



# **Committee of the Parties**

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

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**Implementation report submitted  
by Portugal on the conclusions adopted  
by the Committee of the Parties  
on 8 June 2022**

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**Council of Europe Convention on Preventing and Combating Violence  
against Women and Domestic Violence: Report on the  
implementation of Conclusions adopted by the  
Committee of the Parties in June 2022**

**Information on the implementation of four conclusions concerning  
Portugal, adopted in June 2022 by the Committee  
of the Parties to the Convention of Istanbul**

**1. Increasing efforts to harmonise the level of support and protection for women victims of violence throughout the country and to monitor the implementation of measures taken to prevent and combat violence against women at the local level**

The current National Network for the Support of Victims of Domestic Violence (RNAVVD) integrates 223 support centres (including three specifically for migrants located in the cities with the highest migratory flows), 39 shelter houses and 24 emergency reception responses. The support centres cover approximately 80% of national territory. The operation of this network (including the payment of the approximately 630 professionals who are part of it) is based almost exclusively on public funding from the following sources:

- State Budget
- Community funds
- Social Games

Regarding the collection of data from the entities that integrate the RNAVVD, since March 2020, a monthly and annual monitoring has been carried out, which allows characterizing both the socio-demographic profiles of victims throughout the country, the activity of victim support (in its different valences), to identify relevant public policy needs and to plan the strengthening of this Network in terms of professional needs, territories and the type of services provided.

During the year 2021, and to ensure the quality of all services provided by RNAVVD and the full compliance of these services with legal obligations and minimum technical requirements, an external audit was carried out to all entities of the Network with a view to their Certification. This audit resulted in three levels of assessment: non-compliant entities (and that could not continue to provide services and access public funding), entities with conditional Certification (i.e., with identified needs for legal and/or technical readjustments), which were given a deadline for such compliance, and entities with full certification. Henceforth, and in accordance with national legislation, any public financial support obliges all entities to this certification. During the period under review, an information management system – Vivido Platform – was

created, which from 1/8/2024 will make it possible to manage online all the activity of RNAVVD, ensuring a centralised management of all the information produced. The ViViDo Project - Management Platform of the National Support Network for Victims of Domestic Violence aims to create a digital platform, as a management tool, to provide an in-depth, systematic, and updated knowledge of the national panorama of violence against women and domestic violence.

Quarterly, the main public policy data are made public, on the CIG – Commission for Citizenship and Gender Equality and on the Government websites.  
website.

With the aim of eradicating Female Genital Mutilation, the Ministry of Health plans to organise a post-graduate course on Female Genital Mutilation for health professionals in the Porto region.

**2. Setting up a dedicated telephone helpline for victims of all forms of violence covered by the Istanbul Convention, operated by specialised staff**

The expansion of the helpline for victims of all forms of violence covered by the Istanbul Convention has not yet been completed. However, this reformulation and expansion is one of the public policy measures foreseen in the current Plan of Action to Prevent and Combat Violence against Women and Domestic Violence (2023/2026), integrated into the National Strategy for Equality and Non-Discrimination (ENIND) 2018-2030, in the following terms: Until the end of 2024, restructuring of the Information Service for Victims of Domestic Violence (Helpline), ensuring specialised support 24 hours a day, ensuring access to information, by qualified professionals and with training adapted to persons with disabilities, on all forms of violence against women and domestic violence, in accordance with the Istanbul Convention, and immediate intervention in emergency situations.

**3. Amending the criminal code to fully align it with Articles 36 and 40 of the Istanbul Convention and to ensure the rules on ex parte and ex officio prosecution of offences of sexual violence and bodily injury are in line with Article 55, paragraph 1, of the Convention**

Portuguese Criminal Code has been recently amended. It is possible to find the data on amendments on :

[https://www.pgdlisboa.pt/leis/lei\\_mostra\\_articulado.php?artigo\\_id=109A0178&nid=109&tabela=leis&pagina=1&ficha=1&so\\_miolo=&nversao=#artigo](https://www.pgdlisboa.pt/leis/lei_mostra_articulado.php?artigo_id=109A0178&nid=109&tabela=leis&pagina=1&ficha=1&so_miolo=&nversao=#artigo).

A non-official translation on the articles (2023) is provided.

Article 35 bodily injury	<p align="center"><b>Crimes against life</b> <b>Article 131</b> <b>Murder</b></p>
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Whoever kills another person shall be punished with a prison sentence of 8 to 16 years.

**Article 132**

**Aggravated murder**

1 – If death occurs under particularly reprehensible or cruel circumstances, the offender shall be punished with a prison sentence of 12 to 25 years.

2 – The particularly reprehensible or cruel circumstances referred to in the preceding paragraph may be demonstrated if, among others, the offender:

