



**Reference data 2022 (01/01/2022 - 31/12/2022)**

**Start/end date of the data collection campaign : 15/03/2023 - 01/10/2023**

**Objective :**

The CEPEJ decided, at its 39th plenary meeting, to launch the ninth evaluation cycle 2024, focused on 2022 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 46 member states of the Council of Europe as well as three observer states (Israel, Morocco and Kazakhstan).

The present questionnaire was developed 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, in service of the European citizens.

For better understanding of the questions it is necessary to consult the Explanatory note that gives definitions and explanations on the CEPEJ evaluation questionnaire and the methodology needed for replying, You can download the Explanatory note as a whole document on the CEPEJ website. In addition to the Explanatory note, there is also the User manual that is a technical document to help you navigate through this application for data collection.

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.

**Instruction :**

Explanatory note: <https://rm.coe.int/explanatory-note-2024-cycle-cepej-2023-2-en/1680aae30a>

Word version of the questionnaire - <https://rm.coe.int/evaluation-scheme-2024-cycle-cepej-2022-9rev1-en-30-march-2023/1680aae309>

CEPEJ COLLECT - User manual – you can download under Documentation tab

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## 1. General and financial information

### 1.1. Demographic and economic data

#### 1.1.1. Inhabitants and economic general information



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

[ 10 467 366 ]

Comments

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

[ 23 287 ]

Comments

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

[ 18 729 ]

[ ] NA

Comments This value is for year 2021.

Data for 2022 is still not available.

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

+1:

[            ]

Allow decimals : 5

[ X ] 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, 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) | [ X ] NA<br>[ ] NAP              | [ X ] NA<br>[ ] NAP       |
| 1. Annual public budget allocated to (gross) salaries   | 500 164 240<br>[ ] NA<br>[ ] NAP | [ X ] NA<br>[ ] NAP       |
| 2. Annual public budget allocated to computerisation (2.1 + 2.2)                                    | [ X ] NA<br>[ ] NAP              | [ X ] NA<br>[ ] NAP       |

|  |   |   |
|--|---|---|
| <b>2.1 Investments in computerisation</b>  | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP    | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP    |
| <b>2.2 Maintenance of the IT equipment of courts</b>   | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP    | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP    |
| <b>3. Annual public budget allocated to justice expenses (expertise, interpretation, etc.)</b> | 43 918 840<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 54 864 070<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>4. Annual public budget allocated to court buildings (maintenance, operating costs)</b>     | 32 019 781<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 32 728 426<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>5. Annual public budget allocated to investments in new (court) buildings</b>               | 4 724 432<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP  | 63 297<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP     |
| <b>6. Annual public budget allocated to training</b>   | 260 725<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP    | 38 087<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP     |
| <b>7. Other (please specify)</b>   | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP    | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP    |

Please indicate any useful comment to explain the figures provided. If the annual public budget allocated to the functioning of all courts actually implemented is different from the approved annual public budget allocated to the functioning of all courts, please indicate the main reasons for the differences: 6.2 - Acquisition of IT services under the Magistratus and MP Codex platform projects, which were created to support judges and prosecutors in their daily tasks, namely the acquisition of hardware and software; and the Tribunal + project, which aims to develop services supported by agile methodologies to optimize court activity. Yet, it is not possible to calculate the amount of budget allocated to courts and to the public prosecution services.

6.3 -The higher implementation than the initial allocation is mainly due to the increase in payments for expertise that took place during the year, that was not anticipated in the initial State Budget.

6.4 - The higher implementation than the initial allocation is mainly due to the increase in appropriations for rent and cleaning services not foreseen in the Directorate-General for Administration for Justice (DGAJ) initial budget.

6.5 -In 2020, no funds were spent on the construction of new courts. In 2022, €63 297 was spent on the start of the construction contract for the new Beja Palace of Justice.

6.6 - The increase is mainly due to the increase in funding and execution allocated to training provided by the DGAJ.

**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 €)  |
|---|--|--|
| <b>Total annual public budget allocated to all courts and the public prosecution services together</b>        | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP |
| <b>Total annual public budget allocated to all courts and legal aid together</b>                              | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP |
| <b>Total annual public budget allocated to all courts, public prosecution services and legal aid together</b> | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><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:**

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

Comments - 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. The value of 1 (one) unit of account was set at €102.00.

**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 €):**

[ 218 462 464 ]

 NA NAP

Comments In the last cycle there was a decrease of the amount of court fee received due to the temporary court closure because of COVID. This explains the increase this year.

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

|   | <b>TOTAL</b>                 | <b>Criminal cases</b>                  | <b>Other than criminal cases</b>       |
|---|------------------------------|--|--|
| <b>TOTAL - Annual approved public budget allocated to legal aid (12.1 + 12.2)</b> | 123 811 784                  |  |  |
|   | <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           |

|  |  |  |  |
|--|--|--|--|
| 12.1 for cases brought to court (court fees and/or legal representation)         | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| 12.2 for cases not brought to court (legal advice, ADR and other legal services) | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP |

Comments

### 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)  | 133 191 222<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| 12-1.1 for cases brought to court (court fees and/or legal representation)         | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP     | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| 12-1.2 for cases not brought to court (legal advice, ADR and other legal services) | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP     | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP |

If the public budget actually implemented regarding legal aid is different from the annual approved public budget allocated to legal aid, please indicate the main reasons for the differences: The amount implemented was bigger than the amount approved because there was the need to issue authorizations of the Ministry of Finance to increase expenses during the budget implementation, according with the Portuguese budget legislation.

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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<br><input type="checkbox"/> No<br><input type="checkbox"/> NAP (Legal aid does not include coverage of court fees)    |
| Exemption from court fees | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No<br><input type="checkbox"/> NAP (Legal aid does not include exemption from court fees) |

Comments

### 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) | 115 613 038<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 137 208 499<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |

**13.1. Annual public budget allocated to training of public prosecution services**

NA  
 NAP

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:

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

Sources: Financial and Equipments Institute (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 €)  |
|--|--|--|
| <b>Total annual public budget allocated to the whole justice system in €</b> | 1 602 212 984<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 1 516 325 428<br><input type="checkbox"/> NA<br><input type="checkbox"/> 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 include expenses financed by the European Union. In the approved budget the amount of expenses financed by EU was 9.136.493,00€ and in the implemented budget was 281.667€.

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

|                                    | Included   |
|------------------------------------|--|
| <b>Courts</b>                      | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NAP |
| <b>Legal aid</b>                   | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NAP |
| <b>Public prosecution services</b> | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NAP |

Comments

### 015-3. Other budgetary elements

Included

|   |  |
|---|--|
| <b>Prison system</b>  | ( X ) Yes<br>( ) No<br><input type="checkbox"/> NAP          |
| <b>Probation services</b>   | ( X ) Yes<br>( ) No<br><input type="checkbox"/> NAP          |
| <b>High Judicial Council</b>  | ( ) Yes<br>( X ) No<br><input type="checkbox"/> NAP          |
| <b>High Prosecutorial Council</b>   | ( ) Yes<br>( X ) No<br><input type="checkbox"/> NAP          |
| <b>Constitutional court</b>   | ( ) Yes<br>( X ) No<br><input type="checkbox"/> NAP          |
| <b>Judicial management body</b>   | ( X ) Yes<br>( ) No<br><input type="checkbox"/> NAP          |
| <b>Service for legal representation of the State</b>                              | ( ) Yes<br>( ) No<br><input checked="" type="checkbox"/> NAP |
| <b>Enforcement services</b>   | ( ) Yes<br>( X ) No<br><input type="checkbox"/> NAP          |
| <b>Notariat</b>   | ( ) Yes<br>( ) No<br><input checked="" type="checkbox"/> NAP |
| <b>Forensic services</b>  | ( X ) Yes<br>( ) No<br><input type="checkbox"/> NAP          |
| <b>Judicial protection of juveniles</b>   | ( X ) Yes<br>( ) No<br><input type="checkbox"/> NAP          |
| <b>Functioning of the Ministry of Justice</b>                                     | ( X ) Yes<br>( ) No<br><input type="checkbox"/> NAP          |
| <b>Refugees and asylum seekers services</b>                                       | ( ) Yes<br>( X ) No<br><input type="checkbox"/> NAP          |
| <b>Immigration Service</b>  | ( ) Yes<br>( X ) No<br><input type="checkbox"/> NAP          |
| <b>Some police services (e.g. : transfer, investigation, prisoners' security)</b> | ( X ) Yes<br>( ) No<br><input type="checkbox"/> NAP          |
| <b>Other</b>  | ( ) Yes<br>( X ) No<br><input type="checkbox"/> 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)

## 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<br><input type="checkbox"/> No<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| Legal advice, ADR and other legal services | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |

016-1. Please briefly describe the organisation of the legal aid system in your country.

-- 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).



**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<br><input type="checkbox"/> No<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |

Comments - If yes, please specify:

**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   |
|-------------------------------------|--|--|--|
| <b>TOTAL</b>                        | 119 680<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 117 478<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 2 202<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>In criminal cases</b>            | 32 121<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP  | 32 074<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP  | 47<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP    |
| <b>In other than criminal cases</b> | 87 559<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP  | 85 404<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP  | 2 155<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |

Comments - Please specify when appropriate:

**020-0. Please indicate the number of recipients of legal aid:**

|                                     | Total  | Cases brought to court   | Cases not brought to court   |
|-------------------------------------|--|--|--|
| <b>TOTAL</b>                        | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>In criminal cases</b>            | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>In other than criminal cases</b> | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP |

Comments - Please specify when appropriate:

**020-0-1. Are there statistical data disaggregated by gender in respect of recipients of legal aid?**

( ) Yes

( X ) No

Comments

**020-0-2. If yes, please provide details on distribution by gender of recipients of legal aid:**

|                                   | Total             | Males             | Females           |
|-----------------------------------|-------------------|-------------------|-------------------|
| Number of recipients of legal aid | [ ] NA<br>[ ] NAP | [ ] NA<br>[ ] NAP | [ ] NA<br>[ ] NAP |

Comments

**020-0-3. Is it possible to divide the number of recipients of legal aid per different categories of cases?**

( ) Yes

( X ) No

Comment: If yes, please specify for which categories of cases:

**020-0-4. Are there situations where legal aid is automatically granted depending on categories of cases?**

( X ) Yes

( ) No

Comment: If yes, please specify:

**020-0-5. How many of the recipients of legal aid are alleged victims of domestic violence?**

|  | Total               | Males               | Females             |
|--|---------------------|---------------------|---------------------|
| Number of recipients of legal aid who are alleged victims of domestic violence | [ X ] NA<br>[ ] NAP | [ X ] NA<br>[ ] NAP | [ X ] NA<br>[ ] NAP |

Comments

**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 decision on the legal aid request:**

|   | Time in days             |
|---|--------------------------|
| Maximum duration prescribed in law/regulation | 30<br>[ ] NA<br>[ ] NAP  |
| Actual average duration                       | 129<br>[ ] NA<br>[ ] 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). The Social Security District Centers have been and continue to strive to meet the legal deadline for examining and deciding cases. However, the results achieved have not yet reached absolute compliance, but they do show an improvement in decision times. It should be noted, and without prejudice to the provisions of the legal diploma that regulates legal protection, that the Social Security Institute (ISS, IP) only recognizes tacit approval when more than a year has passed since the application was submitted and the decision was made, and provided that this circumstance is invoked by the applicant or whenever the Court so orders, which makes the formation of the tacit act residual.

Following Order no. 2725/2022 of March 3, which determines the dematerialization, simplification and interoperability provided for in the Simplex measure, the new computer application - APJ ELETRÓNICO - for submitting, processing and deciding applications for legal protection requested by natural persons (with Social Security Identification Number), mentioned above, was developed.

This application went into production at the beginning of 2023 and has undergone constant improvements over the course of that year, which will contribute to meeting the legal deadline for the decision, namely the use of data (income/household/assets) available in the Social Security information system. However, as this is a new application, it is still under development.

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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<br>( ) No                 |
| Victims             | ( X ) Yes<br>( ) 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<br>( X ) No<br>[ ] NAP |
| Victims             | ( ) Yes<br>( X ) No<br>[ ] 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:

**023. If yes, please specify in the table:**

|  | Annual income value (for one person), (in €)                           | Assets value (for one person), (in €)                                  |
|--|--|--|
| Full legal aid to the applicant for criminal cases               | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| Full legal aid to the applicant for other than criminal cases    | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| Partial legal aid to the applicant for criminal cases            | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| Partial legal aid to the applicant for other than criminal cases | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> 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 specify 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 The decision to grant legal aid is taken by the Institute of Social Security. The Social Security Institute, I.P. (ISS) is a public institute governed by special rules in accordance with the law, integrated in the indirect administration of the State, with administrative and financial autonomy and its own assets.

The ISS performs functions of the Ministry of Labour, Solidarity and Social Security (MTSSS), under the supervision and authority of the respective minister.

**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<br><input type="checkbox"/> No |
| in other than criminal cases | <input checked="" type="checkbox"/> Yes<br><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 (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"/> <a href="https://dre.pt">https://dre.pt</a>  | <input type="checkbox"/> |
| Case-law of the higher court/s   | <input checked="" type="checkbox"/> <a href="http://www.dgsi.pt">http://www.dgsi.pt</a>  | <input type="checkbox"/> |
| Information about the judicial system (organisation of courts, court proceedings, etc) | <input checked="" type="checkbox"/> <a href="https://justica.gov.pt/">https://justica.gov.pt/</a>  | <input type="checkbox"/> |
| Other documents (e.g. forms, downloadable forms, online registration forms)            | <input checked="" type="checkbox"/><br><a href="http://www.citius.mj.pt/portal/Default.aspx">http://www.citius.mj.pt/portal/Default.aspx</a> | <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<br><input checked="" type="checkbox"/> Telephone<br><input type="checkbox"/> Interactive chat<br><input checked="" type="checkbox"/> In-person (physical access on site)<br><input type="checkbox"/> Other<br><input type="checkbox"/> No |
| Specific for victims of offences | <input checked="" type="checkbox"/> Online information<br><input checked="" type="checkbox"/> Telephone<br><input type="checkbox"/> Interactive chat<br><input checked="" type="checkbox"/> In-person (physical access on site)<br><input type="checkbox"/> Other<br><input type="checkbox"/> No |

|   |  |
|---|--|
| <b>Specific for minors (child-friendly systems)</b> | <input type="checkbox"/> Online information<br><input type="checkbox"/> Telephone<br><input type="checkbox"/> Interactive chat<br><input type="checkbox"/> In-person (physical access on site)<br><input type="checkbox"/> Other<br><input checked="" type="checkbox"/> No |
|---|--|

Comments - Please provide more information on these systems and 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 be found several police stations and Investigation and Prosecution Departments

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

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

- Special and child-adequate preparation for participation in trials / lawsuits (explaining in a child-friendly manner the proceedings)
- Special room in court designated for child-friendly hearings
- Special person / team of trained professional(s) (such as psychologists) to accompany a minor throughout the proceedings
- 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 person under 18 years of age to act in court proceedings or to be a witness?**

|  | Civil proceedings   | Criminal proceedings  |
|--|---|---|
| <b>Capacity to initiate a proceeding and take other procedural actions in his/her own name</b> | <input type="checkbox"/> Age threshold<br>[Comment]<br><input type="checkbox"/> Capacity for discernment<br><input checked="" type="checkbox"/> Other<br><input type="checkbox"/> NAP | <input type="checkbox"/> Age threshold<br>[Comment]<br><input type="checkbox"/> Capacity for discernment<br><input type="checkbox"/> Other<br><input checked="" type="checkbox"/> NAP |
| <b>To be a witness</b>   | <input type="checkbox"/> Age threshold<br>[Comment]<br><input checked="" type="checkbox"/> Capacity for discernment<br><input type="checkbox"/> Other<br><input type="checkbox"/> NAP | <input type="checkbox"/> Age threshold<br>[Comment]<br><input checked="" type="checkbox"/> Capacity for discernment<br><input type="checkbox"/> Other<br><input type="checkbox"/> NAP |

Comments - Please specify if you selected "Other".

**031-2. If a person under 18 years of age cannot act in court proceedings in his/her own name, who can represent him/her in judicial proceedings?**

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

Comment Legal professional also includes the Public Prosecution Office

**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 the offender is unknown

Yes, but only if compensation could not be obtained from the offender

Yes, in both situations

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. Is there a regular monitoring (official studies, reports etc.) allowing the evaluation of 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 of compensation in the following circumstances:**

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

Comments - Where appropriate, please give details on the compensation procedure and the calculation method for the amount of the compensation (e.g., the amount per day for unjustified detentions or convictions): The right to compensation in the cases listed is provided for in Law no. 67/2007 of December 31, which establishes the regime of non-contractual civil liability of the State and other Public Entities, specifically providing for an autonomous regime of State liability for damages arising from the exercise of the judicial function (chapter III, arts. 12 to 14).

In particular, with regard to Wrongful arrest/detention, it is important to mention article 225 and 226 of the Criminal Procedure Code, which provide for the right to compensation for illegal or unjustified deprivation of liberty by establishing a special regime. These articles also give effect to Article 27(5) CRP, which states that "Deprivation of liberty contrary to the provisions of the Constitution and the law shall constitute the State's duty to compensate the injured party under the terms established by law".

**037-1. Please specify which authorities are responsible for dealing with the requests and whether a legal time limit exists to deal with these requests:**

|                        | Responsible authorities  | Legal time limit         |
|------------------------|--------------------------|--------------------------|
| <b>Court concerned</b> | <input type="checkbox"/> | <input type="checkbox"/> |

|  |                                     |                          |
|--|-------------------------------------|--------------------------|
| Other court                            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Ministry of Justice                    | <input type="checkbox"/>            | <input type="checkbox"/> |
| High Judicial Council                  | <input type="checkbox"/>            | <input type="checkbox"/> |
| Other external bodies (e.g. Ombudsman) | <input type="checkbox"/>            | <input type="checkbox"/> |

Comments Matters involving non-contractual civil liability of the State, within the scope of the judicial function, belong to the administrative jurisdiction (Article 4(1)(f) of the ETAF), except for liability for judicial error committed by courts belonging to other jurisdictions (Article 4(4)(a) of the ETAF).

### 037-2. Are there statistical data disaggregated by gender concerning the number of:

|  | Existence of statistical data disaggregated by gender  |
|--|--|
| Persons who initiate a case in other than criminal matters | <input type="checkbox"/> Yes - If yes, please specify for which categories of cases: [Comment]<br><input checked="" type="checkbox"/> No<br><input type="checkbox"/> NA  |
| Victims recognised as such by the court                    | <input type="checkbox"/> Yes - If yes, please specify for which types of offences: [Comment]<br><input checked="" type="checkbox"/> No<br><input type="checkbox"/> NA  |
| Perpetrators of criminal offences                          | <input checked="" type="checkbox"/> Yes - If yes, please specify for which types of offences: [Comment] Data collected for all criminal offences<br><input type="checkbox"/> No<br><input type="checkbox"/> NA |

Comments Perpetrators of criminal offences: Data collected for all criminal offences

### 037-3. Are there statistical data on the relation between the perpetrator of the criminal offence and the victim recognised by the court?

Yes

No

If yes, please specify: Information on this topic is collected, but its quality is under review. For crimes of homicide, this information is collected and is already validated and available. For these specific type of crimes, confirmation of data quality is carried out case by case for the relation between the perpetrator and the victim.

## 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<br><input type="checkbox"/> Other regular<br><input type="checkbox"/> Ad hoc | <input type="checkbox"/> Annual<br><input type="checkbox"/> Other regular<br><input type="checkbox"/> Ad hoc |

|   |  |  |
|---|--|--|
| Surveys for court staff   | <input type="checkbox"/> Annual<br><input type="checkbox"/> Other regular<br><input type="checkbox"/> Ad hoc | <input type="checkbox"/> Annual<br><input type="checkbox"/> Other regular<br><input type="checkbox"/> Ad hoc |
| Surveys for public prosecutors  | <input type="checkbox"/> Annual<br><input type="checkbox"/> Other regular<br><input type="checkbox"/> Ad hoc | <input type="checkbox"/> Annual<br><input type="checkbox"/> Other regular<br><input type="checkbox"/> Ad hoc |
| Surveys for lawyers   | <input type="checkbox"/> Annual<br><input type="checkbox"/> Other regular<br><input type="checkbox"/> Ad hoc | <input type="checkbox"/> Annual<br><input type="checkbox"/> Other regular<br><input type="checkbox"/> Ad hoc |
| Surveys for other professionals   | <input type="checkbox"/> Annual<br><input type="checkbox"/> Other regular<br><input type="checkbox"/> Ad hoc | <input type="checkbox"/> Annual<br><input type="checkbox"/> Other regular<br><input type="checkbox"/> Ad hoc |
| Surveys for the parties   | <input type="checkbox"/> Annual<br><input type="checkbox"/> Other regular<br><input type="checkbox"/> Ad hoc | <input type="checkbox"/> Annual<br><input type="checkbox"/> Other regular<br><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<br><input type="checkbox"/> Other regular<br><input type="checkbox"/> Ad hoc | <input type="checkbox"/> Annual<br><input type="checkbox"/> Other regular<br><input type="checkbox"/> Ad hoc |
| Surveys for victims   | <input type="checkbox"/> Annual<br><input type="checkbox"/> Other regular<br><input type="checkbox"/> Ad hoc | <input type="checkbox"/> Annual<br><input type="checkbox"/> Other regular<br><input type="checkbox"/> Ad hoc |
| Surveys for minors  | <input type="checkbox"/> Annual<br><input type="checkbox"/> Other regular<br><input type="checkbox"/> Ad hoc | <input type="checkbox"/> Annual<br><input type="checkbox"/> Other regular<br><input type="checkbox"/> Ad hoc |
| Surveys for the general public  | <input type="checkbox"/> Annual<br><input type="checkbox"/> Other regular<br><input type="checkbox"/> Ad hoc | <input type="checkbox"/> Annual<br><input type="checkbox"/> Other regular<br><input type="checkbox"/> Ad hoc |
| Other not mentioned   | <input type="checkbox"/> Annual<br><input type="checkbox"/> Other regular<br><input type="checkbox"/> Ad hoc | <input type="checkbox"/> Annual<br><input type="checkbox"/> Other regular<br><input type="checkbox"/> Ad hoc |

NA

Comment - Please, indicate the references and links to the satisfaction surveys you mentioned above: No survey took place during the reference year.

### 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<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |

|  |                          |
|--|--------------------------|
| <b>1 Total number of courts of general jurisdiction - legal entities (1.1 + 1.2 + 1.3)</b> | 151<br>[ ] NA<br>[ ] NAP |
| <b>1.1 First instance courts of general jurisdiction - legal entities</b>                  | 145<br>[ ] NA<br>[ ] NAP |
| <b>1.2 Second instance courts of general jurisdiction - legal entities</b>                 | 5<br>[ ] NA<br>[ ] NAP   |
| <b>1.3 Highest instance courts of general jurisdiction - legal entities</b>                | 1<br>[ ] NA<br>[ ] NAP   |
| <b>2 Total number of specialised courts - legal entities</b>                               | 440<br>[ ] NA<br>[ ] NAP |

Comments

### 043. Number of specialised courts – legal entities.

|  | <b>First instance</b>    | <b>Higher instances</b> |
|--|--------------------------|-------------------------|
| <b>Total number of specialised courts - legal entities</b>     | 437<br>[ ] NA<br>[ ] NAP | 3<br>[ ] NA<br>[ ] NAP  |
| <b>Commercial courts (excluded insolvency courts)</b>          | 23<br>[ ] NA<br>[ ] NAP  | [ ] NA<br>[ X ] NAP     |
| <b>Insolvency courts</b>                                       | [ ] NA<br>[ X ] NAP      | [ ] NA<br>[ X ] NAP     |
| <b>Labour courts</b>   | 45<br>[ ] NA<br>[ ] NAP  | [ ] NA<br>[ X ] NAP     |
| <b>Family courts</b>   | 53<br>[ ] NA<br>[ ] NAP  | [ ] NA<br>[ X ] NAP     |
| <b>Rent and tenancies courts</b>                               | [ ] NA<br>[ X ] NAP      | [ ] NA<br>[ X ] NAP     |
| <b>Enforcement of criminal sanctions courts</b>                | 5<br>[ ] NA<br>[ ] NAP   | [ ] NA<br>[ X ] NAP     |
| <b>Fight against terrorism, organised crime and corruption</b> | [ ] NA<br>[ X ] NAP      | [ ] NA<br>[ X ] NAP     |
| <b>Internet related disputes</b>                               | 1<br>[ ] NA<br>[ ] NAP   | [ ] NA<br>[ X ] NAP     |
| <b>Administrative courts</b>                                   | 17<br>[ ] NA<br>[ ] NAP  | 3<br>[ ] NA<br>[ ] NAP  |
| <b>Insurance and / or social welfare courts</b>                | [ ] NA<br>[ X ] NAP      | [ ] NA<br>[ X ] NAP     |

|                                 |  |  |
|---------------------------------|--|--|
| <b>Military courts</b>          | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP |
| <b>Juvenile courts</b>          | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP |
| <b>Other specialised courts</b> | 293<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP     | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP |

Comments - If "Other specialised courts", please specify:

#### 044. Number of courts - geographic locations.

|   | Number of courts (geographic locations)                            |
|---|--|
| <b>First instance courts geographic locations (this includes 1st instance courts of general jurisdiction and first instance specialised courts)</b>   | 318<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>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)</b> | 327<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |

Comments

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

Sources: Directorate General for Justice Administration (Ministry of Justice)  
Directorate General for Justice Policy (Ministry of Justice)

### 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  |
|---|--|--|--|
| <b>Total number of professional judges (1 + 2 + 3)</b>                    | 2 043<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 730<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 1 313<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>1. Number of first instance professional judges</b>                    | 1 505<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 459<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 1 046<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>2. Number of second instance (court of appeal) professional judges</b> | 454<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP   | 215<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 239<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP   |

|   |                         |                         |                         |
|---|-------------------------|-------------------------|-------------------------|
| <b>3. Number of Supreme Court professional judges</b> | 84<br>[ ] NA<br>[ ] NAP | 56<br>[ ] NA<br>[ ] NAP | 28<br>[ ] NA<br>[ ] NAP |
|---|-------------------------|-------------------------|-------------------------|

Comment - Please provide any useful comment for interpreting the data above:

=

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

Yes

No

Comments

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

Child-care

Elderly care or other dependant persons' care

Training

For the purposes of early retirement

No specific reason required

Other reason, please specify:partial incapacity or desease.

Comments Other reason: partial incapacity or desease.

**046-1-3. If yes, what is the number of professional judges working part-time with reduced remuneration?**

|  | <b>Total</b>        | <b>Males</b>        | <b>Females</b>      |
|--|---------------------|---------------------|---------------------|
| <b>Total (1 + 2 + 3)</b>                             | [ X ] NA<br>[ ] NAP | [ X ] NA<br>[ ] NAP | [ X ] NA<br>[ ] NAP |
| <b>1. At first instance level</b>                    | [ X ] NA<br>[ ] NAP | [ X ] NA<br>[ ] NAP | [ X ] NA<br>[ ] NAP |
| <b>2. At second instance (court of appeal) level</b> | [ X ] NA<br>[ ] NAP | [ X ] NA<br>[ ] NAP | [ X ] NA<br>[ ] NAP |
| <b>3. At Supreme Court level</b>                     | [ X ] NA<br>[ ] NAP | [ X ] NA<br>[ ] NAP | [ X ] NA<br>[ ] NAP |

Comments

**046-1-4. Are there other possibilities (apart from part-time) for regular adjustment of working time or conditions with or without reduced remuneration?**

|   | Adjustment of working time or conditions with or without reduced remuneration |
|---|---|
| Temporary reduction of the workload                     | ( X ) Yes<br>( ) No   |
| Temporary reduction of the working time / special leave | ( ) Yes<br>( X ) No   |
| Other measures  | ( ) Yes<br>( X ) No   |

Comment: If such possibilities for regular adjustment exist, please specify if they imply or not a reduction of the remuneration? They don't imply a reduction of the remuneration.

**046-1-5. If yes, please specify in which situation(s) these possibilities can be used?**

- Child-care
- Elderly care or other dependant persons' care
- Training
- For the purposes of early retirement
- As part of induction process for new judges
- No specific reason required
- Other reason, please specify: .....
- NAP

Comments In addition to child care, there may be a reduction of service (authorized by the Judicial High Council) in the following situations:

- Judge or judges who are entrusted with other services of recognized public interest in the area of justice or in other situations that justify the adoption of such measures.
- When the judge suffers from a functional incapacity recognized by the medical board that does not prevent the exercise of the function but makes it more onerous and/or has an impact on the service.
- Judge or judges to whom the urgent or particularly complex case has been distributed. In such cases he may also order the redistribution of some or all of the pending cases allocated to that Judge or Judges, according to the circumstances.
- When there is a delay in the processing of cases.

=

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

|                               | Total                      | Civil and/or commercial | Criminal            | Administrative           | Other                      |
|-------------------------------|----------------------------|-------------------------|---------------------|--------------------------|----------------------------|
| <b>Total number of judges</b> | 2 043<br>[ ] NA<br>[ ] NAP | [ ] NA<br>[ X ] NAP     | [ ] NA<br>[ X ] NAP | 315<br>[ ] NA<br>[ ] NAP | 1 728<br>[ ] NA<br>[ ] NAP |
| <b>First instance</b>         | 1 505<br>[ ] NA<br>[ ] NAP | [ ] NA<br>[ X ] NAP     | [ ] NA<br>[ X ] NAP | 233<br>[ ] NA<br>[ ] NAP | 1 272<br>[ ] NA<br>[ ] NAP |
| <b>Second instance</b>        | 454<br>[ ] NA<br>[ ] NAP   | [ ] NA<br>[ X ] NAP     | [ ] NA<br>[ X ] NAP | 57<br>[ ] NA<br>[ ] NAP  | 397<br>[ ] NA<br>[ ] NAP   |



|                      |                         |                     |                     |                         |                         |
|----------------------|-------------------------|---------------------|---------------------|-------------------------|-------------------------|
| <b>Supreme Court</b> | 84<br>[ ] NA<br>[ ] NAP | [ ] NA<br>[ X ] NAP | [ ] NA<br>[ X ] NAP | 25<br>[ ] NA<br>[ ] NAP | 59<br>[ ] NA<br>[ ] 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 discriminate judges by civil and commercial matters. Therefore, the judges of the judicial courts were all included in the column “other”.

=

**047. Number of court presidents .**

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

Comments

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

|                                | <b>Figure</b>       |
|--------------------------------|---------------------|
| <b>Gross figure</b>            | [ ] NA<br>[ X ] NAP |
| <b>In full-time equivalent</b> | [ ] NA<br>[ X ] NAP |

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

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

- ( ) Yes If yes, please give specifications on the types of cases and an estimate in percentage. ....
- ( ) No
- [ X ] 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            | [ ] NA<br>[ X ] NAP |
| In full time equivalent | [ ] NA<br>[ X ] 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)                    | ( ) | ( ) | ( )                      |
| Criminal cases (misdemeanour and/or minor) | ( ) | ( ) | ( )                      |
| Family law cases                           | ( ) | ( ) | ( )                      |
| Labour law cases                           | ( ) | ( ) | ( )                      |
| Social law cases                           | ( ) | ( ) | ( )                      |
| Commercial law cases                       | ( ) | ( ) | ( )                      |
| Insolvency cases                           | ( ) | ( ) | ( )                      |
| Other civil cases                          | ( ) | ( ) | ( )                      |

[ X ] NAP

Comments - If “Other civil cases”, please specify:

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

( X ) Yes

( ) No

Comments

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

[ X ] 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:**

[            ]

[ X ] 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                        |
|--|--------------------------------|--------------------------------|--------------------------------|
| <b>Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)</b>   | 5 412<br>[   ] NA<br>[   ] NAP | 1 769<br>[   ] NA<br>[   ] NAP | 3 643<br>[   ] NA<br>[   ] NAP |
| <b>1. Rechtspfleger (or similar bodies) (see Explanatory Note)</b>   | [   ] NA<br>[ X ] NAP          | [   ] NA<br>[ X ] NAP          | [   ] NA<br>[ X ] NAP          |
| <b>2. Non-judge (judicial) staff whose task is to assist the judges such as registrars (case preparation, assistance during the hearing, helping to draft the decisions)</b>   | 5 025<br>[   ] NA<br>[   ] NAP | 1 620<br>[   ] NA<br>[   ] NAP | 3 405<br>[   ] NA<br>[   ] NAP |
| <b>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)</b> | 89<br>[   ] NA<br>[   ] NAP    | 66<br>[   ] NA<br>[   ] NAP    | 23<br>[   ] NA<br>[   ] NAP    |
| <b>4. Technical staff</b>  | 257<br>[   ] NA<br>[   ] NAP   | 72<br>[   ] NA<br>[   ] NAP    | 185<br>[   ] NA<br>[   ] NAP   |
| <b>5. Other non-judge staff</b>  | 41<br>[   ] NA<br>[   ] NAP    | 11<br>[   ] NA<br>[   ] NAP    | 30<br>[   ] NA<br>[   ] NAP    |

Comments - If "Other non-judge staff", please specify: The variations in the number of non-judge staff over the different evaluation cycles seem high due to the small numbers. Included in the "Other non-judge staff" category are professionals not included in the other specific categories, such as senior technical staff who mainly provide support to the higher courts.

**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                    |
|--|----------------------------|----------------------------|----------------------------|
| <b>Total non-judge staff working in courts (1+2+3)</b>                                       | 5 412<br>[ ] NA<br>[ ] NAP | 1 769<br>[ ] NA<br>[ ] NAP | 3 643<br>[ ] NA<br>[ ] NAP |
| <b>1. Total non-judge staff working in courts at first instance level</b>                    | 5 095<br>[ ] NA<br>[ ] NAP | 1 664<br>[ ] NA<br>[ ] NAP | 3 431<br>[ ] NA<br>[ ] NAP |
| <b>2. Total non-judge staff working in courts at second instance (court of appeal) level</b> | 188<br>[ ] NA<br>[ ] NAP   | 70<br>[ ] NA<br>[ ] NAP    | 118<br>[ ] NA<br>[ ] NAP   |
| <b>3. Total non-judge staff working in courts at Supreme Court level</b>                     | 129<br>[ ] NA<br>[ ] NAP   | 35<br>[ ] NA<br>[ ] NAP    | 94<br>[ ] NA<br>[ ] NAP    |

Comments the data in question 52-1 has also been updated, due to a small error in the accounting of the different categories included in it." Compared to the figures we sent initially, the correction was very small in percentage terms (36 more employees were added, out of a total of 5412).

The amended figures in table 52.1 referred to a specific category of STJ/STA officials who have now been added, as they were not accounted for previously by mistake (neither in the version initially sent with 2022 data, nor in the previous edition with 2021 data).

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### 053. If there are Rechtspfleger (or similar bodies), 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 exact 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 - If "Other types of services", please specify:

NA

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

Sources: Directorate-General for Justice Policy (Ministry of Justice)

## 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.)

|  | Total  | Males  | Females  |
|--|--|--|--|
| <b>Total number of prosecutors (1 + 2 + 3)</b>                             | 1 512<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 499<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 1 013<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>1. Number of prosecutors at first instance level</b>                    | 1 409<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 431<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 978<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP   |
| <b>2. Number of prosecutors at second instance (court of appeal) level</b> | 82<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP    | 53<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP  | 29<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP    |
| <b>3. Number of prosecutors at Supreme Court level</b>                     | 21<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP    | 15<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP  | 6<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP     |

Comments - Please indicate any useful comment for interpreting the data above: The discrepancy rate is due to small numbers

=

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(s) part-time work can be granted? (multiple replies possible)

Child-care

Elderly care or other dependant persons' care

Training

For the purposes of early retirement

No specific reason required

Other reason, please specify: union leaders, prosecutors who manage specific Prosecution's Offices and members of the High Council of the Public Prosecution Service.

Comments Other reason: union leaders, prosecutors who manage specific Prosecution's Offices and members of the High Council of the Public Prosecution Service.

**055-1-3. If yes, what is the number of prosecutors working part-time with reduced remuneration?**

|  | Total  | Males  | Females  |
|--|--|--|--|
| <b>Total (1 + 2 + 3)</b>                             | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>1. At first instance level</b>                    | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>2. At second instance (court of appeal) level</b> | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>3. At Supreme Court level</b>                     | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP |

Comments

**055-1-4. Are there other possibilities (apart of part-time work) for regular adjustment of working time or conditions with or without reduced remuneration?**

|  | Adjustment of working time or conditions with or without reduced remuneration |
|--|---|
| <b>Temporary reduction of the workload</b>                     | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No        |
| <b>Temporary reduction of the working time / special leave</b> | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No        |
| <b>Other measures</b>  | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No        |

Comment: If such possibilities for regular adjustment exist, please specify if they imply or not a reduction of the remuneration? For health reason about 2% of the prosecutors have a reduction of the workload without any reduction of their remuneration.

There is only one prosecutor at the time working part-time in a special child-care leave and it implies a reduction of 40% of the monthly remuneration

**055-1-5 . If yes, please specify in which situation(s) these possibilities can be used?**

Child-care

Elderly care or other dependant persons' care

Training

For the purposes of early retirement

- As part of induction process for new prosecutors
- No specific reason required
- Other reason, please specify: .....
- NAP

Comments Child care and health reasons.

**056. Number of heads of prosecution offices.**

|   | Total   | Males   | Females   |
|---|---|---|---|
| <b>Total number of heads of prosecution offices (1 + 2 + 3)</b>                             | 60<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 24<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 36<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>1. Number of heads of prosecution offices at first instance level</b>                    | 53<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 19<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 34<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>2. Number of heads of prosecution offices at second instance (court of appeal) level</b> | 6<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP  | 4<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP  | 2<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP  |
| <b>3. Number of heads of prosecution offices at Supreme Court level</b>                     | 1<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP  | 1<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP  | 0<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP  |

Please provide any useful comment for interpreting the data above:

**057. In your judicial system, do other persons have similar duties to those of public prosecutors?**

- Yes
- No

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

**057-1. If yes, please provide the number (in full-time equivalent):**

NA

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

- Yes
- No
- NAP

Comments

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

-

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

Comments - If yes, please specify There are general trainings - initial or continuous - for prosecutors to address offences relating to domestic violence and sexual violence and also specifically designed for minor victims.

In most of the Departments of Criminal Investigation and Prosecution 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 (SEIVD – Secções Especializadas Integradas de Violência Doméstica: in Lisbon, Seixal, Porto, Sintra and Matosinhos), 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.

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**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                              |
|--|--------------------------------------|------------------------------------|--------------------------------------|
| <b>Number of staff (non-public prosecutors) attached to the public prosecution service</b> | 1 678<br><input type="checkbox"/> NA | 589<br><input type="checkbox"/> NA | 1 089<br><input type="checkbox"/> NA |

Comment – please describe which categories of staff you have included in your reply:

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

Sources: Directorate General for Justice Policy (Ministry of Justice)

### 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 |
|---------------------|----|



|                           |     |       |
|---------------------------|-----|-------|
| <b>judges</b>             | ( ) | ( X ) |
| <b>prosecutors</b>        | ( ) | ( X ) |
| <b>non-judge staff</b>    | ( ) | ( X ) |
| <b>lawyers</b>            | ( ) | ( X ) |
| <b>notaries</b>           | ( ) | ( X ) |
| <b>enforcement agents</b> | ( ) | ( 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 :**

|                           | <b>Yes, please specify</b> | <b>No</b> |
|---------------------------|----------------------------|-----------|
| <b>judges</b>             | ( )                        | ( X )     |
| <b>prosecutors</b>        | ( )                        | ( X )     |
| <b>non-judge staff</b>    | ( )                        | ( X )     |
| <b>lawyers</b>            | ( )                        | ( X )     |
| <b>notaries</b>           | ( )                        | ( X )     |
| <b>enforcement agents</b> | ( )                        | ( 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:**

|                                     | <b>Yes / No</b>  |
|-------------------------------------|--|
| <b>Court president</b>              | ( ) Yes If "yes", please specify:[Comment]<br>( X ) No |
| <b>Head of prosecution services</b> | ( ) Yes If "yes", please specify:[Comment]<br>( X ) 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

( X ) 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          | ( )                 | ( X ) |
| The promotion of judges            | ( )                 | ( X ) |
| The recruitment of prosecutors     | ( )                 | ( X ) |
| The promotion of prosecutors       | ( )                 | ( X ) |
| The recruitment of non-judge staff | ( )                 | ( X ) |
| The promotion of non-judge staff   | ( )                 | ( X ) |

Comments - Please specify the status of this person/institution and if it has a consultative function or if its opinions/decisions have legal consequences:

**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:

**061-9. In order to improve gender balance in access to different judicial professions and gender 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 gender 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 Governance**

**ICT STRATEGY**

**062-01. Do you have an overall Information and Communication Technology (ICT) strategy in the judicial system?**

- Yes
- No

Comments The ICT strategy in Justice results from the combination of various guidelines and objectives (from administrative modernization to the recovery and resilience plan, including the legislative initiative, even if not directly related to the above). The period usually coincides with the legislative term (compliance with the government's program). At present the Strategy also complies and is "marked" by the recovery and resilience plan (until the end of 2025).

links: <https://govtech.justica.gov.pt/como-estamos-a-transformar-a-justica/>; <https://recuperarportugal.gov.pt/transicao-digital/> e <https://tic.gov.pt/estrategias/estrategia-2021-2026>

**062-02. If there is an overall ICT strategy in the judicial system, who was involved in the process of its definition?**

- Judges (Judicial council)
- Prosecutors (Prosecutorial or judicial council)
- Ministry of justice
- Lawyers (bar association)

- Notaries (association of notaries)
- Enforcement agents (association of enforcement agents)
- Other (please specify) .....
- NA
- NAP

Comments

## LEGISLATION

### 062-03. Does a national legislation/regulation of ICT in the judicial system exist?

- Yes
- No

Comments

### 062-04. If yes, how is this legislation/regulation of ICT in the judicial system structured?

- Relevant norms are included in the general e-government legislation/regulation
- Relevant norms are included in specific legislation/regulation only for the judicial system
- Relevant texts are included in dedicated technical documents/specifications
- Other, please specify .....
- NA

Comment - If more than one of the proposed models exist in your country, please select them all and explain the details

- NA

## IMPACT OF IMPLEMENTATION OF ICT SYSTEMS

### 062-05. Have you already organised audits/evaluations/assessments of the impact of the implementation of the ICT system?

- Yes
- No

Comments

### 062-06. If these audits/evaluations/assessments were already organised, please specify their modalities:

|                | Format   | Last conducted audit   |
|----------------|--|--|
| ICT Governance | <input type="checkbox"/> Internal<br><input checked="" type="checkbox"/> External<br><input type="checkbox"/> NAP - no audit has been organised<br><input type="checkbox"/> NA | <input type="checkbox"/> In the last 2 years<br><input type="checkbox"/> Between 2 and 5 years ago<br><input checked="" type="checkbox"/> More than 5 years ago<br><input type="checkbox"/> NAP - no audit has been organised<br><input type="checkbox"/> NA |

|  |  |  |
|--|--|--|
| <b>Security and risk management</b>  | <input type="checkbox"/> Internal<br><input checked="" type="checkbox"/> External<br><input type="checkbox"/> NAP - no audit has been organised<br><input type="checkbox"/> NA | <input type="checkbox"/> In the last 2 years<br><input type="checkbox"/> Between 2 and 5 years ago<br><input checked="" type="checkbox"/> More than 5 years ago<br><input type="checkbox"/> NAP - no audit has been organised<br><input type="checkbox"/> NA |
| <b>Impact on efficiency and quality of the business processes and workflow</b> | <input type="checkbox"/> Internal<br><input type="checkbox"/> External<br><input checked="" type="checkbox"/> NAP - no audit has been organised<br><input type="checkbox"/> NA | <input type="checkbox"/> In the last 2 years<br><input type="checkbox"/> Between 2 and 5 years ago<br><input type="checkbox"/> More than 5 years ago<br><input checked="" type="checkbox"/> NAP - no audit has been organised<br><input type="checkbox"/> NA |
| <b>Impact on human resources (number, workload, wellbeing)</b>                 | <input type="checkbox"/> Internal<br><input type="checkbox"/> External<br><input checked="" type="checkbox"/> NAP - no audit has been organised<br><input type="checkbox"/> NA | <input type="checkbox"/> In the last 2 years<br><input type="checkbox"/> Between 2 and 5 years ago<br><input type="checkbox"/> More than 5 years ago<br><input checked="" type="checkbox"/> NAP - no audit has been organised<br><input type="checkbox"/> NA |
| <b>Other, please specify in comments</b>                                       | <input type="checkbox"/> Internal<br><input type="checkbox"/> External<br><input checked="" type="checkbox"/> NAP - no audit has been organised<br><input type="checkbox"/> NA | <input type="checkbox"/> In the last 2 years<br><input type="checkbox"/> Between 2 and 5 years ago<br><input type="checkbox"/> More than 5 years ago<br><input checked="" type="checkbox"/> NAP - no audit has been organised<br><input type="checkbox"/> NA |

Comment - If you have selected other area, please provide details. Please also add details on the content of the last organised evaluation.

**062-07. If these audits/evaluations/assessments were organised in the last 5 years, how did you apply their recommendations/results?**

- Update applications
- Define new ICT projects/modules
- Adjust legislation
- Adjust working processes
- Withdraw/stop use of a module/application
- Reporting purpose only
- Other, please specify .....

NA  
 NAP

Comments

**3.5.2 Electronic case processing**  
**ELECTRONIC SUBMISSION OF CASES**

**062-08. If it is possible to submit a case to a court electronically, what are the deployment and**

usage rates?

|                       | Deployment rate  | Usage rate   |
|-----------------------|--|--|
| <b>Civil</b>          | <input checked="" type="checkbox"/> 95-100 %<br><input type="checkbox"/> 75-95 %<br><input type="checkbox"/> 50-75 %<br><input type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - electronic submission is not possible<br><input type="checkbox"/> NA | <input type="checkbox"/> 95-100 %<br><input checked="" type="checkbox"/> 75-95 %<br><input type="checkbox"/> 50-75 %<br><input type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - electronic submission is not possible<br><input type="checkbox"/> NA |
| <b>Administrative</b> | <input checked="" type="checkbox"/> 95-100 %<br><input type="checkbox"/> 75-95 %<br><input type="checkbox"/> 50-75 %<br><input type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - electronic submission is not possible<br><input type="checkbox"/> NA | <input type="checkbox"/> 95-100 %<br><input checked="" type="checkbox"/> 75-95 %<br><input type="checkbox"/> 50-75 %<br><input type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - electronic submission is not possible<br><input type="checkbox"/> NA |
| <b>Criminal</b>       | <input checked="" type="checkbox"/> 95-100 %<br><input type="checkbox"/> 75-95 %<br><input type="checkbox"/> 50-75 %<br><input type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - electronic submission is not possible<br><input type="checkbox"/> NA | <input type="checkbox"/> 95-100 %<br><input type="checkbox"/> 75-95 %<br><input type="checkbox"/> 50-75 %<br><input checked="" type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - electronic submission is not possible<br><input type="checkbox"/> NA |

Comments We have no current information on the usage rate. The data presented is an estimation based on the defined methodology and examples of the explanatory notes.

In the Civil and Administrative cases, the margin (5%) is associated with exceptions (technical or procedural, such as the nature of the actions - with or without the appointment of a representative - or the type of procedural documents and respective annexes - size, format, etc.).

In the criminal area, it is related to the lack of regulations (associated with electronic processing) in the investigation and pre-trial phases.

**062-09. If it is possible to submit a case to a court electronically, please specify the modalities:**

|                     |   |                  |
|---------------------|---|------------------|
| Electronic or paper | Possible to be submitted electronically by: | Data integration |
|---------------------|---|------------------|

|                       |   |   |  |
|-----------------------|---|---|--|
| <b>Civil</b>          | <input checked="" type="checkbox"/> Paper submission is still possible<br><input type="checkbox"/> Paper submission is not possible anymore (electronic submission is the only way)<br><input type="checkbox"/> Double submission (paper must accompany the electronic submission)<br><input type="checkbox"/> NAP – electronic submission is not possible<br><input type="checkbox"/> NA | <input checked="" type="checkbox"/> Lawyer<br><input type="checkbox"/> Party not represented by a lawyer<br><input type="checkbox"/> Other, please specify<br><input type="checkbox"/> NAP – electronic submission is not possible<br><input type="checkbox"/> NA | <input checked="" type="checkbox"/> The data are electronically transferred to the Case Management System (CMS)<br><input type="checkbox"/> The data are manually re-entered in the CMS<br><input type="checkbox"/> NAP – electronic submission is not possible<br><input type="checkbox"/> NA |
| <b>Administrative</b> | <input checked="" type="checkbox"/> Paper submission is still possible<br><input type="checkbox"/> Paper submission is not possible anymore (electronic submission is the only way)<br><input type="checkbox"/> Double submission (paper must accompany the electronic submission)<br><input type="checkbox"/> NAP – electronic submission is not possible<br><input type="checkbox"/> NA | <input checked="" type="checkbox"/> Lawyer<br><input type="checkbox"/> Party not represented by a lawyer<br><input type="checkbox"/> Other, please specify<br><input type="checkbox"/> NAP – electronic submission is not possible<br><input type="checkbox"/> NA | <input checked="" type="checkbox"/> The data are electronically transferred to the Case Management System (CMS)<br><input type="checkbox"/> The data are manually re-entered in the CMS<br><input type="checkbox"/> NAP – electronic submission is not possible<br><input type="checkbox"/> NA |
| <b>Criminal</b>       | <input checked="" type="checkbox"/> Paper submission is still possible<br><input type="checkbox"/> Paper submission is not possible anymore (electronic submission is the only way)<br><input type="checkbox"/> Double submission (paper must accompany the electronic submission)<br><input type="checkbox"/> NAP – electronic submission is not possible<br><input type="checkbox"/> NA | <input checked="" type="checkbox"/> Lawyer<br><input type="checkbox"/> Party not represented by a lawyer<br><input type="checkbox"/> Other, please specify<br><input type="checkbox"/> NAP – electronic submission is not possible<br><input type="checkbox"/> NA | <input checked="" type="checkbox"/> The data are electronically transferred to the Case Management System (CMS)<br><input type="checkbox"/> The data are manually re-entered in the CMS<br><input type="checkbox"/> NAP – electronic submission is not possible<br><input type="checkbox"/> NA |

Comments

## SENDING ELECTRONIC DOCUMENTS TO COURT



**062-10. If it is possible to send case-related documents to the courts electronically, what are the deployment and usage rates?**

|                       | Deployment rate   | Usage rate  |
|-----------------------|---|---|
| <b>Civil</b>          | <input checked="" type="checkbox"/> 95-100 %<br><input type="checkbox"/> 75-95 %<br><input type="checkbox"/> 50-75 %<br><input type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - electronic delivery<br>is not possible<br><input type="checkbox"/> NA | <input type="checkbox"/> 95-100 %<br><input checked="" type="checkbox"/> 75-95 %<br><input type="checkbox"/> 50-75 %<br><input type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - electronic delivery<br>is not possible<br><input type="checkbox"/> NA |
| <b>Administrative</b> | <input checked="" type="checkbox"/> 95-100 %<br><input type="checkbox"/> 75-95 %<br><input type="checkbox"/> 50-75 %<br><input type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - electronic delivery<br>is not possible<br><input type="checkbox"/> NA | <input type="checkbox"/> 95-100 %<br><input checked="" type="checkbox"/> 75-95 %<br><input type="checkbox"/> 50-75 %<br><input type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - electronic delivery<br>is not possible<br><input type="checkbox"/> NA |
| <b>Criminal</b>       | <input type="checkbox"/> 95-100 %<br><input type="checkbox"/> 75-95 %<br><input checked="" type="checkbox"/> 50-75 %<br><input type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - electronic delivery<br>is not possible<br><input type="checkbox"/> NA | <input type="checkbox"/> 95-100 %<br><input type="checkbox"/> 75-95 %<br><input type="checkbox"/> 50-75 %<br><input checked="" type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - electronic delivery<br>is not possible<br><input type="checkbox"/> NA |

Comments We have no current information on the usage rate. The data presented is an estimation based on the defined methodology and examples of the explanatory notes.

In the Civil and Administrative cases, the margin (5%) is associated with exceptions (technical or procedural, such as the nature of the actions - with or without the appointment of a representative - or the type of procedural documents and respective annexes - size, format, etc.).

In the criminal area, it is related to the lack of regulations (associated with electronic processing) in the investigation and pre-trial phases.

**062-11. If it is possible to send electronically case related documents to the courts, please specify the modalities:**

|                     |   |                  |
|---------------------|---|------------------|
| Electronic or paper | Possible to be submitted electronically by: | Data integration |
|---------------------|---|------------------|



|                       |   |   |   |
|-----------------------|---|---|---|
| <b>Civil</b>          | <input checked="" type="checkbox"/> Paper delivery is still possible<br><input type="checkbox"/> Paper delivery is not possible anymore (electronic delivery is the only way)<br><input type="checkbox"/> Double delivery (Paper delivery must accompany the electronic one)<br><input type="checkbox"/> NAP – electronic delivery is not possible<br><input type="checkbox"/> NA | <input checked="" type="checkbox"/> Documents sent by a lawyer<br><input type="checkbox"/> Documents sent by a party not represented by a lawyer<br><input type="checkbox"/> Documents sent by another person/institution<br><input type="checkbox"/> NAP – electronic delivery is not possible<br><input type="checkbox"/> NA            | <input checked="" type="checkbox"/> The data are electronically transferred to the CMS<br><input type="checkbox"/> The data are manually re-entered in the CMS<br><input type="checkbox"/> NAP – electronic delivery is not possible<br><input type="checkbox"/> NA |
| <b>Administrative</b> | <input checked="" type="checkbox"/> Paper delivery is still possible<br><input type="checkbox"/> Paper delivery is not possible anymore (electronic delivery is the only way)<br><input type="checkbox"/> Double delivery (Paper delivery must accompany the electronic one)<br><input type="checkbox"/> NAP – electronic delivery is not possible<br><input type="checkbox"/> NA | <input checked="" type="checkbox"/> Documents sent by a lawyer<br><input type="checkbox"/> Documents sent by a party not represented by a lawyer<br><input type="checkbox"/> Documents sent by another person/institution<br><input type="checkbox"/> NAP – electronic delivery is not possible<br><input type="checkbox"/> NA            | <input checked="" type="checkbox"/> The data are electronically transferred to the CMS<br><input type="checkbox"/> The data are manually re-entered in the CMS<br><input type="checkbox"/> NAP – electronic delivery is not possible<br><input type="checkbox"/> NA |
| <b>Criminal</b>       | <input checked="" type="checkbox"/> Paper delivery is still possible<br><input type="checkbox"/> Paper delivery is not possible anymore (electronic delivery is the only way)<br><input type="checkbox"/> Double delivery (Paper delivery must accompany the electronic one)<br><input type="checkbox"/> NAP – electronic delivery is not possible<br><input type="checkbox"/> NA | <input checked="" type="checkbox"/> Documents sent by a lawyer<br><input type="checkbox"/> Documents sent by a party not represented by a lawyer<br><input checked="" type="checkbox"/> Documents sent by another person/institution<br><input type="checkbox"/> NAP – electronic delivery is not possible<br><input type="checkbox"/> NA | <input checked="" type="checkbox"/> The data are electronically transferred to the CMS<br><input type="checkbox"/> The data are manually re-entered in the CMS<br><input type="checkbox"/> NAP – electronic delivery is not possible<br><input type="checkbox"/> NA |

Comment - If you have selected the option “Documents sent by another person/institution”, please specify details.

## ELECTRONIC NOTIFICATIONS

**062-12. If it is possible for courts to send electronic notifications, what are the deployment and usage rates?**

|                 |            |
|-----------------|------------|
| Deployment rate | Usage rate |
|-----------------|------------|

|                       |  |  |
|-----------------------|--|--|
| <b>Civil</b>          | <input type="checkbox"/> 95-100 %<br><input type="checkbox"/> 75-95 %<br><input checked="" type="checkbox"/> 50-75 %<br><input type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - electronic notifications are not possible<br><input type="checkbox"/> NA | <input type="checkbox"/> 95-100 %<br><input type="checkbox"/> 75-95 %<br><input checked="" type="checkbox"/> 50-75 %<br><input type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - electronic notifications are not possible<br><input type="checkbox"/> NA |
| <b>Administrative</b> | <input type="checkbox"/> 95-100 %<br><input type="checkbox"/> 75-95 %<br><input checked="" type="checkbox"/> 50-75 %<br><input type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - electronic notifications are not possible<br><input type="checkbox"/> NA | <input type="checkbox"/> 95-100 %<br><input type="checkbox"/> 75-95 %<br><input checked="" type="checkbox"/> 50-75 %<br><input type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - electronic notifications are not possible<br><input type="checkbox"/> NA |
| <b>Criminal</b>       | <input type="checkbox"/> 95-100 %<br><input type="checkbox"/> 75-95 %<br><input checked="" type="checkbox"/> 50-75 %<br><input type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - electronic notifications are not possible<br><input type="checkbox"/> NA | <input type="checkbox"/> 95-100 %<br><input type="checkbox"/> 75-95 %<br><input checked="" type="checkbox"/> 50-75 %<br><input type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - electronic notifications are not possible<br><input type="checkbox"/> NA |

Comments

**062-13. If it is possible for courts to send electronic notifications, please specify the modalities:**

|              | <b>Electronic or paper</b>  | <b>Type of notification</b>   | <b>Data integration</b>  |
|--------------|---|---|--|
| <b>Civil</b> | <input checked="" type="checkbox"/> Paper notification is still possible<br><input type="checkbox"/> Paper notification is not possible anymore (electronic notification is the only way)<br><input type="checkbox"/> Double notification (paper notification must accompany the electronic one)<br><input type="checkbox"/> NAP – electronic notifications are not possible<br><input type="checkbox"/> NA | <input checked="" type="checkbox"/> Notifications sent by the court to the lawyer<br><input type="checkbox"/> Notifications sent by the court to the party not represented by a lawyer<br><input type="checkbox"/> Notifications with attached official documents sent by the courts<br><input checked="" type="checkbox"/> Notifications sent to other persons/institutions<br><input type="checkbox"/> NAP – electronic notifications are not possible<br><input type="checkbox"/> NA | <input checked="" type="checkbox"/> The electronic notification is generated from the CMS<br><input type="checkbox"/> The electronic notification is manually generated<br><input type="checkbox"/> NAP – electronic notifications are not possible<br><input type="checkbox"/> NA |

|                       |   |   |  |
|-----------------------|---|---|--|
| <b>Administrative</b> | <input checked="" type="checkbox"/> Paper notification is still possible<br><input type="checkbox"/> Paper notification is not possible anymore (electronic notification is the only way)<br><input type="checkbox"/> Double notification (paper notification must accompany the electronic one)<br><input type="checkbox"/> NAP – electronic notifications are not possible<br><input type="checkbox"/> NA | <input checked="" type="checkbox"/> Notifications sent by the court to the lawyer<br><input type="checkbox"/> Notifications sent by the court to the party not represented by a lawyer<br><input type="checkbox"/> Notifications with attached official documents sent by the courts<br><input checked="" type="checkbox"/> Notifications sent to other persons/institutions<br><input type="checkbox"/> NAP – electronic notifications are not possible<br><input type="checkbox"/> NA | <input checked="" type="checkbox"/> The electronic notification is generated from the CMS<br><input type="checkbox"/> The electronic notification is manually generated<br><input type="checkbox"/> NAP – electronic notifications are not possible<br><input type="checkbox"/> NA |
| <b>Criminal</b>       | <input checked="" type="checkbox"/> Paper notification is still possible<br><input type="checkbox"/> Paper notification is not possible anymore (electronic notification is the only way)<br><input type="checkbox"/> Double notification (paper notification must accompany the electronic one)<br><input type="checkbox"/> NAP – electronic notifications are not possible<br><input type="checkbox"/> NA | <input checked="" type="checkbox"/> Notifications sent by the court to the lawyer<br><input type="checkbox"/> Notifications sent by the court to the party not represented by a lawyer<br><input type="checkbox"/> Notifications with attached official documents sent by the courts<br><input checked="" type="checkbox"/> Notifications sent to other persons/institutions<br><input type="checkbox"/> NAP – electronic notifications are not possible<br><input type="checkbox"/> NA | <input checked="" type="checkbox"/> The electronic notification is generated from the CMS<br><input type="checkbox"/> The electronic notification is manually generated<br><input type="checkbox"/> NAP – electronic notifications are not possible<br><input type="checkbox"/> NA |

Comment - If you have selected the option “Notifications sent to other persons/institutions”, please specify details.

## CONSULTATION OF A CASE ONLINE

062-14. If it is possible for external users to consult a case online, what are the deployment and usage rates?

|                 |            |
|-----------------|------------|
| Deployment rate | Usage rate |
|-----------------|------------|

|                       |   |   |
|-----------------------|---|---|
| <b>Civil</b>          | <input checked="" type="checkbox"/> 95-100 %<br><input type="checkbox"/> 75-95 %<br><input type="checkbox"/> 50-75 %<br><input type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - online consultation<br>is not possible<br><input type="checkbox"/> NA | <input type="checkbox"/> 95-100 %<br><input type="checkbox"/> 75-95 %<br><input checked="" type="checkbox"/> 50-75 %<br><input type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - online consultation<br>is not possible<br><input type="checkbox"/> NA |
| <b>Administrative</b> | <input checked="" type="checkbox"/> 95-100 %<br><input type="checkbox"/> 75-95 %<br><input type="checkbox"/> 50-75 %<br><input type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - online consultation<br>is not possible<br><input type="checkbox"/> NA | <input type="checkbox"/> 95-100 %<br><input type="checkbox"/> 75-95 %<br><input checked="" type="checkbox"/> 50-75 %<br><input type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - online consultation<br>is not possible<br><input type="checkbox"/> NA |
| <b>Criminal</b>       | <input checked="" type="checkbox"/> 95-100 %<br><input type="checkbox"/> 75-95 %<br><input type="checkbox"/> 50-75 %<br><input type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - online consultation<br>is not possible<br><input type="checkbox"/> NA | <input type="checkbox"/> 95-100 %<br><input type="checkbox"/> 75-95 %<br><input type="checkbox"/> 50-75 %<br><input checked="" type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - online consultation<br>is not possible<br><input type="checkbox"/> NA |

Comments Consultation by legal persons (companies) is not yet possible. Only for natural persons, of the proceedings (without restrictions on publicity) in which they are intervening or justify an interest (validated by the judge in charge of the case).

In the criminal area, it is not yet possible to consult cases in the investigation and pre-trial phases.

**062-15. If it is possible for external users to consult a case online, please specify the modalities:**

|              | <b>Content</b>   | <b>Access</b>  | <b>Consultation format</b>  |
|--------------|--|--|---|
| <b>Civil</b> | <input checked="" type="checkbox"/> Case status<br><input checked="" type="checkbox"/> Documents<br><input checked="" type="checkbox"/> Notifications<br><input checked="" type="checkbox"/> Events/calendar<br><input checked="" type="checkbox"/> Court decision<br><input type="checkbox"/> Other, please<br>specify<br><input type="checkbox"/> NAP – online<br>consultation is not<br>possible<br><input type="checkbox"/> NA | <input checked="" type="checkbox"/> Lawyer<br><input checked="" type="checkbox"/> Party not<br>represented by a lawyer<br><input type="checkbox"/> Other, please<br>specify<br><input type="checkbox"/> NAP – online<br>consultation is not<br>possible<br><input type="checkbox"/> NA | <input checked="" type="checkbox"/> Electronic<br>access at the court<br>premises<br><input type="checkbox"/> Other, please<br>specify<br><input type="checkbox"/> NAP – online<br>consultation is not<br>possible<br><input type="checkbox"/> NA |

|                       |   |  |  |
|-----------------------|---|--|--|
| <b>Administrative</b> | <input checked="" type="checkbox"/> Case status<br><input checked="" type="checkbox"/> Documents<br><input checked="" type="checkbox"/> Notifications<br><input checked="" type="checkbox"/> Events/calendar<br><input checked="" type="checkbox"/> Court decision<br><input type="checkbox"/> Other, please specify<br><input type="checkbox"/> NAP – online consultation is not possible<br><input type="checkbox"/> NA | <input checked="" type="checkbox"/> Lawyer<br><input checked="" type="checkbox"/> Party not represented by a lawyer<br><input type="checkbox"/> Other, please specify<br><input type="checkbox"/> NAP – online consultation is not possible<br><input type="checkbox"/> NA | <input checked="" type="checkbox"/> Electronic access at the court premises<br><input type="checkbox"/> Other, please specify<br><input type="checkbox"/> NAP – online consultation is not possible<br><input type="checkbox"/> NA |
| <b>Criminal</b>       | <input type="checkbox"/> Case status<br><input type="checkbox"/> Documents<br><input type="checkbox"/> Notifications<br><input type="checkbox"/> Events/calendar<br><input type="checkbox"/> Court decision<br><input checked="" type="checkbox"/> Other, please specify<br><input type="checkbox"/> NAP – online consultation is not possible<br><input type="checkbox"/> NA   | <input type="checkbox"/> Lawyer<br><input type="checkbox"/> Party not represented by a lawyer<br><input type="checkbox"/> Other, please specify<br><input type="checkbox"/> NAP – online consultation is not possible<br><input type="checkbox"/> NA                       | <input type="checkbox"/> Electronic access at the court premises<br><input checked="" type="checkbox"/> Other, please specify<br><input type="checkbox"/> NAP – online consultation is not possible<br><input type="checkbox"/> NA |

Comment - If you have selected the option “Other”, please specify details. In the criminal area, online case consultation is only possible in the trial phase (excluding inquiry and instruction).

## REMOTE HEARINGS

062-16. If it is possible to organise remote hearings what are the deployment and usage rates?

|                       | Deployment rate   | Usage rate  |
|-----------------------|---|---|
| <b>Civil</b>          | <input checked="" type="checkbox"/> 95-100 %<br><input type="checkbox"/> 75-95 %<br><input type="checkbox"/> 50-75 %<br><input type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - remote hearings are not possible<br><input type="checkbox"/> NA | <input type="checkbox"/> 95-100 %<br><input type="checkbox"/> 75-95 %<br><input type="checkbox"/> 50-75 %<br><input type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - remote hearings are not possible<br><input checked="" type="checkbox"/> NA |
| <b>Administrative</b> | <input checked="" type="checkbox"/> 95-100 %<br><input type="checkbox"/> 75-95 %<br><input type="checkbox"/> 50-75 %<br><input type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - remote hearings are not possible<br><input type="checkbox"/> NA | <input type="checkbox"/> 95-100 %<br><input type="checkbox"/> 75-95 %<br><input type="checkbox"/> 50-75 %<br><input type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - remote hearings are not possible<br><input checked="" type="checkbox"/> NA |

|                 |   |   |
|-----------------|---|---|
| <b>Criminal</b> | <input checked="" type="checkbox"/> 95-100 %<br><input type="checkbox"/> 75-95 %<br><input type="checkbox"/> 50-75 %<br><input type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - remote hearings are not possible<br><input type="checkbox"/> NA | <input type="checkbox"/> 95-100 %<br><input type="checkbox"/> 75-95 %<br><input type="checkbox"/> 50-75 %<br><input type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - remote hearings are not possible<br><input checked="" type="checkbox"/> NA |
|-----------------|---|---|

Comments The usage rate was not indicated because there is no information (concrete, official and reliable data).

During the pandemic, use grew exponentially, but declined towards the end (since 2022).

Face-to-face procedures are preferred because there is a belief in the need for formality, direct observation of the behavior of those involved when questioned, etc.

The most widely used solutions are those advertised on [https://e-justice.europa.eu/319/PT/facilities\\_in\\_eu\\_countries?PORTUGAL&member=1](https://e-justice.europa.eu/319/PT/facilities_in_eu_countries?PORTUGAL&member=1), alone and/or in conjunction with Cisco Webex and Microsoft Teams.

**062-17. If it is possible to organise remote hearings, please specify the functionalities and modalities:**

|              | <b>Functionalities</b>   | <b>Modalities</b>  |
|--------------|--|--|
| <b>Civil</b> | <input type="checkbox"/> Dedicated tool specially designed for the use by courts<br><input checked="" type="checkbox"/> Publicly available tools used by courts<br><input type="checkbox"/> Organisation of private sessions within online hearings for consultation between parties and their lawyers<br><input type="checkbox"/> Tools for witness protection (voice distortion, picture distortion)<br><input type="checkbox"/> Tools for simultaneous interpretation<br><input type="checkbox"/> Tools for automatic subtitling (speech-to-text)<br><input type="checkbox"/> NAP – remote hearings are not possible<br><input type="checkbox"/> NA | <input checked="" type="checkbox"/> Agreement of the parties is needed<br><input type="checkbox"/> The judge can impose a remote hearing<br><input type="checkbox"/> NAP – remote hearings are not possible<br><input type="checkbox"/> NA |

|                       |  |  |
|-----------------------|--|--|
| <b>Administrative</b> | <input type="checkbox"/> Dedicated tool specially designed for the use by courts<br><input checked="" type="checkbox"/> Publicly available tools used by courts<br><input type="checkbox"/> Organisation of private sessions within online hearings for consultation between parties and their lawyers<br><input type="checkbox"/> Tools for witness protection (voice distortion, picture distortion)<br><input type="checkbox"/> Tools for simultaneous interpretation<br><input type="checkbox"/> Tools for automatic subtitling (speech-to-text)<br><input type="checkbox"/> NAP – remote hearings are not possible<br><input type="checkbox"/> NA | <input checked="" type="checkbox"/> Agreement of the parties is needed<br><input type="checkbox"/> The judge can impose a remote hearing<br><input type="checkbox"/> NAP – remote hearings are not possible<br><input type="checkbox"/> NA |
| <b>Criminal</b>       | <input type="checkbox"/> Dedicated tool specially designed for the use by courts<br><input checked="" type="checkbox"/> Publicly available tools used by courts<br><input type="checkbox"/> Organisation of private sessions within online hearings for consultation between parties and their lawyers<br><input type="checkbox"/> Tools for witness protection (voice distortion, picture distortion)<br><input type="checkbox"/> Tools for simultaneous interpretation<br><input type="checkbox"/> Tools for automatic subtitling (speech-to-text)<br><input type="checkbox"/> NAP – remote hearings are not possible<br><input type="checkbox"/> NA | <input checked="" type="checkbox"/> Agreement of the parties is needed<br><input type="checkbox"/> The judge can impose a remote hearing<br><input type="checkbox"/> NAP – remote hearings are not possible<br><input type="checkbox"/> NA |

Comments

## ELECTRONIC ARCHIVES

062-18. If electronic archives of cases exist, what are the deployment and usage rates?

|                 |            |
|-----------------|------------|
| Deployment rate | Usage rate |
|-----------------|------------|

|                       |  |  |
|-----------------------|--|--|
| <b>Civil</b>          | <input checked="" type="checkbox"/> 95-100 %<br><input type="checkbox"/> 75-95 %<br><input type="checkbox"/> 50-75 %<br><input type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - electronic archives<br>do not exist<br><input type="checkbox"/> NA | <input type="checkbox"/> 95-100 %<br><input checked="" type="checkbox"/> 75-95 %<br><input type="checkbox"/> 50-75 %<br><input type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - electronic archives<br>do not exist<br><input type="checkbox"/> NA |
| <b>Administrative</b> | <input checked="" type="checkbox"/> 95-100 %<br><input type="checkbox"/> 75-95 %<br><input type="checkbox"/> 50-75 %<br><input type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - electronic archives<br>do not exist<br><input type="checkbox"/> NA | <input type="checkbox"/> 95-100 %<br><input checked="" type="checkbox"/> 75-95 %<br><input type="checkbox"/> 50-75 %<br><input type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - electronic archives<br>do not exist<br><input type="checkbox"/> NA |
| <b>Criminal</b>       | <input checked="" type="checkbox"/> 95-100 %<br><input type="checkbox"/> 75-95 %<br><input type="checkbox"/> 50-75 %<br><input type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - electronic archives<br>do not exist<br><input type="checkbox"/> NA | <input type="checkbox"/> 95-100 %<br><input type="checkbox"/> 75-95 %<br><input type="checkbox"/> 50-75 %<br><input checked="" type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - electronic archives<br>do not exist<br><input type="checkbox"/> NA |

Comments Concerning the data on the usage rate, there are still consultations on physical cases, prior to digitalization, which have not recovered their history (those that were not born digital).

In the criminal area, there is less use because electronic processing in the investigation and pre-trial phases is not yet compulsory (there are some paper files).

**062-19. If an electronic archive of cases exists, please specify the modalities:**

|              | <b>Electronic or paper</b>  |
|--------------|---|
| <b>Civil</b> | <input checked="" type="checkbox"/> Paper archiving is still possible<br><input type="checkbox"/> Paper archiving is not possible anymore (electronic archiving is the only way)<br><input type="checkbox"/> Double archiving (paper archiving must accompany the electronic one)<br><input type="checkbox"/> NAP – electronic archives do not exist<br><input type="checkbox"/> NA |



|                       |   |
|-----------------------|---|
| <b>Administrative</b> | <input checked="" type="checkbox"/> Paper archiving is still possible<br><input type="checkbox"/> Paper archiving is not possible anymore (electronic archiving is the only way)<br><input type="checkbox"/> Double archiving (paper archiving must accompany the electronic one)<br><input type="checkbox"/> NAP – electronic archives do not exist<br><input type="checkbox"/> NA |
| <b>Criminal</b>       | <input checked="" type="checkbox"/> Paper archiving is still possible<br><input type="checkbox"/> Paper archiving is not possible anymore (electronic archiving is the only way)<br><input type="checkbox"/> Double archiving (paper archiving must accompany the electronic one)<br><input type="checkbox"/> NAP – electronic archives do not exist<br><input type="checkbox"/> NA |

Comments

### 3.5.3 Tools

#### CASE MANAGEMENT SYSTEMS (CMS)

062-20. If one or more case management system(s) (CMS) exist, what are the deployment and usage rates?

|                       | Deployment rate   | Usage rate  |
|-----------------------|---|---|
| <b>Civil</b>          | <input checked="" type="checkbox"/> 95-100 %<br><input type="checkbox"/> 75-95 %<br><input type="checkbox"/> 50-75 %<br><input type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - CMS does not exist<br><input type="checkbox"/> NA | <input checked="" type="checkbox"/> 95-100 %<br><input type="checkbox"/> 75-95 %<br><input type="checkbox"/> 50-75 %<br><input type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - CMS does not exist<br><input type="checkbox"/> NA |
| <b>Administrative</b> | <input checked="" type="checkbox"/> 95-100 %<br><input type="checkbox"/> 75-95 %<br><input type="checkbox"/> 50-75 %<br><input type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - CMS does not exist<br><input type="checkbox"/> NA | <input checked="" type="checkbox"/> 95-100 %<br><input type="checkbox"/> 75-95 %<br><input type="checkbox"/> 50-75 %<br><input type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - CMS does not exist<br><input type="checkbox"/> NA |

|                 |   |   |
|-----------------|---|---|
| <b>Criminal</b> | <input checked="" type="checkbox"/> 95-100 %      | <input type="checkbox"/> 95-100 %                 |
|                 | <input type="checkbox"/> 75-95 %                  | <input checked="" type="checkbox"/> 75-95 %       |
|                 | <input type="checkbox"/> 50-75 %                  | <input type="checkbox"/> 50-75 %                  |
|                 | <input type="checkbox"/> 25-50 %                  | <input type="checkbox"/> 25-50 %                  |
|                 | <input type="checkbox"/> 1-25 %                   | <input type="checkbox"/> 1-25 %                   |
|                 | <input type="checkbox"/> 0 %                      | <input type="checkbox"/> 0 %                      |
|                 | <input type="checkbox"/> NAP - CMS does not exist | <input type="checkbox"/> NAP - CMS does not exist |
|                 | <input type="checkbox"/> NA                       | <input type="checkbox"/> NA                       |

Comments

**062-21. If one or more case management system(s) (CMS) exist, please specify the functionalities of these system(s):**

|              | <b>Functionalities</b>  |
|--------------|---|
| <b>Civil</b> | <input checked="" type="checkbox"/> Centralised and/or interoperable CMS databases<br><input checked="" type="checkbox"/> Active case management dashboard<br><input checked="" type="checkbox"/> Random allocation of cases<br><input type="checkbox"/> Case weighting<br><input checked="" type="checkbox"/> Identification of a case between instances (unique or linked id number)<br><input type="checkbox"/> Electronic transfer of a case to another instance/court<br><input type="checkbox"/> Anonymisation of decisions to be published<br><input checked="" type="checkbox"/> Interoperability with other systems (civil register, tax register, insolvency register)<br><input checked="" type="checkbox"/> Access to closed/resolved cases<br><input type="checkbox"/> Advanced search engine<br><input checked="" type="checkbox"/> Protected log files<br><input checked="" type="checkbox"/> Electronic signature<br><input type="checkbox"/> Other special functionality, please specify<br><input type="checkbox"/> NAP – CMS does not exist<br><input type="checkbox"/> NA |

**Administrative**

- Centralised and/or interoperable CMS databases
- Active case management dashboard
- Random allocation of cases
- Case weighting
- Identification of a case between instances (unique or linked id number)
- Electronic transfer of a case to another instance/court
- Anonymisation of decisions to be published
- Interoperability with other systems (civil register, tax register, insolvency register)
- Access to closed/resolved cases
- Advanced search engine
- Protected log files
- Electronic signature
- Other special functionality, please specify
- NAP – CMS does not exist
- NA

Comment - If you have selected the option “Other special functionality”, because of its importance please specify details.

**062-22. If one or more case management system(s) (CMS) exist, please specify the functionalities of these system(s):**

**Functionalities**

|                 |   |
|-----------------|---|
| <b>Criminal</b> | <input checked="" type="checkbox"/> Centralised and/or interoperable CMS databases<br><input checked="" type="checkbox"/> Active case management dashboard<br><input checked="" type="checkbox"/> Random allocation of cases<br><input type="checkbox"/> Case weighting<br><input checked="" type="checkbox"/> Identification of a case between instances (unique or linked id number)<br><input checked="" type="checkbox"/> Electronic transfer of a case to another instance/court<br><input type="checkbox"/> Anonymisation of decisions to be published<br><input type="checkbox"/> Interoperability with prosecution system<br><input checked="" type="checkbox"/> Interoperability with other systems (civil register, tax register, insolvency register)<br><input checked="" type="checkbox"/> Access to closed/resolved cases<br><input type="checkbox"/> Advanced search engine<br><input checked="" type="checkbox"/> Protected log files<br><input checked="" type="checkbox"/> Electronic signature<br><input type="checkbox"/> Other special functionality, please specify<br><input type="checkbox"/> NAP – CMS does not exist<br><input type="checkbox"/> NA |
|-----------------|---|

Comment - If you have selected the option “Other special functionality”, please specify the details.

## WRITING ASSISTANCE TOOLS

062-23. If writing assistance tools exist in courts, what are their deployment and usage rates?

|                       | Deployment rate  | Usage rate   |
|-----------------------|--|--|
| <b>Civil</b>          | <input type="checkbox"/> 95-100 %<br><input checked="" type="checkbox"/> 75-95 %<br><input type="checkbox"/> 50-75 %<br><input type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - writing assistance tools do not exist<br><input type="checkbox"/> NA | <input type="checkbox"/> 95-100 %<br><input type="checkbox"/> 75-95 %<br><input type="checkbox"/> 50-75 %<br><input type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - writing assistance tools do not exist<br><input checked="" type="checkbox"/> NA |
| <b>Administrative</b> | <input type="checkbox"/> 95-100 %<br><input checked="" type="checkbox"/> 75-95 %<br><input type="checkbox"/> 50-75 %<br><input type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - writing assistance tools do not exist<br><input type="checkbox"/> NA | <input type="checkbox"/> 95-100 %<br><input type="checkbox"/> 75-95 %<br><input type="checkbox"/> 50-75 %<br><input type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - writing assistance tools do not exist<br><input checked="" type="checkbox"/> NA |

|                 |  |  |
|-----------------|--|--|
| <b>Criminal</b> | <input type="checkbox"/> 95-100 %<br><input checked="" type="checkbox"/> 75-95 %<br><input type="checkbox"/> 50-75 %<br><input type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - writing assistance tools do not exist<br><input type="checkbox"/> NA | <input type="checkbox"/> 95-100 %<br><input type="checkbox"/> 75-95 %<br><input type="checkbox"/> 50-75 %<br><input type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - writing assistance tools do not exist<br><input checked="" type="checkbox"/> NA |
|-----------------|--|--|

Comments

**062-24. If writing assistance tools exist in courts, please describe their functionalities:**

|                       | <b>Functionalities</b>   |
|-----------------------|--|
| <b>Civil</b>          | <input checked="" type="checkbox"/> Templates<br><input checked="" type="checkbox"/> Automatically generated text<br><input type="checkbox"/> Automatically suggested decision<br><input type="checkbox"/> Speech-to-text<br><input checked="" type="checkbox"/> Electronic signature<br><input type="checkbox"/> Other special functionality, please specify<br><input type="checkbox"/> NAP – writing assistance tools do not exist<br><input type="checkbox"/> NA |
| <b>Administrative</b> | <input checked="" type="checkbox"/> Templates<br><input checked="" type="checkbox"/> Automatically generated text<br><input type="checkbox"/> Automatically suggested decision<br><input type="checkbox"/> Speech-to-text<br><input checked="" type="checkbox"/> Electronic signature<br><input type="checkbox"/> Other special functionality, please specify<br><input type="checkbox"/> NAP – writing assistance tools do not exist<br><input type="checkbox"/> NA |
| <b>Criminal</b>       | <input checked="" type="checkbox"/> Templates<br><input checked="" type="checkbox"/> Automatically generated text<br><input type="checkbox"/> Automatically suggested decision<br><input type="checkbox"/> Speech-to-text<br><input checked="" type="checkbox"/> Electronic signature<br><input type="checkbox"/> Other special functionality, please specify<br><input type="checkbox"/> NAP – writing assistance tools do not exist<br><input type="checkbox"/> NA |

Comment - If you have selected the option “Other special functionality”, please specify the details.

**RECORDING OF COURT HEARINGS**

**062-25. If a tool to record court hearings exists, what are the deployment and usage rates?**

|                       | Deployment rate  | Usage rate   |
|-----------------------|--|--|
| <b>Civil</b>          | <input checked="" type="checkbox"/> 95-100 %<br><input type="checkbox"/> 75-95 %<br><input type="checkbox"/> 50-75 %<br><input type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - there is no tool for recording hearings<br><input type="checkbox"/> NA | <input type="checkbox"/> 95-100 %<br><input type="checkbox"/> 75-95 %<br><input type="checkbox"/> 50-75 %<br><input type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - there is no tool for recording hearings<br><input checked="" type="checkbox"/> NA |
| <b>Administrative</b> | <input checked="" type="checkbox"/> 95-100 %<br><input type="checkbox"/> 75-95 %<br><input type="checkbox"/> 50-75 %<br><input type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - there is no tool for recording hearings<br><input type="checkbox"/> NA | <input type="checkbox"/> 95-100 %<br><input type="checkbox"/> 75-95 %<br><input type="checkbox"/> 50-75 %<br><input type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - there is no tool for recording hearings<br><input checked="" type="checkbox"/> NA |
| <b>Criminal</b>       | <input checked="" type="checkbox"/> 95-100 %<br><input type="checkbox"/> 75-95 %<br><input type="checkbox"/> 50-75 %<br><input type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - there is no tool for recording hearings<br><input type="checkbox"/> NA | <input type="checkbox"/> 95-100 %<br><input type="checkbox"/> 75-95 %<br><input type="checkbox"/> 50-75 %<br><input type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - there is no tool for recording hearings<br><input checked="" type="checkbox"/> NA |

Comments

**062-26. If a tool to record court hearings exist, please specify its functionalities:**

|              | Functionalities   |
|--------------|---|
| <b>Civil</b> | <input checked="" type="checkbox"/> Audio recording<br><input type="checkbox"/> Video recording<br><input type="checkbox"/> Systematic recording for all hearings<br><input type="checkbox"/> Automatically indexed recording<br><input type="checkbox"/> Automatic transcript from recording<br><input type="checkbox"/> Possibility to request a copy of the recording<br><input type="checkbox"/> Other special functionality, please specify<br><input type="checkbox"/> NAP – there is no tool for recording hearings<br><input type="checkbox"/> NA |

|                       |   |
|-----------------------|---|
| <b>Administrative</b> | <input checked="" type="checkbox"/> Audio recording<br><input type="checkbox"/> Video recording<br><input type="checkbox"/> Systematic recording for all hearings<br><input type="checkbox"/> Automatically indexed recording<br><input type="checkbox"/> Automatic transcript from recording<br><input type="checkbox"/> Possibility to request a copy of the recording<br><input type="checkbox"/> Other special functionality, please specify<br><input type="checkbox"/> NAP – there is no tool for recording hearings<br><input type="checkbox"/> NA |
| <b>Criminal</b>       | <input checked="" type="checkbox"/> Audio recording<br><input type="checkbox"/> Video recording<br><input type="checkbox"/> Systematic recording for all hearings<br><input type="checkbox"/> Automatically indexed recording<br><input type="checkbox"/> Automatic transcript from recording<br><input type="checkbox"/> Possibility to request a copy of the recording<br><input type="checkbox"/> Other special functionality, please specify<br><input type="checkbox"/> NAP – there is no tool for recording hearings<br><input type="checkbox"/> NA |

Comment - If you have selected the option “Other special functionality”, please specify the details.

## DATABASE OF COURT DECISIONS

**062-27. If there is a national database of court decisions, please provide the percentage of the decisions published at each instance.**

|              | Percentage of 1st instance decisions published  | Percentage of 2nd instance decisions published  | Percentage of Supreme court decisions published   |
|--------------|---|---|---|
| <b>Civil</b> | <input type="checkbox"/> 95-100 %<br><input type="checkbox"/> 75-95 %<br><input type="checkbox"/> 50-75 %<br><input type="checkbox"/> 25-50 %<br><input checked="" type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - There is no database for these decisions<br><input type="checkbox"/> NA | <input type="checkbox"/> 95-100 %<br><input type="checkbox"/> 75-95 %<br><input checked="" type="checkbox"/> 50-75 %<br><input type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - There is no database for these decisions<br><input type="checkbox"/> NA | <input checked="" type="checkbox"/> 95-100 %<br><input type="checkbox"/> 75-95 %<br><input type="checkbox"/> 50-75 %<br><input type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - There is no database for these decisions<br><input type="checkbox"/> NA |

|                       |   |   |   |
|-----------------------|---|---|---|
| <b>Administrative</b> | <input type="checkbox"/> 95-100 %<br><input type="checkbox"/> 75-95 %<br><input type="checkbox"/> 50-75 %<br><input type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input checked="" type="checkbox"/> NAP - There is no database for these decisions<br><input type="checkbox"/> NA | <input checked="" type="checkbox"/> 95-100 %<br><input type="checkbox"/> 75-95 %<br><input type="checkbox"/> 50-75 %<br><input type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - There is no database for these decisions<br><input type="checkbox"/> NA | <input checked="" type="checkbox"/> 95-100 %<br><input type="checkbox"/> 75-95 %<br><input type="checkbox"/> 50-75 %<br><input type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - There is no database for these decisions<br><input type="checkbox"/> NA |
| <b>Criminal</b>       | <input type="checkbox"/> 95-100 %<br><input type="checkbox"/> 75-95 %<br><input type="checkbox"/> 50-75 %<br><input type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input checked="" type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - There is no database for these decisions<br><input type="checkbox"/> NA | <input type="checkbox"/> 95-100 %<br><input type="checkbox"/> 75-95 %<br><input checked="" type="checkbox"/> 50-75 %<br><input type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - There is no database for these decisions<br><input type="checkbox"/> NA | <input checked="" type="checkbox"/> 95-100 %<br><input type="checkbox"/> 75-95 %<br><input type="checkbox"/> 50-75 %<br><input type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - There is no database for these decisions<br><input type="checkbox"/> NA |

Comments

**062-28. If there is a national database of court decisions, please specify the modalities in publishing these decisions:**

|                       | <b>1st instance</b>   | <b>2nd instance</b>  | <b>Supreme court</b>  |
|-----------------------|---|--|---|
| <b>Civil</b>          | <input checked="" type="checkbox"/> Published online (public website)<br><input type="checkbox"/> Published in an internal database<br><input checked="" type="checkbox"/> Other, please specify<br><input type="checkbox"/> NAP- There is no database for these decisions<br><input type="checkbox"/> NA | <input checked="" type="checkbox"/> Published online (public website)<br><input type="checkbox"/> Published in an internal database<br><input type="checkbox"/> Other, please specify<br><input type="checkbox"/> NAP- There is no database for these decisions<br><input type="checkbox"/> NA | <input checked="" type="checkbox"/> Published online (public website)<br><input type="checkbox"/> Published in an internal database<br><input type="checkbox"/> Other, please specify<br><input type="checkbox"/> NAP- There is no database for these decisions<br><input type="checkbox"/> NA            |
| <b>Administrative</b> | <input type="checkbox"/> Published online (public website)<br><input type="checkbox"/> Published in an internal database<br><input type="checkbox"/> Other, please specify<br><input checked="" type="checkbox"/> NAP- There is no database for these decisions<br><input type="checkbox"/> NA            | <input checked="" type="checkbox"/> Published online (public website)<br><input type="checkbox"/> Published in an internal database<br><input type="checkbox"/> Other, please specify<br><input type="checkbox"/> NAP- There is no database for these decisions<br><input type="checkbox"/> NA | <input checked="" type="checkbox"/> Published online (public website)<br><input checked="" type="checkbox"/> Published in an internal database<br><input type="checkbox"/> Other, please specify<br><input type="checkbox"/> NAP- There is no database for these decisions<br><input type="checkbox"/> NA |



|                 |   |  |  |
|-----------------|---|--|--|
| <b>Criminal</b> | <input type="checkbox"/> Published online (public website)                        | <input checked="" type="checkbox"/> Published online (public website)  | <input checked="" type="checkbox"/> Published online (public website)  |
|                 | <input type="checkbox"/> Published in an internal database                        | <input type="checkbox"/> Published in an internal database             | <input checked="" type="checkbox"/> Published in an internal database  |
|                 | <input type="checkbox"/> Other, please specify                                    | <input type="checkbox"/> Other, please specify                         | <input type="checkbox"/> Other, please specify                         |
|                 | <input checked="" type="checkbox"/> NAP– There is no database for these decisions | <input type="checkbox"/> NAP– There is no database for these decisions | <input type="checkbox"/> NAP– There is no database for these decisions |
|                 | <input type="checkbox"/> NA   | <input type="checkbox"/> NA  | <input type="checkbox"/> NA  |

- If you have selected the option “Other” because the court decisions are published online in some other way than the presented modalities, please describe. There are decisions of the first instance judicial courts published on their official websites, but still in small numbers. The development of an anonymisation tool is currently being finalised to make the publication process more expeditious, and to integrate these decisions into the official case law databases.

**062-29. If there is a database of court decisions at national level, what are the functionalities of this database?**

|              | <b>Functionalities</b>  |
|--------------|---|
| <b>Civil</b> | <input type="checkbox"/> Automatic anonymisation<br><input checked="" type="checkbox"/> Manual anonymisation<br><input checked="" type="checkbox"/> Free public online access<br><input type="checkbox"/> Link to the case law of the European Court of Human Rights (ECHR)<br><input checked="" type="checkbox"/> Open data<br><input checked="" type="checkbox"/> Advanced search engine<br><input checked="" type="checkbox"/> Machine-readable content<br><input checked="" type="checkbox"/> Structured content<br><input checked="" type="checkbox"/> Metadata<br><input checked="" type="checkbox"/> European Case Law Identifier (ECLI)<br><input type="checkbox"/> Other special functionality, please specify<br><input type="checkbox"/> NAP – There is no database for these decisions<br><input type="checkbox"/> NA |

|                       |  |
|-----------------------|--|
| <b>Administrative</b> | <input type="checkbox"/> Automatic anonymisation<br><input checked="" type="checkbox"/> Manual anonymisation<br><input checked="" type="checkbox"/> Free public online access<br><input type="checkbox"/> Link to the case law of the European Court of Human Rights (ECHR)<br><input type="checkbox"/> Open data<br><input checked="" type="checkbox"/> Advanced search engine<br><input type="checkbox"/> Machine-readable content<br><input type="checkbox"/> Structured content<br><input type="checkbox"/> Metadata<br><input type="checkbox"/> European Case Law Identifier (ECLI)<br><input type="checkbox"/> Other special functionality, please specify<br><input type="checkbox"/> NAP – There is no database for these decisions<br><input type="checkbox"/> NA |
| <b>Criminal</b>       | <input type="checkbox"/> Automatic anonymisation<br><input checked="" type="checkbox"/> Manual anonymisation<br><input checked="" type="checkbox"/> Free public online access<br><input type="checkbox"/> Link to the case law of the European Court of Human Rights (ECHR)<br><input type="checkbox"/> Open data<br><input checked="" type="checkbox"/> Advanced search engine<br><input type="checkbox"/> Machine-readable content<br><input type="checkbox"/> Structured content<br><input type="checkbox"/> Metadata<br><input type="checkbox"/> European Case Law Identifier (ECLI)<br><input type="checkbox"/> Other special functionality, please specify<br><input type="checkbox"/> NAP – There is no database for these decisions<br><input type="checkbox"/> NA |

Comment - If you have selected the option “Other special functionality”, please specify the details.

## STATISTICAL TOOLS

062-30. If there are statistical tools for analysing court case data, what is their deployment rate?

|              | Deployment rate   |
|--------------|---|
| <b>Civil</b> | <input checked="" type="checkbox"/> 95-100 %<br><input type="checkbox"/> 75-95 %<br><input type="checkbox"/> 50-75 %<br><input type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - there are no statistical tools<br><input type="checkbox"/> NA |

|                       |   |
|-----------------------|---|
| <b>Administrative</b> | <input checked="" type="checkbox"/> 95-100 %<br><input type="checkbox"/> 75-95 %<br><input type="checkbox"/> 50-75 %<br><input type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - there are no statistical tools<br><input type="checkbox"/> NA |
| <b>Criminal</b>       | <input checked="" type="checkbox"/> 95-100 %<br><input type="checkbox"/> 75-95 %<br><input type="checkbox"/> 50-75 %<br><input type="checkbox"/> 25-50 %<br><input type="checkbox"/> 1-25 %<br><input type="checkbox"/> 0 %<br><input type="checkbox"/> NAP - there are no statistical tools<br><input type="checkbox"/> NA |

Comments

**062-31. If there are statistical tools for analysing court case data, please describe their functionalities and the data available for statistical analysis:**

|              | <b>Functionalities</b>   | <b>Data available for statistical analysis</b>  |
|--------------|--|---|
| <b>Civil</b> | <input checked="" type="checkbox"/> Integration/connection with the CMS<br><input checked="" type="checkbox"/> Business intelligence software<br><input checked="" type="checkbox"/> Generation of predefined statistical reports<br><input checked="" type="checkbox"/> Generation of customised statistical reports<br><input checked="" type="checkbox"/> Internal page and/or dashboard<br><input checked="" type="checkbox"/> External page with statistics (public website)<br><input type="checkbox"/> Real-time data availability<br><input checked="" type="checkbox"/> Automatic consolidation of data at the national level<br><input type="checkbox"/> Other special functionality, please specify<br><input type="checkbox"/> NAP – there are no statistical tools<br><input type="checkbox"/> NA | <input checked="" type="checkbox"/> Case flow data (number of incoming, resolved, pending)<br><input checked="" type="checkbox"/> Age of a pending case<br><input checked="" type="checkbox"/> Length of proceedings<br><input type="checkbox"/> Number of hearings<br><input type="checkbox"/> Cases per judge<br><input type="checkbox"/> Case weights<br><input type="checkbox"/> Number of parties in a case<br><input type="checkbox"/> Indicator of appeal<br><input checked="" type="checkbox"/> Result of the appeal<br><input type="checkbox"/> NAP– there are no statistical tools<br><input type="checkbox"/> NA |

|                       |  |   |
|-----------------------|--|---|
| <b>Administrative</b> | <input checked="" type="checkbox"/> Integration/connection with the CMS<br><input checked="" type="checkbox"/> Business intelligence software<br><input type="checkbox"/> Generation of predefined statistical reports<br><input checked="" type="checkbox"/> Generation of customised statistical reports<br><input checked="" type="checkbox"/> Internal page and/or dashboard<br><input checked="" type="checkbox"/> External page with statistics (public website)<br><input type="checkbox"/> Real-time data availability<br><input checked="" type="checkbox"/> Automatic consolidation of data at the national level<br><input type="checkbox"/> Other special functionality, please specify<br><input type="checkbox"/> NAP – there are no statistical tools<br><input type="checkbox"/> NA            | <input checked="" type="checkbox"/> Case flow data (number of incoming, resolved, pending)<br><input checked="" type="checkbox"/> Age of a pending case<br><input checked="" type="checkbox"/> Length of proceedings<br><input type="checkbox"/> Number of hearings<br><input type="checkbox"/> Cases per judge<br><input type="checkbox"/> Case weights<br><input type="checkbox"/> Number of parties in a case<br><input type="checkbox"/> Indicator of appeal<br><input checked="" type="checkbox"/> Result of the appeal<br><input type="checkbox"/> NAP– there are no statistical tools<br><input type="checkbox"/> NA |
| <b>Criminal</b>       | <input checked="" type="checkbox"/> Integration/connection with the CMS<br><input checked="" type="checkbox"/> Business intelligence software<br><input checked="" type="checkbox"/> Generation of predefined statistical reports<br><input checked="" type="checkbox"/> Generation of customised statistical reports<br><input checked="" type="checkbox"/> Internal page and/or dashboard<br><input checked="" type="checkbox"/> External page with statistics (public website)<br><input type="checkbox"/> Real-time data availability<br><input checked="" type="checkbox"/> Automatic consolidation of data at the national level<br><input type="checkbox"/> Other special functionality, please specify<br><input type="checkbox"/> NAP – there are no statistical tools<br><input type="checkbox"/> NA | <input checked="" type="checkbox"/> Case flow data (number of incoming, resolved, pending)<br><input checked="" type="checkbox"/> Age of a pending case<br><input checked="" type="checkbox"/> Length of proceedings<br><input type="checkbox"/> Number of hearings<br><input type="checkbox"/> Cases per judge<br><input type="checkbox"/> Case weights<br><input type="checkbox"/> Number of parties in a case<br><input type="checkbox"/> Indicator of appeal<br><input checked="" type="checkbox"/> Result of the appeal<br><input type="checkbox"/> NAP– there are no statistical tools<br><input type="checkbox"/> NA |

Comment - If you have selected the option “Other special functionality”, please specify the details

## OTHER TOOLS

**062-32. Is there any application for online court-related dispute resolution?**

Yes

No

Comments

**062-33. If yes, is there a maximum value over which online court-related dispute resolution cannot be organised?**

- Yes, please specify the maximum value .....
- No

Comments

**062-34. If yes, can the online court-related dispute resolution be used in the following areas?**

- Small claim litigation
- Undisputed claim
- Payment order
- Misdemeanour criminal cases
- Enforcement of civil cases
- Other, please specify .....

Comment: Please describe the existing online procedures:

**062-35. Is there a computerised national record centralising all criminal convictions?**

- Yes
- No

Comments

**062-36. If yes, please specify the following information:**

- The computerised record includes biometric data (ex. fingerprint data, picture)
- The computerised record is linked to other European records of the same nature (ex. ECRIS)
- The content is directly available through computerised means for judges and/or prosecutors (ex. interoperability with the CMS)
- The content is directly available for purposes other than criminal (ex. civil and administrative matters)
- The record contains conviction information on third-country nationals and stateless persons

Comments

**062-37. Is there a Document Management System (DMS) in the registry of courts?**

- Yes
- No

Comment: If yes, please provide details on the purposes and usage of this system. Citius: Citius is an information system used by courts of common jurisdiction for the management of judicial proceedings that provides specific modules for the processing of judicial proceedings and the practice of procedural acts by magistrates, magistrates of the Public Prosecution Service and court clerks. It is also available for the practice of acts and consultation of proceedings by proxies and receivers, the latter in the scope of Insolvency proceedings, Special Revitalization Proceedings and Special Proceedings for Payment Agreements.

Citius allows notifications by electronic data transmission, communications between courts or enforcement agents, public entities and other persons, by sending structured information and interoperability between the information system supporting the activity of the courts and the information systems of these entities.

Sitaf: The Administrative and Fiscal Courts Activity Support System (SITAF) ensures the processing of cases in the Administrative Circuit Courts, Tax Courts, Central Administrative Courts and the Supreme Administrative Court. Sitaf has specific modules for the processing of cases and the practice of acts by judges, public prosecutors, court clerks and representatives. Sitaf allows notifications by electronic data transmission and, also, the presentation of procedural documents, documents and instructive process by representatives in court and the practice of procedural acts by public entities within the scope of tax proceedings.

Court Fees System (SCJ) – The mission of this system is to manage court fees, from their calculation to their collection from the intervening parties, containing rules for the preparation and processing of the case account, based on a logic of simplification and automation of procedures, which produces all relevant information for the identification of the parties or procedural subjects, sharing a mechanism for importing or sharing information with other procedural management computer systems. It is the responsibility of the IGFEJ - Instituto de Gestão Financeira e Equipamentos da Justiça (Justice Financial Management and Equipment Institute), taking into account the information registered by the courts, to guarantee payments foreseen in the Court Fees Regulation, which also includes the compensation due to legal professionals for services rendered within the scope of the access to law and court system (SADT) and the support service to service providers, courts and users of the Court Fees System.

**062-38. In addition to the tools listed in the ICT section of this questionnaire does your judicial system use other innovative ICT tools?**

( ) Yes

( X ) No

Comment: If yes, please list and describe these ICT tools.

**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)?**

( X ) Yes

( ) No

Comments - If yes, please specify:

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

|   | Yes / No            |
|---|---------------------|
| <b>within the courts</b>                      | ( ) Yes<br>( X ) No |
| <b>within the public prosecution services</b> | ( X ) Yes<br>( ) 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 Measuring court/public prosecution services**

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

[ X ] number of incoming cases

[ X ] 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 Users satisfaction is monitored through surveys and indirectly by the consulting body of each court that includes members of the community. The appeal ratio is only monitored in the context of judges evaluation.

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

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

Comments

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

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

Comments

**072. Do you monitor waiting time during judicial proceedings?**

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

Comments The waiting period is monitored in the quarterly monitoring of all judicial courts. The Court President reports to the council the number of cases that are waiting procedural movement for more than 1, 2, 3 or 4 months.

**073. Do you have a system to evaluate regularly court performance based on the monitored indicators of question 70?**

( X ) Yes

( ) No

Comments

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

( X ) 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?**

( X ) Yes

( ) No

Comments

**073-2. If yes, which courses of action are taken (multiple replies possible)?**

[ X ] Identifying the causes of improved or deteriorated performance

[ X ] Reallocating resources (human/financial resources based on performance)

[ ] Reengineering of internal procedures to increase efficiency

[ ] Other (please specify): .....

Comments

**073-3. Do you have a system to evaluate regularly the performance of the public prosecution services based on the monitored indicators of question 70-1?**

( X ) 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 (multiple replies possible)?**

- Identifying the causes of improved or deteriorated performance
- Reallocating resources (human/financial resources based on performance)
- Reengineering of internal procedures to increase efficiency
- 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 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 Directorate-General for Justice Policy/Ministry of Justice

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

- Yes, on the internet (please provide the link) <https://estatisticas.justica.gov.pt/sites/siej/en-us/pages/default.aspx>  
 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 (Rua da Escola Politécnica, n.º 140, 1269-269 Lisboa-Portugal; Telephone: 00351 213 921 900; Email: [correiopgr@pgr.pt](mailto:correiopgr@pgr.pt))  
 No

Comments

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

- Yes, on the internet (please provide the link) <https://www.ministeriopublico.pt/pagina/relatorios>.  
 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>.

=

**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 primarily intended):

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

- Internet  
 Intranet (internal) website  
 Paper distribution

Comments

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

- Annual  
 Less frequent  
 More frequent

Comments

=

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

- Yes  
 No

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

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

- Internet  
 Intranet (internal) website  
 Paper distribution

Comments Vide the 2022 Activity Report on:

[https://www.ministeriopublico.pt/sites/default/files/documentos/pdf/relatorio\\_anual\\_atividades\\_2022.pdf](https://www.ministeriopublico.pt/sites/default/files/documentos/pdf/relatorio_anual_atividades_2022.pdf) (in Portuguese)

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

- Annual  
 Less frequent  
 More frequent

Comments

**3.6.4 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 these 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): .....

[ X ] NAP

Comments

**083-1-1. What are the consequences for a judge if these targets are not met?**

|                                | Consequences:  |
|--------------------------------|--|
| Without disciplinary procedure | <input type="checkbox"/> Warning by court's president<br><input type="checkbox"/> Temporary salary reduction<br><input type="checkbox"/> Reflected in the individual assessment<br><input type="checkbox"/> Other, please specify: [Comment] |
| With disciplinary procedure    | <input type="checkbox"/> Warning by court's president<br><input type="checkbox"/> Temporary salary reduction<br><input type="checkbox"/> Reflected in the individual assessment<br><input type="checkbox"/> Other, please specify: [Comment] |
| -                              | <input type="checkbox"/> No consequences   |
| -                              | <input checked="" type="checkbox"/> NAP (no targets defined)   |

Comments

**114. Is there a system of individual evaluation of the judges' work?**

|              | Existence of a system of individual evaluation of the judges' work     |
|--------------|--|
| Quantitative | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No |
| Qualitative  | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No |

Comment: Please specify the criteria on which the assessment is based, the authority competent for carrying out the assessment, the purposes for which the results of the assessment are used:

**114-1. Please specify the frequency of this evaluation:**

( ) Annual

( X ) Less frequent

( ) More frequent

( ) Different frequencies used, please specify: .....

[ ] NAP

=

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

( ) Yes

( X ) No

Comments

**083-3. Who is responsible for setting these 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

**083-3-1. What are the consequences for a prosecutor if these targets are not met?**

|                                       | Consequences:   |
|---------------------------------------|---|
| <b>Without disciplinary procedure</b> | <input type="checkbox"/> Warning by head of prosecution<br><input type="checkbox"/> Temporary salary reduction<br><input type="checkbox"/> Reflected in the individual assessment<br><input type="checkbox"/> Other, please specify: [Comment]<br><input checked="" type="checkbox"/> NAP |
| <b>With disciplinary procedure</b>    | <input type="checkbox"/> Warning by head of prosecution<br><input type="checkbox"/> Temporary salary reduction<br><input type="checkbox"/> Reflected in the individual assessment<br><input type="checkbox"/> Other, please specify: [Comment]<br><input checked="" type="checkbox"/> NAP |
| <b>No consequences</b>                | <input type="checkbox"/> No consequences<br><input checked="" type="checkbox"/> NAP   |

Comments

**120. Is there a system of individual evaluation of the public prosecutors' work?**

|                     | Existence of a system of individual evaluation of the public prosecutors' work |
|---------------------|--|
| <b>Quantitative</b> | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No         |
| <b>Qualitative</b>  | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No         |

Comment: Please specify the criteria on which the assessment is based, the authority competent for carrying out the assessment, the purposes for which the results of the assessment are used:

**120-1. Please specify the frequency of this evaluation:**

- Annual
- Less frequent

( ) More frequent

( ) Different frequencies used, please specify: .....

[ ] NAP

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

#### 4.1.1 Principles of fair trial



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

[            ]

[ X ] NA

[ ] NAP

Comments - Please add methodology for calculation used.

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

( X ) Yes

( ) No

Comments - Please could you briefly specify:

**085-1. If yes, what are:**

|  |                     |
|--|---------------------|
|  | -                   |
| The total number of the initiated procedures in the reference year | [ X ] NA<br>[ ] NAP |
| The total number of recusals pronounced in the reference year      | [ X ] NA<br>[ ] NAP |

Comment - Please, could you briefly specify:

**086. Is there in your country a monitoring system for the violations related to Article 6 of the**

## European Convention on Human Rights?

For civil procedures (non-enforcement)

For civil procedures (timeframe)

For criminal procedures (timeframe)

NAP

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

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

For civil cases

For criminal cases

For administrative cases

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 etc.)?**

|                                   | Yes | No    |
|-----------------------------------|-----|-------|
| Agreement on general arrangements | ( ) | ( X ) |
| Agreement in specific cases       | ( ) | ( X ) |

Comments

#### 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 |
|--|--|--|--|--|--|
| <b>Total of other than criminal law cases (1+2+3+4)</b>  | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP                   |
| <b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>  | 183 914<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 262 708<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 270 366<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 176 256<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 36 126<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP                    |
| <b>2. Non litigious cases (2.1+2.2+2.3)</b>  | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP                   |
| <b>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)</b> | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP                   |



|  |  |  |  |  |  |
|--|--|--|--|--|--|
| <b>2.2. Registry cases<br/>(2.2.1+2.2.2+2.2.3)</b> | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP           | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP           | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP           | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP           | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP |
| <b>2.2.1. Non litigious land registry cases</b>    | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP           | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP           | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP           | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP           | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP |
| <b>2.2.2 Non-litigious business registry cases</b> | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP           | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP           | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP           | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP           | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP |
| <b>2.2.3. Other registry cases</b>                 | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP           | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP           | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP           | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP           | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP |
| <b>2.3. Other non-litigious cases</b>              | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP           | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP           | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP           | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP           | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP |
| <b>3. Administrative law cases</b>                 | 58 207<br><input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | 24 212<br><input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | 27 051<br><input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | 55 368<br><input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>4. Other cases</b>                              | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP           | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP           | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP           | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP           | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP |

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

On 1 September 2013, the new Code of civil Procedure entered into force, establishing a new regime for the enforcement action in Portugal, based on a new paradigm, which states that the processes that run in court must stand out clearly – those who are dependent on the commission of an act of the judge or the secretary – from those who run out of court. This new model, which enables a new way of organizing tasks, of work monitoring and of differentiating responsibilities is provided for in Article 551, paragraph 5 of the new Code of Civil Procedure. This new system follows more closely the current model in other countries and, without prejudice to the specificities of each planning and method of statistical production, will facilitate the future approach to a comparison of the Portuguese system with that of other countries

From a statistical point of view, this new model has not yet however been reflected in numbers, as work is still ongoing aimed at demarcating the procedures that are in court, waiting for an act, from those that are being handled by other entities. Since is not yet possible to provide figures that reflect the amount of work take non by the courts as referred above, the data does not include civil and labour enforcement cases. The number of enforcement cases for the year 2022 are: Pending cases on 1 Jan. 2022: 394367; Incoming cases: 108036; Resolved cases: 140946; Pending cases on 31 Dec. 2022: 361457. This numbers correspond to the total number of existing procedures in Portugal in 2022, following the existing model prior to the entry into force of the said legal diploma.

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

The question 91\_3 “Administrative law cases”, includes administrative and tax cases. The number of Pending cases on 1 Jan. that correspond only to tax cases is 38089. The number Incoming cases that correspond only to tax cases is 11619. The number of Resolved cases that correspond only to tax cases is 14888. The number of Pending cases on 31 Dec. That correspond only to tax cases is 34820. In what concerns this type of cases, in 2022 there were 24,212 new cases and 27,051 completed cases. However, of these totals, only 23,483 new cases and 26,322 completed cases corresponded to real movements of the beginning and end of cases. The remaining 729 cases refer to cases that were internally transferred between units.

**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 |
|--|-----------------------------------|-----------------------------|-----------------------------|------------------------------------|--|
| <b>Total of criminal law cases (1+2+3)</b>           | 44 870<br>[ ] NA<br>[ ] NAP       | 78 716<br>[ ] NA<br>[ ] NAP | 78 261<br>[ ] NA<br>[ ] NAP | 45 325<br>[ ] NA<br>[ ] NAP        | 15 054<br>[ ] NA<br>[ ] NAP  |
| <b>1. Severe criminal cases</b>                      | 41 016<br>[ ] NA<br>[ ] NAP       | 62 101<br>[ ] NA<br>[ ] NAP | 62 300<br>[ ] NA<br>[ ] NAP | 40 817<br>[ ] NA<br>[ ] NAP        | 14 435<br>[ ] NA<br>[ ] NAP  |
| <b>2. Misdemeanour and / or minor criminal cases</b> | 2 371<br>[ ] NA<br>[ ] NAP        | 7 925<br>[ ] NA<br>[ ] NAP  | 7 408<br>[ ] NA<br>[ ] NAP  | 2 888<br>[ ] NA<br>[ ] NAP         | 181<br>[ ] NA<br>[ ] NAP   |
| <b>3. Other criminal cases</b>                       | 1 483<br>[ ] NA<br>[ ] NAP        | 8 690<br>[ ] NA<br>[ ] NAP  | 8 553<br>[ ] NA<br>[ ] NAP  | 1 620<br>[ ] NA<br>[ ] NAP         | 438<br>[ ] NA<br>[ ] 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 In our view, the increase in the number of incoming and outgoing cases in 2022 compared to 2020 reflects the effects of the Covid-19 pandemic and the resulting lockdown, which had an impact on the functioning of the courts in 2020, considering that in certain periods face-to-face services were interrupted or conditioned.

3. "Other criminal cases" - cases involving procedural types provided for in criminal law, which do not fall into the "severe criminal cases" and "minor criminal cases" categories. These are, for example, cases relating to "legal accumulation", "interrogation of foreigners", "judicial expulsion", "compulsory internment" and "habeas corpus".

**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 |
|---|-----------------------------------|-----------------------------|-----------------------------|------------------------------------|---|
| <b>Total of other than criminal law cases (1+2+3+4)</b> | 14 242<br>[ ] NA<br>[ ] NAP       | 25 241<br>[ ] NA<br>[ ] NAP | 23 436<br>[ ] NA<br>[ ] NAP | 16 047<br>[ ] NA<br>[ ] NAP        | [ X ] NA<br>[ ] NAP   |

|  |                            |                             |                             |                             |                     |
|--|----------------------------|-----------------------------|-----------------------------|-----------------------------|---------------------|
| <b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>  | 4 335<br>[ ] NA<br>[ ] NAP | 20 455<br>[ ] NA<br>[ ] NAP | 19 683<br>[ ] NA<br>[ ] NAP | 5 107<br>[ ] NA<br>[ ] NAP  | [ X ] NA<br>[ ] NAP |
| <b>2. Non litigious cases (2.1+2.2+2.3)</b>  | [ ] NA<br>[ X ] NAP        | [ ] NA<br>[ X ] NAP         | [ ] NA<br>[ X ] NAP         | [ ] NA<br>[ X ] NAP         | [ ] NA<br>[ X ] NAP |
| <b>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)</b> | [ ] NA<br>[ X ] NAP        | [ ] NA<br>[ X ] NAP         | [ ] NA<br>[ X ] NAP         | [ ] NA<br>[ X ] NAP         | [ ] NA<br>[ X ] NAP |
| <b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>   | [ ] NA<br>[ X ] NAP        | [ ] NA<br>[ X ] NAP         | [ ] NA<br>[ X ] NAP         | [ ] NA<br>[ X ] NAP         | [ ] NA<br>[ X ] NAP |
| <b>2.2.1. Non litigious land registry cases</b>  | [ ] NA<br>[ X ] NAP        | [ ] NA<br>[ X ] NAP         | [ ] NA<br>[ X ] NAP         | [ ] NA<br>[ X ] NAP         | [ ] NA<br>[ X ] NAP |
| <b>2.2.2 Non-litigious business registry cases</b>   | [ ] NA<br>[ X ] NAP        | [ ] NA<br>[ X ] NAP         | [ ] NA<br>[ X ] NAP         | [ ] NA<br>[ X ] NAP         | [ ] NA<br>[ X ] NAP |
| <b>2.2.3. Other registry cases</b>   | [ ] NA<br>[ X ] NAP        | [ ] NA<br>[ X ] NAP         | [ ] NA<br>[ X ] NAP         | [ ] NA<br>[ X ] NAP         | [ ] NA<br>[ X ] NAP |
| <b>2.3. Other non-litigious cases</b>  | [ ] NA<br>[ X ] NAP        | [ ] NA<br>[ X ] NAP         | [ ] NA<br>[ X ] NAP         | [ ] NA<br>[ X ] NAP         | [ ] NA<br>[ X ] NAP |
| <b>3. Administrative law cases</b>   | 9 907<br>[ ] NA<br>[ ] NAP | 4 786<br>[ ] NA<br>[ ] NAP  | 3 753<br>[ ] NA<br>[ ] NAP  | 10 940<br>[ ] NA<br>[ ] NAP | [ X ] NA<br>[ ] NAP |
| <b>4. Other cases</b>  | [ ] NA<br>[ X ] NAP        | [ ] NA<br>[ X ] NAP         | [ ] NA<br>[ X ] NAP         | [ ] NA<br>[ X ] NAP         | [ ] NA<br>[ X ] NAP |

Comments - If “Other cases” please specify total: The increase in the number of cases filed in 2022 compared to 2020 reflects, from our point of view, the effects of the Covid 19 pandemic and the consequent lockdown, which had an impact on the functioning of the courts in 2020, considering that in certain periods face-to-face services were interrupted or conditioned.

1.The drop in the number of pending cases in 2022 compared to 2020 is related to the fact that in the period from 2020 to 2022 the number of cases completed was higher than the number of cases received.

## 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 |
|--|-----------------------------------|-----------------------------|-----------------------------|------------------------------------|---|
| <b>Total of criminal law cases (1+2+3)</b>           | 3 600<br>[ ] NA<br>[ ] NAP        | 10 468<br>[ ] NA<br>[ ] NAP | 10 044<br>[ ] NA<br>[ ] NAP | 4 024<br>[ ] NA<br>[ ] NAP         | [ X ] NA<br>[ ] NAP   |
| <b>1. Severe criminal cases</b>                      | [ X ] NA<br>[ ] NAP               | [ X ] NA<br>[ ] NAP         | [ X ] NA<br>[ ] NAP         | [ X ] NA<br>[ ] NAP                | [ X ] NA<br>[ ] NAP   |
| <b>2. Misdemeanour and / or minor criminal cases</b> | [ X ] NA<br>[ ] NAP               | [ X ] NA<br>[ ] NAP         | [ X ] NA<br>[ ] NAP         | [ X ] NA<br>[ ] NAP                | [ X ] NA<br>[ ] NAP   |
| <b>3. Other criminal cases</b>                       | [ X ] NA<br>[ ] NAP               | [ X ] NA<br>[ ] NAP         | [ X ] NA<br>[ ] NAP         | [ X ] NA<br>[ ] NAP                | [ X ] NA<br>[ ] 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:

#### 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 |
|--|-----------------------------------|----------------------------|----------------------------|------------------------------------|---|
| <b>Total of other than criminal law cases (1+2+3+4)</b>  | 1 712<br>[ ] NA<br>[ ] NAP        | 3 803<br>[ ] NA<br>[ ] NAP | 3 862<br>[ ] NA<br>[ ] NAP | 1 653<br>[ ] NA<br>[ ] NAP         | [ X ] NA<br>[ ] NAP   |
| <b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>  | 808<br>[ ] NA<br>[ ] NAP          | 2 680<br>[ ] NA<br>[ ] NAP | 2 749<br>[ ] NA<br>[ ] NAP | 739<br>[ ] NA<br>[ ] NAP           | [ X ] NA<br>[ ] NAP   |
| <b>2. Non litigious cases (2.1+2.2+2.3)</b>  | [ ] NA<br>[ X ] NAP               | [ ] NA<br>[ X ] NAP        | [ ] NA<br>[ X ] NAP        | [ ] NA<br>[ X ] NAP                | [ ] NA<br>[ X ] NAP   |
| <b>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)</b> | [ ] NA<br>[ X ] NAP               | [ ] NA<br>[ X ] NAP        | [ ] NA<br>[ X ] NAP        | [ ] NA<br>[ X ] NAP                | [ ] NA<br>[ X ] NAP   |

|  |  |  |  |  |  |
|--|--|--|--|--|--|
| <b>2.2. Registry cases<br/>(2.2.1+2.2.2+2.2.3)</b> | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP |
| <b>2.2.1. Non litigious land registry cases</b>    | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP |
| <b>2.2.2 Non-litigious business registry cases</b> | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP |
| <b>2.2.3. Other registry cases</b>                 | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP |
| <b>2.3. Other non-litigious cases</b>              | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP |
| <b>3. Administrative law cases</b>                 | 904<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP     | 1 123<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP   | 1 113<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP   | 914<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP     | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>4. Other cases</b>                              | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP |

Comments - If "Other cases", please specify 1 - 1st column

The increase in the number of pending cases on January 1, 2022 compared to January 1, 2020 is related to the fact that in the period from 2020 to 2021 the number of incoming cases was higher than the number of outgoing cases. In our view, this behavior reflects the effects of the Covid-19 pandemic and the resulting lockdown, which had an impact on the functioning of the courts in 2020 and 2021, considering that in certain periods face-to-face services were interrupted or conditioned.

3 - 1st column

The decrease in the number of cases pending on January 1, 2022 compared to January 1, 2020 is related to the fact that in the period 2020 to 2021 the number of cases closed was higher than the number of cases admitted.

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

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 |
|--|--|--|--|--|---|
| <b>Total of criminal law cases<br/>(1+2+3)</b>       | 153<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP     | 1 024<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP   | 998<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP     | 179<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP     | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP            |
| <b>1. Severe criminal cases</b>                      | 153<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP     | 1 024<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP   | 998<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP     | 179<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP     | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP            |
| <b>2. Misdemeanour and / or minor criminal cases</b> | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP            |

|                                |   |   |   |   |   |
|--------------------------------|---|---|---|---|---|
| <b>3. Other criminal cases</b> | <input type="checkbox"/> NA             | <input type="checkbox"/> NA             | <input type="checkbox"/> NA             | <input type="checkbox"/> NA             | <input type="checkbox"/> NA             |
|                                | <input checked="" type="checkbox"/> NAP | <input checked="" type="checkbox"/> NAP | <input checked="" type="checkbox"/> NAP | <input checked="" type="checkbox"/> NAP | <input checked="" type="checkbox"/> 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

#### 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 cases older than 2 years from the date the case came to the first instance court |
|-----------------------------------|--|--|--|--|--|
| <b>Litigious divorce cases</b>    | 3 542<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP   | 7 279<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP   | 7 681<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP   | 3 140<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP   | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP                   |
| <b>Employment dismissal cases</b> | 1 622<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP   | 2 714<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP   | 3 084<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP   | 1 252<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP   | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP                   |
| <b>Insolvency</b>                 | 1 316<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP   | 10 175<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP  | 10 172<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP  | 1 319<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP   | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP                   |
| <b>Robbery case</b>               | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP                   |
| <b>Intentional homicide</b>       | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP                   |

Comments The increase in the number of pending cases in 2022 compared to 2020 is related to the fact that in the period from 2020 to 2022 the number of incoming cases was higher than the number of outgoing cases. From our point of view, this behavior reflects the effects of the Covid-19 pandemic and the resulting lockdown, which had an impact on the functioning of the courts in 2020 and 2021, considering that in certain periods face-to-face services were interrupted or conditioned.

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##### 101-0. Number of 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 cases for more than 2 years                               |
|---|--|--|--|---|---|
| <b>Court cases relating to asylum seekers (refugee status under the 1951 Geneva Convention)</b> | 63<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP  | 153<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 90<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP  | 14<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 44<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>Court cases relating to the right of entry and stay for aliens</b>                           | 345<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 730<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 385<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 66<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 58<br><input type="checkbox"/> NA<br><input type="checkbox"/> 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 |
|---------------------------|-----------------------------------|---------------------|---------------------|-----------------------------------|--|
| <b>Child sexual abuse</b> | [ X ] NA<br>[ ] NAP               | [ X ] NA<br>[ ] NAP | [ X ] NA<br>[ ] NAP | [ X ] NA<br>[ ] NAP               | [ X ] NA<br>[ ] NAP  |
| <b>Child pornography</b>  | [ X ] NA<br>[ ] NAP               | [ X ] NA<br>[ ] NAP | [ X ] NA<br>[ ] NAP | [ X ] NA<br>[ ] NAP               | [ X ] NA<br>[ ] 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 length of the entire procedure (in days) | % of cases pending for more than 3 years for all instances |
|---|--|--|--|--|--|--|
| <b>Civil and commercial litigious cases</b> | _____<br>Allow decimals : 2<br>[ X ] NA<br>[ ] NAP | 295<br>[ ] NA<br>[ ] NAP                 | [ X ] NA<br>[ ] NAP                      | [ X ] NA<br>[ ] NAP                      | [ X ] NA<br>[ ] NAP                              | _____<br>Allow decimals : 2<br>[ X ] NA<br>[ ] NAP         |
| <b>Litigious divorce cases</b>              | _____<br>Allow decimals : 2<br>[ X ] NA<br>[ ] NAP | 169<br>[ ] NA<br>[ ] NAP                 | [ X ] NA<br>[ ] NAP                      | [ X ] NA<br>[ ] NAP                      | [ X ] NA<br>[ ] NAP                              | _____<br>Allow decimals : 2<br>[ X ] NA<br>[ ] NAP         |
| <b>Employment dismissal cases</b>           | _____<br>Allow decimals : 2<br>[ X ] NA<br>[ ] NAP | 199<br>[ ] NA<br>[ ] NAP                 | [ X ] NA<br>[ ] NAP                      | [ X ] NA<br>[ ] NAP                      | [ X ] NA<br>[ ] NAP                              | _____<br>Allow decimals : 2<br>[ X ] NA<br>[ ] NAP         |

|                                   |   |  |  |  |  |   |
|-----------------------------------|---|--|--|--|--|---|
| <b>Insolvency cases</b>           | _____<br>Allow decimals : 2<br><br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP            | <b>37</b><br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | _____<br>Allow decimals : 2<br><br><input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>Robbery cases</b>              | _____<br>Allow decimals : 2<br><br><input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP   | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | _____<br>Allow decimals : 2<br><br><input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>Intentional homicide cases</b> | _____<br>Allow decimals : 2<br><br><input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP   | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | _____<br>Allow decimals : 2<br><br><input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP |

Comments The increase in the average duration of these cases between 2020 and 2022 is confirmed. This increase may be due to the fact that the courts closed older cases during this period.

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

. After the average length value per month was calculated, this value was multiplied by 30.4 to obtain the value of the average length per day.  
 The average length of completed cases corresponds to the time between the date of the entry of the case and the date of the final decision (judgment, decision or order) in the respective instance, regardless of the final decision. The average length corresponds to the total time of the proceedings, even if redistributed, that is, between the date of initiation of the proceedings in the court where the proceedings began and the date of termination of the proceedings in that or another court to which they were redistributed.

**4.2.6 Case flow management – public prosecution**

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

- to conduct or supervise investigation
- when necessary, to request investigation measures from the judge
- to charge
- to present the case in court
- to propose a sentence to the judge
- to appeal
- to supervise the enforcement procedure
- to discontinue a case without needing a decision by a judge (ensure consistency with question 36!)
- to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision
- other significant powers (please specify): .....

Comments Portuguese prosecutors can end the case by “negotiating” a measure without requiring a judicial decision in the context of the provisional suspension of the process (provided for in articles 281 and 282 of the Portuguese code of criminal procedure).



The prosecutor proposes to the defendant an injunction or rule of conduct as a "penalty" for the commission of a crime, which he / she will have to serve for a certain period of time (up to two years), during which he /she cannot commit crimes of the same nature. If the defendant fails to comply with or commits crimes of the same nature, the suspension might be revoked and he / she is charged and submitted to trial. If the defendant comply and do not commit crimes, the process is filed.

For the application of this "negotiated" suspension, in addition to other assumptions, the agreement of the judge is required, but the decision is made by the prosecutor and not by the judge.

If the victim has become an attendant, he /she will also have to agree.

In case of domestic violence, the victim can request the application of suspension, always subject to the agreement of the defendant and the judge.

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

- civil cases
- administrative cases
- insolvency cases

Comments - If yes, please specify:

=

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

|  | Number of cases  |
|--|--|
| <b>1.Pending cases on 1 Jan. ref. year</b>   | 252 200<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>2.Incoming/received cases</b>   | 454 379<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>3.Processed cases (3.1+3.2+3.3+3.4)</b>   | 427 664<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>3.1.Discontinued during the reference year (3.1.1+3.1.2+3.1.3+3.1.4.)</b>   | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>3.1.1 Discontinued by the public prosecutor because the offender could not be identified</b>                            | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>3.1.2 Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation</b> | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>3.1.3 Discontinued by the public prosecutor for reasons of opportunity</b>  | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>3.1.4 Discontinued for other reasons</b>  | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>3.2.Concluded by a penalty or a measure imposed or negotiated by the public prosecutor</b>                              | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>3.3.Cases brought to court</b>  | 44 371<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP  |

4. Pending cases on 31 Dec. ref. year

278 915

NA

NAP

Comments 3. The total figure for 2022 for the total number of completed criminal cases at the investigation stage is 427 664.

### 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                             |
|---|--|--|--|
| <b>Total number of guilty plea procedures</b> | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>Before the main trial</b>                  | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>During the main trial</b>                  | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><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

Directorate General for Justice Policy (Ministry of Justice)

## 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?

through a competitive exam (open competition)

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

other (please specify): Please check general comments

Comments

### 110-1. Please briefly describe the recruitment procedure(s) for judges in your country:

. •Admission to initial training for judicial magistrates is made via an open competition, which is published in the Official Journal

and encompasses distinct methods of selection.

•In addition to the general requirements, there are others related to the two distinct manners of qualifying for the competition and the initial training course, i.e. admission based on academic qualifications or admission based on professional experience .

•In order to be able to apply for “admission based on academic experience” the applicant must have a master’s degree or a PhD or legally equivalent qualification. However, this requisite is set aside if the applicant has a law degree or legal equivalent prior to the new structure of studies established by Decree-Law no. 74/2006 of 24 March (Bologna process).

•In order to apply for “admission based on professional experience” the applicant must also have court experience or experience in related areas which are relevant to the performance of the duties of a judge or public prosecutor, and which took place for not less than five years.

•Applicants are selected by means of:

o aptitude tests consisting of a written component and successively, though only for applicants seeking “admission based on academic qualifications”, an oral component. Either can eliminate the applicant from the competition.

o assessment based on the applicant’s curriculum for those seeking “admission based on professional experience”, which can also eliminate the applicant from the competition and which includes:

discussion of the applicant’s curriculum and professional experience.

discussion of legal topics related to the candidate’s experience.

psychological recruitment testing

•In order to be considered, applicants must receive a “favourable” classification on the psychological test.

•Applicants who have passed the tests are ranked in decreasing order, according to their final mark and are admitted to the first stage of the initial training course on the basis of the existing number of vacancies.

## 110-2. What are the recruitment requirements for judges (multiple replies possible)?

Age

Nationality

Physical/Psychological capacity

General studies in law

Advanced studies in law (Master, PhD)

Number of years of relevant experience

Traineeship/judicial functions in courts

Validation of a general state examination in law

Validation of a specific examination for judges

Clean criminal record

Foreign languages

Personal requirements (related to integrity)

Other

NAP

Comments - If “other”, please specify:

## 110-3. In the frame of these recruitments, please indicate the number of applicants for the position of judge and the number of recruitments actually made during the reference year:

|                                    | Total           | Males         | Females       |
|------------------------------------|-----------------|---------------|---------------|
| <b>Number of applicants</b>        | 1 062<br>[ ] NA | 260<br>[ ] NA | 802<br>[ ] NA |
| <b>Number of recruited persons</b> | 121<br>[ ] NA   | 37<br>[ ] NA  | 84<br>[ ] NA  |

Comments This total include all applicants for judge and prosecutor, since the final option is made after the evaluation. The number for recruited persons refers to Courses 38 and 39 – recruitment for judicial courts; and Course 9 for administrative and fiscal courts.

**110-4. If the number of applicants decreased in the last years did you take any remedial measures?**

Yes

No

Comments Raise awareness of the recruitment procedure through open day events. In 2023, the Minister of Justice decided to set up a new division of the Center of Judicial Studies in the North of Portugal (Vila do Conde), this will allow applicants a better balance between professional and personal life for candidates living in the north of the country (that are until now the majority of candidates/applicants). we expect the division to be working in 2025.

**110-5. If yes, please specify what remedies you implemented:**

- Increase of salary
- Other financial incentives
- Improving working conditions
- Workload reduction at the beginning of career
- Other adjustments in the frame of the induction of new judges
- Other

Comments: If “other”, please, specify: Raise awareness of the recruitment procedure through open day events

=

**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) responsible for the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles:

**111-1. How many members compose this authority?**

|                | Total                   | Males               | Females             |
|----------------|-------------------------|---------------------|---------------------|
| <b>Members</b> | 28<br>[ ] NA<br>[ ] NAP | [ X ] NA<br>[ ] NAP | [ X ] NA<br>[ ] NAP |

Comments – Please specify what is the status of this authority and who is proposing/appointing its members:

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

Yes

No

Comments – Please specify the procedure to be followed, the competent authority, the moment for exercising the right of appeal:

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

Yes

No

Comments - No, please specify which authority is competent for promoting judges 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 replies possible)

Competitive test / Exam

Previous individual evaluations

Other procedure(s) (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) and how the publicity of promotion processes is ensured:

### 113-0. In the frame of the promotion procedures, please indicate the number of applicants and the number of promotions actually made during the reference year:

|                            | Total                              | Males                             | Females                            |
|----------------------------|------------------------------------|-----------------------------------|------------------------------------|
| Number of applicants       | 180<br><input type="checkbox"/> NA | 59<br><input type="checkbox"/> NA | 101<br><input type="checkbox"/> NA |
| Number of promoted persons | 69<br><input type="checkbox"/> NA  | 28<br><input type="checkbox"/> NA | 41<br><input type="checkbox"/> NA  |

Comments The number of applicants and promoted persons includes promotion procedures for the 2nd instance court and for the Supreme Court of Justice

### 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”):

## 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.

### 115-1. Are specific instructions addressed to a public prosecutor to prosecute or not prohibited by law or other regulation?

- Yes
- No

Comments - If yes, please specify:

### 115-2. If they are prohibited by law or other regulation, are there exceptions?

- Yes
- No
- NAP

Comments - Please describe these exceptions:

### 115-3. Which authority can issue such specific instructions?

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

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: -If orders are given under article 278 of the Code of Criminal Procedure, they cannot be refused (article 100, paragraph 6, a) of the PPS Statute) and it is recorded in the case file.

-If orders and instructions are given under management powers / powers of direction, it must be reasoned and the prosecutor must refuse it in case of illegality and may refuse it if the order or instruction seriously violates prosecutor's legal conscience (article 100, no. 3 of the same Statute).

-Instructions given by Ministry of Justice in civil actions where PPS acts on the behalf of the State are issued seeking prior advice from the competent public prosecutor.

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

Exceptional

Occasional

Frequent

Systematic

NAP

Comments

### 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.

=

### 116. How are public prosecutors recruited?

through a competitive exam (open competition)

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

other (please specify):please check general comments

Comments

### 116-1. Please briefly describe the recruitment procedure(s) for prosecutors in your country:

. Via an open competition announced in the official gazette "Diário da República" and the process by which applicants are chosen involves various methods of selection.

- "Admission based on academic qualifications" means that the requisites for admission essentially regard the applicants' academic qualifications.

"Admission based on professional experience" means that the requisites for admission concern, especially, the applicants' professional experience.

In order to apply for "admission based on professional experience" the applicant must also have court experience or experience in related areas which are relevant to the performance of the duties of a judge or public prosecutor, and which took place for not less than

five years.

**116-2. What are the recruitment requirements for prosecutors (multiple replies possible)?**

- Age
- Nationality
- Physical/Psychological capacity
- General studies in law
- Advanced studies in law (Master, PhD)
- Number of years of relevant experience
- Traineeship/judicial functions in courts
- Validation of a general state examination in law
- Validation of a specific examination for prosecutors
- Clean criminal record
- Foreign languages
- Personal requirements (related to integrity)
- Other
- NAP

Comments - If "other", please specify:

**116-3. In the frame of these recruitments, please indicate the number of applicants for the position of prosecutor and the number of recruitments actually made during the reference year:**

|                                    | Total                                | Males                              | Females                            |
|------------------------------------|--------------------------------------|------------------------------------|------------------------------------|
| <b>Number of applicants</b>        | 1 062<br><input type="checkbox"/> NA | 260<br><input type="checkbox"/> NA | 802<br><input type="checkbox"/> NA |
| <b>Number of recruited persons</b> | 100<br><input type="checkbox"/> NA   | 19<br><input type="checkbox"/> NA  | 81<br><input type="checkbox"/> NA  |

Comments Total applicants for judge and public prosecutor, since the final option is made only after the final evaluation. The number of recruited persons refers to Courses 38 and 39 – recruitment for judicial courts

**116-4. If the number of applicants decreased in the last years did you take any remedial measures?**

- Yes
- No

Comments

**116-5. If yes, please specify what remedies you implemented:**

- Increase of salary
- Other financial incentives



- Improving working conditions
- Workload reduction at the beginning of career
- Other adjustments in the frame of the induction of new prosecutors
- Other

Comments: If “other”, please, specify: Raise awareness of the recruitment procedure through open day events.

In 2023, the Minister of Justice decided to set up a new division of the Center of Judicial Studies in the North of Portugal (Vila do Conde), this will allow applicants a better balance between professional and personal life for candidates living in the north of the country (that are until now the majority of candidates/applicants). we expect the division to be working in 2025.

**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) responsible for the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles:

**117-1. How many members compose this authority?**

|                | Total                        | Male                                   | Female                                 |
|----------------|------------------------------|--|--|
| <b>Members</b> | 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/appointing its members:

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

- Yes
- No

Comments – Please specify the procedure to be followed, the competent authority, the moment for exercising the right of appeal: Non selected candidates can challenge the jury's decision to the Center for Judicial Training and/or challenge the decision in Court.

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

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

Comments

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

- Competitive test / exam
- Previous individual evaluations
- Other procedure(s) (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) and how the publicity of promotion processes is ensured:

**119-1. In the frame of the promotion procedures, please indicate the number of applicants and the number of promotions actually made during the reference year:**

|                            | Total    | Males    | Females  |
|----------------------------|----------|----------|----------|
| Number of applicants       | [ X ] NA | [ X ] NA | [ X ] NA |
| Number of promoted persons | [ X ] NA | [ X ] NA | [ X ] NA |

Comments

**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: Compulsory retirement age: 70

**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: Compulsory retirement age: 70

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

Comments According to Law 2/2008, only initial training is compulsory and there is a system of absences that can lead to exclusion.

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

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

|   |  |
|---|--|
| <b>In-service training for the use of computer facilities in courts</b> | <input checked="" type="checkbox"/> Regularly (for example every year)<br><input type="checkbox"/> Occasional (as needed)<br><input type="checkbox"/> No training proposed |
| <b>In-service training on ethics</b>                                    | <input checked="" type="checkbox"/> Regularly (for example every year)<br><input type="checkbox"/> Occasional (as needed)<br><input type="checkbox"/> No training proposed |
| <b>In-service training on child-friendly justice</b>                    | <input checked="" type="checkbox"/> Regularly (for example every year)<br><input type="checkbox"/> Occasional (as needed)<br><input type="checkbox"/> No training proposed |
| <b>In-service training on gender equality</b>                           | <input checked="" type="checkbox"/> Regularly (for example every year)<br><input type="checkbox"/> Occasional (as needed)<br><input type="checkbox"/> No training proposed |
| <b>Other in- service training</b>                                       | <input checked="" type="checkbox"/> Regularly (for example every year)<br><input type="checkbox"/> Occasional (as needed)<br><input type="checkbox"/> No training proposed |

Comments - Please indicate any information on the periodicity of the continuous training of judges: Each judge or prosecutor is allowed to apply for five trainings a year at the judicial school, plus those he or she wishes to apply directly, for ex. EJTN catalog trainings

### 128-1. Do you have a minimum number of compulsory trainings per judge:

|   | Per judge  |
|---|--|
| <b>Initial compulsory training – minimum number of trainings</b>              | _____<br>Min numeric value allowed : 0<br><br><input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>Initial compulsory training – minimum number of days</b>                   | _____<br>Min numeric value allowed : 0<br><br><input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>In-service compulsory trainings – minimum number of trainings per year</b> | _____<br>Min numeric value allowed : 0<br><br><input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP |
| <b>In-service compulsory trainings – minimum number of days per year</b>      | _____<br>Min numeric value allowed : 0<br><br><input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP |

Comments

## 5.2.2 Training of prosecutors

### 129. Types of different trainings offered to public prosecutors:

|   | <b>Compulsory</b>   | <b>Optional</b>     | <b>No training proposed</b> |
|---|---------------------|---------------------|-----------------------------|
| <b>Initial training</b>   | ( X ) Yes<br>( ) No | ( ) Yes<br>( X ) No | ( ) Yes<br>( X ) No         |
| <b>General in-service training</b>  | ( ) Yes<br>( X ) No | ( X ) Yes<br>( ) No | ( ) Yes<br>( X ) No         |
| <b>In-service training for specialised functions (e.g. public prosecutors specialised in organised crime)</b> | ( ) Yes<br>( X ) No | ( X ) Yes<br>( ) No | ( ) Yes<br>( X ) No         |
| <b>In-service training for management functions (e.g. Head of prosecution office, manager)</b>                | ( ) Yes<br>( X ) No | ( X ) Yes<br>( ) No | ( ) Yes<br>( X ) No         |
| <b>In-service training for the use of computer facilities in office</b>                                       | ( ) Yes<br>( X ) No | ( X ) Yes<br>( ) No | ( ) Yes<br>( X ) No         |
| <b>In-service training on ethics</b>  | ( ) Yes<br>( X ) No | ( X ) Yes<br>( ) No | ( ) Yes<br>( X ) No         |
| <b>In-service training on child-friendly justice</b>  | ( ) Yes<br>( X ) No | ( X ) Yes<br>( ) No | ( ) Yes<br>( X ) No         |
| <b>In-service training on gender equality</b>   | ( ) Yes<br>( X ) No | ( X ) Yes<br>( ) No | ( ) Yes<br>( X ) No         |
| <b>Other in- service training</b>   | ( ) Yes<br>( X ) No | ( X ) Yes<br>( ) No | ( ) Yes<br>( X ) No         |

Comments

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

|  | <b>Frequency of the in-service training</b>  |
|--|--|
| <b>General in-service training</b>   | [ X ] Regularly (for example every year)<br>[ ] Occasional (as needed)<br>[ ] No training proposed |
| <b>In-service training for specialised functions (e.g. public prosecutor specialised in organised crime)</b> | [ X ] Regularly (for example every year)<br>[ ] Occasional (as needed)<br>[ ] No training proposed |
| <b>In-service training for management functions (e.g. Head of prosecution office, manager)</b>               | [ X ] Regularly (for example every year)<br>[ ] Occasional (as needed)<br>[ ] No training proposed |
| <b>In-service training for the use of computer facilities in office</b>                                      | [ X ] Regularly (for example every year)<br>[ ] Occasional (as needed)<br>[ ] No training proposed |

|  |  |
|--|--|
| <b>In-service training on ethics</b>                 | <input checked="" type="checkbox"/> Regularly (for example every year)<br><input type="checkbox"/> Occasional (as needed)<br><input type="checkbox"/> No training proposed |
| <b>In-service training on child-friendly justice</b> | <input checked="" type="checkbox"/> Regularly (for example every year)<br><input type="checkbox"/> Occasional (as needed)<br><input type="checkbox"/> No training proposed |
| <b>In-service training on gender equality</b>        | <input checked="" type="checkbox"/> Regularly (for example every year)<br><input type="checkbox"/> Occasional (as needed)<br><input type="checkbox"/> No training proposed |
| <b>Other in- service training</b>                    | <input checked="" type="checkbox"/> Regularly (for example every year)<br><input type="checkbox"/> Occasional (as needed)<br><input type="checkbox"/> No training proposed |

Comments - Please indicate any information on the periodicity of the in-service training of prosecutors: Each judge or prosecutor is allowed to apply for five trainings a year at the judicial school, plus those he or she wishes to apply directly, for ex. EJTN catalog trainings

### 130-1. Do you have a minimum number of compulsory trainings per prosecutor:

|   | Per prosecutor   |
|---|--|
| <b>Initial compulsory training – minimum number of trainings</b>              | _____<br>Min numeric value allowed : 0<br><br><input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>Initial compulsory training – minimum number of days</b>                   | _____<br>Min numeric value allowed : 0<br><br><input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>In-service compulsory trainings – minimum number of trainings per year</b> | _____<br>Min numeric value allowed : 0<br>2<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP           |
| <b>In-service compulsory trainings – minimum number of days per year</b>      | _____<br>Min numeric value allowed : 0<br><br><input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP |

Comments

## 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                      | [ ] | [ ] | [ ]   |
| Institution(s) for prosecutors                 | [ ] | [ ] | [ ]   |
| Institution(s) for both judges and prosecutors | [ ] | [ ] | [ X ] |

Comments

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

|  | Implemented budget of the institution for the reference year, in € |
|--|--|
| Institution(s) for judges                      | [ ] NA<br>[ X ] NAP  |
| Institution(s) for prosecutors                 | [ ] NA<br>[ X ] NAP  |
| Institution(s) for both judges and prosecutors | 12 613 586<br>[ ] NA<br>[ ] NAP                                    |

Comments

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

. NAP

**5.2.4 Number of trainings**

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

|                        | Number of different live (in person, hybrid, videoconference) trainings available | Number of live (in person, hybrid, videoconference) trainings delivered | Number of days of delivered live (in person, hybrid, videoconference) trainings | Number of internet-based trainings available on the e-learning platform of the training institution (not live) |
|------------------------|---|---|---|--|
| <b>Total</b>           | 43<br>[ ] NA<br>[ ] NAP   | 43<br>[ ] NA<br>[ ] NAP   | 70<br>[ ] NA<br>[ ] NAP   | 9<br>[ ] NA<br>[ ] NAP   |
| <b>For judges</b>      | 43<br>[ ] NA<br>[ ] NAP   | 43<br>[ ] NA<br>[ ] NAP   | 70<br>[ ] NA<br>[ ] NAP   | 9<br>[ ] NA<br>[ ] NAP   |
| <b>For prosecutors</b> | 43<br>[ ] NA<br>[ ] NAP   | 43<br>[ ] NA<br>[ ] NAP   | 70<br>[ ] NA<br>[ ] NAP   | 9<br>[ ] NA<br>[ ] NAP   |



|                          |  |  |  |  |
|--------------------------|--|--|--|--|
| For non-judge staff      | <input checked="" type="checkbox"/> NA | <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           | <input type="checkbox"/> NAP           |
| For non-prosecutor staff | <input checked="" type="checkbox"/> NA | <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           | <input type="checkbox"/> NAP           |

Comments

### 131-3. Number of participants in the trainings during the reference year.

|                             | Number of participants in live (in-person, hybrid, videoconference) trainings | Number of participants in internet-based trainings provided on the e-learning platform of the training institution (not live) |
|-----------------------------|---|---|
| <b>Total</b>                | 6 180<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP          | 1 720<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP  |
| <b>Judges</b>               | 3 761<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP          | 1 048<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP  |
| <b>Prosecutors</b>          | 2 419<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP          | 672<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP  |
| <b>Non-judge staff</b>      | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP        | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP  |
| <b>Non-prosecutor staff</b> | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP        | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP  |

Comments

### E2. Please indicate the sources for answering the questions in this part

Sources: Center for Judicial Training (Centro de Estudos Judiciários)

## 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                                   |
|---|---|--|--|--|
| <b>First instance professional judge at the beginning of his/her career</b> | 48 728<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP |

|   |  |  |  |  |
|---|--|--|--|--|
| Judge of the Supreme Court or the Highest Appellate Court (please indicate the highest salary of a judge at this level, excluding the salary of the Court President)                              | 106 533<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP |
| Public prosecutor at the beginning of his/her career  | 48 728<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP  | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP |
| Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the highest salary of a public prosecutor at this level, excluding the salary of the Attorney General). | 106 533<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP |

Comment – Please describe briefly how the salaries are determined during the career of a judge/prosecutor:

### 133. Do judges and public prosecutors have additional benefits?

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

Comments

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

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

NAP

=

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

|          | With remuneration  | Without remuneration   |
|----------|--|--|
| Teaching | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No |

|                                 |                     |                     |
|---------------------------------|---------------------|---------------------|
| <b>Research and publication</b> | ( X ) Yes<br>( ) No | ( X ) Yes<br>( ) No |
| <b>Arbitrator</b>               | ( ) Yes<br>( X ) No | ( X ) Yes<br>( ) No |
| <b>Consultant</b>               | ( ) Yes<br>( X ) No | ( ) Yes<br>( X ) No |
| <b>Cultural function</b>        | ( ) Yes<br>( X ) No | ( X ) Yes<br>( ) No |
| <b>Political function</b>       | ( ) Yes<br>( X ) No | ( ) Yes<br>( X ) No |
| <b>Mediator</b>                 | ( ) Yes<br>( X ) No | ( ) Yes<br>( X ) No |
| <b>Other function</b>           | ( ) Yes<br>( X ) No | ( X ) Yes<br>( ) No |

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

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

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

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

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

( ) Yes

( X ) 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 guidelines and/or opinions on ethical questions of the conduct of judges (e.g. involvement in political life, use of social media by judges, etc.)?**

Yes

No

Comment - Please specify:

**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 guidelines and/or opinions of this institution / body publicly available?**

Yes

No

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

**138-2-1. How many guidelines and/or opinions were given during the reference year?**

[            ]

[ X ] NA

Comments – Please specify what were the topics addressed in these guidelines and/or opinions

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

Yes

No

Comment: Please specify

**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 was approved and published in the official journal on 14 April 2022 (Deliberação n.º 473/2022).

With the approval of the Ethical Code was created an Ethical and Deontological Nucleus on the High Council of the Public Prosecution Service.

[https://www.ministeriopublico.pt/sites/default/files/documentos/pdf/codigo\\_de\\_conduta\\_0.pdf](https://www.ministeriopublico.pt/sites/default/files/documentos/pdf/codigo_de_conduta_0.pdf) - (Portuguese version)

**138-5. Are the guidelines and/or opinions of this institution / body publicly available?**

Yes

No

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

<https://www.ministeriopublico.pt/deliberacoes-csmp?menu=csmp>

**138-5-1. How many guidelines and/or opinions were given during the reference year?**

[            ]

NA

Comments – Please specify what were the topics addressed in these guidelines and/or opinions

**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

Ombudsman

Parliament

Executive power (please specify): .....

Other (please specify): .....

This is not possible

Comments

**141. Who is authorised to initiate disciplinary proceedings against public prosecutors: (multiple 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

- Ombudsman
- Professional body
- Executive power (please specify): .....
- Other (please specify): .....
- This is not possible

Comments Who decides on the formal opening of disciplinary procedures 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

**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 |
|--------|-------------|

|   |  |   |
|---|--|---|
| <b>Total number (1+2+3+4)</b>           | 40<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP      | 53<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>1. Breach of professional ethics</b> | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | 1<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP  |
| <b>2. Professional inadequacy</b>       | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | 51<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>3. Criminal offence</b>              | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | 1<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP  |
| <b>4. Other</b>                         | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | 0<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP  |

Comments - If "other", please specify:

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

|   | Judges  | Prosecutors   |
|---|---|---|
| <b>Total number (total 1 to 10)</b>                         | 29<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 16<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>1. Reprimand</b>   | 12<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 5<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP  |
| <b>2. Suspension</b>  | 3<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP  | 3<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP  |
| <b>3. Withdrawal from cases</b>                             | 0<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP  | 0<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP  |
| <b>4. Fine</b>  | 12<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 7<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP  |
| <b>5. Temporary reduction of salary</b>                     | 0<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP  | 0<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP  |
| <b>6. Position downgrade</b>                                | 0<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP  | 0<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP  |
| <b>7. Transfer to another geographical (court) location</b> | 0<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP  | 1<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP  |
| <b>8. Resignation</b>                                       | 0<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP  | 0<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP  |
| <b>9. Other</b>   | 0<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP  | 0<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP  |

|               |                              |                              |
|---------------|------------------------------|------------------------------|
| 10. Dismissal | 2                            | 0                            |
|               | <input type="checkbox"/> NA  | <input type="checkbox"/> NA  |
|               | <input type="checkbox"/> NAP | <input type="checkbox"/> 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.

### 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  
 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                                 | Males                                 | Females                               |
|-------------------|---------------------------------------|---------------------------------------|---------------------------------------|
| Number of lawyers | 35 432<br><input type="checkbox"/> NA | 15 615<br><input type="checkbox"/> NA | 19 817<br><input type="checkbox"/> 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

NAP

Comments

=

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



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

Comments - Please indicate any useful clarifications regarding the content of lawyers' exclusive rights: Civil cases - is compulsory to have a lawyer in cases over 5000€. Criminal cases - Victim - the victim needs a lawyer if he/she wishes become Assistant, joining the accusation by the Attorney General's office.

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

|                                   | First instance   | Second instance  | Highest instance court (Supreme Court)                                 |
|-----------------------------------|--|--|--|
| <b>Civil society organisation</b> | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |
| <b>Family member</b>              | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |
| <b>Self-representation</b>        | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |
| <b>Trade union</b>                | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |
| <b>Other</b>                      | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes<br><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): Trade Unions may represent clients in court, only in specific cases.

**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 (please specify): .....

Comments

**149-2. Professional lawyers may have the status of:**

- 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:

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

|                                   |
|-----------------------------------|
| Sources: National Bar Association |
|-----------------------------------|

**6.1.2 Practicing the profession of lawyer**



**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 Article 105, Law 145/2015, 9 September (Statute of the Portuguese Bar Association).

### 6.1.3 Quality standards and disciplinary procedures for lawyers

**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): .....

**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 |
|---|------------------------------------|
| <b>Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)</b> | 3 060<br>[ ] NA<br>[ ] NAP         |
| <b>1. Breach of professional ethics</b>                                   | [ X ] NA<br>[ ] NAP                |
| <b>2. Professional inadequacy</b>   | [ X ] NA<br>[ ] NAP                |
| <b>3. Criminal offence</b>  | [ X ] NA<br>[ ] NAP                |
| <b>4. Other</b>   | [ X ] NA<br>[ ] NAP                |

Comments - If "other", please specify:

**162. Sanctions pronounced against lawyers.**

|  | Number of sanctions      |
|--|--------------------------|
| <b>Total number of sanctions (1 + 2 + 3 + 4 + 5)</b> | 379<br>[ ] NA<br>[ ] NAP |
| <b>1. Reprimand</b>                                  | 206<br>[ ] NA<br>[ ] NAP |
| <b>2. Suspension</b>                                 | 28<br>[ ] NA<br>[ ] NAP  |
| <b>3. Withdrawal from cases</b>                      | [ ] NA<br>[ X ] NAP      |
| <b>4. Fine</b>                                       | 132<br>[ ] NA<br>[ ] NAP |
| <b>5. Other</b>                                      | 5<br>[ ] NA<br>[ ] 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. "Other": disbarment

The volume of pending cases is very high, therefore there is a significant difference between the number of disciplinary proceedings and the number of sanctions.

"3. Withdrawal from cases" is NAP because it is only a consequence of a sanction. For example, if there is a suspension of the lawyer, he will be withdrawn from the case.

## 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<br>(other than the<br>court)  | Judge  | Public prosecutor  |
|---|--|--|--|--|
| <b>Civil and commercial cases</b>                   | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NAP | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No<br><input type="checkbox"/> NAP | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No<br><input type="checkbox"/> NAP |
| <b>Family cases</b>                                 | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NAP | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No<br><input type="checkbox"/> NAP | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No<br><input type="checkbox"/> NAP |
| <b>Administrative cases</b>                         | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NAP | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No<br><input type="checkbox"/> NAP | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No<br><input type="checkbox"/> NAP | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No<br><input type="checkbox"/> NAP |
| <b>Labour cases including employment dismissals</b> | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NAP | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No<br><input type="checkbox"/> NAP | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No<br><input type="checkbox"/> NAP |
| <b>Criminal cases</b>                               | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NAP | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No<br><input type="checkbox"/> NAP | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No<br><input type="checkbox"/> NAP |
| <b>Consumer cases</b>                               | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NAP | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No<br><input type="checkbox"/> NAP | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No<br><input type="checkbox"/> NAP |

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

Yes

No

NAP

Comments - If yes, please specify:

=

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

|                     | Total  | Males  | Females  |
|---------------------|--|--|--|
| Number of mediators | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP |

Comments There is a national registry managed by the Ministry of Justice, 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 of private mediators is not mandatory, there are also some mediators that are not registered and may practice court-related mediation

**166-1. Could you please describe what are the requirements and what is the procedure to become an accredited or registered mediator in your country (educational requirements, working experiences, accrediting procedure etc.)?**

. Requirements to become a private registered mediator (national registry managed by the Justice Ministry) – not mandatory: The mediator must:

- a) Be in full enjoyment of civil and political rights;
- b) Has attended and successfully completed a conflict mediation course given by a training entity certified by the Ministry of Justice under the terms of the law, or with a course in mediation of conflicts recognized by Justice Ministry;
- c) Have command of the Portuguese language.

3 - The requirement provided for in paragraph b) is also considered fulfilled by conflict mediators who:

- a) Being nationals of Member States of the European Union, or of the European economic area, have seen their qualifications obtained outside Portugal, recognized by the DGPI, under the terms of Law no. No. 41/2012, of August 28;
- b) Being third-country nationals, having obtained, after an application submitted to the DGPI, equivalence and recognition of their qualifications obtained outside Portugal, verified that it is the reciprocity of treatment of Portuguese mediators in their country of origin.

The integration on the list depends on the request of the interested party and a favorable decision by the Director General of Justice Policy.

Requirements to become a public registered/accredited mediator (public services managed by the Justice Ministry):

-Family Mediation System:

The mediator must:

- a) Be in full enjoyment of civil and political rights;
- b) Hold a degree;
- c) Be qualified with a family conflict mediation course, taught by a training entity certified by the Ministry of Justice under the terms of the law, or with a family conflict mediation course, recognized by the Ministry of Justice;
- d) Be a suitable person (Declaration, under oath, in which the candidate declares that he has not been convicted of a felony);

- e) Have command of the Portuguese language;
- f) Be the holder of proven professional experience in the exercise of family mediation, in the last three years prior to the opening of the procedure.  
(Exceptionally, the verification of the experience requirement may be waived, namely when the allocation of a territorial list that has resulted impossible in a previous procedure is at stake).

**-Labor Mediation System:**

The mediator must:

- a) Be over 25 years old
- b) Be in full enjoyment of civil and political rights;
- c) Hold an appropriate degree;
- d) Be qualified with a labor mediation course, taught by a training entity certified by the Ministry of Justice under the terms of the law, or with a labor mediation course, recognized by the Ministry of Justice;
- e) Be a suitable person (Declaration, under oath, in which the candidate declares that he has not been pronounced nor has he been convicted of a felony);
- f) Have command of the Portuguese language.

**-Criminal Mediation System:**

The mediator must:

- a) Be over 25 years old
- b) Be in full enjoyment of civil and political rights;
- c) Hold a degree or appropriate professional experience;
- d) Be qualified with a criminal mediation course, taught by a training entity certified by the Ministry of Justice under the terms of the law, or with a criminal mediation course, recognized by the Ministry of Justice;
- e) Be a suitable person (the criminal mediator who has been convicted of committing a felony is, moreover, officially excluded from the SMP lists in which he is registered);
- f) Have command of the Portuguese language.

**-Mediation services of the Justices of the Peace courts:**

The mediator must:

- a) Be over 25 years old
- b) Be in full enjoyment of civil and political rights;
- c) Hold a degree;
- d) Be qualified with a mediation course to perform functions in the justices of the peace, taught by a training entity certified by the Ministry of Justice under the terms of the law, or recognized by the Ministry of Justice;
- e) Not having been convicted or prosecuted for a felony;
- f) Have command of the Portuguese language.

**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               |
|--|--|--|--|
| <b>Total (1 + 2 + 3 + 4 + 5 + 6 + 7)</b> | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>1. Civil and commercial cases</b>     | 2 043<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP   | 2 043<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP   | 701<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP     |

|   |  |  |  |
|---|--|--|--|
| <b>2. Family cases</b>                                      | 174<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP     | 174<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP     | 67<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP      |
| <b>3. Administrative cases</b>                              | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>4. Labour cases including employment dismissal cases</b> | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>5. Criminal cases</b>                                    | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>6. Consumer cases</b>                                    | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>7. Other cases</b>                                       | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP |

Comments - Please indicate the source: The data regarding the criminal mediation system on 2022 is protected by statistical confidentiality

The data on civil and commercial cases include consumer cases, but one can not know which among them do report specifically to consumer cases.

Directorate General for Justice Policy (Ministry of Justice)

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## 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 and the annual report of the Council of Justice of the Peace Courts.

## 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                   |
|---|----------------------------|--------------------------|--------------------------|
| <b>Total (1+2+3+4)</b>  | 1 002<br>[ ] NA            | 364<br>[ ] NA            | 638<br>[ ] NA            |
| <b>1. Private professionals under the authority (control) of public authorities</b>         | 1 002<br>[ ] NA<br>[ ] NAP | 364<br>[ ] NA<br>[ ] NAP | 638<br>[ ] NA<br>[ ] NAP |
| <b>2. Enforcement agents working in a public institution (civil servants paid by state)</b> | [ ] NA<br>[ X ] NAP        | [ ] NA<br>[ X ] NAP      | [ ] NA<br>[ X ] NAP      |
| <b>3. Judges</b>  | [ ] NA<br>[ X ] NAP        | [ ] NA<br>[ X ] NAP      | [ ] NA<br>[ X ] NAP      |
| <b>4. Other</b>   | [ ] NA<br>[ X ] NAP        | [ ] NA<br>[ X ] NAP      | [ ] NA<br>[ X ] 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: No specific age of retirement. General rules apply
- No, please specify the duration of the appointment: .....

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: Yes. Enforcement agents can be disbarred by a disciplinary sanction.

Age of retirement: No specific age of retirement. General rules apply.

## 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                                |
|----------------|--|--|
| <b>Address</b> | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No |

|  |                     |                     |
|--|---------------------|---------------------|
| <b>Date of birth</b>   | ( X ) Yes<br>( ) No | ( X ) Yes<br>( ) No |
| <b>Civil status</b>  | ( X ) Yes<br>( ) No | ( X ) Yes<br>( ) No |
| <b>Cohabitant</b>  | ( ) Yes<br>( X ) No | ( ) Yes<br>( X ) No |
| <b>Employer</b>  | ( X ) Yes<br>( ) No | ( X ) Yes<br>( ) No |
| <b>Motor vehicle</b>   | ( X ) Yes<br>( ) No | ( X ) Yes<br>( ) No |
| <b>Movable property</b>  | ( X ) Yes<br>( ) No | ( ) Yes<br>( X ) No |
| <b>Immovable property</b>  | ( X ) Yes<br>( ) No | ( X ) Yes<br>( ) No |
| <b>Bank account</b>  | ( X ) Yes<br>( ) No | ( X ) Yes<br>( ) No |
| <b>Other enforcement proceedings underway</b>  | ( X ) Yes<br>( ) No | ( X ) Yes<br>( ) No |
| <b>Insolvency proceedings (bankruptcy, judicial reorganisation, collective debt settlement etc.)</b> | ( X ) Yes<br>( ) No | ( ) Yes<br>( X ) No |
| <b>Other</b>   | ( ) Yes<br>( X ) No | ( ) Yes<br>( X ) No |

Comments - If "other", please specify:

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

|  | <b>Option</b>   |
|--|---|
| <b>Seizure of movable tangible properties</b>            | ( X ) Yes, exclusively performed by enforcement agents<br>( ) Yes, but not exclusively performed by enforcement agents<br>( ) No<br>[ ] NAP |
| <b>Preventive seizure of movable tangible properties</b> | ( ) Yes, exclusively performed by enforcement agents<br>( X ) Yes, but not exclusively performed by enforcement agents<br>( ) No<br>[ ] NAP |
| <b>Seizure of immovable properties</b>                   | ( X ) Yes, exclusively performed by enforcement agents<br>( ) Yes, but not exclusively performed by enforcement agents<br>( ) No<br>[ ] NAP |

|   |  |
|---|--|
| <b>Preventive seizure of immovable properties</b>                               | <input type="checkbox"/> Yes, exclusively performed by enforcement agents<br><input checked="" type="checkbox"/> Yes, but not exclusively performed by enforcement agents<br><input type="checkbox"/> No<br><input type="checkbox"/> NAP |
| <b>Seizure from a third party of the debtor claims regarding a sum of money</b> | <input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents<br><input type="checkbox"/> Yes, but not exclusively performed by enforcement agents<br><input type="checkbox"/> No<br><input type="checkbox"/> NAP |
| <b>Seizure of remunerations</b>   | <input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents<br><input type="checkbox"/> Yes, but not exclusively performed by enforcement agents<br><input type="checkbox"/> No<br><input type="checkbox"/> NAP |
| <b>Seizure of motorised vehicles</b>  | <input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents<br><input type="checkbox"/> Yes, but not exclusively performed by enforcement agents<br><input type="checkbox"/> No<br><input type="checkbox"/> NAP |
| <b>Eviction measures</b>  | <input type="checkbox"/> Yes, exclusively performed by enforcement agents<br><input checked="" type="checkbox"/> Yes, but not exclusively performed by enforcement agents<br><input type="checkbox"/> No<br><input type="checkbox"/> NAP |
| <b>Seizures of boats and ships</b>  | <input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents<br><input type="checkbox"/> Yes, but not exclusively performed by enforcement agents<br><input type="checkbox"/> No<br><input type="checkbox"/> NAP |
| <b>Seizure of aircrafts</b>   | <input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents<br><input type="checkbox"/> Yes, but not exclusively performed by enforcement agents<br><input type="checkbox"/> No<br><input type="checkbox"/> NAP |
| <b>Seizure of electronic assets (e.g cryptocurrency)</b>                        | <input type="checkbox"/> Yes, exclusively performed by enforcement agents<br><input type="checkbox"/> Yes, but not exclusively performed by enforcement agents<br><input checked="" type="checkbox"/> No<br><input type="checkbox"/> NAP |

|  |  |
|--|--|
| <b>Enforced sale by public tender of seized properties</b> | <input type="checkbox"/> Yes, exclusively performed by enforcement agents<br><input checked="" type="checkbox"/> Yes, but not exclusively performed by enforcement agents<br><input type="checkbox"/> No<br><input type="checkbox"/> NAP |
| <b>Sale of shares</b>                                      | <input type="checkbox"/> Yes, exclusively performed by enforcement agents<br><input checked="" type="checkbox"/> Yes, but not exclusively performed by enforcement agents<br><input type="checkbox"/> No<br><input type="checkbox"/> NAP |
| <b>Other</b>   | <input type="checkbox"/> Yes, exclusively performed by enforcement agents<br><input type="checkbox"/> Yes, but not exclusively performed by enforcement agents<br><input type="checkbox"/> No<br><input checked="" type="checkbox"/> NAP |

Comments

### 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 the type of activity 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: Every development on the electronic system of enforcement procedures that is implemented, has a consequent impact on the length and efficiency of the whole procedure.

#### **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: Commission for monitoring the Justice Auxiliaries - 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          | ( X ) Yes<br>( ) No     |
| for administrative cases | ( X ) Yes<br>( ) 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

**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) | 5<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| 1. For breach of professional ethics                         | 5<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| 2. For professional inadequacy                               | 0<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |

|                         |                        |
|-------------------------|------------------------|
| 3. For criminal offence | 0<br>[ ] NA<br>[ ] NAP |
| 4. Other                | [ ] NA<br>[ X ] 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) | 9<br>[ ] NA<br>[ ] NAP         |
| 1. Reprimand                          | 0<br>[ ] NA<br>[ ] NAP         |
| 2. Suspension                         | 0<br>[ ] NA<br>[ ] NAP         |
| 3. Withdrawal from cases              | 1<br>[ ] NA<br>[ ] NAP         |
| 4. Fine                               | 8<br>[ ] NA<br>[ ] NAP         |
| 5. Other                              | [ ] NA<br>[ X ] NAP            |

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

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

Source: Commission for Monitoring the Justice Auxiliaries (CAAJ)

## 8.2. Execution of decisions in criminal matters

### 8.2.1 Functioning of execution in criminal matters

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

( X ) No

Comments

**191. If yes, what is the recovery rate?**

( ) 80-100%

( ) 50-79%

( ) less than 50%

Comments - Please indicate the source for answering this question:

**9. Notaries**

**9.1. Profession of notary**

**9.1.1 Number, status and mandate of notaries**



**192. Number and status of notaries in your country.**

|   | Total                    | Males                    | Females                  |
|---|--------------------------|--------------------------|--------------------------|
| <b>TOTAL (1+2+3+4)</b>  | 524<br>[ ] NA<br>[ ] NAP | 107<br>[ ] NA<br>[ ] NAP | 417<br>[ ] NA<br>[ ] NAP |
| <b>1. Private professionals (without control from public authorities)</b> | [ ] NA<br>[ X ] NAP      | [ ] NA<br>[ X ] NAP      | [ ] NA<br>[ X ] NAP      |
| <b>2. Holders of public offices appointed by the State</b>                | 524<br>[ ] NA<br>[ ] NAP | 107<br>[ ] NA<br>[ ] NAP | 417<br>[ ] NA<br>[ ] NAP |
| <b>3. Civil servants (paid by the State)</b>                              | [ ] NA<br>[ X ] NAP      | [ ] NA<br>[ X ] NAP      | [ ] NA<br>[ X ] NAP      |
| <b>4. Other</b>   | [ ] NA<br>[ X ] NAP      | [ ] NA<br>[ X ] NAP      | [ ] NA<br>[ 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: The increase in the number of notaries was due to the takeovers that took place during 2021 and 2022. Specifically, we refer to the grant of licenses for the installation of notary offices, awarded under the 8th Competition (Notice 4822/2022, of March 8) and the competitions for the award of the title of notary (Notice 3552/2021, of February 26 and Notice 3251/2022, of February 17).

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

[ X ] 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

### 9.1.2 Activities/scope of competences

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

|  | Please select one option   |
|--|--|
| <b>Authentication</b>  | <input type="checkbox"/> Yes, exclusively performed by notaries<br><input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries<br><input type="checkbox"/> No<br><input type="checkbox"/> NAP |
| <b>Certification of signatures</b>   | <input type="checkbox"/> Yes, exclusively performed by notaries<br><input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries<br><input type="checkbox"/> No<br><input type="checkbox"/> NAP |
| <b>Mediation</b>   | <input type="checkbox"/> Yes, exclusively performed by notaries<br><input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries<br><input type="checkbox"/> No<br><input type="checkbox"/> NAP |
| <b>Taking of oaths</b>   | <input type="checkbox"/> Yes, exclusively performed by notaries<br><input type="checkbox"/> Yes, but not exclusively performed by notaries<br><input type="checkbox"/> No<br><input checked="" type="checkbox"/> NAP |
| <b>Non-contentious judicial procedures (e.g. acting as court commissioner in a successions file, performing divorce, division of estate, please specify)</b> | <input type="checkbox"/> Yes, exclusively performed by notaries<br><input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries<br><input type="checkbox"/> No<br><input type="checkbox"/> NAP |

|   |  |
|---|--|
| <b>Act as civil servant (for example performing marriage, please specify)</b> | <input type="checkbox"/> Yes, exclusively performed by notaries<br><input type="checkbox"/> Yes, but not exclusively performed by notaries<br><input checked="" type="checkbox"/> No<br><input type="checkbox"/> NAP |
| <b>Other judicial functions (for example, payment orders)</b>                 | <input type="checkbox"/> Yes, exclusively performed by notaries<br><input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries<br><input type="checkbox"/> No<br><input type="checkbox"/> NAP |
| <b>Public auctions</b>  | <input type="checkbox"/> Yes, exclusively performed by notaries<br><input type="checkbox"/> Yes, but not exclusively performed by notaries<br><input checked="" type="checkbox"/> No<br><input type="checkbox"/> NAP |
| <b>Other (for example collect taxes, run registers etc.)</b>                  | <input type="checkbox"/> Yes, exclusively performed by notaries<br><input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries<br><input type="checkbox"/> No<br><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: Trademark registrations Collect taxes

## 194-2. In which areas of law do notaries perform their activities (multiple replies 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   |
|--|--|--|
| <b>Land registry</b>                       | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NAP |
| <b>Business registry</b>                   | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NAP |
| <b>Civil status/ Population registry</b>   | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NAP |
| <b>Succession / Family law registry</b>    | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NAP |
| <b>Any other registry (please specify)</b> | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NAP |
| <b>None</b>                                | <input type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input checked="" type="checkbox"/> NAP |

Comments

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**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   | ( X ) | ( ) |
| Law of another Member State (cross-border training programmes) | ( X ) | ( ) |

Comments - If yes, please indicate the types (e.g. traditional courses, e-learning, webinar) and the major topics of the training activities:

**II. Please indicate the sources for answering the questions in this part**

Sources: Notary Association

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## 10. Judicial experts

### 10.1. Profession of judicial expert

#### 10.1.1 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. In civil proceedings, experts can only be appointed by a court. In criminal cases, during the investigation phase, experts can be appointed by the Public Prosecutor's Office. The court may appoint an expert at the request of a party or at the discretion of the court.

#### 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?): The list is national, but divided by district court.

#### 202-1-2. Are these lists publicly available?

- Yes, available on the internet
- Yes
- No

Comments

#### 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: In order to be registered in the list, candidates must fulfill the following

requirements:

- Hold an appropriate degree, as those indicated in the Order No 788/2004 of 9 July;
- Be a minimum of 18 years of age;
- Not be banned from the exercise of public office or have not been disqualified for the performance of the duties the expert is required to perform;
- Possess the physical strength and the mental profile necessary for the performance of the duties;
- Compliance with mandatory vaccination laws.

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

( ) Yes, for how long .....

( X ) No

Comments

**202-4. Can an expert who is not on the list or not registered be appointed in a case?**

( X ) Yes

( ) No

Comment - If yes, please specify in which cases: In civil proceedings, experts only can be appointed by a court. In criminal proceedings, during the investigation phase, experts can be appointed by the prosecutor. Experts can also be appointed for the purpose of preliminary or pre-trial proceedings.

a) Appointment by a court

A court may appoint an expert upon the request of a party or upon the court’s own discretion. In the litigious procedure the court orders expert evidence if the decision depends on the assessment of the facts for which scientific knowledge is required.

There are no differences between the appointment of an expert for the purpose of proceedings before a civil, criminal and administrative court.

b) Appointment by the parties

The court may appoint an expert upon the request of a party or upon the court’s own discretion. In the litigious procedure the court orders expert evidence if the decision depends on the assessment of the facts for which scientific knowledge is required.

The parties do not have the right to appoint an expert - only to suggest one.

The parties can appoint an expert in joint expertise in civil proceedings. In these cases, a court appointed expert will work together with one or more experts appointed by the parties.

**203. Is the title of judicial experts protected?**

( X ) 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 |
|----------------------------|------------------------|
| <b>Initial training</b>    | ( X ) Yes<br>( ) No    |
| <b>Continuous training</b> | ( X ) Yes<br>( ) No    |

Comments

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

- judicial proceedings
- the profession of expert
- other

Comments

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**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  | Males  | Females   |
|-------------------|--|--|---|
| Number of experts | 362<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 289<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 73<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |

Comments

**206-1. Number of cases where an 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<br><input type="checkbox"/> NAP |
| 1.Civil and commercial litigious cases | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| 2.Administrative cases                 | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| 3.Criminal cases                       | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| 4.Other cases                          | <input checked="" type="checkbox"/> NA<br><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   | ( X ) Yes<br>( ) No<br>[ ] NAP | ( X ) Yes<br>( ) No<br>[ ] NAP |
| Defined by the court/judge  | ( X ) Yes<br>( ) No<br>[ ] NAP | ( X ) Yes<br>( ) No<br>[ ] NAP |
| Defined by the Ministry of Justice or another ministry<br>(setting a tariff for example)          | ( ) Yes<br>( ) No<br>[ X ] NAP | ( ) Yes<br>( ) No<br>[ X ] NAP |
| Salary of public official (in case of forensic or another<br>specialist – who is public employee) | ( ) Yes<br>( ) No<br>[ X ] NAP | ( ) Yes<br>( ) No<br>[ X ] NAP |
| Freely agreed between expert and the parties  | ( ) Yes<br>( ) No<br>[ X ] NAP | ( ) Yes<br>( ) No<br>[ X ] NAP |
| Other   | ( ) Yes<br>( ) No<br>[ X ] NAP | ( ) Yes<br>( ) No<br>[ X ] NAP |

Comments - If other, please specify:

**206. Are there binding provisions for judicial experts regarding:**

|                                | Yes   | No    |
|--------------------------------|-------|-------|
| 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:

**207-1. Does the judge or another body control the progress of the expertise?**

( X ) Yes

( ) No

If yes, please specify:

**207-2. Are judicial experts' associations involved in:**

[ ] Selection processes

[ ] Initial or continuous training

[ ] Disciplinary procedures

[ X ] NAP

Comments

## K1. Please indicate the sources for answering the questions in this part

Sources: Directorate-General for the Administration of Justice/ Ministry of Justice

### 11.Reforms in judiciary

#### 11.1.Foreseen reforms

##### 11.1.1Reforms

**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: Make justice more close to citizens, more efficient and faster, increase transparency and accountability of the public justice service and contribute to improving the quality of Justice by creating the appropriate legislative, material and technical conditions.

#### **208-2. Budget**

- Yes (planned)  
 Yes (adopted)  
 Yes (implemented during year of reference +1)  
 No  
 NA

Comments - If yes, please specify: Council of Ministers Resolution No. 119/2023: approves the Multiannual Investment Plan for the Justice Area 2023-2027. This Plan provides the acquisition of services and public procurement for the construction, expansion, adaptation and/or upgrading of various facilities, such as courts and prisons

**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: Law No. 35/2023, of 21st July on Mental Health Law: Amends the Court Fees Regulation by exempting proceedings of involuntary treatment of people in need of mental health care

Order No. 281-A/2023, of 13 September: declares the installation of the specialised subsections of the central administrative courts

Decree-Law No. 74-B/2023, of 28 of August: this law adjusts the distribution of competences between the Supreme Administrative Court and the Central Administrative Courts, creates of a new second instance court (the Central Administrative Centre Court) with the aim of contributing to the decongestion of the North and South Central Courts and deepens the commitment to specialisation through the creation of specialised sub-sections in the Central Administrative 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: Law No. 45/2023, of 17 August: amends the law on legal aid (victims of domestic violence, until proven otherwise, are presumed to be in a situation of economic insufficiency and their legal aid requests benefit from urgency)

#### **208-5. High Judicial Council (competent for judges and/or prosecutors)**

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: Decree-Law No. 31/2023, of 5 May: establishes the administrative and financial autonomy of the High Council for the Administrative and Tax Courts and defines the organisation of its service

#### **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: Following the adoption of Law No. 12/2023, of 28th March and Law No. 64/2023, of 20 November, on public professional associations and on companies of professional subject to the public professional association's legal framework, legislation regarding several legal professions were considered by the Parliament and submitted to enactment.

#### **208-7. Gender equality**

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: Council of Ministers Resolution No. 92/2023: approves the Action Plans under the National Strategy for Equality and Non-Discrimination - Portugal + Igual, for the period 2023-2026

## **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: Decree-Law No. 57/2022 of 25 August: simplifies the procedure to verify liabilities and raking of claims in the context of insolvency proceedings

Decree-Law No. 30/2023, of 5 May: establishes an exceptional regime to encourage the termination of proceedings (no need to adjudicate) in administrative and tax courts

Decree-Law No. 74-B/2023, of 28 of August: amends the Statute of the Administrative and Tax Courts, the Code of Tax Procedure and the regime of the executive procedure sections of the social security system

## **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: Significantly increase the number of justice of the peace courts; Strengthen public mediation systems and access to mediation, in particular family and labour mediation; strengthen the action of institutionalized arbitration centers for the resolution of administrative disputes.

Decree-Law No. 57/2023 of 17 July: creates the Justice of the Peace of Santo Tirso

## **208-11. Fight against crime**

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: Strengthen investigative capacity, in particular through the technological modernization of the information and communication systems of the Judicial Police, as well as the reinforcement of the means to combat cybercrime. Strengthen laboratory activity in the context of criminal investigation, computer and technological expertise in line with the "National Strategy to Combat Corruption".

Law No. 13/2022, of 1 of August: amends the Code of Criminal Procedure and Law No. 5/2002, of January 11, which establishes measures to combat organized and economic-financial crime.

Law No. 51/2023, of 28 August: defines the objectives, priorities and guidelines of criminal policy for the 2023-2025 biennium

## 208-12. Prison system

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: Increase alternative models to detention, in particular for offenders for whom special social, health or family care is recommended; Invest in the requalification and modernization of justice infrastructures, namely prisons and detention centers, as well as access to health care, particularly in terms of mental health.

Decree-Law No. 58/2023, of 8 December: amends the General Regulation on prisons Law No. 35/2023, of 21 of July on Mental Health Law: amends the Enforcement Code of Sentences and Measures

## 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: Strengthen the response and multidisciplinary support offered to victims of crime, in collaboration with public and private entities and in articulation with the judicial system.

Law No. 3/2023, of 16 January: waives the need to attempt conciliation in divorce proceedings without the consent of one of the spouses in cases of conviction for a crime of domestic violence, amending the Civil Code and the Code of Civil Procedure

Law No. 45/2023, of 17 August: amends the law on legal aid (victims of domestic violence, until proven otherwise, are presumed to be in a situation of economic insufficiency and their legal aid requests benefit from urgency) and of the Statue of Victims (victims of domestic violence are referred with priority to be followed by experts on victim's support)

## 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: Maintain a permanent effort to computerize court proceedings, including in the higher courts. Ensure the electronic service of documents on all administrative entities and the progressive electronic service of legal persons, eliminating paper service.

Order No. 46/2022 of 20 January: regulates electronic communications between judicial courts or the Public Prosecution and the National Road Safety Authority in the context of legal proceedings

Order No. 360-A/2023, 14th November: increases the size of procedural documents in the context of proceedings in judicial courts and administrative and tax courts

Order No. 334/2023 of 10 November: regulates the electronic submission of nationality applications by lawyers and solicitors

## 208-16. Other

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: