COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

LANZAROTE COMMITTEE

Committee of the Parties to the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse

Replies to the thematic questionnaire

"Screening of professionals, volunteers and other persons in contact with children"

PORTUGAL

Replies received by the Secretariat on 2 July 2026

Main relevant provisions of the Lanzarote Convention and previous recommendations

Article 5 paragraph 3 of the Lanzarote Convention requires Parties to take the necessary legislative or other measures, in conformity with their internal law, to ensure that the conditions to accede to those professions whose exercise implies regular contacts with children ensure that the candidates to these professions have not been convicted of acts of sexual exploitation or sexual abuse of children. The Explanatory Report to the Lanzarote Convention indicates that this obligation can be also applied to voluntary activities (see paragraph 57).

In the 2nd implementation report of the 1st monitoring round (2018), the Lanzarote Committee urged those Parties that limited mandatory screening to certain professionals to extend it to the recruitment of all professionals (public or private) in regular contact with children (R19) and invited Parties to encourage continuous screening of all professionals (R20) and volunteers (R21) in regular contact with children.

Article 27 paragraph 3.b of the Lanzarote Convention requires Parties to take the necessary legislative or other measures to deny the perpetrator, temporarily or permanently, the exercise of professional or voluntary activity involving contact with children in the course of which the offence was committed.

Article 37 paragraph 3 of the Lanzarote Convention requires Parties to take the necessary legislative or other measures to ensure that the information referred to in paragraph 1 (i.e. data related to the identity and to the genetic profile (DNA) of persons convicted of the offences established in accordance with the Convention) can be transmitted to the competent authority of another Party, in conformity with the conditions established in its internal law and the relevant international instruments.

Whenever the term "screening" is used in this questionnaire, this should be understood as "verification of criminal convictions for sexual offences against children".

In all your answers, please provide details to the extent possible and refer to specific laws, policies, programmes, measures, etc.

Please describe the legislation, policy and practice which are in force on 27 March 2026 or are in the process of adoption (in this case, please specify the planned date of entry into force).

Please indicate:

a. State Party in respect of which the questionnaire is submitted: PORTUGAL

b. Entities and bodies which have been involved in responding to this questionnaire
Ministry of Justice
Portuguese ombudsman
National Commission for Children's and Young People's Rights.

Persons concerned by screening requirements

1. Is the absence of criminal convictions for sexual offences against children required as a pre-condition in order to accede to professions, employment or volunteer positions whose exercise implies regular contacts with children? Please specify whether such restrictions apply to professions, employment or volunteer positions in the following sectors or areas of activities (additional details to be inserted below the table):

	Criminal conviction check for employment in public sector?	Criminal conviction check for voluntary activity?	Criminal conviction check for employment in private sector?	Criminal conviction check for self employed professionals?	Please specify the professionals to whom this requirement applies
Education – Pre-school	X	X	X	X	to all staff and volunteers
Education – Primary	X	X	X	X	to all staff and volunteers
Education – Secondary	X	X	X	X	to all staff and volunteers
Education – Tertiary	X	X	X	X	to all staff and volunteers
Education – Extracurricular (e.g. language schools)	X	X	X	X	to all staff and volunteers
Childcare (e.g. kindergartens, crèches, childminders	X	X	X	X	to all staff and volunteers

Institutional or residential care (e.g. foster homes, orphanages, closed residential facilities)	X	X	X	X	to all staff and volunteers
Detention	X	X	X	X	to all staff and volunteers
Migration facilities (e.g. reception centres)	X	X	X	X	to all staff and volunteers
Sport	X	X	X	X	to all staff and volunteers
Culture and leisure activities	X	X	X	X	to all staff and volunteers
Entertainment sector	X	X	X	X	to all staff and volunteers
Faith and religion	X	X	X	X	to all staff and volunteers
Healthcare (including psychological and psychiatric services)	X	X	X	X	to all staff and volunteers
Social protection services	X	X	X	X	to all staff and volunteers
Law enforcement	X	X	X	X	to all staff and volunteers
Judicial					
Civil society organisations	X	X	X	X	to all staff and volunteers
Victim services (including Barnahus, domestic violence services)	X	X	X	X	to all staff and volunteers
Any other sectors (please specify)					

Here you can insert additional details or specify any exceptions.

In Portugal, there is a legal framework that requires candidates to have no convictions for sexual offences against minors in order to carry out certain professional activities, particularly those involving regular contact with minors. However, it is necessary to distinguish between three aspects here: firstly, the legal obligation to carry out a suitability check; secondly, the impact of the contents of a criminal record on this check; and thirdly, the prohibitions or restrictions arising from a criminal conviction.

Recruiting organisations are obliged to request a criminal record from candidates for professional activities involving regular contact with minors, in accordance with Law 113/2010 of 17 September.

The Criminal Identification Services Directorate, in compliance with this Law, must include convictions for sexual offences against minors in these certificates; however, it is the recruiting organisations that, having this information and on the basis of it, assess the candidate's suitability.