- a) Is a descendant or ascendant, adoptee or adoptive parent of the victim;
- b) Has committed the act against a spouse, an ex-spouse, a person of the same or a different gender with whom the offender was maintaining or had maintained a dating relationship or a relationship similar to that of spouses, even without cohabitation, or against a first-degree relative;
- c) Has committed the act against a particularly defenceless person due to age, disability, illness or pregnancy;
- d) Has used torture or an act of cruelty to increase the suffering of the victim;
- e) Has been driven by greed, the pleasure of killing or of causing suffering, a feeling of excitement or of satisfying a sexual instinct or by a clumsy or futile reason;
- f) Has been driven by racial, religious or political hatred, or by hate generated by colour, ethnic or national origin, by gender or by the sexual orientation or gender identity of the victim;
- g) Has intended to prepare, facilitate, commit or conceal another crime, facilitate the escape or ensure the impunity of an offender;
- h) Has committed the act together with at least two more persons, or has used a particularly dangerous means or a means resulting in the commission of a crime of common danger;
- i) Has used poison or any other insidious means;
- j) Has acted with malice, has reflected upon the means employed, or has harboured an intent to kill for over twenty-four hours;
- l) Has committed the act against a member of a sovereign body, of the Council of State, a Representative of the Republic, magistrate, member of a governmental body of the Autonomous Regions, the Ombudsman, member of a body of the local authorities or of a service or body with public authority, commander of a public force, a juror, witness, lawyer, solicitor, enforcement agent, official receiver, all persons performing duties within the scope of procedures for the extrajudicial settlement of disputes, member of the security forces or services, a public, civil or military officer, a law enforcement officer or citizen entrusted with a public service duty, a teacher, examiner or member of a school community, a religious leader, a journalist, a judge or sports referee under the

jurisdiction of the sportive federations, in the performance of their duties or by virtue of the same;  
m) Is a civil servant and has committed the act via a serious abuse of authority.

**Article 133**

**Manslaughter**

Whoever kills another person while dominated by an understandable violent emotion, compassion or despair, or based on relevant social or moral values which substantially reduce their guilt shall be punished with a prison sentence of 1 to 5 years.

**Article 134**

**Homicide at the victim's request**

1 – Whoever kills another person upon their serious, urgent and express request shall be punished with a prison sentence of up to 3 years.

2 – The attempt shall also be punishable.

**Article 135**

**Inciting or assisting suicide**

1 – Whoever incites another person to commit suicide, or assists them in doing so, shall be punished with a prison sentence of up to 3 years if suicide is indeed attempted or committed.

2 – If the incited person or the person to whom assistance is rendered is less than 16 years of age, or if, for any reason, their ability to assess or determine is substantially reduced, the offender shall be punished with a prison sentence of 1 to 5 years.

**Article 137**

**Negligent Homicide**

1 – Whoever kills another person due to negligence shall be punished with a prison sentence of up to 3 years or with a fine.

2 – In the event of gross negligence, the offender shall be punished with a prison sentence of up to 5 years.

**Article 138**

**Exposure or abandonment**

1 – Whoever endangers the life of another person by:

a) Placing them in a location in which they alone cannot defend themselves; or

b) Leaving them defenceless, when the offender had a duty to protect, watch over or assist that person;

shall be punished with a prison sentence of 1 to 5 years.

2 – If the crime is committed by the victim’s descendant or ascendant, adoptee or adoptive parent, the offender shall be punished with a prison sentence of 2 to 5 years.

3 – If the offence results in:

a) Grievous bodily harm, the offender shall be punished with a prison sentence of 2 to 8 years;

b) Death, the offender shall be punished with a prison sentence of 3 to 10 years.

#### **Article 139**

##### **Promoting suicide**

Whoever, by any means, promotes or publicises a product, object or method displayed as a means of causing death, in a manner which could lead to suicide, shall be punished with a prison sentence of up to 2 years or a fine of up to 240 days.

#### **Crimes against physical integrity**

##### **Article 143**

##### **Bodily harm**

1 – Whoever harms the body or health of another person shall be punished with a prison sentence of up to 3 years, or a fine.

2 – The criminal procedure shall be dependent upon a complaint, unless the offence is committed against members of the security forces or services, in the performance of their duties or because of them.

3 – The court may discharge without punishment:

a) In the case of reciprocal injuries, and if it has not been proven which of the parties was the first to attack; or

b) In the case where the offender has solely retaliated against the aggressor.

##### **Article 144**

##### **Grievous bodily harm**

1 – Whoever harms the body or the health of another person in a way that:

a) Deprives them of a major organ or limb, or deforms them in a serious and permanent manner;

b) Takes away or affects, in a serious way, a person’s ability to work, their intellectual, procreation or sexual enjoyment capacities or their ability to use their body, senses or language;

c) Causes them a particularly painful or permanent illness, or grievous or incurable mental disorder; or

d) Endangers their life;

shall be punished with a prison sentence of two to ten years.

##### **Article 144-A**

**Female genital mutilation**

1 – Whoever performs complete or partial genital mutilation on a female via a clitoridectomy, infibulation, excision or any other harmful procedure to female genital organs for non-medical reasons shall be punished with a prison sentence of 2 to 10 years.

2 – Preparatory acts for the crime set out in the preceding paragraph shall be punished with a prison sentence of up to 3 years.

**Article 144-B**

**Trafficking in human organs**

1 - Whoever removes a human organ:

a) From a living donor, without their free, informed and specific consent, or from a deceased donor, when they have clearly expressed their wish not to donate; or

b) When, in exchange for removing an organ, they promise or give to the living donor, or to a third party, a pecuniary or non-pecuniary advantage, or if such advantage has already been received, shall be punished with a prison sentence of 3 to 10 years.

2 – The same sentence shall apply to whoever, with knowledge of the activities set out in the preceding paragraph:

a) Through any means prepares, preserves, stores, transports, transfers, receives, imports or exports a human organ removed under the conditions in said paragraph; or

b) Uses a human organ or part thereof, tissue or tissue cells for transplants, scientific research or other non-therapeutic purposes.

3 – Whoever, with the intention of obtaining a pecuniary or non-pecuniary advantage for themselves or a third party, requests, entices or recruits a donor or recipient for the purposes of removing or transplanting a human organ, shall be punished with a prison sentence of 3 to 10 years.

4 – The persons referred to in paragraph 1 of article 150 who remove, transplant or allocate a human organ to a recipient other than the eligible recipient, breaching the approved rules of the profession or defying the general transplant criteria as regards clinical urgency, immunogenic compatibility, preference and priority shall be punished with a prison sentence of 1 to 5 years, unless a more serious sentence applies under any other legal provision.

5 – The minimum and maximum limits of the sentences set out in the preceding paragraphs shall be increased by one third if these activities have taken place in an organized manner, or in the case of an especially vulnerable victim.

6 – The sentence shall be particularly reduced if, by the end of the trial hearing at first instance, the offender provides concrete assistance in gathering or producing decisive evidence to identify other offenders.

**Article 145**

**Aggravated bodily harm**

1 - If the injuries to the physical integrity are carried out in particularly reprehensible or cruel circumstances, the offender shall be punished:

- a) With a prison sentence of up to four years in the case of article 143;
- b) With a prison sentence of 1 to 5 years in the case of paragraph 2 of article 144-A;
- c) With a prison sentence of 3 to 12 years in the case of article 144 and of paragraph 1 of article 144-A.

2 - The circumstances provided for in paragraph 2 of article 132 may demonstrate the particularly reprehensible or cruel nature of the offender.

**Article 146**

**Less serious case of bodily harm**

1 - If the injuries to the physical integrity are produced under the circumstances provided for in article 133, the offender shall be punished:

- a) With a prison sentence of up to two years or with a fine in the case of article 143;
- b) With a prison sentence of six months to four years in the case of article 144.

**Article 147**

**Aggravating factors**

1 – If the injuries set out in articles 143 to 146 cause the death of the victim, the offender shall be punished with the sentence applicable to the respective crime, with its minimum and maximum limits increased by one third.

2 - If the injuries set out in article 143, in paragraph 1 a) of article 145 and in paragraph a) of article 146 cause the injuries set out in article 144, the offender shall be punished with the sentence applicable to the respective crime with its minimum and maximum limits increased by one quarter.

**Article 148**

**Negligent bodily harm**

1 – Whoever, by negligence, harms the body or the health of another person shall be punished with a prison sentence of up to 1 year, or a fine of up to 120 days.

2 – In the case provided for in the preceding paragraph, the court may discharge without punishment when:

- a) The offender is a doctor in the performance of his profession and the medical act does not cause an illness or inability to work for more than 8 days; or



b) The harm does not cause an illness or inability to work for more than 3 days.

3 – If the act causes grievous bodily harm, the offender shall be punished with a prison sentence of up to 2 years or a fine of up to 240 days.

4 – The criminal procedure depends upon complaint.

#### **Article 149**

##### **Consent**

1 – For purposes of consent, physical integrity shall be considered to be freely available.

2 – In order to decide whether the harm to the body or health runs counter to proper conduct, particular consideration is given to the motives and the purposes of the offender or the victim, as well as the means employed and the foreseeable extent of the harm.

3 – Consent from the victim of the crime set out in article 144-A in no way reduces its criminal nature.

#### **Article 150**

##### **Medical and surgical operations and treatments**

1 – Operations and treatments that, pursuant to the stage of knowledge and to medical experience, are deemed suitable and are performed, pursuant to the approved rules of the profession, by a doctor or by another legally authorised person, with the intent to prevent, diagnose, cure or alleviate illness, suffering, injury or bodily exhaustion or mental disturbance are not considered to be bodily harm.

2 – The persons referred to in the preceding paragraph who, in view of the purposes referred to therein, perform operations or treatments in breach of the approved rules of the profession and, therefore, endanger life or create a danger of grievous harm to the body or health shall be punished with a prison sentence of up to 2 years or a fine of up to 240 days, unless a more serious sentence applies under any other legal provision.

#### **Article 152**

##### **Domestic violence**

1 – Whoever, repetitively or otherwise, inflicts physical or mental abuse, including corporal punishment, deprivation of liberty and sexual abuse:

a) On their spouse or ex-spouse;

b) On a person of the same or another gender with whom the offender maintains or has maintained a civil partnership, even without cohabitation;

c) On a first-degree relative; or

d) On a person cohabiting with them who is particularly defenceless due to age, disability, illness, pregnancy or economic dependence;

e) On a minor descending from them or one of the persons referred to in paragraphs a), b) and c), even without cohabitation; shall be punished with a prison sentence of one to five years, unless a more serious sentence applies under any other legal provision.

2 – In the case set out in the preceding paragraph, if the offender:

a) Commits the act against a minor, in the presence of a minor, in the shared residence or the victim's residence; or

b) Publishes personal data, particularly images and audio, relating to one of the victims' private lives on the Internet or other widespread public media, without their consent;

shall be punished with a prison sentence of two to five years.

3 – If the acts provided for in paragraph 1 cause:

a) Grievous bodily harm, the offender shall be punished with a prison sentence of two to eight years;

b) Death, the offender shall be punished with a prison sentence of three to ten years.

4 – In the cases provided for in the previous paragraphs, including those for which a more serious penalty may be imposed by virtue of another legal provision, the defendant may be given the accessory penalties of prohibition to contact with the victim and to use and carry weapons for a period of six months to five years, as well as the obligation to attend specific programs for the prevention of domestic violence.

5 - The additional penalty of prohibition to contact with the victim may include a restriction to approach the victim's residence or place of work and compliance may be supervised by remote technical means.

6 – Whoever is convicted of a crime provided for in this article may, considering the concrete seriousness of the act and its connection with the function performed by the offender, be deprived of parental responsibility, guardianship or the performance of measures related to the accompanied adult for a period of 1 and 10 years.

#### **Article 152-A**

##### **Abuse**

1 – Whoever has in his care, guardianship, under his direction or education, or working in his service, a minor or a particularly defenceless person by reason of age, disability, illness or pregnancy, and:

a) Inflicts on that person, repetitively or otherwise, physical or mental abuse, including corporal punishment, deprivation of liberty and sexual abuse, or treats said person with cruelty;

b) Uses that person for dangerous, inhuman or prohibited activities; or

c) Overworks said person;

shall be punished with a prison sentence of one to five years, unless a more serious sentence applies under any other legal provision.

2 - If the acts provided for in the preceding paragraphs cause:

	<p>a) Grievous bodily harm, the offender shall be punished with a prison sentence of two to eight years;</p> <p>b) Death, the offender shall be punished with a prison sentence of three to ten years.</p>
<p>Article 36 sexual violence, including rape</p>	<p style="text-align: center;"><b>Crimes against sexual freedom</b></p> <p style="text-align: center;"><b>Article 163</b></p> <p style="text-align: center;"><b>Sexual coercion</b></p> <p>1 - Whoever, alone or accompanied by another person, forces another person to engage into a relevant sexual act shall be punished with a prison sentence of up to five years.</p> <p>2 - Whoever, by means of violence, serious threat or after having rendered, for such purposes, another person unconscious or unable to resist, constrains such person to submit to or to engage into a relevant sexual act, with himself or with a third party shall be punished with a prison sentence of 1 to 8 years.</p> <p>3 - For the purposes of paragraph 1, constraint shall be understood as any means, not provided for in the preceding paragraph, used for the practice of a relevant sexual act against the knowing will of the victim.</p> <p style="text-align: center;"><b>Article 164</b></p> <p style="text-align: center;"><b>Rape</b></p> <p>1 - Whoever forces another person to:</p> <p>a) Engage into sexual intercourse, anal or oral intercourse with himself or another person; or</p> <p>b) Perform acts of vaginal, anal or oral penetration of body parts or objects;</p> <p>shall be punished with a prison sentence of one to six years.</p> <p>2 - Whoever, by means of violence or serious threat, or after having rendered, for such purposes, the person unconscious or unable to resist, forces another person:</p> <p>(a) To undergo or to engage into sexual intercourse, anal or oral coitus, with himself or with another person; or</p> <p>(b) To undergo vaginal or anal penetration of body parts or objects;</p> <p>shall be punished with a prison sentence from three to ten years.</p> <p>3 - For the purposes of paragraph 1, constraint shall be understood as any means, not provided for in the preceding paragraph, used for committing the acts referred to in subparagraphs a) and b) against the knowing will of the victim.</p> <p style="text-align: center;"><b>Article 165</b></p> <p style="text-align: center;"><b>Sexual abuse of a person unable to resist</b></p>

1 - Whoever engages into a relevant sexual act with an unconscious person or otherwise unable to resist, taking advantage of that person's state or inability, shall be punished with a prison sentence of six months to eight years.

2 - If the relevant sexual act consists of sexual intercourse, anal or oral coitus or vaginal or anal penetration of body parts or objects, the offender shall be punished with a prison sentence of two to ten years.

**Article 166**

**Sexual abuse of an in-patient**

1 - Whoever, taking advantage of either the duties or the position performed or held at any title in:

a) An institution where custodial sentences or measures involving deprivation of liberty are carried out;

b) Hospital, hospice, asylum, recovery or health clinic, or other institution intended for assistance or treatment; or

c) An educational institution, educational centre or residential care home; engages into a relevant sexual act with a person who is hospitalised therein and who is, in any way, entrusted to him or under his care shall be punished with a prison sentence of six months to five years.

2 - If the relevant sexual act consists of sexual intercourse, anal or oral coitus or vaginal or anal penetration of body parts or objects, the offender shall be punished with a prison sentence of one to eight years.

**Article 167**

**Sexual fraud**

1 - Whoever, fraudulently taking advantage of a mistake about his personal identity, engages into a relevant sexual act with another person shall be punished with a prison sentence of up to 1 year.

2 - If the relevant sexual act consists of sexual intercourse, anal or oral coitus or vaginal or anal penetration of body parts or objects, the offender shall be punished with a prison sentence of up to two years.

**Article 168**

**Non-consented artificial reproduction**

Whoever engages in an act of artificial reproduction on a woman without her consent shall be punished with a prison sentence of 1 to 8 years.

**Article 169**

**Pandering**

1 - Whoever, professionally or with a profitable intent, incites, favours or facilitates another person's engagement in prostitution shall be punished with a prison sentence of six months to five years.

	<p>2 - If the offender commits the crime falling within the preceding paragraph:</p> <ul style="list-style-type: none"><li>a) By means of violence or serious threat;</li><li>b) Through cunning or fraudulent manipulation;</li><li>c) With abuse of authority resulting from a family relationship, guardianship or curatorship, or from a hierarchical, economic or work dependence; or</li><li>d) Taking advantage of a mental disability or of a particularity vulnerable situation of the victim;</li></ul> <p>shall be punished with a prison sentence of one to eight years.</p> <p style="text-align: center;"><b>Article 170</b> <b>Sexual harassment</b></p> <p>Whoever harasses another person by engaging exhibitionist acts before such person, making sexual proposals or coercing said person into sexual contact, shall be punished with a prison sentence of up to 1 year or with a fine of up to 120 days, if a more serious penalty does not apply under any other legal provision.</p> <p style="text-align: center;"><b>Crimes against sexual self-determination</b></p> <p style="text-align: center;"><b>Article 171</b> <b>Sexual abuse of children</b></p> <p>1 - Whoever engages into a relevant sexual act with or on a minor under 14 years old or causes him to engage in such an act with another person, shall be punished with a prison sentence from one to eight years.</p> <p>2 - If the relevant sexual act consists of sexual intercourse, anal or oral coitus or vaginal or anal penetration of body parts or objects, the offender shall be punished with a prison sentence of three to ten years.</p> <p>3 - Whoever:</p> <ul style="list-style-type: none"><li>a) Harasses a minor under 14 years of age by engaging into the act provided for in article 170; or</li><li>b) Acts upon a minor under 14 years of age by means of pornographic conversation, writing, performance or objects;</li><li>c) Entices a minor under 14 years of age to witness sexual abuse or sexual activities;</li></ul> <p>shall be punished with a prison sentence of up to three years.</p> <p>4 - Whoever engages into the acts described in the preceding paragraph with profitable intent shall be punished with a prison sentence of six months to five years.</p> <p>5 - The attempt shall be punishable.</p> <p style="text-align: center;"><b>Article 172</b></p>
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	<p style="text-align: center;"><b>Sexual abuse of dependent minors or of children in a particularly vulnerable situation</b></p> <p>1 - Whoever engages or causes to be performed the act provided for in paragraphs 1 or 2 of the preceding article, in relation to a minor between 14 and 18 years of age:</p> <p>a) In relation to whom he exercises parental responsibilities or who has been entrusted to him for education or assistance; or</p> <p>b) Abusing a position of manifest trust, authority or influence over the child; or</p> <p>c) Abusing of another particularly vulnerable situation of the minor, in particular for reasons of health or disability;</p> <p>shall be punished with a prison sentence of 1 to 8 years.</p> <p>2 - Whoever engages into the act provided for in paragraph 3 of the preceding article, in relation to a minor referred to in the preceding paragraph of this article and under the conditions described therein, shall be punished with a prison sentence of up to one year.</p> <p>3 - Whoever engages into the acts provided for in the preceding paragraph with profitable intent shall be punished with a prison sentence of up to five years.</p> <p>4 - The attempt shall be punishable.</p> <p style="text-align: center;"><b>Article 173</b></p> <p style="text-align: center;"><b>Sexual acts with adolescents</b></p> <p>1 - Whoever, being of age, engages into a relevant sexual act with a minor between 14 and 16 years of age, or leads him to engage therein with another person, abusing from the minor's inexperience, shall be punished with a prison sentence of up two years.</p> <p>2 - If the relevant sexual act consists of sexual intercourse, oral or anal coitus or vaginal or anal penetration of parts of the body or objects, the offender shall be punished with a prison sentence of up to 3 years.</p> <p>3 - The attempt shall be punishable.</p> <p style="text-align: center;"><b>Article 174</b></p> <p style="text-align: center;"><b>Resort to minors' prostitution</b></p> <p>1 - Whoever, being of age, engages into a relevant sexual act with a minor between 14 and 18 years of age, against payment or other compensation, shall be punished with a prison sentence of up to 2 years.</p> <p>2 - If the relevant sexual act consists of sexual intercourse, oral or anal coitus or vaginal penetration of parts of the body or objects, the offender shall be punished with a prison sentence of up to 3 years.</p> <p>3 - The attempt shall be punishable.</p> <p style="text-align: center;"><b>Article 175</b></p> <p style="text-align: center;"><b>Pandering of minors</b></p>
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1 - Whoever incites, favours or facilitates a minor's engagement into prostitution or allures a minor for such purpose, shall be punished with a prison sentence of 1 to 8 years.

2 - If the offender commits the crime falling within the preceding paragraph:

- a) By means of violence or serious threat;
  - b) Through cunning or fraudulent manipulation;
  - c) With abuse of authority resulting from a family relationship, guardianship or curatorship or from a hierarchical, economic or work dependence;
  - d) Acting professionally or with profitable intent; or
  - e) Taking advantage of a mental disability or of a particularly vulnerable situation of the victim;
- shall be punished with a prison sentence of two to ten years.

#### **Article 176**

#### **Pornography of minors**

1 - Whoever:

- a) Uses a minor in a pornographic performance or allures him for such purpose;
- b) Uses a minor in a pornographic photograph, film or recording, regardless of their support, or allures him for such purpose;
- c) Produces, distributes, imports, exports, discloses, exhibits or assigns, at any title or by any means, the materials provided for in the preceding paragraph;
- d) Acquires or holds materials provided for in subparagraph b) with the intent to distribute, import, export, disclose, exhibit or assign them, shall be punished with a prison sentence of one to five years.

2 - Whoever engages into the acts described in the preceding paragraph, either professionally or with profitable intent, shall be punished with a prison sentence of one to eight years.

3 - Whoever engages into the acts provided for in paragraph 1(a/b) using violence or serious threat shall be punished with a prison sentence of 1 to 8 years.

4 - Whoever engages into the acts provided for in paragraph 1(c/d) using pornographic material depicting a realist representation of a minor shall be punished with a prison sentence of up to two years.

5 - Whoever intentionally acquires, holds, accesses, obtains or facilitates the access through a computer system or any other means to the materials referred to in paragraph 1(b) shall be punished with a prison sentence of up to two years.

6 - Whoever, in person or through a computer system or by any other means, being of age, attends, facilitates or provides access to

pornographic performances involving the participation of minors, shall be punished with a prison sentence of up to 3 years.

7 - Whoever engages into the acts provided for in paragraphs 5 and 6 with profitable intent shall be punished with a prison sentence of up to 5 years.

8 - For the purposes of this article, material which, for sexual purposes, depicts minors engaged in real or simulated sexually explicit conduct or contains any representation of their sexual organs or any other part of their body, shall be considered pornographic.

9 - The attempt shall be punishable.

#### **Article 176-A**

##### **Solicitation of minors for sexual purposes**

1 - Whoever, being of age, entices a minor, by means of information and communication technologies, to meet him in order to engage into any of the acts included in paragraphs 1 and 2 of article 171 and in subparagraphs a), b) and c) of paragraph 1 of the preceding article, shall be punished with a prison sentence of up to 1 year.

2 - If this solicitation is followed by material acts leading to the encounter, the offender shall be punished with a prison sentence of up to 2 years.

#### **Article 176-B**

##### **Organisation of travels for purposes of sexual tourism with minors**

1 - Whoever, in the context of their professional activity or with profitable intent, organises, provides, facilitates or publicises travels or excursions, knowing that such travels or excursions are intended for the commission of crimes against the sexual freedom and self-determination of a minor, shall be punished with a prison sentence of up to 3 years, if a more serious penalty does not apply under any other legal provision.

2 - The provisions of the preceding paragraph shall apply even if the conduct against the sexual freedom and self-determination of a minor committed in the place of destination is not punishable in that jurisdiction or when the punitive power is not exercised therein.

#### **Section III**

##### **General provisions**

#### **Article 177**

##### **Aggravation**

1 – The penalties provided for in articles 163 to 165 and 167 to 176 are aggravated by one third, in their minimum and maximum limits, if the victim:

a) Is an ascendant, a descendant, an adoptive parent, an adopted child, a relative or akin up to the second degree; or



b) Is in a family relationship, cohabitation, guardianship or curatorship, or is in a hierarchical, economic or work dependence of the offender and the crime is committed by taking advantage of such relationship or dependence.

c) Is a particularly vulnerable person by reason of age, disability, illness or pregnancy.

2 - The aggravations provided for in the preceding paragraph shall not apply to the cases referred to in article 169(2)(c) and article 175(2)(c).

3 - The penalties provided for in articles 163 to 167 and articles 171 to 174 shall be aggravated by one third, in their minimum and maximum limits, if the offender has a sexually transmissible disease.

4 - The penalties provided for in articles 163 to 168 and articles 171 to 175, article 176(1/2) and article 176-A are aggravated by one third, in their minimum and maximum limits, if the crime is jointly committed by two or more persons.

5 - The penalties provided for in articles 163 to 168 and 171 to 174 are aggravated by one half, in their minimum and maximum limits, if from the behaviours described therein results pregnancy, grievous bodily harm, transmission of a pathogenic agent which endanger the victim's life or causes his suicide or death.

6 - The penalties provided for in articles 163 to 165, 168, 174, 175 and article 176(1) are aggravated by one third, in their minimum and maximum limits, where the crimes are committed in the presence of or against a victim under 16 years of age;

7 - The penalties provided for in articles 163 to 165, 168 and 175 and in article 176(1) are aggravated by one half, in their minimum and maximum limits, if the victim is less than 14 years of age.

8- If more than one of the circumstances referred to in the preceding paragraphs occur in the same conduct, only the one with the strongest aggravation effect is considered for purposes of the determination of the applicable penalty, the remaining ones being considered for purposes of the extent of the sentence.

#### **Article 178**

##### **Complaint**

1 – The criminal procedure for the crimes falling within articles 163 to 165, 167, 168 and 170 depends upon complaint, unless they are committed against a minor or if the victim's suicide or death results therefrom.

2 - Where the criminal procedure for the crimes falling within article 163 and 164 depends upon complaint, the Public Prosecution Service may initiate it, within six months as of the date on which it becomes aware of the fact and of the offenders, whenever the interest of the victim so advises.

	<p>3 - The criminal procedure for the crime falling within article 173 depends upon complaint, unless the victim's suicide or death results therefrom.</p> <p>4 - In the case of crimes against a minor's sexual freedom and self-determination not aggravated by the result, the Public Prosecution Service may, considering the victim's interest, determine the temporarily suspension of the proceedings, upon the agreement of both the pre-trial judge and the defendant, provided that a similar measure for a crime of the same nature has not been previously imposed.</p> <p>5 - In the case provided for in the preceding paragraph, the suspension period may last for a period of up to five years.</p>
<p>Article 37 - forced marriage</p>	<p style="text-align: center;"><b>Article 154-B</b> <b>Forced Marriage</b></p> <p>Whoever forces another person to enter into marriage or union similar to marriage shall be punished with a prison sentence of a maximum of five years.</p> <p style="text-align: center;"><b>Article 154-C</b> <b>Preparatory acts</b></p> <p>The preparatory acts of the crime provided for in the preceding article, including luring the victim to a territory other than that of his residence in order to force him to enter into marriage or in a union similar to marriage, shall be punished with a prison sentence of a maximum of one year or a maximum fine of 120 days.</p>
<p>Article 38 female genital mutilation</p>	<p style="text-align: center;"><b>Article 144-A</b> <b>Female genital mutilation</b></p> <p>1 – Whoever performs complete or partial genital mutilation on a female via a clitoridectomy, infibulation, excision or any other harmful procedure to female genital organs for non-medical reasons shall be punished with a prison sentence of 2 to 10 years.</p> <p>2 – Preparatory acts for the crime set out in the preceding paragraph shall be punished with a prison sentence of up to 3 years</p>

	Status of limitation – article 118 (5) introduced by - Lei n.º 4/2024, de 15 de Janeiro
Article 39 forced abortion and forced sterilization	<p style="text-align: center;"><b>Crimes against the intra-uterine life</b></p> <p style="text-align: center;"><b>Article 140</b> <b>Abortion</b></p> <p>1 – Whoever, by any means and without the consent of the pregnant woman, causes her to abort shall be punished with a prison sentence of 2 to 8 years.</p> <p>2 - Whoever, by any means and with the consent of the pregnant woman, causes her to abort shall be punished with a prison sentence of up to 3 years.</p> <p>3 – Any pregnant woman who consents to an abortion performed by a third party, or who, through her own or a third party’s actions, causes her own abortion, shall be punished with a prison sentence of up to 3 years.</p> <p style="text-align: center;"><b>Article 141</b> <b>Aggravated abortion</b></p> <p>1 – Where the abortion or the means employed results in the death of, or grievous bodily harm to the pregnant woman, the minimum sentence applicable to the person causing her to abort shall be increased by one third.</p> <p>2 – Aggravation shall also apply to any offender who regularly performs abortions punishable under paragraphs 1 and 2 of the preceding article or performs them for profit.</p> <p style="text-align: center;"><b>Article 142</b> <b>Non punishable termination of pregnancy</b></p> <p>1 – The termination of pregnancy performed by or under the direction of a doctor, in an official or officially recognised healthcare institution and with the consent of the pregnant woman shall not be punishable, when:</p> <p>a) It is the only means of preventing the danger of death or of serious and irreversible harm to the body or to the physical or mental health of the pregnant woman;</p> <p>b) It is the only means of averting the danger of death or serious, long-term harm to the body or to the physical or mental health of the pregnant woman and is performed in the first twelve weeks of pregnancy;</p> <p>c) There are strong grounds to believe that the unborn child will suffer from an incurable serious illness or congenital disorder, and is performed in the first 24 weeks of pregnancy, with the exception of non-viable pregnancies, in which case termination may be performed at any time;</p> <p>d) The pregnancy has resulted from a crime against freedom and sexual self-determination, and the termination is performed in the first 16 weeks;</p>

e) It is performed, at the request of the pregnant woman, in the first 10 weeks of pregnancy.

2 – Verification of the circumstances that renders the termination of pregnancy non-punishable shall be set out in a medical certificate, written and signed prior to the operation by a doctor other than the doctor by whom the termination shall be performed or directed, without prejudice to the paragraph hereunder.

3 – In the situation described in subparagraph e) of paragraph 1, the certification referred to in the preceding paragraph shall be restricted to confirmation that the pregnancy does not exceed 10 weeks.

4 – Consent shall be given:

a) In the cases referred to in subparagraphs a) to d) of paragraph 1, by means of a document signed by the pregnant woman or at her request and, whenever possible, at least three days prior to the date of the operation;

b) In the case referred to in subparagraph e) of paragraph 1, by means of a document signed by the pregnant woman or at her request, which must be sent to the healthcare institution prior to the operation and always after a reflection period of at least three days from the first consultation, in order to allow the pregnant woman access to the relevant information to make a free, conscious and responsible decision.

5 – In the case where the pregnant woman is under 16 years of age, consent shall be provided by the legal representative,

6 – If the pregnant woman is under 16 years of age and has the necessary discernment to oppose the decision of the legal representative, the consent is judicially granted.

7 – If the pregnant woman does not have the capacity to consent, consent is given by her legal representative if she is a minor and by a court decision if she is of legal age.

8 - If it is not possible to obtain consent under the terms of the preceding paragraphs and the termination of pregnancy is urgent, the doctor will make a conscientious decision in the light of the situation, taking the advice of another doctor or doctors whenever possible.

9 - For the purposes of this article, the number of weeks of pregnancy shall be confirmed by ultrasound or by other means in accordance with the rules of the profession.

### **Crimes against personal freedom**

#### **Article 156**

##### **Arbitrary interventions and medical-surgical treatments**

1 – The persons mentioned in article 150 who, in view of the purposes mentioned therein, carry out interventions or treatments without the

	<p>patient's consent shall be punished with a prison sentence of no more than three years or with a fine.</p> <p>2 – The act shall not be punished when the consent:</p> <p>a) May only be attained by delay which implies danger to life or serious danger to the body or health; or</p> <p>b) Has been given to a certain intervention or treatment, but the state of knowledge and medical experience imposed the need to carry out a different intervention or treatment in order to avoid a danger to life, body and health;</p> <p>and there are no circumstances that would allow the conclusion with certainty that consent would be refused.</p> <p>3 – If, by gross negligence, the offender falsely represents the consent requirements, he shall be punished with a prison sentence of no more than six months or with a fine of no more than 60 days.</p> <p>4 - The criminal procedure depends upon complaint.</p> <p style="text-align: center;"><b>Article 157</b> <b>Duty of clarification</b></p> <p>For the purposes of the preceding article, the consent is only effective when the patient has been duly clarified about the diagnose and the nature, extent and dimension and possible consequences of the intervention or treatment, unless such clarification implies the communication of circumstances which, if known by the patient, would endanger his life or were capable of causing a serious damage to his physical or mental health.</p>
<p>Article 40 sexual harassment</p>	<p style="text-align: center;"><b>Article 170</b> <b>Sexual harassment</b></p> <p>Whoever harasses another person by engaging exhibitionist acts before such person, making sexual proposals or coercing said person into sexual contact, shall be punished with a prison sentence of up to 1 year or with a fine of up to 120 days, if a more serious penalty does not apply under any other legal provision</p>

Depending on a complaint:

**Article 143**

**Bodily harm**

1 – Whoever harms the body or health of another person shall be punished with a prison sentence of up to 3 years, or a fine.

2 – The criminal procedure shall be dependent upon a complaint, unless the offence is committed against members of the security forces or services, in the performance of their duties or because of them.

3 – The court may discharge without punishment:

a) In the case of reciprocal injuries, and if it has not been proven which of the parties was the first to attack; or

b) In the case where the offender has solely retaliated against the aggressor.

**Article 148**

**Negligent bodily harm**

1 – Whoever, by negligence, harms the body or the health of another person shall be punished with a prison sentence of up to 1 year, or a fine of up to 120 days.

2 – In the case provided for in the preceding paragraph, the court may discharge without punishment when:

a) The offender is a doctor in the performance of his profession and the medical act does not cause an illness or inability to work for more than 8 days; or

b) The harm does not cause an illness or inability to work for more than 3 days.

3 – If the act causes grievous bodily harm, the offender shall be punished with a prison sentence of up to 2 years or a fine of up to 240 days.

4 – The criminal procedure depends upon complaint

**Article 156**

**Arbitrary interventions and medical-surgical treatments**

1 – The persons mentioned in article 150 who, in view of the purposes mentioned therein, carry out interventions or treatments without the patient's consent shall be punished with a prison sentence of no more than three years or with a fine.

2 – The act shall not be punished when the consent:

a) May only be attained by delay which implies danger to life or serious danger to the body or health; or

b) Has been given to a certain intervention or treatment, but the state of knowledge and medical experience imposed the need to carry out a different intervention or treatment in order to avoid a danger to life, body and health;  
and there are no circumstances that would allow the conclusion with certainty that consent would be refused.

3 – If, by gross negligence, the offender falsely represents the consent requirements, he shall be punished with a prison sentence of no more than six months or with a fine of no more than 60 days.

4 - The criminal procedure depends upon complaint

**Article 178**

**Complaint**

1 – The criminal procedure for the crimes falling within articles 163 to 165, 167, 168 and 170 depends upon complaint, unless they are committed against a minor or if the victim’s suicide or death results therefrom.

2 - Where the criminal procedure for the crimes falling within article 163 and 164 depends upon complaint, the Public Prosecution Service may initiate it, within six months as of the date on which it becomes aware of the fact and of the offenders, whenever the interest of the victim so advises.

3 - The criminal procedure for the crime falling within article 173 depends upon complaint, unless the victim’s suicide or death results therefrom.

4 - In the case of crimes against a minor’s sexual freedom and self-determination not aggravated by the result, the Public Prosecution Service may, considering the victim’s interest, determine the temporarily suspension of the proceedings, upon the agreement of both the pre-trial judge and the defendant, provided that a similar measure for a crime of the same nature has not been previously imposed.

5 - In the case provided for in the preceding paragraph, the suspension period may last for a period of up to five years.

**4. Taking measures to ensure the availability and effective application of restraining and protection orders in relation to all forms of violence against women, notably stalking, forced marriage and female genital mutilation**

With regard to the second question, PT wishes to highlight that restraining and protection orders do exist, are available, and are effectively applied.

As answered in the GREVIO questionnaire of 2023, the data relating to the years 2020- 2021, are as follows:

**Coercive measures applied to defendants in criminal cases in the first instance judicial courts, for the crime of domestic violence, according to the coercion measures (2020 - 2021)**

Coercive measures	2021	2020
Removal from the residence where the victim lives	464	317
Periodic appear bef criminal police	163	115
Periodic appear bef judicial authorities	10	10
Attendance of program (domestic violence)	44	39
House arrest not subj eletronic tagging	..	..
House arrest subject eletronic tagging	27	23

Preventive arrest	166	141
Prohibition of contact with the victim	760	559
Prohibition of absence	7	5
Prohibition of contact	127	157
Exclusion	219	142
Restriction to the use of weapons or other objects	116	103
Suspension from exercise of rights	..	..
Suspension from profession	..	..
<b>Grand Total</b>	<b>2 106</b>	<b>1 612</b>

**Notes:**

a) All coercive measures applied to the defendants were counted, taking into account the most serious crime for which they were accused. The term of identity and residence was not counted.

c) Since 2007, statistical data on cases in the 1st instance courts have been collected from the computer system of the courts, representing the situation of the cases registered in that system.

.. Null result/protected by statistical confidentiality