated and prosecuted *ex officio*.

153. GREVIO further notes with grave concern that the number of convictions for domestic violence that end in custodial sentences is decreasing and is below 10% according to the most recent data available. In 2020, 160 prison sentences were issued in Portugal for the crime of domestic violence at first instance, compared to 1 522 suspended prison sentences, including those accompanied by various ancillary penalties. For 2021, the number of prison sentences issued at first instance was 141, compared to 1 569 suspended prison sentences of all types.¹³⁶ GREVIO recalls that among the aims of the Istanbul Convention is to ensure women's access to justice and perpetrator accountability by reducing the sense of impunity frequently found among perpetrators of all forms of violence against women.¹³⁷ High rates of suspended sentences do not achieve this aim, nor do they instil in women victims a sense of trust in the criminal justice system. GREVIO emphasises the need to send a clear message of zero tolerance for the forms of violence against women covered by the Istanbul Convention and to encourage reporting by victims.

154. As regards sexual violence, no official information seems to be available in respect of prosecution and sentencing. Indications by women's rights organisations and experts in the field suggest that the attrition rates for such crimes are similarly high, and that the sentencing of perpetrators is similarly lenient, resulting in some first-instance courts issuing suspended prison sentences – with or without ancillary penalties – for rape.¹³⁸ GREVIO highlights in this regard the recent judgment of the European Court of Human Rights, where the Court held that commuting a 10-month prison sentence for sexual violence to community service violated the victim's rights under Articles 3 and 8 of the European Convention on Human Rights.¹³⁹ The Court observed that while community service has become an integral and useful component of modern penal policy, there was also a broad international consensus on the need to stand firm on sexual abuse and violence against women, which is why domestic courts need to pay particular attention when deciding to commute prison sentences for such crimes.

155. Recalling the findings in its baseline report, GREVIO urges the Portuguese authorities to ensure that sanctions are commensurate with the gravity of the offence in all cases of violence against women covered by the Istanbul Convention, in particular cases of domestic and sexual violence.

135. See paragraph 193 of GREVIO's baseline evaluation report on Portugal. In 2020, the number of convictions for domestic violence was 2 154, while it rose to 2 254 in 2021.

136. State report, pages 155-156. The information presented only refers to sentences issued for "domestic violence against spouses or similar" adult victims.

137. Explanatory Report to the Istanbul Convention, paragraph 255.

138. Information obtained during the evaluation visit.

139. *Vučković v. Croatia*, Application No. 15798/20, 12 December 2023, available at: www.hudoc.echr.coe.int/eng?i=001-229399.

156. **GREVIO further strongly encourages the Portuguese authorities to swiftly identify and address any factors that contribute to attrition in criminal justice proceedings concerning all cases of violence against women covered by the Istanbul Convention.**

2. Risk assessment and risk management (Article 51)

157. Many perpetrators of domestic violence, rape, stalking, sexual harassment, forced marriage and other forms of violence covered by the Istanbul Convention threaten their victims with serious violence, including death, and have subjected their victims to serious violence in the past, including non-fatal strangulation. The growing digital dimension to such violence further exacerbates women's and girls' sense of fear. Article 51 thus places concern for their safety at the heart of any intervention in such cases by requiring the establishment of a multi-agency network of professionals to protect high-risk victims without aggravating the harm experienced. It sets out the obligation to ensure that all relevant authorities, not just law-enforcement authorities, effectively assess and devise a plan to manage the safety risks a victim faces, on a case-by-case basis, according to standardised procedures and in co-operation with each other.

158. In its baseline evaluation report, GREVIO had praised the efforts of the Portuguese authorities who had introduced and widely implemented a risk-assessment tool some years earlier. It had also noted positively the work done to analyse all cases of gender-based killings of women. It had accordingly encouraged the authorities to pursue their efforts regarding both issues.

159. GREVIO notes with satisfaction that a reformed risk assessment, which follows the Spousal Assault Risk Assessment (SARA) model, is undertaken in all situations of domestic violence and in relation to all victims, including children exposed to violence. The risk-assessment form used relies on 20 risk indicators, including the presence of weapons and signs of non-fatal strangulation. Assessments are made by law-enforcement officers, prosecutors or civil society organisations providing specialised support services. Individual safety plans are drawn up each time a risk assessment is undertaken. A special form exists and is applied by the same institutions when risk is to be re-assessed. The process was further strengthened and standardised in the period under evaluation by means of the 72 hours manual intended for law-enforcement agencies, which, among other rights, also prescribes the right of a woman victim to have the risk assessment undertaken by a female officer.¹⁴⁰ The outcome of the assessment is then communicated to the victim and all relevant authorities, including the prosecution, criminal courts and service providers.

