



Reference data 2020 (01/01/2020 - 31/12/2020)

Start/end date of the data collection campaign : 19/03/2021 - 01/10/2021

Objective :

The CEPEJ decided, at its 35th plenary meeting, to launch the ninth evaluation cycle 2020 – 2022, focused on 2020 data. The CEPEJ wishes to use the methodology developed in the previous cycles to get, with the support of its national correspondents' network, a general evaluation of the judicial systems in the 47 member states of the Council of Europe as well as three observer states (Israel, Morocco and Kazakhstan). This will enable policy makers and judicial practitioners to take account of such unique information when carrying out their activities.

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

Instruction :

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

- User manual
- Explanatory note

While the explanatory note gives definitions and explanations on the CEPEJ evaluation questionnaire and the methodology needed for replying, the User manual is a tool to help you navigate through this application. You can download the Explanatory note as a whole on the CEPEJ website. The specific explanations are also accessible for each question within this application under the tab "Explanatory note". This will serve as immediate consultation tool when answering questions. In case you have any questions related to these documents or on the use of the application, please do not hesitate to contact the Secretariat.

1.General and financial information

1.1.Demographic and economic data

1.1.1Inhabitants and economic general information



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

[10 295 909]

Comments

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

	Amount
State or federal level	98 088 000 000 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Regional / federal entity level (total for all regions / federal entities)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments

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

[19 638]

Comments

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

[18 044]

NA

Comments

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

[]

Allow decimals : 5

NAP

Comments

A1. Please indicate the sources for answering the questions in this part

Sources: Q1, 2 and 3 -National Statistics Institute (Instituto Nacional de Estatística)

Q4 - Ministry of Solidarity, Employment and Social Security (Ministério da Solidariedade, Emprego e Segurança Social)

1.1.2 Budgetary data concerning judicial system

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

question 6, please answer NA to question 7.

	Approved budget (in €)	Implemented budget (in €)
TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	562 023 899 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. Annual public budget allocated to (gross) salaries	472 425 477 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Annual public budget allocated to computerisation (2.1 + 2.2)	3 472 651 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 233 380 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2.1 Investments in computerisation	2 969 562 <input type="checkbox"/> NA <input type="checkbox"/> NAP	806 706 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2.2 Maintenance of the IT equipment of courts	503 089 <input type="checkbox"/> NA <input type="checkbox"/> NAP	426 673 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc.)	43 918 940 <input type="checkbox"/> NA <input type="checkbox"/> NAP	43 427 966 <input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Annual public budget allocated to court buildings (maintenance, operating costs)	40 875 619 <input type="checkbox"/> NA <input type="checkbox"/> NAP	34 502 094 <input type="checkbox"/> NA <input type="checkbox"/> NAP
5. Annual public budget allocated to investments in new (court) buildings	1 188 614 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
6. Annual public budget allocated to training	142 598 <input type="checkbox"/> NA <input type="checkbox"/> NAP	21 260 <input type="checkbox"/> NA <input type="checkbox"/> NAP
7. Other (please specify)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Please indicate any useful comment to explain the figures provided. If the annual public budget allocated to the functioning of all courts actually implemented is different from the approved annual public budget allocated to the functioning of all courts, please indicate the main reasons for the differences: 2. The decrease of the IT implemented budget is due to the fact that the previous report included expenses with technical assistance services of an unspecified nature, that weren't included in this report. We consider that these expenses should not be included here because they aren't only IT expenses.

3. These amounts don't include expenses with public prosecution services and legal aid. It is possible to separate the budget of the public prosecution services and legal aid. Answers regarding legal aid in 012 and public prosecution services in 013. These amounts don't include operations between public entities and expenses financed by EU. The difference to the previous cycle is due to the fact that, as stated in the comments to questions 009. and 012., prior to 2019, a part of the advance money paid in legal aid were accounted by reducing the court fees received by the state in the same amount. In 2019 this situation has been corrected and now all the revenue and the expense are properly accounted. This means that the expenses for expertise and interpretation are now included whereas they were not in 2018.

6. The difference is due to the increase in the Budget of the Judicial Studies Center between in relation to the previous cycle. In addition, during budget execution, and according Portuguese legislation, public entities have some autonomy to reallocate appropriations within their budget. Thus, several courts often reallocate appropriations from the training line to other expenses that are considered more urgent

007. If you cannot answer question 6 because you cannot isolate the public budget allocated to courts from the budget allocated to public prosecution services and/or the one allocated to legal

aid, please fill in only the appropriate line in the table according to your system:

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

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



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

	Litigants required to pay a court fee to initiate a proceeding at a court of general jurisdiction ?
for criminal cases	<input checked="" type="checkbox"/> Yes, at the beginning of the procedure <input type="checkbox"/> Yes, at a later stage <input type="checkbox"/> No
for other than criminal cases	<input checked="" type="checkbox"/> Yes, at the beginning of the procedure <input type="checkbox"/> Yes, at a later stage <input type="checkbox"/> No

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

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

- Court costs are calculated in accordance with the value or complexity of the claim, under the terms of the Portuguese Regulation on Court Costs (Regulamento das Custas Processuais) as approved by Decree Law 34/2008 of 26th February, and of the Annexes to the Regulation. Court fees are expressed in 'units of account' (unidades de conta - UC), as laid down in Article 5 of the Regulation. During 2020 the value of 1 (one) unit of account was set at €102.00 (and it is the same currently applicable until the end of 2021).

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

[204]
 NA
 NAP

Comments

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

[171 811 131]

[] NA

[] NAP

Comments In 2019 the amount of court fees received by the state was 203 982 039,18€. The negative evolution between 2019 and 2020 is due, mainly, to the impact of pandemics and reduction of court work. Prior to 2019, a part of the advance money paid in legal aid were accounted by reducing the court fees received by the state in the same amount. In 2019 this situation has been corrected and now all the revenue and the expense is properly accounted. This effect represented an increase in court fees received by the state and in legal aid paid

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

	TOTAL	Criminal cases	Other than criminal cases
TOTAL - Annual approved public budget allocated to legal aid (12.1 + 12.2)	125 761 450 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
12.1 for cases brought to court (court fees and/or legal representation)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
12.2 for cases not brought to court (legal advice, ADR and other legal services)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments Since 2019, the public budget allocated to legal aid includes the expense of advances on procedural costs.

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

	TOTAL	Criminal cases	Other than criminal cases
TOTAL - Annual implemented public budget allocated to legal aid (12-1.1 + 12-1.2)	111 797 443 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
12-1.1 for cases brought to court (court fees and/or legal representation)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
12-1.2 for cases not brought to court (legal advice, ADR and other legal services)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

If the public budget actually implemented regarding legal aid is different from the annual approved public budget allocated to legal aid, please indicate the main reasons for the differences: Since 2019, the public budget allocated to legal aid includes the expense of advances on procedural costs.

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012-2. Does legal aid include:

	Legal aid includes:
Coverage of court fees	(X) Yes () No [] NAP

Exemption from court fees	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
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Comments

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012-3. Do legal aid budgets indicated in Q12 and Q12-1 include:

	Amount calculated/estimated included
Coverage of court fees	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Exemption from court fees	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Comments

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

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to the public prosecution services, in € (including 13.1)	113 728 078 [] NA [] NAP	142 691 962 [] NA [] NAP
13.1. Annual public budget allocated to training of public prosecution services	[X] NA [] NAP	[X] NA [] NAP

Please indicate any useful comment to explain the figures provided. Moreover, if the annual public budget allocated to the public prosecution services actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences: During the economic year, the budget needed to face needs that were not anticipated.

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

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

Parliament	() Yes (X) No <input type="checkbox"/> NAP	(X) Yes () No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	(X) Yes () No <input type="checkbox"/> NAP
Supreme Court	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP
High Judicial Council	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP
Courts	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP
Inspection body	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP
Other	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP

Comments - If “Other Ministry” and/or “Inspection body” and/or “Other”, please specify: The Parliament adopts and evaluates the implementation of the State budget. The Ministry of Finance is always involved in the preparation and allocation of resources. The council of ministers approves the budget proposal prior to its submission to the national parliament

014-0. What are the criteria used to allocate financial resources among courts? Furthermore, please select maximum three main criteria of allocation

	Criteria used	Main criteria
Previous years' budget costs	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Special needs assessment	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Number of judges/non judges' staff	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Number of incoming cases	<input type="checkbox"/>	<input type="checkbox"/>
Number of pending cases	<input type="checkbox"/>	<input type="checkbox"/>
Number of resolved cases	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>

NAP

Comments - If “Other”, please specify

014-1. Who is entrusted with responsibilities related to the budget within a first instance court?

Preparation of the budget	Arbitration and allocation of the budget	Day to day management of the budget	Evaluation and control of the use of the budget
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Court President and/or judge(s)	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Head of court administration and/or non-judges	() Yes (X) No [] NAP	(X) Yes () No [] NAP	(X) Yes () No [] NAP	() Yes (X) No [] NAP
Mixed body (judge(s) and non-judge(s))	(X) Yes () No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Other	(X) Yes () No [] NAP	() Yes (X) No [] NAP	(X) Yes () No [] NAP	(X) Yes () No [] NAP

Comments - If "Other", please specify. If the responsibilities are different depending on the type/instance of courts, please answer the question for the first instance court of general jurisdiction and describe the differences in the comment box: The management board of each district court and the Ministry of Justice have responsibilities in the preparation. The judiciary administrator of each district court has responsibilities on the allocation of the budget once approved. The day to day management is shared by judiciary administrator and the Ministry of Justice. The evaluation and control is in the hands of the Ministry of Justice.

Law No. 62/2013, of 26 August (Law on the organisation of the judiciary system).

A2. Please indicate the sources for answering the questions in this part

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

1.1.3 Budgetary data concerning the whole justice system

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

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to the whole justice system in €	1 499 251 824 [] NA [] NAP	1 415 069 157 [] NA [] NAP

Comments - Please indicate any useful comment to explain the figures provided above and specify if a large portion of the budget allocated to the whole justice system comes from an international organisation. Moreover, if the annual public budget allocated to the whole justice system actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences: The amounts indicated don't include operations between public entities and expenses financed by EU.

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

	Included
Courts	(X) Yes () No [] NAP

Legal aid	(X) Yes () No <input type="checkbox"/> NAP
Public prosecution services	(X) Yes () No <input type="checkbox"/> NAP

Comments

015-3. Other budgetary elements

	Included
Prison system	(X) Yes () No <input type="checkbox"/> NAP
Probation services	(X) Yes () No <input type="checkbox"/> NAP
High Judicial Council	() Yes (X) No <input type="checkbox"/> NAP
High Prosecutorial Council	() Yes (X) No <input type="checkbox"/> NAP
Constitutional court	() Yes (X) No <input type="checkbox"/> NAP
Judicial management body	(X) Yes () No <input type="checkbox"/> NAP
State advocacy	() Yes () No <input checked="" type="checkbox"/> NAP
Enforcement services	() Yes (X) No <input type="checkbox"/> NAP
Notariat	() Yes () No <input checked="" type="checkbox"/> NAP
Forensic services	(X) Yes () No <input type="checkbox"/> NAP
Judicial protection of juveniles	(X) Yes () No <input type="checkbox"/> NAP
Functioning of the Ministry of Justice	(X) Yes () No <input type="checkbox"/> NAP
Refugees and asylum seekers services	() Yes (X) No <input type="checkbox"/> NAP

Immigration Service	() Yes (X) No [] NAP
Some police services (e.g. : transfer, investigation, prisoners' security)	(X) Yes () No [] NAP
Other	() Yes (X) No [] NAP

If "Other", please specify:

A3. Please indicate the sources for answering the questions in this part

Sources: Financial Management and Justice Equipment Institute (Instituto de Gestão Financeira e Equipamentos da Justiça)

1.2. Organisation and management of courts and public prosecution services

015-4. Please describe who has responsibilities for the management of individual courts, what management roles they have, what is their status and their position in the organisational hierarchy of the court concerned.

- Under the Law No. 62/2013, of 26 of August, the management of each judicial court of first instance is carried out by a management board (conselho de gestão), presided over by a presiding judge. The board has a tripartite structure composed by the presiding judge, a co-ordinating prosecutor and the judicial administrator. In this management structure, each intervening party has its own powers. The presiding judge must communicate with the High Council of the Judiciary, the co-ordinating prosecutor with the High Council of the Public Prosecution, and the judiciary administrator with the Ministry of Justice (through the Directorate-General for the Administration of Justice). Certain matters are reserved for deliberation by the management board. As regards the judicial courts of first instance, the High Council for the Judiciary and the Prosecutor General, in co-operation with the Minister of Justice, establish, in their respective remits of competency, the strategic goals for the performance of the judicial courts of first instance over a three-year period and monitor compliance with those goals on a yearly basis. A similar mechanism applies to prosecutors. The activity of each court is monitored throughout the judicial year, with quarterly meetings between representatives of the High Council of the Judiciary, the High Council of the Public Prosecution and the competent department of the Ministry of Justice, to follow up on the evolution of the results registered regarding the objectives that were established.

Higher courts (Supreme Court of Justice, Courts of Appeal, Administrative Supreme Court and Central Administrative Courts) are subject to Decree-Law No. 177/2000, of 9 of August. They have their own budget to support the expenses with the staff of magistrates and officials assigned to them, other current expenses and capital expenses necessary for the exercise of their powers. Higher courts have administrative councils, composed by the President of the Court, the Vice-Presidents, the Secretary of the High Court or Administrator, and the person responsible for administrative and financial support services.

It is incumbent upon the administrative councils to exercise the administrative and financial competence encompassed in the normal management of the support services.

Presidents of the Supreme Courts have a different degree of financial and administrative autonomy in comparison to Presidents of the Courts of Appeal and of the Central Administrative Courts.

015-5. Please describe who has responsibilities for the management of individual public prosecution offices, what management roles they have, what is their status and their position in the organisational hierarchy of the office concerned.

- The following magistrates exercise management and hierarchy functions over the prosecutors:
 - a) The Prosecutor General of the Republic;
 - b) The Deputy Prosecutor General of the Republic;
 - c) The Regional Prosecutor General;
 - d) The director of the central investigation and prosecution department (“Departamento Central de Investigação e Ação Penal” - DCIAP);
 - e) The director of the central department of State litigation and collective and diffuse interests;
 - f) The magistrate of the Public Prosecution Service coordinating the District Prosecution's Office;
 - g) The magistrate of the Public Prosecution Service coordinating the District administrative and fiscal Prosecution's Office;
 - h) The director of the regional investigation and prosecution department (“Departamento de Investigação e Ação Penal” - DIAP);
 - i) The director of DIAP.

The prosecutors who manage specific Prosecution’s Offices (such as civil, labor, family) and the prosecutors who manage sections of the DIAP have procedural hierarchy powers, as well as the powers delegated to them by the immediate hierarchical superior (the magistrate of the Public Prosecution Service coordinating the District Prosecution's Office or the director of DIAP).

The hierarchs indicated above are listed by degree of hierarchy, from the highest to the lowest. The central investigation and prosecution department and the central department of State litigation and collective and diffuse interests are part of the Prosecutor General's Office and as such the respective directors report directly to the Prosecutor General.

As a rule, prosecutors answer to the immediate hierarchical superior, with regard to the proceedings activities, who is, as a rule, the director of DIAP or the coordinator of specific Prosecution’s Offices. And these directors and coordinators answer to the magistrate of the Public Prosecution Service coordinating the District Prosecution's Office or the administrative and fiscal Prosecution's Office, in case of administrative jurisdiction.

2. Access to justice and all courts

2.1. Legal Aid

2.1.1 Scope of legal aid

016. Does legal aid apply to:

	Criminal cases	Other than criminal cases
Representation in court	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Legal advice, ADR and other legal services	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
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016-1. Please briefly describe the organisation of the legal aid system in your country both before going to court and during court proceedings.

- Legal aid in Portugal is regulated by Law 34/2004 of 29 July (amended by Law 47/2007 of 28 August, Law 40/2018 of 08 August, and Decree-law 120/2018 of 27 December) and Ordinance 10/2008 of 3 January (amended by Ordinance 210/2008 of 29 February, 654/2010 of 11 August and 319/2011 of 30 December). Under such regulation, legal aid encompasses legal information (as a duty of the state to carry out activities to disseminate knowledge on the rule of law and on the legal regime) and legal protection. Legal protection comprises two strands: legal advice and legal assistance to a specific case brought before a court, a justice of the peace or an ADR centre as defined by a ministerial ordinance. Legal assistance, on the other hand, can be granted in the following types: i) exemption from court fees and other costs of the proceedings; ii) appointment of a lawyer and payment of his/her fees (according to a pre-established scheduled of fees approved by ministerial ordinance); iii) benefit of paying court fees and other costs of the proceedings by instalment; iv) appointment of a lawyer and benefit of paying fees by instalment, according to the same schedule of fees mentioned previously; and v) appointment of an enforcement agent.

Both legal advice and legal assistance are provided by lawyers enrolled, on a voluntary basis, in the legal aid system according to their preferential fields of practice. Legal advice or legal assistance is granted to persons or legal entities who meet the legal criteria for economic insufficiency and the types of legal assistance are granted according to the level of economic insufficiency.

The procedure among the different institutions that concur to provide legal aid relies on tailor-made information systems. The attribution of the benefit of legal advice or legal assistance is decided by the Social Security Institute and is supported by AJUDIC – an information system developed by the Social Security. Lawyers are appointed by the Bar Association, through an information system called SINOA (Sistema de Informação da Ordem dos Advogados) that allows lawyers to register the state of the case, to interact when necessary with the Bar Association (to ask to be excused from a case for example) and to request their fees at the end of the case. Lawyers’ fees are paid by the state (according to a pre-established scheduled of fees approved by ministerial ordinance that takes into account the various types of cases) through the IGFEJ supported by another information system – the SICAJ (Sistema de Confirmação dos Pedidos de Pagamento de Apoio Judiciário).

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

- Yes
 No
 NAP

If yes, please specify:

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

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

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

2.1.2 Information on legal aid

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

	Total	Cases brought to court	Cases not brought to court
TOTAL	115 349 [] NA [] NAP	113 642 [] NA [] NAP	1 707 [] NA [] NAP
In criminal cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
In other than criminal cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments - Please specify when appropriate: The reduction in the number of total legal aid cases may be the result of the measures taken during the COVID pandemic: on the one hand, the suspension of court deadlines and the expiry and prescription periods, and on the other hand, the reduction of conflicts as a result of the confinements. In any case, it should be emphasized that this is merely a perception, since we do not have the tools to perform a sociological analysis of the requests.

020-1. Please indicate the timeframes of the procedure for granting legal aid, in relation to the duration from the initial legal aid request to the final approval of the legal aid request:

	Time in days
Maximum duration prescribed in law/regulation	30 [] NA [] NAP
Actual average duration	100 [] NA [] NAP

Comments - Please specify if the envisaged timeframe is set in a statutory law, or in other regulation. Furthermore, if different timeframes are envisaged for criminal and other than criminal cases please provide more information: The maximum duration of the procedure for granting legal aid is 30 days (article 25 (1) of Law No. 34/2009, of 29 of July. Regarding the actual average duration, it should be noted that in the context of the COVID Pandemic, procedural deadlines were suspended, which has influenced the duration of the procedural timeframes.

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

	Assisted by a free of charge lawyer
Accused individuals	(X) Yes () No
Victims	(X) Yes () No

Comments - If yes, please specify:

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

	free selection of lawyer
Accused individuals	() Yes (X) No [] NAP
Victims	() Yes (X) No [] NAP

Comments

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

(X) Yes

() No

Comments - Please indicate if any other criteria are taken into account for the granting of legal aid and any comment that could explain the data provided above: When assessing applications for legal aid, a number of elements are taken into account such as the composition of the applicant's household, income and assets (among others). Each application is assessed in a case-by-case basis. Therefore, is not possible to specify a threshold below which legal aid is granted.

023. If yes, please specify in the table:

	Annual income value (for one person), (in €)	Assets value (for one person), (in €)
Full legal aid to the applicant for criminal cases	[X] NA [] NAP	[X] NA [] NAP
Full legal aid to the applicant for other than criminal cases	[X] NA [] NAP	[X] NA [] NAP
Partial legal aid to the applicant for criminal cases	[X] NA [] NAP	[X] NA [] NAP
Partial legal aid to the applicant for other than criminal cases	[X] NA [] NAP	[X] NA [] NAP

024. Is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action

or no chance of success)?

Yes

No

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

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

the judge(s) dealing with the main case

another judge or official

an authority external to the court

several authorities (court and external bodies)

Comments

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

Yes

No

Comments - If appropriate, please inform about the current development of such insurances in your country; is it a growing phenomenon? The Portuguese private system corresponds to the EU's legal expenses insurance special regime. It is not a growing phenomenon in Portugal.

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

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

Comments - If no, please specify how legal costs are distributed:

B1. Please indicate the sources for answering the questions in this part

Sources: Ministry of Work, Solidarity and Social Welfare (Ministério do Trabalho, Solidariedade e Segurança Social)
Directorate-General for Justice Policy (Direcção-Geral da Política da Justiça) Ministry of Justice

2.2. Court users and victims

2.2.1 Rights of the users and victims

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

	Yes, internet adresse(es)	No
Legal texts (e.g. codes, laws, regulations, etc.)	<input checked="" type="checkbox"/> https://dre.pt/	<input type="checkbox"/>
Case-law of the higher court/s	<input checked="" type="checkbox"/> http://www.dgsi.pt/	<input type="checkbox"/>
Information about the judicial system (organisation of courts, court proceedings, etc)	<input checked="" type="checkbox"/> https://justica.gov.pt/	<input type="checkbox"/>
Other documents (e.g. forms, downloadable forms, online registration forms)	<input checked="" type="checkbox"/> http://www.citius.mj.pt/portal/Default.aspx	<input type="checkbox"/>

Comment - Please specify what documents and information are included in "Other documents"

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

Yes, always

No

Yes, only in some specific situations

Comment - If "Yes, only in some specific situations", please specify:

030. Is there a public and free-of-charge information system for providing information and facilitating access to justice:

	Information system
General for citizens	<input checked="" type="checkbox"/> Online information <input checked="" type="checkbox"/> Telephone <input type="checkbox"/> Interactive chat <input checked="" type="checkbox"/> In-person (physical access on site) <input type="checkbox"/> Other <input type="checkbox"/> No
Specific for victims of offences	<input checked="" type="checkbox"/> Online information <input checked="" type="checkbox"/> Telephone <input type="checkbox"/> Interactive chat <input checked="" type="checkbox"/> In-person (physical access on site) <input type="checkbox"/> Other <input type="checkbox"/> No
Specific for minors (child-friendly systems)	<input type="checkbox"/> Online information <input type="checkbox"/> Telephone <input type="checkbox"/> Interactive chat <input type="checkbox"/> In-person (physical access on site) <input type="checkbox"/> Other <input checked="" type="checkbox"/> No

Comment - Please provide more information on these systems. Furthermore, please specify how this assistance is provided. Victims of domestic violence benefit from specific information system on information (<https://www.cig.gov.pt/area-portal-da-violencia/portal-violencia-domestica/servico-de-informacao-as-vitimas-de-violencia-domestica/>) with information and hotline. Furthermore, in-person contact can be provided at the Office of Victim Support (Gabinetes de Atendimento a Vítimas de Violência de Género (GAV) which can

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

	Information mechanism	Special arrangements in hearings	Other specific arrangements
Victims of sexual violence/rape	(X) Yes () No	(X) Yes () No	(X) Yes () No
Victims of terrorism	(X) Yes () No	(X) Yes () No	(X) Yes () No
Minors (witnesses or victims)	(X) Yes () No	(X) Yes () No	(X) Yes () No
Victims of domestic violence	(X) Yes () No	(X) Yes () No	(X) Yes () No
Ethnic minorities	() Yes (X) No	() Yes (X) No	() Yes (X) No
Persons with disabilities	(X) Yes () No	(X) Yes () No	(X) Yes () No
Juvenile offenders	(X) Yes () No	(X) Yes () No	(X) Yes () No
Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)	(X) Yes () No	(X) Yes () No	(X) Yes () No

Comments - If “Other vulnerable person” and/or “Other specific arrangements”, please specify:

031-0. If there are special arrangements for minors, what are the settings / tools / facilities / practises employed to protect them when they participate in judicial proceedings?

- [X] Special and child-adequate preparation for participation in trials / lawsuits (explaining in a child-friendly manner the proceedings)
- [X] Special room in court designated for child-friendly hearings
- [X] Special person / team of trained professional(s) (such as psychologists) to accompany a minor throughout the proceedings
- [X] Special ways to communicate and explain meaning of court decisions
- [] Interagency/multidisciplinary structure such as “Children’s Houses”
- [] Other, please specify
- [] NAP

Comment

031-1. What are the main criteria for a minor to initiate a proceeding, take procedural actions in his/her own name or to be a witness?

Civil proceedings	Criminal proceedings
--------------------------	-----------------------------

Capacity to initiate a proceeding and take other procedural actions in his/her own name	<input type="checkbox"/> Age threshold [Comment] <input type="checkbox"/> Exceptions from the threshold <input type="checkbox"/> Capacity for discernment <input checked="" type="checkbox"/> Other <input type="checkbox"/> NAP	<input type="checkbox"/> Age threshold [Comment] <input type="checkbox"/> Exceptions from the threshold <input type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input checked="" type="checkbox"/> NAP
To be a witness	<input type="checkbox"/> Age threshold [Comment] <input type="checkbox"/> Exceptions from the threshold <input checked="" type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input type="checkbox"/> NAP	<input type="checkbox"/> Age threshold [Comment] <input type="checkbox"/> Exceptions from the threshold <input checked="" type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input type="checkbox"/> NAP

Comment - Please specify if you selected answers “Exceptions from the threshold” and “Other”. If your system distinguishes between full and limited capacity to take legal actions, please describe the basis for this differentiation (age, capacity for discernment, type of action, type of cases, other).

031-2. If a minor cannot conduct proceedings in his/her own name, who can represent him/her in judicial proceedings?

	Civil proceedings	Criminal proceedings
Parent/legal guardian	<input type="checkbox"/> Yes, always <input checked="" type="checkbox"/> Yes, except in some specific situations <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes, always <input checked="" type="checkbox"/> Yes, except in some specific situations <input type="checkbox"/> No <input type="checkbox"/> NAP
Other representative (instead of parent/legal guardian)	<input type="checkbox"/> Social care services or other public institution <input checked="" type="checkbox"/> Legal professional <input type="checkbox"/> Associations for protection of minors <input type="checkbox"/> Other <input type="checkbox"/> NAP	<input type="checkbox"/> Social care services or other public institution <input type="checkbox"/> Legal professional <input type="checkbox"/> Associations for protection of minors <input checked="" type="checkbox"/> Other <input type="checkbox"/> NAP

Comment Regarding «Other»: it is the Public Prosecution Service

031-3. What are the different criteria for the criminal liability of minors? (multiple replies possible)

- Age threshold(s)
- Capacity for discernment
- Other criteria

Comment

031-3-1. What is the age threshold for the criminal liability of minors?

Criminal liability resulting in sentence without privation of liberty (for example, educational measures)

[12]

[] NA

[] NAP

Criminal liability resulting in sentence of privation of liberty

[16]

[] NA

[] NAP

Comment - Please describe, briefly, the specifics of your system. Could you, please specify if the possibility of mitigation applies to the sanctions and how?

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

- Yes, but only if offender is unknown
- Yes, but only if compensation could not be obtained from offender
- Yes, always
- No

Comment

032-0. If yes, for what types of offences the compensation is allocated?

- For all types of offences
- For some types of offences

[] NAP

Comment - Please specify: The types of crimes that you can obtain compensation for are 'violent crimes' (for example: Murder, Grievous Bodily Harm, Rape, Sexual Abuse of Minors, or Serious Physical Injury resulting from a Robbery offence). These crimes that have resulted in permanent disablement, temporary and absolute unfitness for work lasting at least 30 days, or death; if the crime has caused considerable disruption to the standard of living and quality of life of the victim or, in the event of the victim's death, of persons (close relatives) financially dependent on the victim or under the victim's responsibility, and who have not received redress from the offender. Domestic violence is also encompassed under the compensation law. The victim of this crime must be in a serious economic need as a result of this crime.

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

- Yes
- No

Comments

032-0. If yes, for what types of offences the compensation is allocated?

- For all types of offences
- For some types of offences

[] NAP

Comment - Please specify: The types of crimes that you can obtain compensation for are 'violent crimes' (for example: Murder, Grievous Bodily Harm, Rape, Sexual Abuse of Minors, or Serious Physical Injury resulting from a Robbery offence). These crimes that have resulted in permanent disablement, temporary and absolute unfitness for work lasting at least 30 days, or death; if the crime has caused considerable disruption to the standard of living and quality of life of the victim or, in the event of the victim's death, of persons (close relatives) financially dependent on the victim or under the victim's responsibility, and who have not received redress from the offender. Domestic violence is also encompassed under the compensation law. The victim of this crime must be in a serious economic need as a

result of this crime.

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

Yes

No

Comments

032-0. If yes, for what types of offences the compensation is allocated?

For all types of offences

For some types of offences

NAP

Comment - Please specify: The types of crimes that you can obtain compensation for are 'violent crimes' (for example: Murder, Grievous Bodily Harm, Rape, Sexual Abuse of Minors, or Serious Physical Injury resulting from a Robbery offence). These crimes that have resulted in permanent disablement, temporary and absolute unfitness for work lasting at least 30 days, or death; if the crime has caused considerable disruption to the standard of living and quality of life of the victim or, in the event of the victim's death, of persons (close relatives) financially dependent on the victim or under the victim's responsibility, and who have not received redress from the offender. Domestic violence is also encompassed under the compensation law. The victim of this crime must be in a serious economic need as a result of this crime.

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

Yes

No

Comments

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

Yes

No

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

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

Yes

No

Comments - If yes, please specify:

035-1. Do public prosecutors have a specific role with respect to minor victims (protection and assistance)?

Yes

No

Comment - If yes, please specify:

036. Do victims of offences have the right to dispute a public prosecutor's decision to discontinue a case? Please verify the consistency of your answers in this question and question 105 regarding

the possibility for a public prosecutor "to discontinue a case without needing a decision by a judge".

Yes

No

NAP

Comment - If necessary, please specify:

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

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

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

2.2.2 Confidence and satisfaction of citizens with their justice system



038. Does your country implement surveys to measure trust in justice and satisfaction with the services delivered by the judicial system?

	National level	Court level
Surveys for judges	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Surveys for court staff	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Surveys for public prosecutors	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc

Surveys for lawyers	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Surveys for other professionals	<input type="checkbox"/> Other regular <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Other regular <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Surveys for the parties	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Surveys for other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies, NGOs)	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Surveys for victims	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Surveys for minors	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Surveys for the general public	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Other not mentioned	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc

Comment - Please, indicate the references and links to the satisfaction surveys you mentioned above:

039. Are there statistical data concerning male and female court users, persons who initiate a case, victims, accused persons, etc.

(X) Yes, please specify:check comments

() No

Comment - If you have additional comments please specify: Justice Statistics collects and disseminates data regarding gender in various areas of Justice, namely regarding the following informatio

- Defendants and convicted in criminal cases;
- parties in divorce proceedings;
- Agents/suspects and injured in crimes registered by police entities; - Inmates in prison services;
- Justice professionals, such as judges, prosecutors, court clerks, lawyers, solicitors and execution agents.

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

(X) Yes

() No

Comments

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

	Authority responsible for dealing with the complaint	Existence of a time limit to deal with the complaint for this authority
Court concerned	() Yes (X) No	() Yes (X) No
Higher court	() Yes (X) No	() Yes (X) No
Ministry of Justice	() Yes (X) No	() Yes (X) No
High Judicial Council	(X) Yes () No	(X) Yes () No
Other external bodies (e.g. Ombudsman)	(X) Yes () No	() Yes (X) No

Comments The procedure must comply with the legal time frames set out in administrative law

For judges of the administrative and tax courts and for prosecutors, the authority responsible is the High Council for the Administrative and Tax Courts and the High Council of the Public Prosecutors' Service, respectively. The time frames exist and are also determined by administrative law

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

	Number of complaints	Compensation amount granted
Court concerned	[] NA [X] NAP	[] NA [X] NAP
Higher court	[] NA [X] NAP	[] NA [X] NAP
Ministry of Justice	[] NA [X] NAP	[] NA [X] NAP
High Judicial Council	692 [] NA [] NAP	[X] NA [] NAP
Other external bodies (e.g. Ombudsman)	186 [] NA [] NAP	[] NA [X] NAP

Comments - If possible, please give information concerning the efficiency of this complaint procedure and any useful comment:

Concerning data of the High Judicial Council, among the 692 complaints lodged in 2020, two resulted in summary inquiries, and around half of them were based on disagreement with the decision taken by the Judicial Magistrate in the case. There is no specific explanation for the decrease noted.

In 2020, the Ombudsman has received 103 complaints regarding cases pending in Courts or with the Public Prosecutors' Services, from a total of 186 regarding judicial delays in general. In 2020, the complaints concerning the administration and management of the judicial system made up 3% of total complaints.

Among the 692 complaints lodged in 2020, two resulted in summary inquiries, and around half of them were based on disagreement with the decision taken by the Judicial Magistrate in the case. In 2020, two disciplinary complaints were submitted to the High Council for the Administrative and Tax Courts regarding the performance of magistrates in judicial proceedings.

With regard the role of the Ombudsman, it should be highlighted that courts are not subject to the Ombudsman. Notwithstanding, the Ombudsman can use its control and supervising powers insofar as their administrative activity is concerned.

3. Organisation of the court system

3.1. Courts

3.1.1 Number of courts

042. Number of courts - legal entities.

	Number of courts
Total number of all courts - legal entities (1 + 2)	591 [] NA [] NAP
1 Total number of courts of general jurisdiction - legal entities (1.1 + 1.2 + 1.3)	151 [] NA [] NAP
1.1 First instance courts of general jurisdiction - legal entities	145 [] NA [] NAP
1.2 Second instance courts of general jurisdiction - legal entities	5 [] NA [] NAP
1.3 Highest instance courts of general jurisdiction - legal entities	1 [] NA [] NAP
2 Total number of specialised courts - legal entities	440 [] NA [] NAP

Comments 1.1 Courts of general jurisdiction and proximity divisions;

1.2. 2nd Instance Courts (Tribunal Relação de Lisboa, Coimbra, Porto, Évora e Guimarães).

1.3. Supreme Justice Court

043. Number of specialised courts – legal entities.

	First instance	Higher instances
Total number of specialised courts - legal entities	436 [] NA [] NAP	3 [] NA [] NAP
Commercial courts (excluded insolvency courts)	23 [] NA [] NAP	[] NA [X] NAP
Insolvency courts	[] NA [X] NAP	[] NA [X] NAP
Labour courts	45 [] NA [] NAP	[] NA [X] NAP
Family courts	52 [] NA [] NAP	[] NA [X] NAP
Rent and tenancies courts	[] NA [X] NAP	[] NA [X] NAP

Enforcement of criminal sanctions courts	5 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Fight against terrorism, organised crime and corruption	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Internet related disputes	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Administrative courts	17 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Insurance and / or social welfare courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Military courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Juvenile courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Other specialised courts	293 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If “Other specialised courts”, please specify: «Commercial courts» deal with, inter alia, winding up of the company, insolvency and suspension and revocation of company resolutions.

«Internet related disputes»: only for Internet domain system (DNS) issues, which are under the jurisdiction of the Intellectual Property Court; for all other Internet related issues, general jurisdiction courts are competent. Internet related disputes were not included in the number of specialised courts for previous cycles.

«Other specialised courts”: includes all other courts that are not listed in the categories above.

This category includes Civil Central Judicial Divisions, Criminal Central Judicial Divisions, Civil Local Proximity Judicial Divisions, Criminal Local Proximity Judicial Divisions, Petty Criminality Local; Proximity Judicial Divisions, Criminal Examination Judicial Divisions, Enforcement Judicial Divisions, Central Criminal Examination Court, Competition Court and Maritime Court.

044. Number of courts - geographic locations.

	Number of courts (geographic locations)
First instance courts geographic locations (this includes 1st instance courts of general jurisdiction and first instance specialised courts)	319 <input type="checkbox"/> NA <input type="checkbox"/> NAP
All the courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all Supreme Courts)	328 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments The difference between 2019 and 2020 is justified by the increase in new buildings.

=

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

Number of courts

A small claim	190 [] NA [] NAP
An employment dismissal	52 [] NA [] NAP
A robbery	226 [] NA [] NAP
An insolvency case	69 [] NA [] NAP

Comments With regard to «robbery», the data provided reflects more rigorously the first instance courts competente for this crime (Criminal Central Judicial Divisions, Criminal Local Proximity Judicial Divisions, Petty Criminality Local Proximity Judicial Divisions and General Jurisdiction Judicial Divisions). In the previous cycle (2018-2020), and by mistake, the Criminal Central Judicial Divisions were not included.

045-1. Is your definition of a small claim the same as the one in the Explanatory note?

Yes

No

Comments - If not, please give your definition of a small claim:

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

[15 000]

Comments

C. Please indicate the sources for answering the questions in this part

Sources: Directorate-General for Justice Administration and Directorate General for Justice Policy

3.2. Court staff

3.2.1 Judges and non-judge staff

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

	Total	Males	Females
Total number of professional judges (1 + 2 + 3)	1 999 [] NA [] NAP	759 [] NA [] NAP	1 240 [] NA [] NAP
1. Number of first instance professional judges	1 447 [] NA [] NAP	459 [] NA [] NAP	988 [] NA [] NAP

2. Number of second instance (court of appeal) professional judges	472 [] NA [] NAP	246 [] NA [] NAP	226 [] NA [] NAP
3. Number of Supreme Court professional judges	80 [] NA [] NAP	54 [] NA [] NAP	26 [] NA [] NAP

Comment - Please provide any useful comment for interpreting the data above: 3. We are dealing with small numbers, therefore the discrepancy ratio is big. In addition, with time female judges, that are the majority of judges, are getting to the top of their professional career.

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046-1-1. Does your system allow part-time work for judges with proportionally reduced remuneration?

Yes

No

Comments

046-1-2. If yes, please specify in which situation part-time work can be granted? (multiple replies possible):

Child-care

Elderly care

For the purposes of early retirement

Other reason, please specify:partial incapacity or disease.

Without reason

Comments Other reason:partial incapacity or disease.

046-1-3. If yes, what is the percentage of judges working part-time (in relation to the total number of judges)?

	Total (%)	Male (%)	Females (%)
Total (1 + 2 + 3) (%)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
1. At first instance level (%)	0 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2. At second instance (court of appeal) level (%)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
3. At Supreme Court level (%)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments The data only concern judges who seat at judicial courts. Therefore, judges who seat at administrative and tax courts are not included.

At first instance level, 0.058% is the percentage of judges working part time.

046-1-4. What is the percentage of work time of a judge working part-time compared to a full-time equivalent judge?

- Less than 50%
- 50 – 60%
- 60 - 80%
- More than 80%
- NA
- NAP

Comments

=

046-2. Number of judges (FTE) by case type:

	Total	Civil and/or commercial	Criminal	Administrative	Other
Total number of judges	1 999 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	268 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 731 <input type="checkbox"/> NA <input type="checkbox"/> NAP
First instance	1 447 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	179 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 268 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Second instance	472 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	65 <input type="checkbox"/> NA <input type="checkbox"/> NAP	407 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Supreme court	80 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	24 <input type="checkbox"/> NA <input type="checkbox"/> NAP	56 <input type="checkbox"/> NA <input type="checkbox"/> NAP

If “Other”, please explain which types of cases: As there are judges who have civil and criminal competences at the same time, it is not possible to distinguish judges by civil and commercial matters. Therefore, the judges of the judicial courts were all included in the column “other”.

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047. Number of court presidents (professional judges).

	Total	Males	Females
Total number of court presidents (1 + 2 + 3)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. Number of first instance court presidents	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Number of second instance (court of appeal) court presidents	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3. Number of Supreme Court presidents	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

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

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

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

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

- Yes If yes, please give specifications on the types of cases and an estimate in percentage.
- No
- NAP

Comments

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

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

Comments

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

	Yes	No	Echevinage / mixed bench
Criminal cases (severe)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Criminal cases (misdemeanour and/or minor)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Family law cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Labour law cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Social law cases	()	()	()
Commercial law cases	()	()	()
Insolvency cases	()	()	()
Other civil cases	()	()	()

NAP

Comments - If "Other civil cases", please specify:

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

Yes

No

Comments

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

Criminal cases

Other than criminal cases

Comments It should be underlined that under our Constitution there are no jury trials for terrorism or serious organised crime cases. Under the Criminal Procedural Code jury trials are limited to certain crimes established in the Penal Code and to crimes established in criminal law for violations of international humanitarian law approved by Law No. 31/2004, of 22 July. Additionally, jury trials depend of an application submitted by the Public Prosecution, the assistant or the defendant and the crime in question must be punishable by a prison sentence with a maximum limit of more than eight years. Accordingly to the Decree-Law No. 387-A/87, of 29 December, juries consist of three judges (juizes de direito) and four jurors (jurados, who are Portuguese nationals, aged 18-65, and who are registered voters).

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

[]

NA

NAP

Comments



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

	Total	Males	Females
Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)	5 779 [] NA [] NAP	1 927 [] NA [] NAP	3 852 [] NA [] NAP
1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

2. Non-judge (judicial) staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, helping to draft the decisions)	5 357 [] NA [] NAP	1 780 [] NA [] NAP	3 577 [] NA [] NAP
3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management)	104 [] NA [] NAP	60 [] NA [] NAP	44 [] NA [] NAP
4. Technical staff	317 [] NA [] NAP	86 [] NA [] NAP	231 [] NA [] NAP
5. Other non-judge staff	1 [] NA [] NAP	1 [] NA [] NAP	0 [] NA [] NAP

Comments - If "Other non-judge staff", please specify: 52-3-In absolute terms, the increase between 2018 and 2020 in the category "Staff in charge of different administrative tasks and of the management of the courts" for women is from 94 to 104. Since we are dealing with small absolute values, the identified variation, despite not representing a significant difference in absolute terms, acquires a more relevant expression in terms of relative variation.

52-4- We confirm the increase in the number of "technical staff" in the courts between 2018 and 2020. No specific explanation.

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

	Total	Males	Females
Total non-judge staff working in courts (1+2+3)	5 745 [] NA [] NAP	1 908 [] NA [] NAP	3 837 [] NA [] NAP
1. Total non-judge staff working in courts at first instance level	5 451 [] NA [] NAP	1 801 [] NA [] NAP	3 650 [] NA [] NAP
2. Total non-judge staff working in courts at second instance (court of appeal) level	192 [] NA [] NAP	80 [] NA [] NAP	112 [] NA [] NAP
3. Total non-judge staff working in courts at Supreme Court level	102 [] NA [] NAP	27 [] NA [] NAP	75 [] NA [] NAP

Comments We confirm the increase in 2020 in the category of non-judge staff working in courts at Supreme Court level in the Supreme Court of Justice and the Supreme Administrative Court, with a special focus on the administrative and tax courts.

=

053. If there are Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal in your judicial system, please specify in which fields they have a role:

[] Legal aid

- Family cases
- Payment orders
- Registry cases (land and/or business registry cases)
- Enforcement of civil cases
- Enforcement of criminal cases
- Non-litigious cases
- Other cases not mentioned (please describe in comment)
- NAP

Comments - Please briefly describe their status and duties:

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

- Yes
- No

Comments

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

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

Comments

C1. Please indicate the sources for answering the questions in this part

Sources: Directorate-General for Justice Policy

3.3. Public prosecution

3.3.1 Public prosecutors and staff

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

	Total	Males	Females
Total number of prosecutors (1 + 2 + 3)	1 416	497	919
	<input type="checkbox"/> NA	<input type="checkbox"/> NA	<input type="checkbox"/> NA
	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP



1. Number of prosecutors at first instance level	1 325 [] NA [] NAP	440 [] NA [] NAP	885 [] NA [] NAP
2. Number of prosecutors at second instance (court of appeal) level	75 [] NA [] NAP	52 [] NA [] NAP	23 [] NA [] NAP
3. Number of prosecutors at Supreme Court level	16 [] NA [] NAP	5 [] NA [] NAP	11 [] NA [] NAP

Comments - Please indicate any useful comment for interpreting the data above: No specific explanation for the numbers above.

=

055-1-1. Does your system allow part-time work for prosecutors with proportionally reduced remuneration?

Yes

No

Comments

055-1-2. If yes, please specify in which situation part-time work can be granted? (multiple replies possible):

Child-care

Elderly care

For the purposes of early retirement

Other reason, please specify: please check «comments»

Without reason

Comments health reasons (with medical certificate); union leaders, prosecutors who manage specific Prosecution's Offices, prosecutors members of the High Council of the Public Prosecution Service and prosecutors who are part-time trainers at the Center for Judicial Studies; partial incapacity and disease.

055-1-3. If yes, what is the percentage of prosecutors working part-time (in relation to the total number of prosecutors)?

	Total (%)	Male (%)	Females (%)
Total (1 + 2 + 3) (%)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
1. At first instance level (%)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2. At second instance (court of appeal) level (%)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
3. At Supreme Court level (%)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments As some decisions do not depend on the decision of the High Council, being decided at the local level (especially for health reasons), we do not have data that allow us to answer this question in due time.

In 2020, the High Council authorized the provision of part-time work for a female prosecutor to take care of minor children and two trainers from the Center for Judicial Studies. In 2021, the reduction of service to two male union leaders was authorized.

All these prosecutors are in the first instance.

055-1-4. What is the percentage of work time of a prosecutor working part-time compared to a full-time equivalent prosecutor?

- Less than 50%
- 50 - 60%
- 60 - 80%
- More than 80%
- NA
- NAP

Comments It depends on each case and the type of service provided, but always above 50%.

056. Number of heads of prosecution offices.

	Total	Males	Females
Total number of heads of prosecution offices (1 + 2 + 3)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. Number of heads of prosecution offices at first instance level	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Number of heads of prosecution offices at second instance (court of appeal) level	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3. Number of heads of prosecution offices at Supreme Court level	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Please provide any useful comment for interpreting the data above:

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

- Yes
- No

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

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

[]
 NA

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

- Yes
- No

Comments

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

	-
Domestic violence	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes, specifically for minor victims <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Sexual violence	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes, specifically for minor victims <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If yes, please specify In most of the Departments of Investigation and Criminal Action of the great counties (such as Lisbon, Lisbon West, Lisbon North, Porto, Porto Este, Braga, Coimbra, Setúbal, Évora, Faro), there are specialized sections for the investigation of crimes of domestic violence and sexual violence.

In some sections, there are also specialized integrated sections on domestic violence (Integrated Specialized Sections for Domestic Violence (SEIVD) in Lisbon, Seixal, Porto, Sintra), especially aimed at cases of domestic violence where there are minors, with prosecutors responsible for the areas of criminal investigation and family and children's law

=

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

	Total	Males	Females
Number of staff (non-public prosecutors) attached to the public prosecution service	1 657 [] NA	574 [] NA	1 083 [] NA

Comments

C2. Please indicate the sources for answering the questions in this part

Sources: Directorate General for Justice Policy

3.4. Gender equality

3.4.1 Specific provisions for facilitating gender equality

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

procedures for recruiting :

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

[] NA

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

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

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

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

=

061-3-1. Are there specific provisions for facilitating gender equality within the framework of the procedures for the appointment of:

	Yes / No
Court president	() Yes If “yes”, please specify:[Comment] (X) No

Head of prosecution services

Yes If "yes", please specify:[Comment]
 No

Comments

3.4.2 At national level

061-5. Does your country have an overarching document (e.g. policy/strategy/action plan/program) on gender equality that applies specifically to the judiciary?

Yes

No

Comments - If the situation changed since the reference year, please indicate in the comments. Could you specify the reference or internet link of this/these document(s) or send/upload it/them to us?

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

	Yes, please specify	No
The recruitment of judges	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The promotion of judges	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The recruitment of prosecutors	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The promotion of prosecutors	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The recruitment of non-judge staff	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The promotion of non-judge staff	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

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

(title, date, nature of the text)

NAP

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

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

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

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

3.4.3 At court/public prosecution services level

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

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

Comments - Please specify the details of this person/institution, in particular its titles and function:

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

	Yes	No
Assignment to different positions	()	(X)
Workload distribution	()	(X)
Working hours	()	(X)
Modalities of teleworking and presence in the workspace	()	(X)
Replacement of absent persons	()	(X)
Organisation of the hearings	()	(X)
Other	()	(X)

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

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

have been already implemented (please specify) :

are planned (please specify) :

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

NAP

061-10. Are there evaluation studies or official reports regarding the main causes of possible inequalities with regard to:

- Recruitment procedures, please specify:
- Appointment to the position of court president, please specify:
- Appointment to the position of head of prosecution services, please specify:
- Promotion procedures and access to the functions of responsibility, please specify:
- Other studies, please specify:

NAP

Comments - Please specify also the reference documents.

3.5 Use of information technologies in courts

3.5.1 General policies in Information Technology in judicial systems

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

	Organisation
IT policies and strategies	<input type="checkbox"/> Defined and coordinated at national level by one institution <input checked="" type="checkbox"/> Defined and coordinated at national level by several institutions <input type="checkbox"/> Defined and coordinated at unit/stakeholder level <input type="checkbox"/> Other

IT Governance	<input type="checkbox"/> Governed at national level by one institution <input checked="" type="checkbox"/> Governed at national level by several institutions <input type="checkbox"/> Organised at unit/stakeholder level <input type="checkbox"/> Other
----------------------	--

Comments

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

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

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

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

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

Comments - please also describe in case of “other alternatives” External services providers are, sometimes, hired to develop and implement projects, and maintaining some infrastructures and applications, under orientation of Ministry of Justice.

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

- Yes
- No

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

- Business processes
- Workload
- Human resources
- Costs

Other, please specify

Comments (please specify examples of the impact)

3.5.2 Security of courts information system and personal data protection

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

Yes

No

Comments (please specify in particular if national frameworks of information security exist): There are no regular audits – under contract – but there have been several over the years, resulting from various initiatives and/or events. Usually these actions always result in the implementation of some improvements at the security level.

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

Yes

No

Comment - If yes, please specify among others: if there are authorities specifically responsible for protection of personal data; the extent of the rights granted to citizens in the specific framework of software used by courts; if there are controls or limitations by law regarding the sharing of databases managed by courts with other administrations (police, etc.) The competent authority to control and supervise the compliance with the legal norms of protection of personal data is the National Commission of Data Protection (CNPD), an independent administrative entity. Under the legal framework on the European Data Protection Regulation (<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679&from=EN>) the activities of the courts are also under this Regulation. However there is a special law, Law No. 34/2009 of July 14th to consider; this Law establishes the legal regime applicable to the processing of data relating to the judicial system.

3.5.3 Centralised databases for decision support

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

Yes

Non

Comments Currently, each superior court has its own commission that selects and publishes its decisions. There are already some decisions from first instance courts published, but most of them are not, yet.

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

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

Criminal	() Yes all judgements () Yes some judgements (X) No	() Yes all judgements (X) Yes some judgements () No	() Yes all judgements (X) Yes some judgements () No	() Yes (X) No	(X) Yes () No	(X) Yes () No	() Yes (X) No
Administrative	() Yes all judgements () Yes some judgements (X) No	() Yes all judgements (X) Yes some judgements () No	() Yes all judgements (X) Yes some judgements () No	() Yes (X) No	(X) Yes () No	(X) Yes () No	() Yes (X) No

Comments - if it exists in other matters please specify

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

- Yes
 No

Comments

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

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

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

With regard to «Linkage...»:applied through ECRIS- European Criminal Records Information System;

With regard to «Content ...through...»:applied through PIS/TMenu system

With regard to »Content ...for purposes...»: applied through interoperability mechanisms

3.5.4 Writing assistance tools

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

- Yes
 No

Comment – if it exists in other matters please specify

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

Availability rate

<p>Civil and/or commercial</p>	<p><input checked="" type="checkbox"/> 100% (all templates are available for all courts of this matter)</p> <p><input type="checkbox"/> 50-99% (most of the templates are available for all courts or all templates for most of the courts)</p> <p><input type="checkbox"/> 10-49% (some of the templates are available for most of the courts or most of the templates for some of the courts)</p> <p><input type="checkbox"/> 1-9% (just starting to become available or in testing phase)</p> <p><input type="checkbox"/> 0% (NAP) (does not exist at all for this matter)</p> <p><input type="checkbox"/> NA</p>
<p>Criminal</p>	<p><input checked="" type="checkbox"/> 100% (all templates are available for all courts of this matter)</p> <p><input type="checkbox"/> 50-99% (most of the templates are available for all courts or all templates for most of the courts)</p> <p><input type="checkbox"/> 10-49% (some of the templates are available for most of the courts or most of the templates for some of the courts)</p> <p><input type="checkbox"/> 1-9% (just starting to become available or in testing phase)</p> <p><input type="checkbox"/> 0% (NAP) (does not exist at all for this matter)</p> <p><input type="checkbox"/> NA</p>
<p>Administrative</p>	<p><input checked="" type="checkbox"/> 100% (all templates are available for all courts of this matter)</p> <p><input type="checkbox"/> 50-99% (most of the templates are available for all courts or all templates for most of the courts)</p> <p><input type="checkbox"/> 10-49% (some of the templates are available for most of the courts or most of the templates for some of the courts)</p> <p><input type="checkbox"/> 1-9% (just starting to become available or in testing phase)</p> <p><input type="checkbox"/> 0% (NAP) (does not exist at all for this matter)</p> <p><input type="checkbox"/> NA</p>

062-8. Are there voice recording tools?

Yes

No

Comments Concerning the voice recognition feature, there was a pilot project ongoing in the previous evaluation cycle, but it still wasn't implemented. We are working to implement tools for Automatic Speech Recognition

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

<p>Availability of simple dictation tools</p>	<p>Availability of multiple speakers recording tools</p>	<p>Voice recognition feature</p>
--	---	---

Civil and/or commercial	<input checked="" type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input checked="" type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
Criminal	<input checked="" type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input checked="" type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
Administrative	<input checked="" type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input checked="" type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input checked="" type="checkbox"/> No <input type="checkbox"/> NA

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

Availability rate:

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

NA

Comments

3.5.5 Technologies used for administration of the courts and case management

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

- Yes
- No

Comments - if it exists in other matters please specify

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

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

Comment - If it exists in other matters please specify: In the previous cycle (2019 data) some SIEJ (BI) implementation may have been considered. However, regarding the Courts there is no BI involved, but rather an extraction process, defined by protocol with the Directorate-General of Justice Policy.

063-2. Computerised registries managed by courts

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

Business registry	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
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Comment – if it exists in other matters please specify:

Budgetary and financial monitoring

063-6. Budgetary and financial management systems of courts

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

Comments

Other tools of courts management

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

Yes

No

Comments There is no specific general management tool to access the workload of non-judge staff/non prosecutor staff. The information is collected directly from the case management system and then it is organized by the General Directorate of Administration of Justice/Ministry of Justice.

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

	Tools deployment rate	Data used for monitoring at national level	Data used for monitoring at court local level	Tool integrated in the CMS
For judges	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
For prosecutors	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
For non-judge/non-prosecutor staff	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

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

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

Yes

No

Comments

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

	Availability rate	Simultaneous submission of cases in paper form remains mandatory	Specific legislative framework authorising the submission of a case	An integrated/connect ed tool with the CMS
Civil and/or commercial	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Criminal	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Administrative	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
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Comments - if it exist in other matters please specify

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

Yes

No

Comments

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

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

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

Yes

No

Comments

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

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

Comments

Use of information technologies for improving the quality of the communication between courts and professionals

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

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

Civil and/or commercial	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Submission of a case to a court <input checked="" type="checkbox"/> Phases preparatory to a hearing <input type="checkbox"/> Schedule of hearings and/or deferrals <input checked="" type="checkbox"/> Transmission of court decisions	<input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Lawyers <input type="checkbox"/> Parties not represented by lawyer
Criminal	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Submission of a case to a court <input checked="" type="checkbox"/> Phases preparatory to a hearing <input type="checkbox"/> Schedule of hearings and/or deferrals <input checked="" type="checkbox"/> Transmission of court decisions	<input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Lawyers <input type="checkbox"/> Parties not represented by lawyer
Administrative	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Submission of a case to a court <input checked="" type="checkbox"/> Phases preparatory to a hearing <input type="checkbox"/> Schedule of hearings and/or deferrals <input checked="" type="checkbox"/> Transmission of court decisions	<input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Lawyers <input type="checkbox"/> Parties not represented by lawyer

Comments

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

Tool deployment rate	Modalities (if there are different according to the deeds or if other, please specify in a comment)	Specific legal framework
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Enforcement agents (as defined in Q169 and following)	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes
Notaries (as defined in Q192 and following)	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input checked="" type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes
Experts (as defined in Q202 and following)	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes
Judicial police services	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes

Comments For the moment, it is not foreseen to expand electronic communication to judicial experts.

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

Yes

No

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

Use of information technologies between courts, professionals and users in the framework of judicial proceedings

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

Yes

No

Comments

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

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

Comments

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

Yes

No

Comments

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

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

Administrative	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Sound <input type="checkbox"/> Video <input type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
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064-12. Is electronic evidence admissible?

	Admissibility of electronic evidence	Legislative framework
Civil and/or commercial	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> General law only <input checked="" type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only <input type="checkbox"/> NAP
Criminal	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> General law only <input checked="" type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only <input type="checkbox"/> NAP
Administrative	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> General law only <input checked="" type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only <input type="checkbox"/> NAP

Comments - Other devices of electronic communication between courts, professionals and/or users

3.6. Performance and evaluation

3.6.1 National policies applied in courts and public prosecution services

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

Yes

No

Comments - If yes, please specify: For instance, the Prosecutor General's Directives and Instructions define good practices of functional performance at national level and their compliance may be viewed an indicator of the quality of the work developed (example, Directive 5/2019, on acting in cases of domestic violence (<https://dre.pt/home/-/dre/126870404/details/maximized> - text in Portuguese).

In addition to Directives and Instructions, the performance assessment system for prosecutors is based on quality criteria/performance parameters, as a rule, uniformly applied at national level.

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

	Yes / No
within the courts	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

within the public prosecution services

Yes

No

Comments The High Council of the Public Prosecution Service has “inspectors” (“inspectores”) who assess the quality of the work carried out by the prosecutors, applying national quality criteria or standards.

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

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

Yes

No

Comments

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

number of incoming cases

length of proceedings (timeframes)

number of resolved cases

number of pending cases

backlogs

productivity of judges and court staff

satisfaction of court staff

satisfaction of users (regarding the services delivered by the courts)

costs of the judicial procedures

number of appeals

appeal ratio

clearance rate

disposition time

other (please specify):

Comments

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

Yes

No

Comments

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

number of incoming cases

length of proceedings (timeframes)

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

Comments

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

- Yes
- No

Comments

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

- Annual
- Less frequent
- More frequent

Comments - If “Less frequent” or “More frequent”, please specify:

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

- Yes
- No

Comments

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

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

Comments

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

Yes

No

Comments

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

Annual

Less frequent

More frequent

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

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

Yes

No

Comments

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

Identifying to the causes of improved or deteriorated performance

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

Reengineering of internal procedures to increase efficiency (treatment)

Other (please specify):

Comments

=

079. Who is responsible for evaluating the performance of the courts (multiple replies possible)?

High Judicial Council

Ministry of Justice

Inspection authority

Supreme Court

External audit body

Other (please specify):

Comments

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

Public Prosecutorial Council

Ministry of Justice

Head of the organisational unit or hierarchically superior public prosecutor

Prosecutor General /State public prosecutor

External audit body

Other (please specify):

Comments

3.6.3 Measuring courts' / public prosecution services activity

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

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

Comments we included "satisfaction of users" because one of the tasks of the president judge of the court is to monitor and evaluate the activity of the court, in particular the quality of the justice service provided to citizens, taking into account particular complaints or responses to satisfaction questionnaires. "Article 94 of Law 62/2013, 26th August, on the judicial organization"

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

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

Comments We included “clearance rate” and “disposition time” because one of the tasks of the public prosecutor coordinator is to monitor and evaluate the activity of the public prosecutors services, including the efficiency of procedures. Article 101 of Law 62/2013, 26th August on judicial organization.

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

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

Comments

072. Do you monitor waiting time during judicial proceedings?

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

Comments

3.6.4 Information regarding courts /public prosecution services activity

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

- Yes (please indicate the name and the address of this institution):Directorate-General for Justice Policy (Ministry of Justice)
- No

Comments <https://dgpj.justica.gov.pt/English/Contact-DGPJ>

080-1. Are the statistics on the functioning of each court published?

- Yes, on the internet
- No, only internally (on an intranet website)
- No

Comments <https://estatisticas.justica.gov.pt/sites/siej/en-us/pages/default.aspx>

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

- Yes (please indicate the name and the address of this institution):The Prosecutor General’s Office
- No

Comments <https://www.ministeriopublico.pt/>
Rua da Escola Politécnica, n.º 140, 1269-269 Lisboa-Portugal
Telephone: 213 921 900
Fax: 213 975 255

Email: correiopgr@pgr.pt

Note: The Prosecutor General's Office is responsible for collecting national statistical data regarding the functioning of the public prosecution services, but their report on statistical data it is also based on data transmitted by the various regional and local Prosecutors' Offices, from the various courts (common and specialized) where the Public Prosecution Service has representation.

080-3. Are the statistics on the functioning of each public prosecution service published?

- Yes, on the internet
- No, only internally (on an intranet website)
- No

Comments Annual reports on statistical data and, in general, public prosecution services activities is published on:
<https://www.ministeriopublico.pt/pagina/relatorios>.

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

- Yes
- No

Comments - If yes, please describe the content of the report and its audience (i.e. to whom the report is intended): Presiding Judges of the Courts shall send to the Judicial High Council a 6-monthly and an annual report on the status of their courts. These reports contain a balance and evaluation of the activity of each judicial court, under the terms provided in articles 94 (2) (g) and 110 (1) (a) of Law no. 62/2013, of 26 August and whose respective summaries should be compiled in order to prepare a document relating to all the courts. The reports are publicly available every year on the High Council for the Judiciary website.

A final document resulting from the compilation of the summary reports of each judicial district is formally presented every year to the Parliament, and later published in Council's website, with a summary of the data considered essential, such as:

- oThe amount of the annual budget of each comarca (judicial district);
- oThe analysis related to human resources;
- oThe identification of the established objectives and the assessment of the pursuit of those objectives;
- oThe procedural movement;
- oThe identification of the most pressing needs regarding facilities and equipment;
- oThe proposals presented by the Presiding Judge to face the identified problems.

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

- Internet
- Intranet (internal) website
- Paper distribution

Comments

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

- Annual
- Less frequent
- More frequent

Comments

=

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

Yes

No

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

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

Internet

Intranet (internal) website

Paper distribution

Comments According to Article 19 (2), (t) and (5) of the Statute of the Public Prosecution Service (Law No. 68/2019), the General Public Prosecutor publishes annually an activity report on the activities of the General Prosecutor and on the High Council of the Public Prosecution Service (including the evaluation of public prosecutors, disciplinary action, among others), the number of public prosecutors, the activity of each Office and Department of the Prosecutor General's Office (for instance, the Department of International Cooperation collects data on European arrest warrants and on the issue and receiving letters rogatory), the activity of the agent of the Portuguese Government at the European Court of Human Rights and the national representation at Eurojust, as well as all the activity of the Public Prosecutor's Office in the Portuguese courts (specialized and common, appeal and first instance), in the various areas of action (constitutional, criminal, civil, family and children, labor, administrative, fiscal, maritime, intellectual property, competition and regulation). All activities are described and accompanied by the respective statistical data.

The report is addressed to all public prosecutors and all those who have an interest in the activity of the Public Prosecution Service, considering that a summary of the annual report is public.

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

Annual

Less frequent

More frequent

Comments https://www.ministeriopublico.pt/sites/default/files/documentos/pdf/relatorio_anual_atividades_2020.pdf

3.6.5 Courts administration

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

Yes

No

Comments - If yes, please specify:

082-1. Is there in general a process or structure of dialogue between lawyers and courts regarding the way cases are presented before courts in other than criminal matters (e.g. organisation, number

and planning of hearings, on-call service for urgent cases)?

Yes

No

Comments - If yes, please specify: Notifications through CITIUS or urgencies through phonecalls
<https://www.citius.mj.pt/portal/default.aspx>

3.6.6 Performance and evaluation of judges and public prosecutors

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

Yes

No

Comments

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

Executive power (for example the Ministry of Justice)

Legislative power

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

President of the court

Other (please specify):

NAP

Comments

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

Yes

No

Comments

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

Annual

Less frequent

More frequent

=

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

Yes

No

Comments

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

- Executive power (for example the Ministry of Justice)
- Prosecutor General /State public prosecutor
- Public Prosecutorial Council
- Head of the organisational unit or hierarchically superior public prosecutor
- Other (please specify):
- NAP

Comments The local hierarchically superior public prosecutor can set individual targets for each public prosecutor. The High Council of the Public Prosecution Service only sets reference values for the purpose of placing prosecutors and establishing how many prosecutors are needed for a particular Public Prosecution Office.

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

- Yes
- No

Comments

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

- Annual
- Less frequent
- More frequent

Comments

C4. Please indicate the sources for answering the questions in this part

Sources: General Prosecutors Office High Judicial Council
 Administrative High Judicial Council

4.Fair trial

4.1.Principles

4.1.1Principles of fair trial



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

- []
- NA
- NAP

Comments - Please add methodology for calculation used.

085. Is there a procedure to effectively challenge a judge (recusal), if a party considers that the

judge is not impartial?

Yes

No

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

085-1. If yes, what is the ratio between the total number of initiated procedures and the total number of recusals pronounced (in the reference year):

[]

NA

Comments

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

For civil procedures (non-enforcement)

For civil procedures (timeframe)

For criminal procedures (timeframe)

NAP

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

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

Yes

No

NAP

Comments

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

Sources: Portuguese Government Agent for the Court of Human Rights

4.2. Timeframe of proceedings

4.2.1 General information

087. Are there specific procedures for urgent matters regarding:

civil cases

criminal cases

administrative cases

There is no specific procedure for urgent matters

Comments - If yes, please specify:

088. Are there simplified procedures for:

civil cases (small disputes)

criminal cases (misdemeanour cases)

administrative cases

There is no simplified procedure

Comments - If yes, please specify:

088-1. For these simplified procedures, may judges deliver an oral judgement with a written order and without the full reasoning of the judgement ?

civil cases

criminal cases

administrative cases

Comments - If yes, please specify:

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

Yes

No

Comments - If yes, please specify:

4.2.2 Case flow management – first instance



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

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court
Total of other than criminal law cases (1+2+3+4)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	185 390 <input type="checkbox"/> NA <input type="checkbox"/> NAP	254 568 <input type="checkbox"/> NA <input type="checkbox"/> NAP	248 992 <input type="checkbox"/> NA <input type="checkbox"/> NAP	190 966 <input type="checkbox"/> NA <input type="checkbox"/> NAP	33 923 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Non litigious cases (2.1+2.2+2.3)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2.1. Non litigious land registry cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2.2 Non-litigious business registry cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2.3. Other registry cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.3. Other non-litigious cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
3. Administrative law cases	66 089 <input type="checkbox"/> NA <input type="checkbox"/> NAP	20 731 <input type="checkbox"/> NA <input type="checkbox"/> NAP	26 144 <input type="checkbox"/> NA <input type="checkbox"/> NAP	60 676 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments The decrease in the number of Civil (and commercial) litigious cases reflects the effects of the Covid 19 pandemic and the consequent lockdown, that had an impact on the functioning of the courts, considering that in certain periods face-to-face services have been interrupted or conditioned.

On 1 September 2013, the new Code of civil Procedure entered into force, establishing a new regime for the enforcement action in Portugal, based on a new paradigm, which states that the processes that run in court must stand out clearly – those who are dependent on the commission of an act of the judge or the secretary – from those who run out of court. This new model, which enables a new way of organizing tasks, of work monitoring and of differentiating responsibilities is provided for in Article 551, paragraph 5 of the new Code of Civil Procedure. This new system follows more closely the current model in other countries and, without prejudice to the specificities of each planning and method of statistical production, will facilitate the future approach to a comparison of the Portuguese system with that of other countries. From a statistical point of view, this new model has not yet however been reflected in numbers, as work is still ongoing aimed at demarcating the procedures that are in court, waiting for an act, from those that are being handled by other entities. Since is not yet possible to provide figures that reflect the amount of work taken on by the courts as referred above, the data does not include civil and labour enforcement cases. The number of enforcement cases for the year 2020 are: Pending cases on 1 Jan. 2020: 521224; Incoming cases: 96047; Resolved cases: 159616; Pending cases on 31 Dec. 2020: 457655. These numbers correspond to the total number of existing procedures in Portugal in 2020, following the existing model prior to the entry into force of the said legal diploma.

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

In the scope of Working Group within the Ministry of Justice that monitors the development of the procedural processing system of the 1st instance judicial courts (Citius System), work is underway to implement the mechanism in question, in order to allow for autonomous

accounting of cases that are awaiting the performance of an act that falls within the competence of the registry or the judge. At the moment, it is not yet possible to estimate a date for the conclusion of the work. The question 91_3 “Administrative law cases”, includes administrative and tax cases. The number of Pending cases on 1 Jan. that correspond only to tax cases is 44542. The number Incoming cases that correspond only to taxcases is 44329. The number of Resolved cases that correspond only to tax cases is 48704. The number of Pending cases on 31 Dec. That correspond only to tax cases is 40167. In what concerns this typ of cases, in 2020 there were 68,467 new cases and 73,880 completed cases. However, of these totals, only 20,731 new cases and 26,144 completed cases corresponded to real movements of the beginning and end of cases. The remaining 47,736 cases refer to cases that were internally transferred between units, namely due to the establishment of specialised courts in September 2020 (which are not independent legal entities), or that were subject to changes in the subject matter. Considering that in 2020 the number of cases transferred between organizational units was very high in the 1st instance administrative and tax courts, for this cycle we indicated in the table only the numbers of cases opened and closed, without including transferred cases. In previous editions, the figures included transferred cases, which could impair the comparative reading.

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

. NAP

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

. NAP

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

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court
Total of criminal law cases (1+2+3)	41 395 [] NA [] NAP	63 435 [] NA [] NAP	59 309 [] NA [] NAP	45 521 [] NA [] NAP	15 941 [] NA [] NAP
1. Severe criminal cases	38 178 [] NA [] NAP	51 701 [] NA [] NAP	48 078 [] NA [] NAP	41 801 [] NA [] NAP	15 413 [] NA [] NAP
2. Misdemeanour and / or minor criminal cases	1 654 [] NA [] NAP	4 416 [] NA [] NAP	3 952 [] NA [] NAP	2 118 [] NA [] NAP	86 [] NA [] NAP
3. Other criminal cases	1 563 [] NA [] NAP	7 318 [] NA [] NAP	7 279 [] NA [] NAP	1 602 [] NA [] NAP	442 [] NA [] NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please specify what cases are reported in those categories. If “Other criminal cases”, please specify 94.1 - The decrease in the number of cases completed in the category "Total of criminal law cases" between 2018 and 2020 is justified by the decrease in court activity in the year 2020 due to the Covid-19 pandemic situation.

94.2 -The decrease in the number of incoming and outgoing cases in the category "Misdemeanour and / or minor criminal cases" between

2018 and 2020 is justified by the decrease in court activity in the year 2020 due to the Covid-19 pandemic situation. Still, the number of cases pending on January 1, 2020 reduced compared to the number of cases pending on January 1, 2018, since the number of cases completed from 2018 to 2019 was relatively higher than the number of cases entered in those years. 94.3 - The increase in the number of pending cases older than 2 years in the "Other criminal cases" category in 2020 compared to 2018 may be related to reduced court activity in the year 2020 due to the Covid-19 pandemic situation.

4.2.3 Case flow management – second instance



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

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court
Total of other than criminal law cases (1+2+3+4)	14 881 [] NA [] NAP	20 067 [] NA [] NAP	20 952 [] NA [] NAP	13 996 [] NA [] NAP	[X] NA [] NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	5 811 [] NA [] NAP	15 838 [] NA [] NAP	17 045 [] NA [] NAP	4 604 [] NA [] NAP	[X] NA [] NAP
2. Non litigious cases (2.1+2.2+2.3)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.1. Non litigious land registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.2 Non-litigious business registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.3. Other registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.3. Other non-litigious cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

3. Administrative law cases	9 070 [] NA [] NAP	4 229 [] NA [] NAP	3 907 [] NA [] NAP	9 392 [] NA [] NAP	[X] NA [] NAP
4. Other cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments - If "Other cases" please specify The decrease in the number of cases under the category "Civil (and commercial) litigious cases" between 2018 and 2020 is justified by the decrease in court activity in 2020 due to the Covid-19 pandemic situation. The number of cases pending on December 31, 2020 has reduced compared to the number of cases pending on December 31, 2018, since the number of cases completed from 2018 to 2020 was relatively higher than the number of cases entered in those years. The increase in the number of cases completed in Administrative Courts between 2018 and 2019 may be justified by the increase in the number of judicial magistrates working in these courts. Even so, despite this increase in cases completed, there was an increase in the number of cases pending on January 1, 2020 compared to the number of cases pending on January 1, 2018, considering that the number of cases completed from 2018 to 2019 was still relatively lower than the number of cases entered in those years.

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

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court
Total of criminal law cases (1+2+3)	3 577 [] NA [] NAP	8 778 [] NA [] NAP	8 894 [] NA [] NAP	3 461 [] NA [] NAP	[X] NA [] NAP
1. Severe criminal cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2. Misdemeanour and / or minor criminal cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
3. Other cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

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

4.2.4 Case flow management – Supreme Court

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

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme Court
Total of other than criminal law cases (1+2+3+4)	1 739 [] NA [] NAP	3 698 [] NA [] NAP	3 623 [] NA [] NAP	1 814 [] NA [] NAP	[X] NA [] NAP

1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	532 [] NA [] NAP	2 662 [] NA [] NAP	2 375 [] NA [] NAP	819 [] NA [] NAP	[X] NA [] NAP
2. Non litigious cases (2.1+2.2+2.3)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.1. Non litigious land registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.2 Non-litigious business registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.3. Other registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.3. Other non-litigious cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
3. Administrative law cases	1 207 [] NA [] NAP	1 036 [] NA [] NAP	1 248 [] NA [] NAP	995 [] NA [] NAP	[X] NA [] NAP
4. Other cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments - If "Other cases", please specify There was an increase in the number of cases pending from 2018 to 2020 at the Supreme Court of Justice, considering that the number of cases that ended from 2018 to 2020 was relatively lower than the number of cases brought in those years. The rise in the number of pending cases in the year 2020 is also partly explained by the decrease in court activity in the year 2020 due to the Covid-19 pandemic situation.

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

(X) Yes, please indicate the number of cases closed by this procedure: NA

() No

Comments

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

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme Court
Total of criminal law cases (1+2+3)	156 [] NA [] NAP	959 [] NA [] NAP	942 [] NA [] NAP	173 [] NA [] NAP	[X] NA [] NAP
1. Severe criminal cases	156 [] NA [] NAP	959 [] NA [] NAP	942 [] NA [] NAP	173 [] NA [] NAP	[X] NA [] NAP
2. Misdemeanour and / or minor criminal cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
3. Other criminal cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comment - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please specify what cases are reported in those categories.. If “Other criminal cases”, please specify The increase in the number of criminal cases pending on January 1, 2020 compared to the number of cases pending on January 1, 2018, at the Supreme Court is justified by the fact that the number of cases completed from 2018 to 2019 was relatively lower than the number of cases entered in those years.

4.2.5 Case flow management and timeframes – specific cases

101. Number of specific litigious cases received and processed by first instance courts.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec ref. year	Pending for more than 2 years
Litigious divorce cases	3 427 [] NA [] NAP	7 081 [] NA [] NAP	6 931 [] NA [] NAP	3 577 [] NA [] NAP	[X] NA [] NAP
Employment dismissal cases	1 286 [] NA [] NAP	3 710 [] NA [] NAP	3 203 [] NA [] NAP	1 793 [] NA [] NAP	[X] NA [] NAP
Insolvency	1 537 [] NA [] NAP	10 163 [] NA [] NAP	10 077 [] NA [] NAP	1 623 [] NA [] NAP	[X] NA [] NAP
Robbery case	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
Intentional homicide	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments The increase in the number of employment dismissal cases pending from 2018 to 2020 is largely justified by the fact that in 2020 the number of the cases filed was much higher than the number of cases completed. This is partly justified by the decrease in court activity in 2020 due to the Covid-19 pandemic situation.

The number of pending insolvency cases as of January 1, 2020 has decreased compared to the number of cases pending as of January 1, 2018, as the number of cases completed in 2018 and 2019 was relatively higher than the number of cases entered in those years. The decrease in the number of insolvency cases completed between 2018 and 2020 is justified by the decrease in court activity in 2020 due to

the Covid-19 pandemic situation.

Robbery and intentional homicide: At the trial stage, the classification of the type of crime in criminal cases is done only at the time the case ends, so it is not possible to provide data on the movement of cases before the case is finished.

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101-0. Number of procedures/cases relating to asylum seekers and to the right of entry and stay for aliens.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec ref. year	Pending for more than 2 years
Non-court procedures relating to asylum seekers (refugee status under the 1951 Geneva Convention)	908 [] NA [] NAP	1 002 [] NA [] NAP	1 213 [] NA [] NAP	697 [] NA [] NAP	[X] NA [] NAP
Non-court procedures relating to the right of entry and stay for aliens	2 338 [] NA [] NAP	257 916 [] NA [] NAP	256 533 [] NA [] NAP	3 721 [] NA [] NAP	[X] NA [] NAP
Court cases relating to asylum seekers (refugee status under the 1951 Geneva Convention)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
Court cases relating to the right of entry and stay for aliens	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments

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

. Please see general comments

101-2. Number of cases relating to child sexual abuse and child pornography received and processed by first instance courts.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec ref. year	Pending cases older than 2 years from the date the case came to the first instance court
Child sexual abuse	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Child pornography	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
--------------------------	---------------------	---------------------	---------------------	---------------------	---------------------

Comments - Please explain what are the legal definitions of these categories of offences in your system:

102. Percentage of decisions subject to appeal, average length of proceedings and percentage of cases pending for more than 3 years for all instances for specific litigious cases. The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the investigation phase in criminal cases as well as enforcement procedure.

	% of decisions subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)	% of cases pending for more than 3 years for all instances
Civil and commercial litigious cases	_____ Max numeric value allowed : 100 [X] NA [] NAP	306 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	_____ Max numeric value allowed : 100 [X] NA [] NAP
Litigious divorce cases	_____ Max numeric value allowed : 100 [X] NA [] NAP	176 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	_____ Max numeric value allowed : 100 [X] NA [] NAP
Employment dismissal cases	_____ Max numeric value allowed : 100 [X] NA [] NAP	154 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	_____ Max numeric value allowed : 100 [X] NA [] NAP
Insolvency cases	_____ Max numeric value allowed : 100 [X] NA [] NAP	46 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	_____ Max numeric value allowed : 100 [X] NA [] NAP
Robbery cases	_____ Max numeric value allowed : 100 [X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	_____ Max numeric value allowed : 100 [X] NA [] NAP
Intentional homicide cases	_____ Max numeric value allowed : 100 [X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	_____ Max numeric value allowed : 100 [X] NA [] NAP

Comments

103. Where appropriate, please indicate the specific procedure regarding divorce cases (litigious

and non-litigious):

. Please see general comments

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

. Please see general comments.

4.2.6 Case flow management – public prosecution

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

[X] to conduct or supervise police investigation

[X] to conduct investigations

[X] when necessary, to request investigation measures from the judge

[X] to charge

[X] to present the case in court

[X] to propose a sentence to the judge

[X] to appeal

[X] to supervise the enforcement procedure

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

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

[X] other significant powers (please specify): "Other significant powers include arrests of suspects in situations of flagrante crime and conduct of house and office searches

Comments

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

[X] civil cases

[X] administrative cases

[X] insolvency cases

Comments - If yes, please specify:

107. Public prosecutors: Total number of 1st instance criminal cases.

Number of cases

1.Pending cases on 1 Jan. ref. year	217 314 [] NA [] NAP
2.Incoming/received cases	434 878 [] NA [] NAP
3.Processed cases (3.1+3.2+3.3+3.4)	402 243 [] NA [] NAP
3.1.Discontinued during the reference year (3.1.1+3.1.2+3.1.3+3.1.4.)	[X] NA [] NAP
3.1.1 Discontinued by the public prosecutor because the offender could not be identified	[X] NA [] NAP
3.1.2 Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	[X] NA [] NAP
3.1.3 Discontinued by the public prosecutor for reasons of opportunity	[X] NA [] NAP
3.1.4 Discontinued for other reasons	[X] NA [] NAP
3.2.Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	[X] NA [] NAP
3.3.Cases closed by the public prosecutor for other reasons	[X] NA [] NAP
3.4.Cases brought to court	40 328 [] NA [] NAP
4.Pending cases on 31 Dec. ref. year	249 949 [] NA [] NAP

Comments The data indicated for «number of processed cases» corresponds to “the total number of criminal cases at the investigation stage that have been closed”.

The Public Prosecutor's Office, closes the inquiry as soon as it has gathered sufficient evidence that no crime has been committed, that the defendant has not committed it or that the procedure is legally inadmissible.

The Public Prosecutor's Office also closes the inquiry if it has not been possible to obtain sufficient evidence that a crime has been committed or who the perpetrators were.

107-1. If the guilty plea procedure exists, how many cases were concluded by this procedure?

	Total	Severe criminal cases	Misdemeanour and / or minor criminal cases
Total number of guilty plea procedures	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
Before the main trial	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

During the main trial	<input checked="" type="checkbox"/> NA	<input checked="" type="checkbox"/> NA	<input checked="" type="checkbox"/> NA
	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP

Comments

109. Do the figures provided in Q107 include traffic offence cases?

Yes

No

Comments

D2. Please indicate the sources for answering the questions in this part

Sources: General Prosecutor Office and Directorate-General for Justice Policy

5. Career of judges and public prosecutors

5.1. Recruitment and promotion

5.1.1 Recruitment and promotion of judges



110. How are judges recruited?

mainly through a competitive exam (open competition)

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

a combination of both (competitive exam and working experience)

other (please specify): Please check general comment

Comments

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

An authority made up of judges only

An authority made up of non-judges only

An authority/authorities made up of judges and non-judges

Other

Comments - Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles: Centre for Judicial Studies (Centro de Estudos Judiciários, CEJ)

111-1. How many members compose this authority?

Total	Male	Female
-------	------	--------

Members	28		
	<input type="checkbox"/> NA	<input checked="" type="checkbox"/> NA	<input checked="" type="checkbox"/> NA
	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP

Comments – Please specify what is the status of this authority and who is proposing its members? The Centre for Judicial Studies (CEJ) is an establishment with legal personality and administrative autonomy, under the supervision of the Minister of Justice. The organs of the CEJ are the Director, the General Council, the Pedagogical Council and the Disciplinary Council. The Director is appointed by the Prime Minister and Minister of Justice among judges, public prosecutors, university professors and lawyers for a renewable term of three years. The Director is assisted by two Deputy Directors who are appointed by the Minister of Justice for a renewable three-year term. By law, one Deputy Director must be a judge and the other a public prosecutor.

The General Council comprises the President of the Supreme Court of Justice, the President of the Supreme Administrative Court, the Attorney-General, the President of the Bar Association, the director of the CEJ, two people of recognized merit selected by the Assembly of the Republic, three law professors jointly chosen by the Minister of Justice and the Minister of Education, a member appointed by the High Council for the Judiciary, a member appointed by the High Council for the Administrative and Tax Courts, a member appointed by the High Council for the Public Prosecution Service, and two auditores de justiça (future judges and public prosecutors) in the first stage of the theoretical and practical training course, elected from among their peers.

The pedagogical council comprises the director of the CEJ, the deputy directors, a member appointed by the High Council for the Judiciary, a member appointed by the High Council for the Administrative and Tax Courts, a member appointed by the High Council for the Public Prosecution Service, two members of the CEJ's teaching staff elected from among their peers, a lawyer appointed by the Bar Association, a person appointed by the General Council and another selected by the Assembly of the Republic.

The disciplinary council consists of the director of the CEJ, the deputy directors, a member appointed by the High Council for the Judiciary, a member appointed by the High Council for the Administrative and Tax Courts, a member appointed by the High Council for the Public Prosecution Service, two persons chosen by the General Council and two auditores de justiça (future judges and public prosecutors admitted to the theoretical and practical course of initial training) elected from among their peers.

111-2. May non-selected candidates appeal against the decision on recruitment/appointment?

Yes

No

Comments – please specify which body is competent to decide on appeal? Concerning administrative guarantees:

a.Candidates have broad access to their file, in accordance with the the legal regime of the right to procedural information.

b.The exercise of the right to procedural information suspends the time limit for administrative appeals.

c.Competition decisions may be challenged administratively under the general terms.

d.The administration shall inform candidates about the competent administrative body to which they can lodge an appeal, whether this is mandatory or optional, and shall also inform them of the time limit for administrative appeals, optional or compulsory, and the respective time limit; where appropriate, it shall indicate the possibility of judicial review in accordance with the law of the procedure it will specify.

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

Yes

No

Comments Promotion of judges to superior courts is made through curricular competitions organized by the High Council for the Judiciary

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

Competitive test / Exam

Other procedure (interview or other)

No special procedure

Comments - Please specify how the promotion procedure for judges is organised (especially if there is no competition or examination):
The selection procedure for judges to the Courts of Appeal operates by means of a curricular competition exclusively for judges of First

Instance Courts. The competition has two stages: a. Determine the pool of candidates which are eligible for promotion; b. Jury report. Graduation is done according to the relative merit of the competitors, taking into account the curriculum evaluation globally by the jury with the following composition: a. President of the jury: i. The President of the High Council for the Judiciary, who may delegate in the vice president; b. Members: i. If the president does not delegate, the vice president and a member of the High Council for the Judiciary with the rank of Appeal Court Judge, to be chosen by the Council; ii. If the president delegates, two members of the High Council for the Judiciary with the category of Appeal Court Judges, to be chosen by the Council; iii. Three members of the High Council for the Judiciary, who are not members of the judiciary, designated by the Council.

The jury issues an opinion on each of the candidates, which is taken into account by the High Council for the Judiciary in deliberating on the graduation project, which must be substantiated when there is disagreement with this opinion. Deliberations are taken by simple majority of votes, with the president having the casting vote. The High Council for the Judiciary adopts the measures deemed necessary for the proper organization and execution of the competition and deliberates on the final graduation.

The selection procedure to become a Supreme Court Judge is open to Appeal Court Judges, Deputy General Prosecutors and legal experts of recognized merit. The graduation is made according to the relative merit of the competitors of each category, taking into account the curriculum evaluation globally, taking into account the following factors: a. Previous service classifications; b. Graduation obtained in qualification competitions or courses for entry into judicial positions; c. University and post-university curriculum; d. Scientific work done; e. Activity developed in the forensic field or in legal education; f. Other factors that make the applicants suitable for the position to be provided. The candidates publically defend their curriculum before a jury with the following composition:

a. President of the jury: i. President of the Supreme Judicial Court, as President of the Judicial High Council; b. Members: ii. The Supreme Court Judge, member of the Judicial High Council, with more seniority; iii. One member of the Public Prosecutor's High Council, to be elected by that body; iv. One member of the High Council for the Judiciary, non-judge, to be elected by that body; v. One law Professor, with the rank of Full Professor; vi. One lawyer serving in the High Council of the Portuguese Bar Association, appointed by the Bar under the request of the High Council for the Judiciary.

The jury issues an opinion on each one of the candidates, which is taken in consideration by the High Council for the Judiciary in drafting the final decision on the candidates' graduation and always justifies the grounds of the decision when disagreeing with the jury's opinion. The breakdown of vacancies is as follows:

- a. Three out of five vacancies are filled by judges in the list;
- b. One in five vacancies shall be filled by deputy prosecutors-general;
- c. One in five vacancies is necessarily filled by jurists of recognised merit.

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

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

Comments - Please specify any useful comment regarding the criteria (especially if you have checked the box "performance" or "other"): The evaluation of the judicial magistrates is based on Judicial Inspections which are carried out by the High Council for the Judiciary through experienced Judicial Magistrates appointed on service commission, which are part of the Inspection Service

In Portugal, the professional merit of its judges is the prevailing criteria for career progression. The classification attributed to each judge within the scope of judicial inspections has an essential value in their professional life since it decides their promotion and their transfer and placement in an aspired position.

According to the Statute of Judicial Magistrates (SJM), the classification should take into account the way judges perform their duties, with special regard to a set of criteria, such as, for example, technical preparation and intellectual capacity; personal and professional integrity and prestige; respect for their duties; volume and management of the service under their charge, among others.

The Judicial Inspection Regulation (JIR) focuses the evaluation criteria of the merit of the judges in three major aspects: human capacity to exercise the profession, adaptation to the court or service and technical preparation, taking into account, among others, certain factors. The classification to be proposed by the High Council for the Judiciary results from the overall weighting of the inspector's assessments. The SJM provides that Judges shall be classified, according to their merit, as Very Good, Good with Distinction, Good, Sufficient and

Mediocre. The Mediocre classification implies the opening of an enquiry, under the scope of which the suspension of the exercise of functions may be determined.

5.1.2 Status, recruitment and promotion of prosecutors

115. What is the status of public prosecution services?

- Has an independent status as a separate entity among state institutions
- Is part of the executive power but enjoys functional independence (please briefly explain how and to what extent)
- Is part of the executive power (without functional independence)
- Is part of the judicial power but enjoys functional independence (please briefly explain how and to what extent)
- Is part of the judicial power (without functional independence)
- Is a mixed model (please explain)
- Has other status (please explain)

Comments - When appropriate, please specify the objective guarantees of this independence (such as funding) and where they are enshrined (Constitution, legislation etc.). Furthermore, if "mixed model" or "other", please specify. The Portuguese Public Prosecution Service (PPS) is a judicial authority and has its own statute and autonomy: it is binding only to criteria of legality and objectivity and by the exclusive submission of Public Prosecution Service magistrates to the directives, orders and instructions provided for in its Statute (Articles 219 of the Constitution of the Portuguese Republic and 3 of the PPS Statute).

PPS are autonomous from any political interference and is parallel and independent of the judicial magistracy (Articles 3 and 96 of the Statute of the PPS).

Prosecutors can only receive instructions from the executive branch when they represent them in civil and administrative lawsuits (s. comments on question 106) and always within the strict limits of legality (cf. article 101 of the PPS Statute). Prosecutors are appointed by the High Council of the Public Prosecution Service and, as a rule, cannot be transferred without their consent (article 99 of the Statute of the PPS).

PPS is, constitutionally and statutorily, a hierarchical magistracy and prosecutors are responsible and hierarchically subordinate (to superior prosecutors), responding, under the terms of the law, for the fulfillment of their duties and for the observance of the directives, orders and instructions they receive (Article 97 (1) (2) and (3) of the PPS Statute).

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

- Yes
- No

Comments - If yes, please specify:

115-2. If you answered "Yes" to Q115-1, are there exceptions provided by the law/regulations?

- Yes
- No

Comments - Please describe these exceptions: In the context of article 278 of the Portuguese Code of Criminal Procedure, and following a closure decision (not to prosecute or to close the inquiry), Public Prosecutors conducting criminal investigations may receive written orders from their immediate superior to produce a bill of indictment or to proceed investigations. Apart this situation, prosecutors must refuse to comply the directives, orders and instructions when they consider them illegal and may refuse it when it seriously violates their legal conscience (cf. article 100 of the PPS Statute).

Procedures for exercising the powers of direction typical of the hierarchical structure of the PPS (outside the cases of hierarchical intervention provided for in the Portuguese Criminal Procedure Code) are also defined in Directive No. 4/2020 of the Prosecutor General (<https://dre.pt/home/-/dre/149595002/details/maximized>).

115-3. If you answered “No” to Q115-1, which authority can issue the specific instructions?

- General Prosecutor
- Higher prosecutor/Head of prosecution office
- Executive power
- Other

Comments - If “Other”, please specify:

115-4. What form these instructions may take?

- Oral instruction
- Oral instruction with written confirmation
- Written instruction
- Other
- NAP

Comments - If “Other”, please specify:

115-5. In that case, are the instructions:

- Issued seeking prior advice from the competent public prosecutor
- Mandatory
- Reasoned
- Recorded in the case file
- Other
- NAP

Comments - If “Other”, please specify: As we said in the Q115-2, if orders are given under article 278 of the Code of Criminal Procedure, they are mandatory - cannot be refused (article 100, paragraph 6, a) of the PPS Statute). If they are given under management powers / powers of direction, the prosecutor must refuse them in case of illegality and may refuse them if they seriously violates his / her legal conscience (article 100, no. 3 of the same Statute).

115-6. What is the frequency of this type of instructions:

- Exceptional
- Occasional
- Frequent
- Systematic
- NAP

Comments Hierarchical intervention under the Code of Criminal Procedure is occasional (and when occurs, under article 278, most of the times is required by the complainant /victim/assistant). Other type of orders is exceptional.

115-7. Can the public prosecutor oppose/report an instruction to an independent body?

- Yes
- No
- NAP

Comments - If yes, please specify to which body/institution and please describe under which conditions. In case of refusal for illegality,

the prosecutor must communicate the grounds for the refusal to the immediate superior prosecutor who is the hierarch of the prosecutor who issued the order (Directive No. 4/2020, II, 1.3).

If the cause of illegality grounds suspicion of committing a crime, there must be a complaint.

It may always be communicated to the High Council of the Public Prosecution Service, which, for these purposes, may be considered an independent body.

116. How are public prosecutors recruited?

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

Comments

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

- An authority composed of public prosecutors only
- An authority composed of non-public prosecutors only
- An authority composed of public prosecutors and non-public prosecutors
- Other

Comments - Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles: Center for Judiciary Studies (Centro de Estudos Judiciários- CEJ)

117-1. How many members compose this authority?

	Total	Male	Female
Members	28 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Please specify what is the status of this authority and who is proposing its members?

117-2. May non-selected candidates appeal against the decision on recruitment/appointment?

- Yes
- No

Comments - Please specify which body is competent to decide on appeal? Non-selected candidates can challenge the jury's decision to the Center for Judicial Studies and/or challenge the decision in court.

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

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

Comments Competent authority: High Council of the Public Prosecution Service

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

- Competitive test / exam

Other procedure (interview or other)

No special procedure

Comments - Please specify how the promotion procedure for prosecutors is organised (especially if there is no competition or examination): A prosecutor's career, and since the entry into force of Law No. 68/2019 (PPS statute), has only two degrees: public prosecutor and deputy prosecutor general.

Access to the Deputy Prosecutor General is done through a curricular competition, in which there is a mandatory hearing before a jury and in which only prosecutors with more seniority and with a classification of merit can compete. The number of places are established by the High Council of the Public Prosecution Service.

The terms of the curricular competition, provided for in article 148 of the PPS Statute, are regulated by the High Council of the Public Prosecution Service.

Public prosecutors are placed in positions of greater specialization (with the inherent salary increase) after at least ten years of experience, and with a classification of merit.

Some placements - as in the regional investigation and prosecution department - are made after the curricular assessment of those interested by the High Council of the Public Prosecution Service (cf., for example, article 160 of the PPS statute).

For placement in the central investigation and prosecution department, in addition to the curricular assessment, there is a hearing before the director of that Department. The appointment in these cases is also made by deliberation of the High Council of the Public Prosecution Service and between prosecutors with merit classification and, as a rule, at least 15 years of service.

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

Years of experience

Professional skills (and/or qualitative performance)

Performance (quantitative)

Subjective criteria (e.g. integrity, reputation)

Other

No criteria

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

5.1.3Mandate and retirement of judges and prosecutors

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

Yes, please indicate the compulsory retirement age:70

No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: Before the term for compulsory retirement (70 years), judges can cease functions by retirement due to age (65 years of age and 40 years of service) or incapacity, by compulsory retirement or dismissal (both as disciplinary sanctions) and by long-term leave (over 15 years of uninterrupted absence)

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

For disciplinary reasons

For organisational reasons

For other reasons (please specify modalities and safeguards):

No

Comments

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

long is this period?

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

No

Comments

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

Yes, please indicate the compulsory retirement age:70

No

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

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

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

No

Comments

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

[]

NA

NAP

Comments

125-1. Is it renewable?

Yes

No

NAP

Comments

126. If the mandate for public prosecutors is not for an undetermined period (see question 123), what is the length of the mandate (in years)?

[]

NA

NAP

Comments

126-1. Is it renewable?

Yes

No

NAP

Comments

E1. Please indicate the sources for answering the questions in this part

Sources: High Council for the Judiciary and Public Prosecution Office

5.2. Training

5.2.1 Training of judges

127. Types of different trainings offered to judges:

	Compulsory	Optional	No training proposed
Initial training (e.g. attend a judicial school, traineeship in a court)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
General in-service training	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training for management functions of the court (e.g. court president)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training for the use of computer facilities in courts	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
In-service training on ethics	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training on child-friendly justice	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments According to the new legal professional statute for judges (Law 68/2019, 27th August) in-service training is considered a right and each judge shall attend at least two sessions each year, provided by the Centre for Judicial Studies (CEJ).

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

The compulsory training for management functions of the court (e.g. court president) is only to access such functions.

In-service training for the use of computer facilities in courts is not provided by CEJ. Such specific training is provided by another public entity.

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

	Frequency of the judges training
General in-service training	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed

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

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

5.2.2 Training of prosecutors

129. Types of different trainings offered to public prosecutors:

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

Comments According to the legal professional statute of public prosecutors (Law 47/86) in-service training is a right and a duty, and each public prosecutor shall attend at least two sessions an year, provided by the Centre for Judicial Studies (CEJ).

As CEJ offers more than one hundred sessions a year, only a very small number is mandatory. For this reason both boxes (Compulsory) and (Optional) were filled in.

The compulsory training for management functions (e.g. district prosecutor coordinator) is only to access such functions. In-service training for the use of computer facilities in courts is not provided by CEJ. Such specific training is provided by another public entity.

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

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

Comments - Please indicate any information on the periodicity of the in-service training of prosecutors:

5.2.3 Training institutions

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

	Initial training only	Continuous training only	Initial and continuous training
Institution(s) for judges	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Institution(s) for prosecutors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Institution(s) for both judges and prosecutors	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments

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

	Budget of the institution(s) for the reference year, in €
Institution(s) for judges	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Institution(s) for prosecutors	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Institution(s) for both judges and prosecutors	11 270 298 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

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

. NAP

5.2.4 Number of trainings



131-2. Number of in-service training courses available and delivered (in days) by the public institution(s) responsible for training

	Number of in-person training courses available	Number of delivered in-person training courses in days	Online training courses available during the reference year (e-learning)
Total	100 <input type="checkbox"/> NA <input type="checkbox"/> NAP	31 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. For judges	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. For prosecutors	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3. For other non-judge staff	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
4. For other non-prosecutor staff	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
5. Training for other professionals	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments – please specify if there are training courses of judges and/or prosecutors that include other professionals in the field of justice. All the in-service training courses are available for judges, prosecutors, lawyers and other legal professionals. In addition to the 31 in person actions, 13 relating to web seminars should be added.

1. The increase of on line training and decrease of in person training is explained by the pandemic situation.

131-3. Number of participants of the training courses during the reference year

	Number of participants in in-person training courses	Number of participants in online training courses (e-learning)
Total	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Judges	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Prosecutors	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Non-judge staff	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Non-prosecutor staff	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Other professionals	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments The total number of participants in the whole mentioned training daily sessions is 3107 judges and prosecutors and 671 lawyers. These figures relate to on-line and in person participants.

5.3. Practice of the profession

5.3.1 Salaries and benefits of judges and prosecutors



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

	Gross annual salary, in €	Net annual salary, in €	Gross annual salary, in local currency	Net annual salary, in local currency
First instance professional judge at the beginning of his/her career	48 055 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President)	105 345 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Public prosecutor at the beginning of his/her career	48 055 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Attorney General).	105 345 [] NA [] NAP	[X] NA [] NAP	[] NA [X] NAP	[] NA [X] NAP
--	------------------------------	---------------------	---------------------	---------------------

Comments Source of data: Directorate-General for the Administration of Justice and the High Council for the Judiciary
The increase of salaries resulted from the revision of the statute of judges and prosecutors.

133. Do judges and public prosecutors have additional benefits?

	Judges	Public prosecutors
Reduced taxation	() Yes (X) No	() Yes (X) No
Special pension	() Yes (X) No	() Yes (X) No
Housing	(X) Yes () No	(X) Yes () No
Other financial benefit	(X) Yes () No	(X) Yes () No

Comments

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

. For judges and prosecutors “other financial benefit” can include: - Remuneration Supplement for Performing Urgent Services - Residence Subsidy in specific circumstances - Representation Expenses -Travel Expenses - Per diem/expense allowance

[] NAP

=

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

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

Political function	() Yes (X) No	() Yes (X) No
Mediator	() Yes (X) No	() Yes (X) No
Other function	() Yes (X) No	(X) Yes () No

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify. Judges in effective functions or in a situation of Jubilado (Emeritus) may not perform any other public or private function of a professional nature. For these purposes, unpaid management functions in foundations or associations with which judicial magistrates are associated which, by their nature and object, do not jeopardize the observance of the respective functional duties, are not considered to be of a professional nature, and the exercise of these functions must be preceded by communication to the High Council for the Judiciary. Unpaid teaching or scientific research of a legal nature, as well as service commissions or the exercise of functions outside the activity of courts whose compatibility with the magistracy is specifically provided for in the law, are not incompatible with the judiciary. The exercise of these functions requires authorization from the Council, and may not involve prejudice to the service in the case of teaching or scientific research of a legal nature. It also lacks authorization from High Council, which is only granted if the activity is not remunerated and does not involve prejudice to the service or to the independence, dignity and prestige of the judicial function:

- The exercise of non-professional functions in any statutory bodies of public or private entities whose specific purpose is to exercise disciplinary activity or settle disputes;
- The exercise of non-professional functions in any statutory bodies of entities involved in professional sports competitions, including the respective shareholder companies.

It is not incompatible with the judiciary to receive amounts resulting from literary, artistic, scientific and technical production and creation, as well as from related publications.

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

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

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify: Since the adoption of the new Prosecutors Statute, rules governing the career of public prosecutors (including incompatibilities) have considerably changed. Under the new rules, prosecutors cannot perform any other public or private function of a professional nature. For this purpose, unpaid directive functions in foundations or associations of which prosecutors are members which, by their nature and object, do not jeopardize the observance of the respective functional duties, are not considered to be of a professional nature. The exercise

of these functions must be preceded by a communication to the High Council of the Public Prosecution Service.

Teaching or scientific research of a legal nature, unpaid, are compatible with the performance of the functions of public prosecution. The exercise of those functions cannot involve prejudice to the service and requires authorization from the High Council of the Public Prosecution Service. In addition, income from literary, artistic, scientific and technical output, as well as derived publications can be received by public prosecutors.

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

Yes

No

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

5.3.2 Body/institution of ethics

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

Yes

No

Comments

138-1. If yes, who are the members of this institution/body?

Only judges

Judges and other legal professionals

Other, please specify:

Comments

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

Yes

No

[] NAP

Comments - Please describe the work of this institution / body, the frequency of opinions, etc.

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

Yes

No

Comments In the absence of a special institution/body (as provided for in the projects for the Code of Conduct and for the amendment of the organisation and function High Council for the Judiciary framework), the Council - as the State body constitutionally responsible for the appointment, placement, transfer and promotion of judges and for the exercise of disciplinary action) issues opinions on ethical and conduct issues, namely in relation to concrete situations that the judges concerned bring directly to the Council's attention. The deliberations resulting from the consideration of these issues are published on the Council's website. This task of the Council takes into consideration the fact that this body is simultaneously a body for the institutional safeguard of judges and their independence.

138-4. If yes, who are the members of this institution/body?

- Only prosecutors
- Prosecutors and other legal professionals
- Other, please specify:

Comments The High Council of the Public Prosecution Service appreciates ethical issues related to the exercise of functions of prosecutors within the disciplinary power of that body.

In October 2020, the High Council of the Public Prosecution Service drew up a draft code of conduct for prosecutors, which it submitted for public discussion. This initiative results from a legal imposition (Article 19 (3) of Law no. 52/2019, of 31 July, which approves the Regime on the Exercise of Functions by Political Office Holders or Holders of High Public Offices) and meets the recommendations of international organizations such as GRECO (Group of States Against Corruption Council of Europe).

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

- Yes
- No

NAP

Comments - Please describe the work of this institution / body, the frequency of opinions, etc. Please check the next box "Comments"

5.4. Disciplinary procedures

5.4.1 Authorities responsible for disciplinary procedures and sanctions

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

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

Comments And High Council of Administrative and Tax Courts for judges who seat at these courts

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

- Citizens
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (High Judicial Council)

- Disciplinary court
- Disciplinary body (disciplinary prosecutor, investigator etc.)
- Ombudsman
- Professional body
- Executive power (please specify):
- Other (please specify):
- This is not possible

Comments Who decides on the formal opening of disciplinary proceedings is the High Council of the Public Prosecution Service, which also has competence for the instruction and decision of those procedures.

However, any citizen, magistrate, hierarchical prosecutor or entity that has knowledge of the functional practice of prosecutor likely to be considered as a disciplinary offense may file a complaint and deliver it to the High Council.

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

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

Comments And High Council of Administrative and Tax Courts for judges who seat at these courts

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

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

Comments

5.4.2 Number of disciplinary procedures and sanctions

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

	Judges	Prosecutors
Total number (1+2+3+4)	26 [] NA [] NAP	9 [] NA [] NAP
1. Breach of professional ethics	[] NA [X] NAP	2 [] NA [] NAP
2. Professional inadequacy	[] NA [X] NAP	6 [] NA [] NAP
3. Criminal offence	[] NA [X] NAP	1 [] NA [] NAP
4. Other	[] NA [X] NAP	0 [] NA [] NAP

Comments - If "other", please specify:

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

	Judges	Prosecutors
Total number (total 1 to 10)	14 [] NA [] NAP	8 [] NA [] NAP
1. Reprimand	3 [] NA [] NAP	3 [] NA [] NAP
2. Suspension	2 [] NA [] NAP	2 [] NA [] NAP
3. Withdrawal from cases	0 [] NA [] NAP	0 [] NA [] NAP
4. Fine	7 [] NA [] NAP	3 [] NA [] NAP
5. Temporary reduction of salary	0 [] NA [] NAP	0 [] NA [] NAP
6. Position downgrade	0 [] NA [] NAP	0 [] NA [] NAP
7. Transfer to another geographical (court) location	2 [] NA [] NAP	0 [] NA [] NAP
8. Resignation	0 [] NA [] NAP	0 [] NA [] NAP

9. Other	0 [] NA [] NAP	0 [] NA [] NAP
10. Dismissal	0 [] NA [] NAP	0 [] NA [] NAP

Comments - If “other”, please specify. If a significant difference exists between the number of disciplinary proceedings and the number of sanctions, please indicate the reasons. According to article 227 (2) of the Public Prosecution Statute, reprimands may not be registered. One of the reprimands applied in the year 2020 was not registered in the individual file of the sanctioned prosecutor. Some of the sanctions applied in 2020 concern disciplinary proceedings started in 2019. Some of the disciplinary proceedings started in 2020 (Q144) have been filed (2). With regard to judges, one of the reprimands was registered in the individual file of the sanctioned prosecutor, one was not and the third one is unknown. Sanction 7 (transfer to another geographical (court) location) was applied as an accessory penalty of the suspension sanction).

E3. Please indicate the sources for answering the questions in this part

Sources: High Council for the Judiciary, High Council of Administrative and Tax Courts and High Council of the Public Prosecution Service

6.Lawyers

6.1.Profession of lawyer

6.1.1Status of the profession of lawyers

146. Total number of lawyers practising in your country:

	Total	Male	Female
Number of lawyers	33 115 [] NA	14 891 [] NA	18 224 [] NA

Comments

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

Yes ()

No (X)

Comments

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

[]

[] NA

[X] NAP



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149. Is legal representation in courts exclusively exercised by lawyers in: (multiple replies possible)

	First instance	Second instance	Highest instance court (Supreme Court)
Civil cases	<input checked="" type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input type="checkbox"/> No <input type="checkbox"/> NAP
Dismissal cases	<input type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input type="checkbox"/> No <input type="checkbox"/> NAP
Criminal cases – Defendant	<input checked="" type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input type="checkbox"/> No <input type="checkbox"/> NAP
Criminal cases – Victim	<input checked="" type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input type="checkbox"/> No <input type="checkbox"/> NAP
Administrative cases	<input checked="" type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input type="checkbox"/> No <input type="checkbox"/> NAP

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

149-0. If other than lawyers may represent a client in court, please specify who:

	First instance	Second instance	Highest instance court (Supreme Court)
Civil society organisation	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Family member	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Self-representation	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Trade union	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

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

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

other activities?

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

Comments

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

- Self-employed lawyer
- Staff lawyer
- In-house lawyer

Comments

150. Is the lawyer profession organised through:

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

Comments

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

- Yes
- No

Comments - Please indicate if there are other specific requirements as regards diplomas or university degrees:

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

- Yes
- No

Comments

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

- Yes
- No

Comments - If yes, please specify: In Portugal, members may practice in any area of law. However, if one wants to hold a title of Specialist, one needs to request that title before the General Council of the Bar, this implies a minimum of 10 years of practice in that area, specific training is also needed, under Regulation <https://portal.oa.pt/media/114700/regulamento-geral-das-especialidades.pdf>

F1. Please indicate the sources for answering the questions in this part

Sources: National Bar Association

6.1.2 Practicing the profession

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

Yes

No

Comments

155. Are lawyers' fees freely negotiated?

Yes

No

Comments

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

Yes, laws provide rules

Yes, standards of the bar association provide rules

No, neither laws nor bar association standards provide rules

Comments

6.1.3 Quality standards and disciplinary procedures

157. Have quality standards been determined for lawyers?

Yes

No

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

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

the bar association

the Parliament

other (please specify):

Comments

159. Is it possible to file a complaint about:

the performance of lawyers

the amount of fees

Comments - Please specify:

160. Which authority is responsible for disciplinary procedures?

a judge

Ministry of Justice

a professional authority

other (please specify):

Comments

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

	Number of disciplinary proceedings
Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	<input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Breach of professional ethics	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Professional inadequacy	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Criminal offence	<input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify: For the moment, the national Bar IT system does not allow to classify a procedure by the specific breach committed – however the executive Board of the Bar Association has been studying the implementation of an upgrade of this system in order to allow that qualification and statistics.

162. Sanctions pronounced against lawyers.

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

Comments - If "other", please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons. For the moment, the national Bar IT system does not allow to classify a procedure by the

specific breach committed – however the executive Board of the Bar Association has been studying the implementation of an upgrade of this system in order to allow that qualification and statistics.

7. Court related mediation and other alternative Dispute Resolution

7.1. Court related mediation

7.1.1 Details on court related mediation

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

Yes

No

Comments

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

Before/instead of going to court

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

No mandatory mediation

Comments - If there is mandatory mediation, please specify which fields are concerned:

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

Yes

No

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

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

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

Consumer cases	(X) Yes () No [] NAP	(X) Yes () No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP
-----------------------	--------------------------------	--------------------------------	--------------------------------	--------------------------------

Comments

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

(X) Yes

() No

[] NAP

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

=

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

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

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

167. Number of court-related mediations:

	Number of cases for which the parties agreed to start mediation	Number of finished court-related mediations	Number of cases in which there is a settlement agreement
Total (1 + 2 + 3 + 4 + 5 + 6)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
1. Civil and commercial cases	1 677 [] NA [] NAP	1 677 [] NA [] NAP	649 [] NA [] NAP
2. Family cases	214 [] NA [] NAP	214 [] NA [] NAP	73 [] NA [] NAP
3. Administrative cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
4. Labour cases including employment dismissal cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
5. Criminal cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
6. Consumer cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

=

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

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

Comments

G1. Please indicate the sources for answering the questions in this part

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

8.Enforcement of court decisions

8.1.Execution of decisions in civil matters

8.1.1 Number of enforcement agents, status and mandate

169. Number and type of enforcement agents in your country.

	Total	Male	Female
Total (1+2+3+4)	1 042 <input type="checkbox"/> NA	379 <input type="checkbox"/> NA	663 <input type="checkbox"/> NA
1. Private professionals under the authority (control) of public authorities	1 042 <input type="checkbox"/> NA <input type="checkbox"/> NAP	379 <input type="checkbox"/> NA <input type="checkbox"/> NAP	663 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Enforcement agents working in a public institution (civil servants paid by state)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
3. Judges	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
4. Other	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If other, please specify their status and competences:

170. What are the requirements to access the profession of enforcement agent (multiple replies possible)?

- diploma
- professional experience

specific exam

appointment procedure by the State

initial training

other

Comments - If "other", please specify:

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

Yes, please indicate the age of retirement: There isn't any age of retirement

No, please specify the duration of the appointment:

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: There isn't any age of retirement.

8.1.2 Activities/scope of competence

171-1. Which debtor's information can the enforcement agent access at the beginning of the enforcement procedure?

	Access to information	Direct electronic access to information
Address	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Date of birth	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Civil status	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Cohabitant	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Employer	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Motor vehicle	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Movable property	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Immovable property	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Bank account	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Other enforcement proceedings underway	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Insolvency proceedings (bankruptcy, judicial reorganisation, collective debt settlement etc.)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments - If "other", please specify:

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

	Option
Seizure of movable tangible properties	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Preventive seizure of movable tangible properties	<input type="checkbox"/> Yes, exclusively performed by enforcement agents <input checked="" type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of immovable properties	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Preventive seizure of immovable properties	<input type="checkbox"/> Yes, exclusively performed by enforcement agents <input checked="" type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure from a third party of the debtor claims regarding a sum of money	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of remunerations	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of motorised vehicles	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP

Eviction measures	<input type="checkbox"/> Yes, exclusively performed by enforcement agents <input checked="" type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizures of boats and ships	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of aircrafts	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of electronic assets (e.g cryptocurrency)	<input type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Enforced sale by public tender of seized properties	<input type="checkbox"/> Yes, exclusively performed by enforcement agents <input checked="" type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Sale of shares	<input type="checkbox"/> Yes, exclusively performed by enforcement agents <input checked="" type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Other	<input type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP

Comments •Eviction measures are not exclusively performed by enforcement agents, because they can also be performed by notaries in specific civil cases.

•Enforced sale by public tender of seized properties are not exclusively performed by enforcement agents, because they can also be performed by insolvency practitioners in insolvency cases.

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

Service of judicial and extrajudicial documents

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

Comments Only "service of judicial and extrajudicial documents" is performed by enforcement agents, exclusively under a court proceeding. All the other marked activities can be carried out by enforcement agents either under a court proceeding or not.

8.1.3 Training and ICT

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

- Yes
- No

Comments

172-2. Do you have an e-learning training system established for enforcement agents?

- Yes
- No

Comments - If yes, please specify:

172-3. Does the content of the continuous training system also include ICT (related to enforcement procedures)?

- Yes
- No

Comments - If yes, please specify:

172-4. Have an electronic service of documents or electronic notifications been introduced in your country?

- Yes
- No

Comments

172-5. Does the development of new technologies have an effect on the different stages of the enforcement procedure?

Yes

No

Comments - Please explain:

8.1.4 Fees

174. Are enforcement fees easily established and transparent for parties?

Yes

No

Comments

175-1. Are the fees charged in case of successful enforcement proceedings freely negotiated?

Yes

No

Comments

175-2. Who has to pay these fees if the enforcement proceedings are successful?

The debtor

The creditor

Other – please specify

Comments

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

Yes

No

Comments

H0. Please indicate the sources for answering the questions in this part

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

8.1.5 Organisation of profession and efficiency of enforcement services

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

Yes

No

Comments

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

professional body

judge

Ministry of Justice

public prosecutor

other (please specify): Commission for Monitoring the Justice Auxiliaries (CAAJ)

Comments

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

Yes

No

Comments - If yes, please specify:

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

Yes

No

Comments - If yes, please specify:

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

no execution at all

non execution of court decisions against public authorities

lack of information

excessive length

unlawful practices

insufficient supervision

excessive cost

unethical behaviour of enforcement agent

other (please specify):

Comments

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

	Existence of the system
for civil cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
for administrative cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments

186. Regarding a decision on debt collection, please estimate the average timeframe to serve

and/or notify the decision to the parties who live in the city where the court sits (one option only):

between 1 and 5 days

between 6 and 10 days

between 11 and 30 days

more (please specify):

NA

Comments This average concerns service/notification done by enforcement agents. Under national law, service/notification can also be done by court officers and legal representatives of one of the parties. In this case the answer is NA

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

	Number of disciplinary proceedings initiated
Total number of initiated disciplinary proceedings (1+2+3+4)	26 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. For breach of professional ethics	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. For professional inadequacy	7 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. For criminal offence	19 <input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If "other", please specify:

188. Number of sanctions pronounced against enforcement agents:

	Number of sanctions pronounced
Total number of sanctions (1+2+3+4+5)	30 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Reprimand	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Suspension	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Withdrawal from cases	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP

4. Fine	27 [] NA [] NAP
5. Other	2 [] NA [] NAP

Comments - If “other”, please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons: the 2 sanctions mentioned under «other» correspond to the disbarment sanction

H1. Please indicate the sources for answering the questions in this part

Source: Commission for Monitoring the Justice Auxiliaries (CAAJ)

8.2.Execution of decisions in criminal matters

8.2.1Functioning of execution in criminal matters



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

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

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

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

- Yes
- No

Comments

191. If yes, what is the recovery rate?

- 80-100%
- 50-79%
- less than 50%

Comments - Please indicate the source for answering this question:

9.Notaries

9.1.Profession of notary

9.1.1Number, status and mandate of notaries



192. Number and status of notaries in your country.

	Total	Male	Female
TOTAL (1+2+3+4)	405 [] NA [] NAP	95 [] NA [] NAP	310 [] NA [] NAP
1. Private professionals (without control from public authorities)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2. Holders of public offices appointed by the State	405 [] NA [] NAP	95 [] NA [] NAP	310 [] NA [] NAP
3. Civil servants (paid by the State)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
4. Other	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments - If "Other", please specify the status, or if "holder of a public office appointed by the State", please indicate which ministry is mainly engaged in the appointment procedure:

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

- diploma
- professional experience
- specific exam
- appointment procedure by the State
- initial training
- other (please specify):

Comments

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

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

Comments - are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: Age of retirement: 70. There are exceptions such as dismissal as a disciplinary sanction, dismissal by request, incapacity.

9.1.2 Activities/scope of competences

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

Please select one option

Authentication	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
Certification of signatures	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
Legalisation of signatures / Apostille	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Legality control of documents	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
Mediation	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
Taking of oaths	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Non-contentious judicial procedures (e.g. acting as court commissioner in a successions file, performing divorce, division of estate, please specify)	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
Act as civil servant (for example performing marriage, please specify)	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Other judicial functions (for example, payment orders)	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
Public auctions	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Other (for example collect taxes, run registers etc.)	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments - If "other", please specify. Please indicate any useful clarifications regarding the content of the notaries' exclusive rights or, on the opposite, other bodies that also have competences for the listed activities. Other - Collect taxes

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

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

Comments

9.1.3 ICT, organisation of the profession and training

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

- In their relations with the State (e.g. courts, registries, chambers of commerce, tax authorities)
- In their relations with their clients
- In their relations with other notaries (e.g. videoconferencing, system to exchange documents)

Comments

194-4. Which computerised registries can notaries consult?

- Land registry
- Business registry
- Civil status / Population registry
- Succession / Family law registry

Any other registry (please specify) Automobile and industrial property

None

Comments Other registry: Automobile and industrial property

194-5. Are there registries/ registry infrastructures run by the notaries?

Yes

No

Comments - If yes, please specify:

194-6. In which computerised registries can notaries modify data (either directly or by submitting an online request)?

	Directly modifying	Indirectly modifying by submitting an online request
Land registry	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Business registry	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Civil status/ Population registry	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Succession / Family law registry	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Any other registry (please specify)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
None	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP

Comments

194-7. What ICT tools are used by notaries in their relations with clients?

Videoconferencing (e.g. digital advice)

Digital act

Digital identification

Digital archiving

Other, please specify

None

Comments

194-8. Who is responsible to run the digital archives?

Notariat / Professional body

Other public authority

Another entity (please specify)

Comments

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

Yes

No

Comments

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

professional body

court

Ministry of Justice

public prosecutor

other (please specify):

Comments

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

Yes

No

Comments

196-2. Do notaries have training on:

	Yes	No
European law	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Law of another Member State (cross-border training programmes)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments - If yes, please indicate the types (e.g. traditional courses, e-learning, webinar) and the major topics of the training activities:

I1. Please indicate the sources for answering the questions in this part

Sources: Notary Association

10. Court interpreters

10.1. Details on profession of court interpreter

10.1.1 Status of court interpreters

197. Is the title of court interpreters protected?

Yes

No

Comments

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

Yes

No

Comments

199. Number of registered court interpreters:

[]

NA

NAP

Comments

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

Yes

No

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

201. Are the courts responsible for selecting court interpreters?

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

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

No, please specify which authority selects court interpreters

Comments

J1. Please indicate the sources for answering the questions in this part

Sources: Directorate-General for the Administration of Justice

11. Judicial experts

11.1. Profession of judicial expert

11.1.1 Status of judicial experts

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

- Experts designated by the parties in support of their arguments but bound by a duty of independence and impartiality to the court
- Experts appointed by the court or other authority independent of the parties
- Other system of judicial expertise, please specify

Comments - Please specify who is proposing and appointing experts in an individual case.

202-1. Are there lists or any other form of official registration for judicial experts?

- Yes
- No

Comments

202-1-1. If yes, at which level is the list established (multiple replies possible):

- national
- administrative district or federal entity
- judicial district
- other

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

202-1-2. Are these lists publicly available?

- Yes, available on the internet
- Yes
- No

Comments at:

https://dgaj.justica.gov.pt/Portals/26/5-TRIBUNAIS/Peritos%20avaliadores/Lista%20Oficial%20Peritos%20Avaliadores_14-05-2021.pdf?ver=uYhVTAsXnl1cCJxDZv_hhA%3d%3d×tamp=1620993646979

202-2. Which authority is competent for the registration of judicial experts?

- Ministry of justice
- Courts
- Administrative body
- Independent body (association of judicial experts)
- Other

Comments - Please also specify the registration criteria:

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

- Yes, for how long
- No

Comments

202-4. Can an expert who is not on the list or not registered be appointed in a case?

Yes

No

Comment - If yes, please specify in which cases:

203. Is the title of judicial experts protected?

Yes

No

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

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

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

Comments

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

judicial proceedings

the profession of expert

other

Comments

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

Yes

No

Comments

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

Yes

No

Comments - If yes, please specify:

205. Number of accredited or registered judicial experts:

	Total	Male	Female
Number of experts	367	292	75
	<input type="checkbox"/> NA	<input type="checkbox"/> NA	<input type="checkbox"/> NA
	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP

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

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

Comments

205-1. Who defines the amount of the expert remuneration?

	In civil/administrative cases	In criminal cases
Defined by law/by-law or a special regulation	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Defined by the court/judge	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Defined by Ministry of Justice or another ministry (setting a tariff for example)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Salary of public official (in case of forensic or another specialist – who is public employee)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Freely agreed between expert and the parties	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Other	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP

Comments - If other, please specify: Remuneration is established by the Regulation on Judicial Fees (article 17 and Annex IV). These provisions establish the frames of the remuneration; the precise amount is defined by the judge

206. Are there binding provisions for judicial experts regarding:

Yes	No
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Deadlines to provide expertise	(X)	()
Quality of expertise	()	(X)
Other	()	(X)

NAP

Comments - If yes, please specify, and provide details in case there are possible sanctions: When the investigation does not end with the immediate presentation of the technical report, the judge will establish the timeframe for the conclusion of the report; this period may not exceed 30 days (article 483 of the Civil Procedure Code).

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

Yes

No

If yes, please specify:

207-2. Are judicial experts' associations involved in:

Selection processes

Initial or continuous training

Disciplinary procedures

NAP

Comments

K1. Please indicate the sources for answering the questions in this part

Sources: Directorate-General for the Administration of Justice

12.Reforms in judiciary

12.1.Foreseen reforms

12.1.1Reforms

208. Can you provide information on the current debate in your country regarding the functioning of justice? Are there undergoing or foreseen reforms? If possible, please observe the following categories:

208-1. (Comprehensive) reform plans

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: There are some ongoing reforms regarding the digitalization of Justice.

208-2. Budget

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify:

208-3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts (geographic locations), competences of the courts, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings)

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: Decree-Law No. 58/2020, of 13 August introduced amendments to the geographic scope of Castelo Branco and Viseu administrative and tax courts.

Following the entry to force of Decree-Law N.º 174/2019, of 13 December, Ordonnance No. 121/2020, of 22 May determines the 1st September of 2020 the start of operation of several specialized chambers of administrative and tax courts.

208-4. Access to justice and legal aid

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: The goal is to have a legal aid system more effective in order to cover those who really need it and which and to ensure a good management of public resources

208-5. High Judicial Council

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify:

208-6. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education and training, etc.

- Yes (planned)
 Yes (adopted)
 Yes (implemented during year of reference +1)
 No
 NA

Comments - If yes, please specify: Ordonnance No. 137/2020, of 4 June, sets out the amount of the risk covered by compulsory professional indemnity insurance to which judicial administrators are subject.

During 2020, Law No. 80/2019, of 2 September was implemented. This law determines mandatory training on human rights and domestic violence for judges who seat at criminal and family courts.

Law No. 21/2020, of 2 July determines mandatory training on human rights and on the United Nations Convention on the Rights of the Child for judges who seat at criminal and family courts.

208-7. Gender balance

- Yes (planned)
 Yes (adopted)
 Yes (implemented during year of reference +1)
 No
 NA

Comments - If yes, please specify:

208-8. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities

- Yes (planned)
 Yes (adopted)
 Yes (implemented during year of reference +1)
 No
 NA

Comments - If yes, please specify: Currently, the Anti-Corruption Strategy for 2020-2024, approved by the Government, is awaiting a vote in the Parliament. This Strategy encompasses several amendments to legislation and the adoption of new laws (e.g. on whistleblower protection). Reforms to the system of criminal procedure to allow for a more timely treatment of complex criminal cases are also pending in Parliament. In the context of criminal cases deemed of high complexity, the need to amend the rules governing the criminal procedure, in order to allow for a more expedite treatment of such cases has signaled.

208-9. Enforcement of court decisions and in particular regarding decisions against public authorities

- Yes (planned)
 Yes (adopted)
 Yes (implemented during year of reference +1)
 No
 NA

Comments - If yes, please specify:

208-10. Mediation and other Alternative Dispute Resolution

- Yes (planned)
 Yes (adopted)
 Yes (implemented during year of reference +1)
 No
 NA

Comments - If yes, please specify: Strengthening the action of administrative arbitration centres is envisaged in order to provide an alternative to administrative and tax courts, thus lowering the number of incoming and pending cases in these courts, and ensuring an effective remedy for situations which otherwise would not have effective judicial protection

208-11. Fight against crime

- Yes (planned)
 Yes (adopted)
 Yes (implemented during year of reference +1)
 No
 NA

Comments - If yes, please specify: In 2020 several amendments to the Criminal Code on money laundering, sexual abuse and sexual exploitation of children and child pornography as well as crimes against pet animals were adopted.

208-12. Prison system

- Yes (planned)
 Yes (adopted)
 Yes (implemented during year of reference +1)
 No
 NA

Comments - If yes, please specify: During 2020, Decree-Law No. 70/2019, of 24 May entered into force and was implemented. This Decree-Law adapts the rules of the Code of Enforcement of Sentences and Imprisonment Measures to the enforcement scheme of imprisonment measures applied to unimputable individuals, when carried out in a mental health unit not integrated in the prison services. In 2020, Order No. 779/2020 was adopted. This Order creates a commission to monitor the implementation of the legal framework for compulsory internment. Compulsory internment established on Law on Mental Health (No. 36/98, of 24 July) can be determined under the Criminal Code in the framework of criminal responsibility of those who have psychic disorders. In 2020, Order No. 6324/2020 was adopted. This Order sets up a working group to present a proposal for the revision of the Mental Health Law; their work is underway

208-13. Child friendly justice

- Yes (planned)
 Yes (adopted)
 Yes (implemented during year of reference +1)
 No
 NA

Comments - If yes, please specify:

208-14. Domestic violence

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify:

208-15. New information and communication technologies

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify: Ordonnance No. 4/2020, of 13 January introduced amendments to the 2017 legal framework on electronic proceedings on administrative and tax courts (of all instances)

208-16. Other

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify: