PORTUGAL



Department for the Execution of Judgments of the European Court of Human Rights

Directorate General
Human Rights and Rule of law

Country factsheet

Last update
18 September 2026

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

French version:
Fiche pays du Portugal

These summaries are made under the sole responsibility of the Department for the Execution of Judgments of the European Court and in no way bind the Committee of Ministers.

The opinions expressed in this work are the responsibility of the author(s) and do not necessarily reflect the official policy of the Council of Europe.

The reproduction of extracts (up to 500 words) is authorised, except for commercial purposes as long as the integrity of the text is preserved, the excerpt is not used out of context, does not provide incomplete information or does not otherwise mislead the reader as to the nature, scope or content of the text. The source text must always be acknowledged as follows "© Council of Europe, year of the publication". All other requests concerning the reproduction/translation of all or part of the document, should be addressed to the Department for the Execution of Judgments of the European Court of Human Rights, Council of Europe (F-67075 Strasbourg Cedex or dgi-execution@coe.int).

Cover design and layout:
Department for the Execution of Judgments of the European Court of Human Rights, Council of Europe

Photos: Council of Europe, ©Shutterstock

© Council of Europe, September 2026

Table of contents

I. MAIN ACHIEVEMENTS 4

Right to liberty and security 5

Functioning of justice 5

Protection of family and private life 6

Protection against discrimination on the grounds of sexual orientation 6

Freedom of expression 6

Protection of property rights 6

II. MAIN ISSUES PENDING BEFORE THE COMMITTEE OF MINISTERS 7

Conditions of detention 8

Access to a court 8

Fairness of judicial proceedings 8

Length of judicial proceedings 8

Enforcement of domestic judicial decisions 8

Freedom of expression 9



I. Main achievements

This chapter presents short summaries of a selection of the main reforms and achievements reported in final resolutions since the Convention system was amended in 1998 by Protocol No. 11, with a clear focus on recent reforms, referring however also to important earlier developments.

In view of the wealth of cases closed, the selection concentrates on those which have led to changes of legislation, government regulations, the adoption of new policies or general guidance from superior courts. As a rule, the overview does not cover information on measures providing individual redress to applicants.

The reforms are in principle presented in the order corresponding to the thematic domains used in the specialised database HUDOC-EXEC of the Department for the Execution of Judgments of the European Court of Human Rights.

Many reforms address issues which appear to be on-going challenges in member states. The effects of reforms adopted at one point in time may thus need to be monitored and possibly revisited as conditions change.[1]

Definitions of the terms used in the context of the supervision of the execution of the European Court's judgments are available in the dedicated Glossary.

[1] The presentation is limited to the information provided at the time of the adoption of the final resolution. It is recalled in this context that the Committee of Ministers has issued Recommendation (2004)5 on the verification of the compatibility of draft laws, existing laws and administrative practice with standards laid down in the European Convention on Human Rights.

Right to liberty and security

As concerns confinement in a prison's psychiatric clinic, measures were taken in 2004 and 2007 to improve forensic examinations with a view to speeding up the judicial review of detention.

Magalhães Pereira No. 2 (15996/02)
Final Resolution CM/ResDH(2009)53

Regarding compensation for violations of Article 5 §§ 1-4 of the European Convention, the Code of Criminal Procedure was amended in 2021 to explicitly establish this right, and domestic courts have integrated the European Court's case-law into their jurisprudence.

Fernandes Pedroso (59133/11)
Final Resolution CM/ResDH(2025)342

Functioning of justice

➢ Fairness of proceedings

Reciprocal notification of the actions undertaken by the plaintiff and/or the Attorney-General's Department was ensured by an amendment of the Civil Procedure Code in 1996.

Lobo Machado (15764/89)
Final Resolution CM/ResDH(97)221

As from 2007, the annotations ("*despacho de sustentação*") made by the first instance judge and sent to the court of appeal had to be communicated also to the parties.

Ferreira Alves No.4 (41870/05)
Final Resolution CM/ResDH(2012)45

An upper limit on the sums that could be charged as court fees was introduced in the Court Fees Code of 2008.

Perdigao (24768/06)
Final Resolution CM/ResDH(2011)243

In criminal investigations, in order to ensure that the use of undercover agents does not unduly interfere with the right to a fair trial, the requirement of a court's approval to be given within five days of the application and for a specific period was introduced in 1996.

Teixeira de Castro (25829/94)
Final resolution CM/ResDH(2001)12

➢ Remedies for excessive length of proceedings

The 1988 Code of criminal procedure introduced an autonomous remedy to accelerate the procedure. When the time-limits set by the law for the duration of each phase of the proceedings have expired, the Public Prosecutor, the accused, or the parties claiming damages may request expedition to be decided either by the General Prosecutor, if the case is under the direction of the Public Prosecutor, or by the Superior Council of the Judiciary if the case was brought before a court or a judge.

Moreira de Azevedo (11296/84)
Final Resolution CM/ResDH(92)10

In 1992, the court system was reorganised, and the total number of courts and judges increased.

Gama Cidrais (18024/91)
Final Resolution CM/ResDH(94)71

Subsequently, further major legislative measures lead to encouraging results with regard to criminal proceedings, as well as to first instance civil *ex parte* proceedings and civil proceedings, in general, before the higher courts.

Oliveira Modesto and Others (34422/97+)
Final Resolution CM/ResDH(2016)149

The effectiveness of a compensatory remedy developed by court practice was recognised by the European Court in its case-law.

Martins Castro et Alves Correia de Castro group (33729/06)
Final Resolution CM/ResDH(2016)99

Administrative justice was enhanced by the creation of a higher administrative and fiscal tribunal in 1996 as well as changes to the administrative procedure.

J.M.C.S. (21599/93)
Final Resolution CM/ResDH(99)117

Protection of family and private life

➢ Child custody and international child abduction

The Civil and Criminal Codes were amended in 2008, in order to strengthen the sanctions in cases of child abduction and refusals to abide by visiting or custody agreements, and to ensure better mediation in reaching such agreements through a special procedure involving the prosecutor.

Reigado Ramos (73229/01)
Final Resolution CM/ResDH(2012)132

In 2015, the Law on the promotion and protection of children and youth in danger was amended in order to make the parents' legal representation obligatory in proceedings concerning the placement of their children.

Soares de Melo (72850/14)
Final Resolution CM/ResDH(2019)123

➢ National security and protection of private life

In 2007, legislation improved the protection of private life in cases whereby employees were being investigated in the interest of national security. Effective remedies were provided to allow victims to obtain compensation through civil actions and the criminal or disciplinary sanctioning of the responsible official.

Antunes Rocha (64330/01)
Final Resolution CM/ResDH(2013)230

Protection against discrimination on the grounds of sexual orientation

The domestic courts' jurisprudence concerning parental authority and custody proceedings was further developed by interpreting the relevant provisions in a way to ensure equal treatment of parents living in same-sex relationships.

Salgueiro da Silva Mouta (33290/96)
Final Resolution CM/ResDH(2007)89

Freedom of expression

The Criminal Procedure Code was amended in 2007 so that the provision concerning the violation of a judicial secret ("*segredo of justiça*") is no longer applied automatically but only upon decision taken by the investigating judge or the prosecution.

Colaço Mestre and SIC (11182/03+)
Final Resolution CM/ResDH(2015)115

Under the Supreme Court's case-law developed in 2017, in cases concerning the protection of honour and reputation, domestic courts' decisions must be aligned with the European Court's case-law.

Medipress Sociedade Jornalistica Lda. (55442/12)
Final Resolution CM/ResDH(2019)201

Protection of property rights

In 2008, the Court Fees Code placed an upper limit on the court fees so that they may not exceed the amount awarded to real property owners as compensation due to expropriation.

Perdigao (24768/06)
Final Resolution CM/ResDH(2011)243



II. Main issues pending before the Committee of Ministers

This chapter presents the main issues pending in cases/groups of cases currently under the Committee of Ministers' supervision. The relevant supervision procedure is indicated for each case/group of cases.

Detailed information on the status of execution of these cases as well as on the Committee of Ministers' supervision process is available on the specialised database HUDOC-EXEC of the website of the Department for the Execution of Judgments of the European Court of Human Rights.

Definitions of the terms used in the context of the supervision of the execution of the European Court's judgments are available in the dedicated Glossary.

Conditions of detention

➢ Rights in detention

Inhuman and degrading treatment of the applicant due to **overcrowding** and **poor material conditions of detention**, as well as the **absence of an effective remedy** to complain about the situation and to obtain redress.	***Petrescu*** (23190/17) Judgment final on 03/12/2019 Enhanced supervision **Status of execution**
Preventive detention of the applicant who was declared not criminally responsible owing to his mental disorder in inadequate conditions and without appropriate assistance and care revealing a structural problem in the context of enforcing preventive detention measures in prison facilities.	***Miranda Magro*** (30138/21) Judgment final on 09/04/2024 Enhanced supervision **Status of execution**
Continued imposition of high security regime in prison and restrictive measures for a particularly long duration and without demonstrating that it remained necessary.	***Fernandes*** (33023/17) Judgment final on 16/01/2024 Enhanced supervision **Status of execution**

➢ Lawfulness of detention

Violation of the right to liberty and security due to the **excessive duration of the review of the legality of the applicant's pre-trial detention.**	***Martins O'Neill Pedrosa*** (55214/15) Judgment final on 14/05/2017 Standard supervision **Status of execution**

Access to a court

Impossibility to have access to court for the examination of the cassation complaint due to a restrictive interpretation of a procedural rule by the Supreme Court.	***Meggi Cala*** (24086/11) Judgment final on 02/05/2016 Standard supervision **Status of execution**

Fairness of judicial proceedings

Failure of the Court of appeal to hear, in 2007, the accused in person in criminal proceedings instituted against her for threats and insults and resulting in her conviction to 265 hours of community service.	***Moreira Ferreira*** (19808/08) Judgment final on 05/10/2011 Standard supervision **Status of execution**

Length of judicial proceedings

Excessive length of judicial proceedings revealing a structural problem in the administration of justice and lack of an effective compensatory remedy.	***Vicente Cardoso*** (30130/10) Judgment final on 12/03/2013 Enhanced supervision **Status of execution**

Enforcement of domestic judicial decisions

Unlawful tax enforcement procedure due to the tax authorities' and administrative courts' disregard of an acquittal in criminal proceedings for tax fraud.	***Melo Tadeu*** (27785/10) Judgment final on 23/03/2015 Standard supervision **Status of execution**

Freedom of expression

Criminal conviction for aggravated defamation and causing offence to a legal person, sentencing the applicant to payment of a fine and compensation for non-pecuniary damage.

Almeida Arroja
(47238/19)
Judgment final on 19/06/2024

Standard supervision
Status of execution



ENG

www.coe.int

The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. The Committee of Ministers is the Council of Europe's decision-making body, composed by the foreign ministers of all 46 member states. It is a forum where national approaches to European problems and challenges are discussed, in order to find collective responses. The Committee of Ministers participates in the implementation of the European Convention on Human Rights through the supervision of the execution of judgments of the European Court of Human Rights.

COUNCIL OF EUROPE

CONSEIL DE L'EUROPE