This applies to all activities involving minors, such as teaching and education, sporting, recreational or cultural activities with minors, paediatric healthcare, foster care, social support, after-school clubs, religious education, scouting, volunteering with children, etc.

In other words, in practice, a conviction for a sexual offence against minors may prevent a positive assessment of the candidate's suitability, rendering them unsuitable for the role, but it is the recruiting organisation that makes this judgement.

As for the prohibition or disqualification from practising professions or activities involving regular contact with minors, these already arise from criminal convictions, under the terms of Article 69-B of the Penal Code.

2. In requiring the verification of criminal convictions for sexual offences against children in order to accede to the positions listed in question 1, does your State:

    a. define the level or threshold of contact with children (one-off, regular, etc.) which necessitates such a verification

Yes. Portuguese law sets a clear threshold: the screening obligation applies specifically to professions, employment, functions or activities — whether public or private, paid or unpaid — whose exercise involves regular contact with children ("contacto regular com menores"). This is expressly established in Article 2(1) of Law No. 113/2009 of 17 September (as amended by Law No. 103/2015 of 24 August).

The law does not require criminal record verification for positions involving only occasional or one-off contact with children. The criterion of regularity of contact is the determining factor. The applicant must expressly indicate, when requesting the criminal record certificate, that the purpose involves regular contact with children (Article 2(3) of Law No. 113/2009).

However, it should be noted that the law does not provide a precise definition of what constitutes "regular contact", leaving this assessment to the recruiting entities in practice.

    b. distinguish between direct, indirect or online contact with children?

No. Portuguese law does not distinguish between direct, indirect or online contact with children. The legal criterion is solely based on whether the activity involves regular contact with children, without specifying the nature or modality of that contact. The same screening requirements apply regardless of whether the contact is in person, indirect, or through digital/online means.

If yes, please provide details.

3. Is the absence of criminal convictions for sexual offences against children required to become:
   a. an adoptive parent
   b. a foster parent
   c. a child's legal guardian (including for unaccompanied children)?

   Please provide details.

Portuguese law stipulates that anyone convicted of sexual offences against minors, under Article 69-C of the Penal Code, shall be prohibited from assuming a position of trust in relation to minors—through adoption, guardianship, curatorship, foster care, civil sponsorship, placement, custody or the care of minors—for a specified period of up to 20 years.

4. Is the absence of criminal convictions for sexual offences against children required for the household members of:
   a. persons carrying out professional activity in their home who are in contact with children
   b. persons carrying out volunteering activity in their home who are in contact with children
   c. persons wishing to become an adoptive parent, a foster parent, or a child's legal guardian?

   Please provide details.

These prohibitions apply only to the convicted person.

In the case of persons seeking to be entrusted with a minor—through adoption, guardianship, curatorship, foster care, civil sponsorship, placement, custody or the entrustment of minors—information regarding the criminal record of those living with them is also assessed.

5. Does the requirement to verify the absence of criminal convictions for sexual offences against children also apply to:

   a. children applying for professional or volunteer positions

   b. adults in respect of criminal convictions received before the age of 18?

   Please provide details.

Law No. 113/2009 of 17 September, in relation to recruitment for paid or unpaid activities involving regular contact with minors, refers only to the criminal records for those aged 16 and over (also the age of criminal liability)

Therefore, if you are aged between 16 and 18, this requirement does apply and is verified by checking the information contained in the criminal record. For those under 16, that is, between the ages of 12 and 16, decisions are recorded in the register of educational guardianship measures, which is not covered by the requirements of Law No. 113/2009.

6. If a person legally changes their name, how does your State ensure that their criminal record remains linked to their new name?

   Please provide details.

In Portugal, in accordance with Decree-Law No. 171/2015 of 25 August, whenever a new criminal conviction is entered in the criminal record, or a search is carried out in the criminal record, the identification details of the person concerned are verified via an online query to the Civil Identification Database, meaning that their identification details will be updated, including any change of name.

As a result, criminal records remain consistently linked to the same individual, regardless of name changes, ensuring the reliability and integrity of the information. This linkage is based not only on the name but also on other identifying elements (such as date of birth and civil identification number), which prevents any loss of traceability in the criminal record system.

7. Is access to public funds for projects implying contact with children conditional on the absence of criminal convictions for sexual offences against children for persons employed in or volunteering for such projects?

   Please provide details.

No. In Portugal, access to public funds for projects involving contact with children is not conditional on the prior verification of the absence of criminal convictions for sexual offences against children.

However, where such projects involve the recruitment of staff or volunteers who will be in regular contact with minors, the applicable legal framework requires that the recruiting entity carry out a suitability assessment, including the verification of the criminal record.

Therefore, the requirement to verify the absence of relevant criminal convictions is applied at the stage of recruitment or engagement of individuals, rather than as a condition for granting public funding to the project itself.

Information included in screening

8. Does the criminal record check include criminal convictions for:

a. sexual abuse of a child (Article 18 of the Lanzarote Convention)

Yes. Covered by Article 171 (Sexual abuse of children — *Abuso sexual de crianças*) and Article 172 (Sexual abuse of dependent minors — *Abuso sexual de menores dependentes*) of the Penal Code.

b. sexual exploitation of a child ("child prostitution" Article 19 of the Lanzarote Convention)

Yes. Covered by Article 174 (Resort to child prostitution — *Recurso à prostituição de menores*) of the Penal Code.

c. acts involving child sexual abuse material ("child pornography" Article 20 of the Lanzarote Convention)

Yes. Covered by Article 176 (Child pornography — *Pornografia de menores*) of the Penal Code, which criminalises the production, distribution, importation, acquisition, possession and access to child sexual abuse material.

d. offences related to the participation of children in pornographic performances (Article 21 of the Lanzarote Convention)

Yes. Also covered by Article 176 of the Penal Code.

e. corruption of a child (causing a child to witness sexual activities) (Article 22 of the Lanzarote Convention)

Yes. Covered by Article 171(3) of the Penal Code, which criminalises acts of a sexual nature performed before a child and complemented by Article 170 (Sexual importunity — *Importunação sexual*) where applicable to minors.

f. solicitation of a child for sexual purposes ("grooming"), including online (Article 23 of the Lanzarote Convention)

Yes. Covered by Article 176-A (Solicitation of minors for sexual purposes — *Aliciamento de menores para fins sexuais*) of the Penal Code, which specifically addresses online grooming.

g. aiding and abetting or attempting the above offences (Article 24 of the Lanzarote Convention)

Yes. Under the general provisions of the Portuguese Penal Code, complicity (Article 27), instigation (Article 26) and attempt (Articles 22 and 23) are punishable in relation to all the above offences. Convictions for aiding, abetting or attempting these offences are recorded in the criminal record and included in the certificate.

h. any other convictions (please specify)?

Yes. The criminal record certificate for activities involving regular contact with minors also includes convictions for:

- Article 175 — Procuring of minors (*Lenocínio de menores*);
- Article 176-B — Organisation of travel for child sex tourism (*Organização de viagens para fins de turismo sexual com menores*);
- Article 173 — Sexual acts with adolescents (*Atos sexuais com adolescentes*);
- Article 160 — Trafficking in persons (*Tráfico de pessoas*), when involving minors;

- Any other offence resulting in the application of the ancillary penalties provided for in Articles 69-B and 69-C of the Penal Code (prohibition from exercising functions and prohibition from assuming trust in relation to minors)

Please provide details.

Under Portuguese law, specifically Law No. 113/2009, in addition to the offences listed above—which involve minors—the background check carried out in relation to access to activities involving regular contact with minors includes all offences against sexual freedom and self-determination, even where the victims are not minors, as well as offences of domestic violence and abuse.

9. Does the screening of persons applying for roles or positions specified in questions 1 and 3 above extend beyond criminal convictions for sexual offences against children to:

   a. relevant administrative or disciplinary sanctions

      No — not as part of the criminal record check itself. The criminal record certificate issued under Law No. 37/2015 of 5 May (Law on Criminal Identification) contains exclusively criminal convictions and associated ancillary penalties (such as the prohibitions established in Articles 69-B and 69-C of the Penal Code). It does not include any administrative or disciplinary sanctions.

      However, it should be noted that:

      - In the public sector, recruitment procedures may include the verification of disciplinary records held by the employing public entity, under the general regime of public employment (*Lei Geral do Trabalho em Funções Públicas* — Law No. 35/2014 of 20 June). Disciplinary sanctions such as dismissal or suspension are recorded in the individual's administrative file and may be considered in the assessment of suitability for recruitment or appointment.
      - These disciplinary records are, however, managed separately from the criminal record system and are not included in the criminal record certificate.

   b. other information available to the authorities (e.g. judicial decisions in civil proceedings)?

      No — not through the criminal record certificate. The criminal record check does not include judicial decisions rendered in civil, family or administrative proceedings.

      Nevertheless, in proceedings concerning adoption, foster care and guardianship (as referred to in question 3), the competent authorities — namely the Social Security Institute (*Instituto da Segurança Social, I.P.*) and the Family and Minors Courts (*Tribunais de Família e Menores*) — conduct a comprehensive suitability assessment that goes beyond the criminal record check. This broader assessment may include:

      - Psychosocial evaluations of the applicant and their household;
      - Home environment assessments conducted by specialised social workers;
      - Consideration of any relevant judicial decisions in family or civil proceedings (e.g., decisions concerning parental responsibility, protection orders, domestic violence proceedings);
      - Assessment of the applicant's overall personal, family and social circumstances.

This means that, while the criminal record system is limited to criminal convictions, the broader screening process — particularly for adoption, foster care and guardianship — allows the competent authorities to consider a wider range of information to safeguard the best interests of the child.

Please provide details.

10. If restrictions on the exercise of the relevant activities apply as a result of a criminal conviction for sexual offences against children, in line with Article 27 paragraph 3.b:

    a. are they life-long?

    No. Under Portuguese law, the restrictions imposed because of a criminal conviction for sexual offences against children are not life-long. They are applied as ancillary penalties (*penas acessórias*) for a defined period, determined by the court in each individual case.

    b. if they are not life-long, please specify the time-limits applicable

    The Portuguese Penal Code provides for two types of ancillary penalties specifically applicable to sexual offences against minors:

    - Article 69-B — *Prohibition from exercising functions crimes against sexual self-determination and sexual freedom* (*Proibição do exercício de funções por crimes contra a autodeterminação sexual e a liberdade sexual*): The court may prohibit the convicted person from exercising a profession, employment, function or activity — whether public or private, paid or unpaid — that involves regular contact with minors, for a period of 2 to 20 years.
    - Article 69-C — *Prohibition of trust of minors and inhibition of parental responsibilities* (*Proibição de confiança de menores e inibição de responsabilidades parentais*): The court may prohibit the convicted person from assuming the care, guardianship, foster care, adoption, or any other form of trust or responsibility in relation to a minor, for a period of 2 to 20 years.

    The duration of the prohibition is determined by the court considering the seriousness of the offence and the degree of risk posed by the offender. The time-limit begins to run from the date on which the main sentence (imprisonment or suspended sentence) has been fully served or extinguished.

    It should also be noted that, under the criminal identification regime (Law No. 37/2015), convictions for sexual offences against minors remain inscribed in the criminal record for an extended period — even after the ancillary penalty has expired — and are disclosed in criminal record certificates requested for the purpose of exercising activities involving regular contact with minors, as long as the legal conditions for their maintenance in the certificate are met.

c. are they applied only to activities in the public sector?

No. The restrictions apply to both the public and private sectors. The wording of Articles 69-B and 69-C of the Penal Code expressly covers:

- Professions, employment, functions or activities (*profissão, emprego, funções ou atividades*);
- Whether exercised in a public or private capacity;
- Whether paid or unpaid (including voluntary work).

This ensures that the prohibition has a universal scope, covering all forms of engagement with children regardless of the institutional or contractual framework.

Please provide details.

11. Does the criminal record check verify the existence of an expunged or spent criminal conviction for sexual offences against children for persons applying for roles or positions specified in questions 1 and 3?

Please provide details.

Yes, partially. Portuguese law establishes a special regime of extended visibility for criminal convictions related to sexual offences against minors, which goes beyond the ordinary rules on the disclosure of criminal records.

Under the general regime of criminal identification (Law No. 37/2015 of 5 May), criminal convictions are progressively removed from the criminal record certificate after certain time-limits have elapsed, depending on the nature and duration of the sentence imposed. This process is broadly equivalent to a conviction becoming "spent" for general purposes.

This extended visibility is not, however, unlimited. Portuguese law establishes a three-tier system governing the lifecycle of a criminal conviction in the database:

- Non-disclosure (*não transcrição*) — the conviction remains recorded in the database but is not shown in the standard certificate. In this case, it could remain accessible in certificates issued for the purpose of contact with minors. Article 10(6) of Law No. 37/2015 provides for a specific exception: convictions for offences against sexual freedom and sexual self-determination (*crimes contra a liberdade e autodeterminação sexual*) that are no longer disclosed in the standard certificate remain visible in certificates specifically issued for the purpose of exercising activities involving regular contact with minors;
- Provisional cancellation (*cancelamento provisório*) — the conviction is provisionally removed, and it is no longer accessible in any certificate, including those issued for the purpose of contact with minors;
- Definitive cancellation (*cancelamento definitivo*) — the conviction is permanently and irreversibly erased from the database, following the expiry of the legally prescribed periods after the full execution or extinction of the sentence. From this point onwards, it cannot be disclosed in any certificate or recovered by any means.

The Portuguese system therefore provides an intermediate layer of protection — extending the visibility of spent convictions beyond the ordinary regime for the specific purpose of child safeguarding — while remaining bound by the constitutional principles of proportionality and social rehabilitation, which preclude the indefinite or permanent retention of criminal record data.

Under current legislation, only convictions that are still in force may appear on a criminal record. As such, a conviction that no longer appears on the criminal record – because the rehabilitation periods provided for by law have elapsed, counted from the expiry of the relevant sentence – cannot be considered when assessing a candidate's suitability, nor will it be included on a criminal record certificate.

Screening procedure

12. How is the screening procedure set out in your legal framework (in a single piece of legislation, sector-specific legislation, or other)?

    Please provide details.

The screening procedure in Portugal is not set out in a single piece of legislation. Rather, it is established through a combination of general and sector-specific legal instruments that, together, form a coherent framework for the verification of criminal records of persons seeking to work or volunteer in activities involving contact with children.

The main legal instruments are the following:

A. Core legislation — Criminal Identification

- Law No. 37/2015 of 5 May (*Lei de Identificação Criminal*) — establishes the general regime governing the criminal record system, including the rules on the content, issuance and disclosure of criminal record certificates. Article 10(6) specifically provides for the issuance of a certificate with extended content for the purpose of assessing suitability to exercise activities involving regular contact with minors.
- Decree-Law No. 171/2015 of 25 August — regulates the organisation and functioning of the criminal identification services, including the electronic processing of criminal record data and interoperability with the civil identification database.

B. Obligation to request screening — Recruitment stage

- Law No. 113/2009 of 17 September (as amended by Law No. 103/2015 of 24 August) — establishes the mandatory requirement for the verification of criminal records of persons recruited for professions, employment, functions or activities — whether public or private, paid or unpaid — that involve regular contact with minors. This law creates the obligation on recruiting entities to request the criminal record certificate and defines the scope of the screening requirement.

C. Ancillary penalties — Penal Code

- Articles 69-B and 69-C of the Penal Code (introduced by Law No. 103/2015 of 24 August) — establish the ancillary penalties of prohibition from exercising functions involving contact with minors and prohibition from assuming trust of a minor, applicable upon conviction for sexual offences against children. These provisions define the legal consequences that the screening process is designed to detect.

D. Sector-specific legislation

In addition to the core framework described above, certain sectors have specific provisions that reinforce or complement the general screening obligation:

- Education sector — Statute of the Teaching Career (*Estatuto da Carreira Docente*) and regulations governing non-teaching staff in schools require the submission of criminal record certificates as part of recruitment procedures;
- Social services and child protection — Regulations governing the licensing and supervision of residential care institutions and foster care services require criminal record verification of staff and volunteers;
- Sports sector — Law No. 40/2012 of 28 August (regime governing the exercise of functions in sport) and subsequent regulations require criminal record checks for coaches, trainers and other professionals working with minors in sporting activities;
- Adoption and foster care — The legal regimes governing adoption (*Lei n.º 143/2015 of 8 September*) and foster care (*Decreto-Lei n.º 139/2019*) include suitability assessments that encompass criminal record verification.

13. If screening is required, who is required to act?

a. the employer, volunteer recruiter or child protection authority is expected to obtain the necessary information directly from the authorities

Yes, partially. Under Article 2(1) of Law No. 113/2009 of 17 September (as amended by Law No. 103/2015), the recruiting entity — whether public or private — bears the legal obligation to ensure that the criminal record of the candidate is verified before the person is allowed to exercise activities involving regular contact with minors.

In the public sector, public entities (ministries, municipalities, courts, etc.) have direct institutional access to the criminal identification database, allowing them to request criminal record certificates electronically and directly from the Criminal Identification Services (*Serviços de Identificação Criminal*), without requiring the candidate's intermediation, but with him/her consent.

Furthermore, in adoption, foster care and guardianship proceedings, the competent authorities — namely the Social Security Institute (*Instituto da Segurança Social, I.P.*) and the Family and Minors Courts — obtain the criminal record information directly as part of the suitability assessment process.

b. the candidate must provide proof of absence of convictions

Yes, partially. In the private sector and for volunteer recruitment, the most common practice is for the recruiting entity to require the candidate to present a criminal record certificate obtained by the candidate themselves.

When requesting the certificate, the applicant must expressly indicate that its purpose is the exercise of activities involving regular contact with minors (*contacto regular com menores*), to trigger the issuance of the certificate with extended content under Article 10(6) of Law No. 37/2015.

c. another scenario. Please specify

In addition to the above, the following specificities should be noted.
Mutual consultation between Member States (ECRIS): When the candidate is a national of another EU Member State or has previous convictions in another Member State, the Portuguese Criminal Identification Services consult the criminal record of the Member State(s) of nationality through the European Criminal Records Information System (ECRIS), in accordance with Framework Decision 2009/315/JHA. This consultation is carried out automatically by the authorities.

Please provide details.

14. If screening is required, who bears the costs of screening procedures?

Please provide details.

The cost structure for the screening procedure in Portugal depends on who requests the criminal record certificate and for what purpose.

A. Standard fee
The criminal record certificate has a **standard fee of €5** per certificate, regardless of the channel used (online, by telephone, or in person).

B. Who pays

i. Private sector and individual candidates
When the candidate is required to present the criminal record certificate to a private employer or volunteer recruiter, the **cost is borne by the candidate** (the individual requesting the certificate). The candidate pays the €5 fee directly through the Online Criminal Record Portal (*Registo Criminal Online*) or at an in-person service point.

ii. Public sector — general rule
When a public entity requests the certificate directly (through institutional access to the criminal identification system), there is no cost.

iii. Local authorities (municipalities) — education sector exemption
A specific fee exemption applies to local authorities (autarquias locais) in the context of their responsibilities in education. Under Article 35(6)(b) of Decree-Law No. 171/2015 of 25 August and Portaria No. 319/2019 of 19 September, municipalities are exempt from the fee for the issuance of criminal record certificates when the request relates to their administrative procedures in the education sector — namely, the verification of the suitability of staff working with children in schools.

iv. Child protection authorities
When the criminal record certificate is requested by child protection commissions (Comissões de Proteção de Crianças e Jovens — CPCJ), courts or the Social Security Institute in the context of child protection proceedings, adoption or foster care, there is no cost.

15. How does your State monitor that employers, volunteer recruiters or child protection authorities comply with the relevant regulations on screening?

Please provide details.

In Portugal, compliance with the legal obligation to carry out criminal record screening for positions involving regular contact with children is ensured through a combination of legal responsibility, indirect monitoring mechanisms and sector-specific oversight, rather than through a single centralised monitoring authority.

Compliance is ensured through sector-specific supervisory and inspection bodies, which oversee the functioning of entities working with children (example: IGEC for education sector; ISS for social services and child protection, etc.).

For instance, in the case of *Local Commissions for the protection of children and young people*, is *the National Commission for the promotion of the rights and the protection of Children* and *young people* that is responsible for monitoring and evaluating their activity. The national Commission issued a document (1/2026, 7 January), which was sent to all Local Commissions for the purpose of ensuring that the criminal records of the professionals are duly requested and obtained.

16. If screening is required, are there sanctions foreseen for failure to comply with it? If yes, what type of sanctions?

Please provide details.

Yes. Portuguese law expressly provides for sanctions in case of failure to comply with the screening obligation.

A. Administrative offence (*contraordenação*) — Article 2 of Law No. 113/2009
Following the amendments introduced by Law No. 103/2015 of 24 August, Article 2 of Law No. 113/2009 now expressly provides that:
"Non-compliance by the recruiting entity, employer or entity responsible for the activity constitutes an administrative offence (contraordenação), punishable by a fine (coima) whose minimum and maximum limits are those set out in Article 17 of the General Regime of Administrative Offences, approved by Decree-Law No. 433/82 of 27 October."
Under Article 17 of Decree-Law No. 433/82, the applicable fines are:

Entity	Minimum fine	Maximum fine
Natural persons	€3.74	€44,891.81
Legal persons	Up to €44,891.81 (general limit)	Higher limits may apply under sector-specific legislation

B. Criminal sanctions — Article 2(13) of Law No. 113/2009
Anyone who wilfully employs a person subject to a prohibition on holding office due to offences against sexual self-determination and sexual freedom (whether against minors or not), in paid or unpaid, public or private roles, the performance of which involves regular contact with minors, is liable to imprisonment for up to one year or a fine of up to 120 days.

C. Ancillary sanctions (*penas acessórias*)
In addition to the fine, the law also provides for the application of ancillary sanctions as set out in Article 21(1), subparagraphs b), c), e), f) and g) of Decree-Law No. 433/82, subject to the conditions of Article 21-A. These include:

- (b) Loss of objects belonging to the offender (*perda de objetos pertencentes ao agente*);
- (c) Prohibition from exercising a profession or activity (*proibição do exercício de profissão ou atividade*);
- (e) Deprivation of the right to subsidies or benefits granted by public entities (*privação do direito a subsídio ou benefício outorgado por entidades ou serviços públicos*);
- (f) Closure of the establishment (*encerramento de estabelecimento*);
- (g) Suspension of permits, licences and authorisations (*suspensão de autorizações, licenças e alvarás*).

C. Disciplinary liability in the public sector
In the public sector, failure by public officials or managers to ensure compliance with screening obligations may also constitute a disciplinary offence under the General Law on Public Employment (Law No. 35/2014 of 20 June), with possible sanctions ranging from a written warning to dismissal, depending on the seriousness of the breach.

17. Is regular screening, beyond the initial recruitment process, required, for:

a. professionals in contact with children

Yes. Article 2(2) of Law No. 113/2009 of 17 September (as amended by Law No. 103/2015 of 24 August) expressly establishes that the recruiting entity or employer must ensure the annual verification of the criminal record of persons exercising activities involving regular contact with minors. This means that:

- The obligation of screening is not limited to the initial recruitment stage;
- The employer or recruiting entity is legally required to repeat the criminal record check every year throughout the duration of the professional relationship.

b. volunteers in contact with children

Yes. The scope of Law No. 113/2009 expressly covers activities exercised on a voluntary and unpaid basis. Therefore, the same obligation of annual verification applies to volunteers working in regular contact with minors.

c. foster parents and legal guardians?

Yes, through the combined application of the general annual verification obligation and the ongoing supervisory framework applicable to foster care and guardianship arrangements:

- **Foster care**: Under article 28(1), subparagraphs l) and 32 of the Decree-Law No. 139/2019, foster care arrangements are subject to periodic review and supervision by the Social Security Institute (Instituto da Segurança Social, I.P.)

and/or the competent court. These reviews include the verification of the foster parent's continued suitability, complemented by the annual criminal record check required under Law No. 113/2009;

- Legal guardianship: The competent Family and Minors Court retains supervisory jurisdiction over guardianship arrangements and may, at any time, request updated criminal record information. The annual obligation under Law No. 113/2009 also applies where the guardian exercises a function involving regular contact with minors;
- Adoption: Once an adoption order is finalised, the adoptive parent acquires full parental rights, and no further periodic screening is carried out — the same regime as for biological parents.

If regular screening is required, please specify its frequency and provide other details.

18. Where a person working or volunteering in contact with children is under investigation for a sexual offence against a child, are law enforcement or other authorities allowed to inform the employer or volunteer organisation about the ongoing investigation? If yes, what is the consequence?

Please provide details.

The Portuguese legal framework addresses this issue through the interaction between the principle of investigation secrecy (segredo de justiça) and the system of coercive measures (medidas de coação) available during criminal proceedings.

A. General rule — Investigation secrecy (segredo de justiça)
As a rule, criminal investigations in Portugal are subject to investigation secrecy under Article 86 of the Code of Criminal Procedure (CPP). This means that:
The details of an ongoing criminal investigation are not disclosed to third parties, including the suspect's employer or volunteer organisation;
Law enforcement and judicial authorities are not allowed, as a matter of principle, to proactively inform the employer about the mere existence of an investigation;
This restriction is grounded in the presumption of innocence (Article 32(2) of the Constitution) and in the protection of the integrity of the investigation.

Therefore, there is no general duty or authorisation for the authorities to notify the employer or volunteer organisation about an ongoing investigation.

B. Exception — Coercive measures with direct impact on the employer
However, the Code of Criminal Procedure provides for coercive measures (medidas de coação) that may be applied by the competent judge during the investigation phase, which have the practical effect of informing the employer and restricting the suspect's contact with children:

i. Suspension from the exercise of profession, function or activity — Article 199 CPP

The judge may order the suspension of the exercise of a profession, function, activity or rights when:

- There are strong indications of the commission of the offence;
- The continuation of the activity poses a risk of repetition or danger to the victim or to other children;
- The measure is proportionate and adequate to the circumstances.

When this measure is applied, the employer is necessarily informed of the suspension, as the suspect is effectively prevented from performing their professional duties. The employer is not informed of the details of the investigation but is notified that the individual may not exercise their functions.

ii. Prohibition and imposition of conducts — Article 200 CPP

The judge may also impose specific prohibitions or obligations, including:

- Prohibition from frequenting certain places (e.g. schools, childcare facilities);
- Prohibition from contacting certain persons (e.g. the victim, other minors);
- Prohibition from exercising specific activities.

These measures may similarly result in the employer becoming indirectly aware of the investigation, particularly where compliance with the prohibition is incompatible with the continued exercise of the suspect's professional role.

iii. pre-trial detention — Article 202 CPP

In the most serious cases, the judge may order pre-trial detention (prisão preventiva), which necessarily interrupts the professional relationship and makes the employer aware of the suspect's unavailability.

C. Consequences for the employer
When a coercive measure is applied that affects the suspect's ability to work:

- The employer is legally obliged to comply with the judicial decision and must immediately remove the person from their functions;
- Failure to comply with a judicial order constitutes an offence (*crime de desobediência* — Article 348 of the Penal Code);
- The employer may also take disciplinary action in parallel, in accordance with the applicable labour law framework.

Cross-border screening

19. If the candidate for roles or positions specified in questions 1 and 3 has previously resided or worked in different countries, is it required to verify the absence of criminal convictions for sexual offences against children in each of those countries in respect of:

 a. professionals

 b. volunteers

 c. persons wishing to become an adoptive parent, a foster parent or a child's legal guardian?

 Please provide details.

 Since, within the European Union, convictions of nationals of one Member State in another Member State are reported via the ECRIS criminal records information system, convictions for sexual offences against minors are recorded in the criminal records of the Member State of nationality. If this is not the Member State of nationality, information on convictions can also be obtained via the aforementioned system.

 Information on criminal records may also be obtained under international legal instruments of which Portugal is a Contracting State (1959 European Convention on

Mutual Assistance in Criminal Matters, Specific bilateral agreements with Portuguese-speaking countries (CPLP), etc.).

20. Is there a mechanism to:

a. request data about a person's criminal convictions for sexual offences against children from the competent authority of another State outside the context of criminal proceedings[1] (please specify)

Yes. Portugal disposes of established mechanisms for requesting criminal record data from other States outside the context of criminal proceedings, namely for the purposes of screening persons seeking to work or volunteer in contact with children.

The primary mechanism is the European Criminal Records Information System (ECRIS), established by Framework Decision 2009/315/JHA of 26 February 2009 and Council Decision 2009/316/JHA of 6 April 2009, transposed into Portuguese law through Law No. 37/2015 of 5 May and Decree-Law No. 171/2015 of 25 August.

ECRIS allows for the exchange of criminal record information between EU Member States for purposes other than criminal proceedings, including:

- Employment screening;
- Assessment of suitability for activities involving contact with minors;
- Adoption, foster care and guardianship proceedings;
- Licensing and regulatory purposes.

Under this system:

- When a criminal record certificate is requested in Portugal, the Portuguese Criminal Identification Services (Serviços de Identificação Criminal) automatically consult the Member State of nationality of the person concerned;
- The request is transmitted electronically through the ECRIS interconnection system;
- The Member State of nationality is legally obliged to respond with the relevant criminal record information;
- This consultation is carried out regardless of whether the request originates in the context of criminal proceedings or for other purposes (Article 6(2) and (3) of Framework Decision 2009/315/JHA).

b. provide data about a person's criminal convictions for sexual offences against children to the competent authority of another State outside the context of criminal proceedings (please specify)?

Yes. Portugal has established mechanisms to provide criminal record information — including convictions for sexual offences against children — to the competent authorities of other States outside the context of criminal proceedings, acting as a responding State within the applicable legal frameworks.
Under the European Criminal Records Information System (ECRIS), Portugal is legally obliged to respond to requests for criminal record information from other EU Member States, regardless of the purpose of the request — including for employment

[1] For purposes of recruitment, volunteering, adoption, foster care or guardianship.

screening, volunteer recruitment, and assessment of suitability for activities involving contact with children.

In practice, when another Member State requests criminal record information on a Portuguese national (or a person convicted in Portugal):

- The request is received electronically by the Portuguese Criminal Identification Services (DSIC) acting as Portugal's Central Authority for ECRIS;
- The DSIC verifies the criminal record database and compiles the relevant information;
- The response is transmitted electronically through the ECRIS interconnection system;
- The legal deadline for response is 20 working days for requests made outside the context of criminal proceedings (as opposed to 10 working days for criminal proceedings requests);
- The response includes all relevant convictions recorded in the Portuguese criminal record, including those for sexual offences against children.

Please provide details.

21. Is there an obligation to provide data about a person’s criminal convictions for sexual offences against children at the request of the competent authority of another State outside the context of criminal proceedings?

Please provide details.

Yes. Portugal is bound by clear legal obligations to provide criminal record data — including convictions for sexual offences against children — at the request of competent authorities of other States, even outside the context of criminal proceedings. These obligations arise from both EU law and international conventions.

A. Mandatory obligation under EU law — ECRIS
The obligation to respond to requests from other EU Member States for criminal record information is legally binding under Framework Decision 2009/315/JHA of 26 February 2009.

Specifically:

- Article 6(1) establishes that the Member State of nationality is required to store all convictions handed down against its nationals in other Member States and transmitted through ECRIS;
- Article 6(2) provides that, when information from the criminal record is requested for purposes other than criminal proceedings, the Member State of nationality shall reply in accordance with its national law;
- Article 6(3) further clarifies that, when the request is made for the purpose of assessing the suitability of a person to exercise activities involving direct and regular contact with children, the Member State of nationality is obliged to transmit the relevant conviction data.

Portugal complies with this obligation through its Criminal Identification Services (DSIC/DGAJ), acting as Central Authority for ECRIS, which:

- Is legally bound to respond to all ECRIS requests from other Member States;
- Must respond within 20 working days for requests made outside the context of criminal proceedings;
- Transmits all relevant convictions, including those that are "spent" for general purposes but remain visible under Article 10(6) of Law No. 37/2015;
- Includes information on ancillary penalties under Articles 69-B and 69-C of the Penal Code.

B. Obligation under Council of Europe instruments
At the Council of Europe level, Portugal is party to the:

- European Convention on Mutual Assistance in Criminal Matters (ETS No. 030, 1959);
- Additional Protocol (ETS No. 099, 1978) and Second Additional Protocol (ETS No. 182, 2001).

Under Article 13 of the 1959 Convention, Contracting Parties are obliged to communicate information on criminal convictions concerning nationals of other Contracting Parties, upon request.

While this mechanism was originally designed for the context of criminal proceedings, it has been interpreted and applied broadly, including for administrative and screening purposes, subject to the conditions of the applicable treaty and the national law of the requested State.

The obligation under Council of Europe instruments is, however, less automatic and less prescriptive than under ECRIS, and its practical implementation depends on the bilateral relationship between the States concerned.

C. Outside the EU and Council of Europe framework
For requests from States that are not members of the EU or the Council of Europe, Portugal may provide criminal record data under:

- Bilateral treaties on mutual legal assistance;
- Specific bilateral agreements with Portuguese-speaking countries (CPLP);
- Diplomatic channels, subject to applicable conditions.

In these cases, the obligation to respond depends on the terms of the applicable treaty. In the absence of a treaty, the provision of data is discretionary and subject to Portuguese law, including data protection requirements.

Additional details and reflections

22. Please add any further details regarding the modalities of the screening procedures applicable in your State, if relevant.

    Please provide details.

    Nothing to mention.

23. What challenges related to the screening for criminal convictions for sexual offences against children of professionals, volunteers and persons wishing to become adoptive parents, foster parents or a child's legal guardian exist in your State in practice (e.g. administrative costs, delays, cross-border co-operation)?

    Please provide details.

    Nothing to mention.

24. What promising practices, if any, would your State like to highlight in the screening of professionals, volunteers and other persons in contact with children?

    Please provide details.

    Nothing to mention.