160. Concerns over the limits of the SARA risk-assessment tool as a model designed for spouses have been expressed by women's rights organisations and experts in the field.¹⁴¹ GREVIO notes the pending reform of the tools in use, in line with the NAP, which it considers an important opportunity to widen the standardised risk assessment to all perpetrators, including those of forms of violence such as forced marriage, FGM, stalking and other types of violence falling within the ambit of the Istanbul Convention.¹⁴²

161. GREVIO commends the work of the Retrospective Domestic Violence Homicide Analysis Team (EARHVD), whose interdisciplinary team has been meeting since January 2017. Since its introduction, it has produced written analyses of a large number of cases of gender-based killings, many of which are published on the team's website, in both Portuguese and English. Each analysis contains factual findings about the case, highlights the shortcomings of specific bodies and prescribes recommendations for each of the authorities involved with the aim of preventing further instances of gender-based killings.

162. A related topic that GREVIO has observed in many parties is that of gender-based violence-related suicides, which appears to be under-researched in Portugal and hence would merit

140. Action manual to be applied by law-enforcement agents within 72 hours of a complaint of domestic violence, page 21.

141. See the report by APMJ, page 22 and the NGO submission by AMCV, APAV, FEM and others, page 56.

142. Measure no. 243 of the NAP.

further attention.¹⁴³ Widening the scope of cases analysed by the EARHVD to include cases of gender-based killings beyond those occurring in the context of domestic violence and including instances of gender-based violence-related suicides would ensure a more holistic analysis of such outcomes of gender-based violence and point to additional shortcomings, which can be addressed with the aim of reducing such incidents in the future.

163. GREVIO encourages the Portuguese authorities to continue their efforts to update and develop the existing risk-assessment tool, including through ensuring its applicability to all cases of violence against women beyond spousal abuse.

164. GREVIO invites the Portuguese authorities to consider expanding the scope of retrospective analysis of gender-based killings to include cases of violence against women beyond those of domestic violence, as well as instances of gender-based violence-related suicides.

3. Emergency barring orders (Article 52)

165. Under Article 52 of the Istanbul Convention, in situations of immediate danger, the authorities are granted the power to issue an emergency barring order, ordering the perpetrator to leave the residence of the victim or person at risk for a specific period of time, and to prohibit the perpetrator from entering the residence or contacting the victim or person at risk. Emergency barring orders are tools intended to prevent a crime and to put safety first.¹⁴⁴ They should therefore be time-bound and incident-based, with the possibility of renewal in the case of continued danger. Longer-term protection should, however, be granted by a court by means of a protection order, upon application by the victim. An emergency barring order should in principle extend to children in need of protection and should have immediate effect.

166. In response to GREVIO's findings in its baseline evaluation report concerning the need to fully review the system of emergency barring orders (EBOs) GREVIO notes that amendments to Article 31 of Law No. 112/2009, which regulates EBOs ("medidas de coação urgentes" – urgent coercive measures) were the only measure undertaken. The reform extended the content of such orders to include the possibility to expel and prohibit a perpetrator from entering the victim's residence, prohibit contact with the victim or bar them from visiting certain locations and restrict the perpetrator's parental responsibilities.¹⁴⁵

167. This notwithstanding, GREVIO notes with concern that the legislative framework has remained broadly unchanged and continues to fall short of the standards for EBOs required under Article 52. GREVIO notes in this respect that the drafters of the convention clarified that EBOs are short-term measures that are less restrictive than other types of measures separating the victim and the perpetrator, such as arrest and detention, and in many jurisdictions the legitimacy of such measures is reviewed by courts, ensuring a more just balancing of the victim's and perpetrator's rights. EBOs in line with the requirements of the convention should therefore form an integral part of the toolkit available to the criminal justice system to protect victims. The competent authorities must be mandated to issue such orders as a matter of urgency, either as an independent measure in the above-mentioned situations or in combination with pretrial detention.

168. This is unfortunately still not the case in Portugal. For example, emergency barring orders take 48 hours to obtain and can only be issued by a judge as part of ongoing criminal proceedings. What is more, information received by GREVIO indicates that this deadline is not always respected, and in practice additional delays occur between the initial report of the victim and the lodging of an

143. See, for example, GREVIO's first thematic reports on Monaco, paragraph 124, and on Austria, paragraph 9.

144. See GREVIO's baseline evaluation reports on Denmark, paragraph 207, and Malta, paragraph 218.

145. Sub-paragraphs c, d and e of Article 31, paragraph 1, of Law No. 112/2009, introduced by Law No. 57/2021. GREVIO notes that a parallel regime of orders exists in Portugal under Law No. 61/1991, but given that those provisions appear to be even less adapted to the requirements of Article 52, do not appear to be used in situations of domestic violence in practice and were not discussed in the state report or during any discussions with the authorities, GREVIO will focus its analysis on the measures provided under Law No. 122/2009.

indictment.¹⁴⁶ GREVIO points to the fact that victims remain without protection during this initial period after a report has been made, when the victim is at her most vulnerable, which represents a significant gap that needs addressing.

169. A connected issue that GREVIO notes with concern is that the procedures according to the 72-hour manual for law enforcement address this gap by instructing law-enforcement officers to remove the victim from the joint residence and place her in the network of support structures.¹⁴⁷ GREVIO stresses that according to Article 52 the removal of the perpetrator should take precedence over the relocating of the victim, in order to avoid placing additional burden on women and children affected by domestic violence.¹⁴⁸

170. In view of the above, it is not surprising that very little use is made of this tool in practice.¹⁴⁹ On a positive note, when such orders are issued by judges, the children of the victim are usually included in the order and hence taken in consideration.¹⁵⁰

171. Monitoring of the measures issued can be done by electronic means, remotely, and must be ordered by a prosecutor or a judge.¹⁵¹ In practice the system has two components – one carried by the perpetrator and another by the victim – with the victim being alerted if the perpetrator comes near the victim. The failure of a perpetrator to comply with the requirements of an EBO constitutes the crime of disobedience, punishable with a prison sentence of up to one year or a fine.¹⁵² However, despite cases of failure to adhere to the requirements of an EBO very few if any perpetrators are ever prosecuted.

172. Recalling the findings issued in its baseline evaluation report, GREVIO urges the Portuguese authorities to take legislative and other measures in order to align their system of emergency barring orders with the requirements of Article 52 of the Istanbul Convention, in particular by ensuring that such orders are issued swiftly and with immediate effect.

4. Restraining or protection orders (Article 53)

173. Restraining and protection orders are conceived to prolong the protection afforded to the victim and her children by emergency barring orders and may be considered complementary to the protection offered by the latter. Under Article 53 of the convention, victims of all forms of violence against women should be able to obtain a protection order available for immediate protection – without undue financial or administrative burden placed on the victim and irrespective of whether or not they choose to set in motion any other legal proceedings.

174. In its baseline evaluation report, GREVIO had found serious shortcomings in the Portuguese framework concerning restraining and protection orders, as they were unavailable on an *ex parte* basis, limited to victims of domestic violence without the possibility of including the victim's children, linked to the duration of the criminal proceedings and poorly enforced. This framework is set out in the Code of Criminal Procedure, which allows for the expulsion from a specific residence or ban from frequenting a certain area; a prohibition on travelling outside certain areas or abroad; a prohibition on contact with the victim or other persons; a prohibition on procuring weapons; and mandatory treatment for addiction. According to Article 200 of the Code of Criminal Procedure, one or more of these measures can be ordered by a judge as part of ongoing criminal proceedings.

175. GREVIO notes positively that amendments have been introduced to the relevant provisions of the Code of Criminal Procedure since the adoption of its baseline evaluation report on two

146. Information obtained during the evaluation visit. See also the delays caused by the failure of law enforcement to comply with the 72-hour deadline, discussed in Articles 49 and 50 above, Reporting to, immediate response and investigation by law enforcement.

147. See Chapter 6 of the manual, "Containment of the aggressor and removal of the victim from their home".

148. See the Explanatory Report to the Istanbul Convention, paragraph 264.

149. Information obtained during the evaluation visit.

150. Information obtained during the evaluation visit.

151. See Articles 20 and 35 of Law No. 112/2009.

152. Article 388 of the Criminal Code.

occasions, in 2019 and 2021. The 2019 reform extended the application of such orders to victims of threats, coercion and stalking, providing for a 48-hour deadline for the court in such cases. However, beyond extending their scope, these and the subsequent amendments did not address the substantive shortcomings of the protection mechanism in place, such as the fact that such orders are still not available *ex parte* or independently of criminal proceedings, which runs counter to the requirement set out in Article 53, paragraph 2, fourth indent, of the Istanbul Convention. Their duration remains linked to that of the criminal proceedings and is not determined on a case-by-case basis or subject to review. Furthermore, GREVIO notes with concern that these measures remain applicable to any crime punishable with a prison sentence exceeding three years beyond violence against women and are not tailored to address the specific needs of women victims of violence.

176. Indications from experts in the field show that in a similar way to the situation under Article 52 above, protection and restraining orders offer a low level of protection for victims. Deadlines are often not respected and courts often delay their decision until they have heard from the perpetrator. Moreover, despite their extended scope, these types of orders have been almost exclusively applied in practice to cases of domestic violence.

177. On a positive note, protection and restraining orders now typically include the children of the victim as well. As to their monitoring and enforcement, professionals working in the field indicated that the ability to use electronic monitoring – the same mechanism used to monitor EBOs – is beneficial. GREVIO notes that the use of electronic monitoring has been growing over the years in Portugal, which it welcomes, although no information was provided as to the success of enforcement of protection orders or any penalties issued for breaches.

178. According to the authorities, 1 612 protection orders were issued in Portugal in 2020, and 2 106 in 2021. Out of these, 317 orders to remove perpetrators from a joint residence were issued in 2020, and 464 were issued in 2021.¹⁵³ Given that multiple measures can be issued in respect of a single perpetrator, GREVIO points to the fact that the actual number of perpetrators in respect of which an order was issued is likely to be lower. Given the extremely high attrition rate in criminal proceedings in Portugal and the fact that only cases proceeding to trial can benefit from such a measure, it also follows that a large number of victims are left without protection under the currently applicable rules.

179. In view of the above, GREVIO notes with grave concern that a fundamental element of the Istanbul Convention, notably the obligation to ensure the safety of women victims of violence and their children in their own homes, has not been implemented. The observation made in GREVIO's baseline evaluation report that, although beneficial, the system of remote monitoring in the absence of a functional system for protection and restraining orders available *ex parte* places the burden of protection on the victim – rather than promoting repressive measures against the perpetrator – remains applicable. GREVIO stresses that there remains a pressing need for a comprehensive reform of the framework for protection and restraining orders in Portugal.

180. **Recalling the findings issued in its baseline evaluation report, GREVIO urges the Portuguese authorities to take measures, including legislative amendments, to bring the system of protection and restraining orders in line with the requirements of Article 53 of the Istanbul Convention. The measures in question should, in particular, ensure that:**

- a. applications for restraining and protection orders can be made both *ex parte* and, where necessary, *ex officio* for all forms of violence against women, in line with Article 53, paragraph 2, third indent, of the Istanbul Convention;
- b. the scope and duration of protection orders are tailored to the needs of victims of all types of violence against women covered by the Istanbul Convention and determined on a case-by-case basis, having regard to the needs of the victim and the circumstances of each case;

153. State report, page 159.

- c. the monitoring of the application of protection orders is strengthened and victim-oriented, and the breaches of such orders are subject to effective and dissuasive sanctions.**

5. Measures of protection (Article 56)

181. Article 56 of the Istanbul Convention is a key provision for building trust at the level of judicial proceedings for women and girls who have experienced or who are witness to any of the forms of violence covered by the convention. It sets forth a non-exhaustive list of procedures designed to protect victims of violence from intimidation, retaliation and secondary victimisation at all stages of proceedings, during investigations and at trial. The drafters intended this list to be indicative, and parties may adopt additional protection measures that are more favourable than those provided in the convention. Moreover, intimidation and secondary victimisation can occur not only at the hands of perpetrators but also when investigations and judicial proceedings are not based on a gendered understanding of violence against women, which is why the practical application of measures of protection should be firmly anchored in such an understanding.

182. In its baseline evaluation report, GREVIO had observed that a wide variety of measures of protection had been provided to victims and it had invited the Portuguese authorities to strengthen their use in order to further protect the rights and interests of women victims.

183. GREVIO notes with satisfaction that the authorities have since maintained and increased their efforts to provide victims with adequate measures at the levels of law enforcement and the judiciary. The obligation to inform the victim of the release of a perpetrator, which was already present in Article 15 of Law No. 112/2009 was complemented by, for example, the addition of reinforced psychosocial support for women victims going through criminal proceedings, in 2021. The law further stipulates a list of rights that victims should be informed about by law enforcement upon their first contact, which GREVIO commends. These rights are further elaborated on in the 72 hours manual for cases of domestic violence, adopted in 2019, and their implementation in practice is also ensured by the GAV offices. GREVIO similarly notes that the obligation to hold court hearings in cases concerning sexual violence without the presence of the public and the provisions regulating the protection of victims' privacy in Article 20(1) of Law No. 112/2009 are, for the most part, followed by criminal courts.

184. GREVIO further welcomes the provision in Article 20(2) of Law No. 112/2009 for special measures to be taken to avoid contact between victims and perpetrators. The instructions issued to prosecutors in Attorney General's Directive No. 1/2021, requiring that special attention is paid to prevent contact between victims and perpetrators in all places that involve their joint presence, is similarly of note. To this end, many police stations are equipped with special rooms for interviewing victims. However, legal professionals working with victims indicated to GREVIO that criminal and civil courts are often not equipped with separate waiting rooms, screens to protect victims or other means to prevent contact between the victim and the accused. GREVIO's attention was also drawn to the fact that some courts refuse requests to hold separate appointments for the victim and perpetrator to testify.¹⁵⁴

185. GREVIO also recalls the increased use of "statements for future use", discussed above under that judges may take from victims at the investigation stage to avoid the need for the victim to testify subsequently within the framework of criminal or other proceedings, including any concerning child custody and visitation rights.¹⁵⁵ Directives 5/2019 and 1/2021 issued by the Attorney General make the taking of such statements mandatory in cases where the risk has been assessed as "high" or "medium" and in cases involving children.

¹⁵⁴. Information obtained during the evaluation visit.

¹⁵⁵. See General obligations (Article 49) and Immediate response, prevention and protection (Article 50).

Appendix I

List of proposals and suggestions by GREVIO

II. Changes in definitions, comprehensive and co-ordinated policies, funding and data collection in the areas of violence against women and domestic violence

A. Definitions (Article 3)

1. GREVIO encourages the Portuguese authorities to firmly embed a gendered understanding of violence against women and domestic violence in national policy documents and practice guidance and to ensure the practical implementation of such an understanding. (paragraph 13)

B. Comprehensive and co-ordinated policies (Article 7)

2. GREVIO encourages the Portuguese authorities to:

- a. address the specific needs of women victims exposed to intersecting forms of discrimination, in particular women with disabilities, Roma women, and migrant, refugee and asylum-seeking women, and to integrate the perspective of such groups into the design, implementation, monitoring and evaluation of comprehensive and co-ordinated policies for preventing and combating violence against women;
- b. undertake further efforts to harmonise and monitor the implementation and the quality of the services provided to women victims of domestic violence and violence against women across the country. (paragraph 19)

C. Financial resources (Article 8)

3. Recalling the findings issued in its baseline evaluation report, GREVIO strongly encourages the Portuguese authorities to:

- a. ensure appropriate long-term and sustainable funding for women's rights organisations providing specialist support services for women victims of any form of violence covered by the Istanbul Convention and their children, throughout the country, based on transparent and accessible procedures;
- b. take measures to address the unequal position between women's rights organisations and other organisations providing services to victims, including faith-based organisations, when it comes to securing sustainable and sufficient funding, by acknowledging the value and expertise that the former bring in terms of following a gendered approach to violence against women;
- c. strengthen the existing co-operation mechanisms with women's rights organisations to ensure that consultation processes are inclusive and transparent and afford those organisations the means to effectively contribute to policy making. (paragraph 26)

4. GREVIO further strongly encourages the Portuguese authorities to allocate appropriate financial resources to the implementation of any national strategies and action plans, whether current or in the future, which would streamline their implementation. (paragraph 27)

D. Data collection (Article 11)

3. Social services

5. GREVIO encourages the Portuguese authorities to:

- a. continue their efforts in respect of data collection by law enforcement and the judiciary, operationalise a database that would follow violence against women cases from report to

- their final outcome, judicial or otherwise, and collect data disaggregated by the sex and age of the victim and the perpetrator, their relationship, geographical location, and whether any barring or protection orders have been issued, on all the forms of violence covered by the Istanbul Convention;
- b. reinforce their efforts to increase awareness among health professionals of the relevance of collecting data in relation to all forms of violence against women, including domestic violence, and enhance their skills and capacity to collect data, including through relevant training;
 - c. collect data on the number of women and girls who contact social services seeking help in relation to their experiences of violence against women, including domestic violence, disaggregated by sex, age and type of violence, the relationship of the perpetrator to the victim and geographical location as well as other factors deemed relevant. The rights of victims who choose not to volunteer information into the database should not be negatively affected by that decision. (paragraph 38)

III. Analysis of the implementation of selected provisions in priority areas in the fields of prevention, protection and prosecution

A. Prevention

1. General obligations (Article 12)

6. GREVIO encourages the Portuguese authorities to continue their awareness-raising efforts to promote an understanding within society of violence against women and domestic violence as rooted in stereotypes and as a distinctly gendered phenomenon. Efforts should be made to promote changes in mentalities and attitudes that contribute to justifying and perpetuating violence against women, especially among professionals in the judiciary and non-specialised units of law enforcement. Specific attention should be paid to reaching groups of victims exposed to intersectional discrimination, such as Roma women and girls, and specific effort should be made to address the role of men and boys in prevention and in all digital manifestations of violence against women. An impact evaluation should be carried out to assess the effect of the awareness-raising measures. (paragraph 47)

2. Education (Article 14)

7. GREVIO strongly encourages the Portuguese authorities to ensure that all issues covered in Article 14, paragraph 1, that include gender stereotypes, gender equality and the various forms of violence against women are included in the mandatory school curriculum and are taught, in practice, to all pupils, adapted to the age and evolving capacity of learners. Such efforts should include the notion of freely given consent in sexual relations and should raise their awareness of the harmful effects of violent pornography and the implications of the sharing of intimate images of oneself and others. Such efforts should be subject to regular evaluation by means of a unified set of indicators. This approach should include information for parents about the education of their children on these topics. (paragraph 57)

8. GREVIO encourages the Portuguese authorities to further promote the principles of equality between women and men, non-stereotyped gender roles, mutual respect and non violent conflict resolution in interpersonal relationships in informal educational facilities and in sports, cultural and leisure activities, as required under Article 14, paragraph 2, of the Istanbul Convention. (paragraph 58)

3. Training of professionals (Article 15)

9. Recalling the findings issued in its baseline evaluation report, GREVIO urges the Portuguese authorities to step up their efforts to ensure mandatory and systematic initial and in-service training for members of the judiciary on all forms of violence against women covered by the Istanbul Convention. (paragraph 66)

10. GREVIO strongly encourages the Portuguese authorities to ensure that all professionals who might come into contact with victims receive continuous training on violence against women. This need is particularly relevant when it comes to law-enforcement officers and should cover the topics of prevention and detection of all acts of violence covered by the Istanbul Convention, stereotypes and perceptions of violence against women, the needs and rights of victims, including those of children exposed to violence, trauma induced victim behaviour, and prevention of secondary victimisation, with a particular focus on their response to digital manifestations of violence against women. (paragraph 67)

4. Preventive intervention and treatment programmes (Article 16)

b. Programmes for perpetrators of sexual violence

11. Recalling the findings issued in its baseline evaluation report, GREVIO strongly encourages the Portuguese authorities to:

- a. ensure that long-term treatment programmes for perpetrators of domestic and sexual violence are available in sufficient capacity;
- b. ensure that all organisations and entities offering preventive intervention and treatment programmes for perpetrators of domestic and sexual violence within and outside of custodial settings adhere to a victim centred approach to their work, closely co-operate with the relevant women's specialist services and operate on the basis of minimum standards established in line with the core elements as set out in the Explanatory Report to Article 16 of the Istanbul Convention;
- c. ensure that perpetrator programmes are assessed on an ongoing basis as to their impact and build in sanctions when programmes are not completed by the perpetrator. (paragraph 77)

B. Protection and support

1. General obligations (Article 18)

12. Welcoming the significant number of projects initiated in Portugal, and recalling the findings issued in its baseline evaluation report, GREVIO strongly encourages the Portuguese authorities:

- a. to continue their efforts and develop a fully operational multi-agency co-ordinated response to all forms of violence against women, with the strong involvement of local authorities and the participation of all the stakeholders concerned, including non-governmental organisations defending women's rights and combating violence against women;
- b. to ensure that the provision of protection and support services to victims is based on a gendered understanding of violence against women and follows an approach that gives priority to the safety of and respect for the human rights of the victims, including child witnesses. (paragraph 87)

2. General support services (Article 20)

a. Social services

13. GREVIO encourages the Portuguese authorities to step up measures to ensure adequate access for all women and girls to general support services, and to continue their efforts to reduce regional disparities in the availability and quality of the services provided. In doing so, additional measures must be taken to devise more effective responses to the needs of women and girls exposed to intersectional discrimination, including those of Roma women victims and asylum-seeking and refugee women victims. (paragraph 93)

b. Healthcare services

14. Recalling the principle of women's empowerment mainstreamed throughout the Istanbul Convention, GREVIO strongly encourages the authorities in Portugal to review and align their system of reporting by professionals in relation to the forms of violence against women covered by the Istanbul Convention, including by making available harmonised criteria and guidance for reporting. Where a duty to report is imposed on professionals in relation to victims of violence, GREVIO encourages the relevant authorities to ensure that informed consent is sought from a victim of violence for the reporting of a suspicion of a criminal act, outside of those cases where there is a reasonable suspicion that there is an imminent danger to the victim or another person, or where the victim is a child. These procedures should be applied by all healthcare institutions in the country, in full respect of medical secrecy and in compliance with the right for respect for private life and the protection of personal data. (paragraph 98)

3. Specialist support services (Article 22)

15. Recalling the findings in its baseline evaluation report, GREVIO urges the Portuguese authorities to:

- a. set up or support the functioning of a dedicated telephone helpline for women victims of different forms of violence, operated by qualified staff trained in all forms of violence covered under the Istanbul Convention;
- b. increase the number and capacity of women-only shelters providing safe accommodation to victims of all forms of violence against women, in line with the standards set by the Istanbul Convention and with an adequate geographical distribution, with the aim of achieving the standard set in the Explanatory Report to the Istanbul Convention of one family place per 10 000 inhabitants;
- c. ensure the availability of immediate, medium and long-term specialist support services, including psychological support to victims of all forms of violence against women, with an appropriate geographical distribution, while catering to the specific needs of vulnerable women subject to intersectional discrimination;
- d. remove the requirement for women victims to report a crime in order to gain access to a shelter. (paragraph 106)

16. GREVIO further encourages the Portuguese authorities to:

- a. further pursue their efforts to expand specialist support services for women victims of domestic violence with mental health issues, cognitive impairment or physical disabilities that require medical care or support;
- b. conduct a mapping exercise on the number, types and geographical location of specialist support services available per type of violence covered by the Istanbul Convention in order to assess the needs of all women and girls victims of such violence. (paragraph 107)

4. Support for victims of sexual violence (Article 25)

17. GREVIO encourages the Portuguese authorities to develop and expand the existing services for victims of sexual violence, placing particular focus on ensuring the availability of short and long-term psychological counselling for such victims as required by Article 25 of the Istanbul Convention. (paragraph 113)

C. Substantive law

1. Custody, visitation rights and safety (Article 31)

18. GREVIO urges the Portuguese authorities to:

- a. take measures to inform the professionals concerned, particularly those involved in the judiciary, law-enforcement agencies, social services, and medical, psychological and psychiatric sectors, of the absence of any scientific grounds for the so-called parental alienation syndrome, as well as to raise public awareness concerning this subject;
- b. ensure the effective consideration of a history of violence by family courts in order to assess whether such violence would warrant restricting custody and visitation rights, and the prioritisation of the safety and respect of the rights of women victims and their children by all statutory agencies and organisations involved in the implementation of supervised visitation. (paragraph 124)

19. Recalling the findings issued in its baseline report, GREVIO strongly encourages the Portuguese authorities to take legislative or other measures to ensure, in the determination of custody and visitation arrangements:

- a. the systematic screening, including through the use of standardised questionnaires, and risk assessment in order to establish whether there has been a history of violence between the parties;
- b. the swift and effective exchange of information by family courts with all relevant stakeholders, concerning risk assessments and any other relevant information. (paragraph 125)

2. Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48)

20. Recalling the findings issued in its baseline evaluation report, GREVIO strongly encourages the Portuguese authorities to uphold and effectively enforce the exception to mandatory reconciliation in divorce proceedings where there is a history of domestic violence. (paragraph 131)

21. GREVIO further strongly encourages the Portuguese authorities to take legislative or other measures to abolish the mandatory attendance of victims at parental conference hearings in proceedings concerning custody and visitation, and ensure the prohibition of quasi-mandatory mediation practices such as “family constellation therapy” in cases where there have been incidents of violence. (paragraph 132)

D. Investigation, prosecution, procedural law and protective measures**1. General obligations (Article 49) and Immediate response, prevention and protection (Article 50)****a. Reporting to, immediate response and investigations by law-enforcement agencies**

22. Conscious of the number of commendable reforms undertaken in the field of law-enforcement agencies' response to violence against women, GREVIO strongly encourages the Portuguese authorities to:

- a. take further measures to ensure a swift and gender-sensitive response of all law-enforcement officials to all cases of domestic violence and violence against women, including in cases of violence in the digital sphere, especially by taking into account the special needs of women faced with intersectional discrimination, in particular by proactively reaching out and building trust among Roma and migrant women victims;
- b. take measures to ensure accountability of law-enforcement agents who have failed in their duty to protect victims or have otherwise acted in violation of the rules applicable to processing cases of domestic violence and violence against women. (paragraph 141)

b. Effective investigation and prosecution

23. GREVIO urges the Portuguese authorities to take legislative and other measures to remove the requirement placed on adult victims to report rape within six or 12 months of the event as a prerequisite for an investigation to be opened. (paragraph 150)

24. While noting a number of positive developments, GREVIO recalls the findings issued in its baseline report and strongly encourages the Portuguese authorities to:

- a. take measures to ensure that suspending criminal proceedings for perpetrators does not lead to a denial of justice for victims, in conformity with Article 55, paragraph 1, of the Istanbul Convention, including by ensuring that consent is freely given and that victims' human rights and safety are respected;
- b. ensure that prosecution services enhance their case-building efforts for all forms of violence covered by the Istanbul Convention, including through the timely collection of evidence to move away from an over-reliance on victim statements;
- c. identify and address any factors that contribute to attrition concerning all cases of violence against women covered by the Istanbul Convention at the stage of investigation and prosecution. (paragraph 151)

c. Conviction rates

25. Recalling the findings in its baseline report, GREVIO urges the Portuguese authorities to ensure that sanctions are commensurate with the gravity of the offence in all cases of violence against women covered by the Istanbul Convention, in particular cases of domestic and sexual violence. (paragraph 155)

26. GREVIO further strongly encourages the Portuguese authorities to swiftly identify and address any factors that contribute to attrition in criminal justice proceedings concerning all cases of violence against women covered by the Istanbul Convention. (paragraph 156)

2. Risk assessment and risk management (Article 51)

27. GREVIO encourages the Portuguese authorities to continue their efforts to update and develop the existing risk-assessment tool, including through ensuring its applicability to all cases of violence against women beyond spousal abuse. (paragraph 163)

28. GREVIO invites the Portuguese authorities to consider expanding the scope of retrospective analysis of gender-based killings to include cases of violence against women beyond those of domestic violence, as well as instances of gender-based violence-related suicides. (paragraph 164)

3. Emergency barring orders (Article 52)

29. Recalling the findings issued in its baseline evaluation report, GREVIO urges the Portuguese authorities to take legislative and other measures in order to align their system of emergency barring orders with the requirements of Article 52 of the Istanbul Convention, in particular by ensuring that such orders are issued swiftly and with immediate effect. (paragraph 172)

4. Restraining or protection orders (Article 53)

30. Recalling the findings issued in its baseline evaluation report, GREVIO urges the Portuguese authorities to take measures, including legislative amendments, to bring the system of protection and restraining orders in line with the requirements of Article 53 of the Istanbul Convention. The measures in question should, in particular, ensure that:

- a. applications for restraining and protection orders can be made both *ex parte* and, where necessary, *ex officio* for all forms of violence against women, in line with Article 53, paragraph 2, third indent, of the Istanbul Convention;
- b. the scope and duration of protection orders are tailored to the needs of victims of all types of violence against women covered by the Istanbul Convention and determined on a case-by-case basis, having regard to the needs of the victim and the circumstances of each case;
- c. the monitoring of the application of protection orders is strengthened and victim-oriented, and the breaches of such orders are subject to effective and dissuasive sanctions. (paragraph 180)

Appendix II

List of the national authorities, other public bodies, non-governmental organisations and civil society organisations with which GREVIO held consultations

National authorities

Ministries:

- Ministry of Youth and Modernisation
- Ministry of Foreign Affairs
- Ministry of Home Affairs
 - General Secretariat of the Ministry of Internal Affairs (SGMAI)
 - National Republican Guard
 - Public Security Police
 - Judiciary Police
- Ministry of Labour, Solidarity and Social Security
- Ministry of Justice
- Ministry of Health
 - Directorate General of Health (DGS)
 - Health Data Platform
 - Adult Violence Prevention Teams (EPVA)
 - Sexual, Reproductive, Child and Youth Health Unit
 - Family Violence Department, Coimbra Hospital
- Ministry of Education
 - General Directorate of Education (DGE)
 - Directorate General of School Institutions (DGEstE)

Other entities at national and local levels:

- Commission for Citizenship and Gender Equality
- Secretary of State for Foreign Affairs and Cooperation
- Institute of social security
- Directorate-General for Reintegration and Prison Services
- Agency for integration and asylum
- Ombudsperson (Provedor de Justiça)
- Prosecutor General's Office
- Lisbon Prosecution Specialized Section on Domestic Violence
- Family and Children's Court, Lisbon
- National Statistics Institute
- Hospital Garcia de Orta, Almada

Non-governmental organisations and civil society

- Portuguese Association for Victim Support (APAV)
- Portuguese Association of Women Lawyers (APMJ)
- Association of Women Against Violence (AMCV)
- Portuguese Platform for Women's Rights (PpDM)
- Family Planning Association (APF)
- Feminists on the Move (FEM)
- Association Against Femicide (ACF)
- P&D Factor – Association for Cooperation on Population and Development
- Don't Share (Não Partilhes)
- Union of Alternative and Responsive Women (UMAR)
- Being a Woman (*Associação Ser Mulher*)
- Children's Support Institute (IAC)

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- Women Without Borders Association
 - Obstetric Violence Observatory of Portugal (OVO PT)
 - Portuguese Refugee Council (CPR)
 - Dignity – Association for the Rights of Women and Children

GREVIO, the Group of Experts on Action against Violence against Women and Domestic Violence, is an independent human rights monitoring body mandated to monitor the implementation of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) by the parties.

Following the comprehensive stocktaking exercise set out in its baseline evaluation reports, GREVIO's first thematic evaluation round identifies progress made in building trust among women and girls by delivering support, protection and justice for any of the forms of violence against women covered by the Istanbul Convention. This report contains an analysis of developments in law and policy in respect of provisions of the convention relating to victim support and protection, criminal investigation and prosecution of acts of violence. It also covers developments in the determination of child custody and visitation rights in cases with a history of violence and wider preventive measures.

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