

**Group of Experts on Action against Violence
against Women and Domestic Violence
(GREVIO)**

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

**Report submitted by Portugal
pursuant to Article 68, paragraph 1
of the Council of Europe Convention
on preventing and combating violence
against women and domestic violence
(Baseline Report)**

Received by GREVIO on 8 September 2017
GREVIO/Inf(2017)10

Published on 8 September 2017

I. Introduction

A. General Principles of the Convention

Portugal has been investing in the public policies in the field of citizenship and the promotion of equality between women and men, in particular by promoting actions aimed at the civic awareness regarding the identification of situations of discrimination and of forms to eliminate them. The Government has the fundamental task of promoting equality between women and men as an integral part of the promotion of human rights. The equality of human rights entails equality of civil, cultural, economic, political and social rights and obligations of women and men, equal in value and dignity as human beings, entitled to equal opportunities in their life options. The obligation to ensure respect for this equality in the conduct of public affairs stems from the recognition of the right to equality.

In this context, mainstreaming gender equality at all levels of the Public Administration is a political commitment and a strategy for achieving equality between women and men, girls and boys. Portugal is committed to mainstreaming a gender perspective in all government activities, including in all policies implemented at the Central and Local levels of Public Administration, which translates into the adoption of Plans for Gender Equality in all ministries and municipalities, and the nomination of ministerial and municipal Gender Equality Advisers.

Also, the cooperation between the government and other relevant stakeholders, such as private sector, civil society organisations, including women's rights NGO's, academia, etc., is of utmost importance to achieve equality between women and men.

Portugal has developed numerous efforts aimed at eliminating direct and indirect discrimination based on sex and to ensure that men and women enjoy the same rights on an equality basis, in law and in fact, in all sectors and at all levels. The Constitution of the Portuguese Republic enshrines the principle of equality regardless of the sex of the persons and the promotion of equality between men and women as a fundamental task of the State.

The Portuguese Constitution establishes the equality principle (Article 13) the promotion of equality between women and men as one of the State's fundamental responsibilities and explicitly authorizes the adoption of positive action measures (article 9). It also recognizes the right of every person to legal protection against all forms of discrimination (article 26-1), the right for all workers, of either sex, in the framework of their fundamental rights, to organize their work so as to reconcile their professional and family life (article 59-1-b).

B. Scope of application of the Convention and key definitions

In light of the scope of the Convention set out in its Article 2, paragraph 1, reports submitted by Parties to the Convention should focus on measures taken in relation to all forms of violence against women, including domestic violence, which affects women disproportionately. The term "*violence against women*" used throughout this questionnaire thus refers to all forms of violence against women criminalised (or, where applicable, otherwise sanctioned) under Chapter V of the Convention, which are *psychological violence, stalking¹, physical violence, sexual violence, including rape, forced marriage, female genital mutilation, forced abortion, forced sterilisation and sexual harassment*. It also refers to *domestic violence against women*, which is defined as physical, sexual, psychological or economic violence which occurs within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim. Parties are reminded that, for the purpose of the Convention, the term "*women*" includes girls under the age of 18.

¹ Stalking includes engaging in unwanted communication "through any available means of communication, including modern communication tools and ICTs" (Explanatory Report, paragraph 182).

As provided for in Article 2, paragraph 2, Parties are required to pay particular attention to women victims of domestic violence, when applying provisions of the Convention to *all* victims of domestic violence.

Parties are also required to provide information on steps taken to secure the continued applicability of the Convention in situations of armed conflict (Article 2, paragraph 3).

Portugal has no general law on violence against women but does criminalise numerous forms of violence.

In September 5 2015, the 38th amendment to the Portuguese Penal Code came into force, as introduced by Law No. 83/2015, of August 5. This law added three new crimes to the Penal Code, namely female genital mutilation, stalking and forced marriage. Regarding this last crime, the so-called “preparatory acts” are now also criminalised and foreseen independently.

With the aim of granting dignity and recognising criminal legal value to the protection of a victim’s physical and mental integrity, and to allow for the punishment of offenders, the classification of stalking, included in the crimes against personal freedom, criminalises the conduct of someone who “...repeatedly stalks or harasses another person, by whatever means, directly or indirectly, in such a way as to cause fear or disquiet or to undermine their freedom of choice...”, thus adding Article 154-A to the Penal Code. The attempt is punishable, and filing a complaint is as legal requirement for a criminal procedure to be initiated, reflecting the need for the victim to identify the conduct that has been harmful to his/her personal freedom. Essentially motivated by the fight against gender-based inequality and violence, this semi-public crime of a socially complex nature introduces, in line with the main criminal legal framework of “...imprisonment of up to 3 years or a fine, if a heavier penalty is not applicable under other legal provisions.”, the provision of accessory penalties, namely “...banning contact with the victim during a period of between 6 months and 3 years...”, which “...must include limiting access to the [victim’s] residence or workplace...”.

According to Article 144-A, of the Penal Code, on Female Genital Mutilation (FGM), anyone who genitally mutilates, in whole or in part, a female person through clitoridectomy, excision, infibulation or any other damaging practice of female genitalia for nonmedical reasons is punished with imprisonment from 2 to 10 years. The preparatory acts of the crime referred are punished with imprisonment up to 3 years.

Article 154-B, of the Penal Code, on forced marriage, states that anyone who forces another person to get married or enter a union comparable to marriage is punished with imprisonment up to 5 years. Article 154.^o-C previews that the preparatory acts of the crime, including attracting a victim to territory other than that of his/her residence with the intent of forcing him/her to get married or enter a comparable union, are punished with imprisonment up to 1 year or a fine of up to 120 days.

On other hand, article 164, on Rape, states that anyone who, by means of violence, serious threats, or having rendered a person unconscious for this purpose, or having made it impossible for that person to resist, forces another person to perform forced intercourse, anal coitus or oral coitus with him or her or with a third party; or perform forced anal or vaginal insertion or body parts or objects; shall be liable to 3 to 10 years’ imprisonment. Also, anyone who, through means not foreseen in the preceding paragraph, forces another person to perform forced intercourse, anal coitus or oral coitus with him or her or with a third party; or perform forced anal or vaginal insertion or body parts or objects; shall be liable to 1 to 6 years’ imprisonment.

Article 170 on sexual harassment states that anyone who harasses another person, practicing before her/him exhibitionist acts, formulating proposals of sexual content or forcing a contact of a sexual nature, is punished with imprisonment up to 1 year or with a fine of up to 120 days.

Article 240 on racial, religious or sexual discrimination states that whoever, in a public meeting, by written means intended for dissemination or by any means of communication or computer system for dissemination: provokes acts of violence against a person or group of persons because of race, colour, ethnic or national origin, religion, sex, sexual orientation or gender identity, or defames or injures a person or group of persons because of race, colour, ethnic or national origin, religion, sex, sexual orientation or gender identity, including through the denial of war crimes or crimes against peace and humanity, or threatens a person or group of persons because of race, colour, ethnic or national origin, religion, sex, sexual orientation or gender identity; with the intention of inciting racial, religious or sexual discrimination, or to encourage it, is punished with imprisonment from 6 months to 5 years.

C. State obligations and due diligence

Portugal has made significant efforts not only to inform and raise awareness of potential victims of violence and the community in general, including men and boys, but also to develop concrete measures and policies to prevent and combat violence against women and girls, many of them established by way of National Plans against Domestic and Gender-based Violence, such as:

1. Annual information campaigns for specific target groups, to conduct information and awareness raising programs on domestic and gender-based violence. Through video clips, radio spots, press, posters and internet, campaigns are instrumental tools to raise awareness and promote social change;

Note: The survey on Violence against Women carried out by Fundamental Rights Agency (published in March) found that, in Portugal, 70 % of the women asked have recently seen or heard awareness-raising campaigns (EU average is 50 %).

2. Organization of seminars, workshops, awareness-raising, etc., by all sectors, including security forces, education, justice, social security, health, municipalities, NGO's, etc.;

3. Development and dissemination of informative and educational materials addressed to education community;

4. Training of professionals involved in the area of domestic violence, in particular judges, security forces and health professionals;

5. Extension of the tele assistance system, by increasing the number of available electronic surveillance devices and disseminating information about this means of protection in training actions addressed to judges and prosecutors;

6. The crime of domestic violence is expressly established and punished under the Penal Code and is considered a public crime (prosecutable *ex officio* irrespective of victim's complaint);

7. Further legal amendments were introduced to extend the concept of domestic violence to dating and other intimate relationships without cohabitation. A national awareness-raising campaign was also launched in order to combat dating violence; In partnership with associations and academic federations, the Secretary of State for Citizenship and Equality and some NGO's launched, on October 2016, the national campaign against dating violence with the motto «Change Course: Dating violence is not for you».²

8. The fifth National Action Plan to Prevent and Combat Domestic and Gender-based Violence (2014-2017) was approved and establishes preventive measures, including the intensification of the role of municipalities, the development of programmes to eliminate gender stereotypes and empower women and girls, particularly directed at the education community and especially addressing the issues of bullying, violence

² <https://www.cig.gov.pt/2016/10/campanha-nacional-contra-a-violencia-no-namoro/>

through information and communication technologies and teen dating violence. This Plan includes the III Action Programme to Prevent and Eliminate Female Genital Mutilation (2014-2017);

9. The new asylum law includes as applicants with specific needs, *inter alia*, persons who have been subjected to acts of torture, rape or other serious forms of psychological, physical or sexual treatment, such as victims of domestic violence and victims of female genital mutilation;

10. The protection and assistance to victims and the prevention of re-occurrence of domestic violence are also core concerns and include free-of-charge and easy to use tele assistance to victims as well as remote surveillance of perpetrators; legal, medical, social and labour support to victims; or the development of a public network of 39 shelters for women victims of domestic violence and their children, with a total of 679 vacancies;

11. Between 2012 and 2015, 3.75%, and since 2016, 4.75% of the revenue from social games (e.g. lotteries) allocated to the Presidency of the Council of Ministers have been used in the fight against gender-based violence, including domestic violence, and in the promotion of gender equality. This mechanism improved funding of transportation of victims, emergency accommodation and shelters, health care, victim-support centres, use of electronic devices in surveillance and assistance activities, empowerment of victims, training, information and NGO support.

12. In march 2016, the Parliament approved a proposal to amend the State Budget to exempt victims of domestic violence from paying court fees, that implies that any victim of domestic violence intervening as an assistant in legal proceedings of this type are exempt of any payment. This measure aims to eliminate the financial constraints that may constraint the decision of victims of domestic violence to seek redress.

13. Since 2016, each ministry must foresee in its budget the funds related to domestic violence prevention, protection and assistance of its victims, informing the member of the Government responsible for Gender Equality area

14. Since 2016, a new decentralization strategy to prevent and combat of domestic and gender-based violence was launched, based on a joint and networked effort involving the central public administration, the local public administration and local NGO's, stimulating networking and promoting territorial decentralization of actions.

In addition, Portugal is firmly committed to implementing the Council of Europe Convention on preventing and combating violence against women and domestic violence. In fact, Portugal was the first European Union country to ratify this Convention. At the UN, Portugal has been a firm supporter of integrating the issue of women's rights in the post-2015 development agenda and advocating for the establishment of a stand-alone goal on preventing and eradicating all forms of violence against women and girls.

D. Bodies, agencies, institutions and organisations involved in the preparation of the report submitted by the Party in application of Article 68, paragraph 1

Regarding the national coordination mechanism of Article 10 both the Commission for Citizenship and Gender Equality (CIG)³ and the National Human Rights Committee chaired by the Ministry of Foreign Affairs are responsible for co-ordinating the collection of information in response to this questionnaire and the preparation of the report.

- CIG is the public Portuguese body that ensures the implementation of public policies in the field of citizenship and the promotion of equality between women and men. CIG coordinates the four national plans: V National Plan for gender equality, citizenship and non-discrimination (V PNI 2014-2017), V National Plan for preventing and combating domestic and gender violence (V PNPCVDG 2014-2017), that

³ The Commission for Citizenship and Gender Equality (CIG) - www.cig.gov.pt

contains the III action programme for the prevention and elimination of FGM (2014-2017) and the 3rd national plan against trafficking in human beings (2014-2017) and the II National Action Plan for the implementation of UNSCR 1325 (2014-2018). CIG is legally under the responsibility of the Presidency of the Council of Ministers.

- The Portuguese National Human Rights Committee (in charge of coordinating and monitoring), set-up in 2010 (Council of Ministers Resolution Nr. 27/2010), under the aegis of the Ministry of Foreign Affairs. According to paragraph 2 of this Resolution, the Commission is responsible for, inter alia, ensuring inter-ministerial coordination in the area of human rights, including in what regards the fulfilment of Portugal's international obligations under human rights conventions; monitoring the follow-up of inter-ministerial obligations in the international realm as regards human rights issues; coordinate the timely submission on the implementation of human rights obligations undertaken by the Portuguese State. The PNHRC integrates representatives of all governmental areas, including representatives from the area of national defence, internal affairs, justice, labour and social solidarity, health, education, culture, immigration, equality, youth and foreign affairs.

The follow Ministeries were asked to contribute to this report:

- Culture
- Environment
- Finance
- Economy
- Agriculture, Forestry and Rural Development
- Education
- Justice
- Labor, Solidarity and Social Security
- Internal Affairs
- Science, Technology and Higher Education
- National Defense
- Health
- Planning and Infrastructures

The follow public entities were asked to contribute to this report:

- Attorney General's Office
- High Commission for Migration
- Directorate-General of Health
- Directorate-General of economic activities
- Portuguese Ombudsman
- Calouste Gulbenkian Foundation
- Statistics National Institute
- Regulatory Authority for Media
- Commission for Equality in Labour and Employment (CITE)

II. Integrated policies and data collection

A. Please provide details of the strategies/action plan(s) and any other relevant policies adopted by your authorities to address violence against women, as referred to in Article 7.

The core national strategy to address violence against women is The V National Plan to Prevent and Combat Domestic and Gender-based Violence 2014-2017 (V PNPCVDG). The V Plan is based on the assumptions of the Istanbul Convention and establishes itself as a paradigm change in the national public policies to combat all forms of violation of the fundamental human rights, such as the different forms of gender-based violence, including domestic violence.

Public policies to address violence against women – history:

The Global Plan for Equal Opportunities, launched in 1997 (Resolution of the Council of Ministers no. 49/97 of 24 March) and a legacy of Beijing Platform for Action (1995), would

become the first integrated strategy of public policies for gender equality in Portugal and has shown the concerns of the Portuguese State in this field, having as one of its objectives to prevent violence and ensure adequate protection for all victims of violent crimes. Two years later, domestic violence became a particular concern for the Portuguese State once it was perceived that violence against women occurred mainly privately, at home, and especially within marital relationships, thus arising the imperative need to give greater visibility to those acts of violence, in most cases hidden within the private sphere of the home or within intimate relationships, subsequently resulting in the I National Plan Against Domestic Violence (Resolution of the Council of Ministers no. 55/99 of 15 June), including all other expressions of gender-based violence in the successive National Plans for Equality. Since then and through the successive National Plans against Domestic Violence, the national approach to the domestic violence phenomenon has been following the evolution of European and international guidelines in this matter, being focused on a concerted and structured policy with the goals of protecting the victims, condemning and rehabilitating perpetrators, knowing and preventing the phenomenon, qualifying professionals and providing the country with support and service structures, inviting local authorities and civil society organisations to join efforts and strategies for the eradication of domestic violence and gender-based violence in the country.

This path almost two decades old has been also possible due to the knowledge acquired about the phenomenon. The importance of the work of the academy has been paramount, from the first survey conducted on the prevalence of violence against women, in 1995, to the second national survey on gender-based violence conducted in 2007, which has allowed a comparative reading with the data of the previous survey, and to the countless scientific works, such as dissertations or doctoral essays, already currently available in several university repositories. Scientific research has also contributed to the visibility of the impacts of domestic violence, particularly its social, economic and personal costs.

Consequently, there was an acknowledgment of the position of great vulnerability in which victims of violence, mostly women, find themselves in particular taking into account that these women have a probability three to eight times higher of having sick children, of being unemployed and, being employed, of not having professional development, of needing health care and mental health counselling due to emotional disorders, being also more likely to commit suicide. The role of scientific research has also been significant for the evolution in Portugal of the concept itself of domestic violence, currently established in article 152 of the Penal Code, as amended by Law no. 19/2013 of 21 February.

Along with the academy, it is also worth mentioning the role of civil society organisations, particularly the women's associations, which became, since the eighties of the twentieth century, frontline organisations providing direct support to women victims of violence and developing coordinated solutions in partnership with public structures, based on a proximity concept to prevent and combat domestic violence.

The IV National Plan Against Domestic Violence, has benefited both from internal and external monitoring and evaluation, whose results in form and content are expressed in the V Plan. In operational terms, the V Plan focuses even more on the domestic violence field, seeking to consolidate all the work done in the past, drawing inspiration from this learning experience, widening the vision and the intervention space of other forms of gender-based violence. It is important to note that the III Programme of Action for the Prevention and Elimination of Female Genital Mutilation 2014-2017 is an integral part of the V Plan. Acknowledging that all forms of gender-based violence are rooted in an inequality situation which it is necessary to eliminate, the execution of the V PNPCVDG is closely connected with the V National Plan for Gender Equality, Citizenship and Non-discrimination 2014-2017. In line with the established by the Council of Europe through the Istanbul Convention, the V Plan seeks to disseminate a culture of equality and non-violence, committing to the goal of making Portugal a country free of gender-based violence, including domestic violence, a country where women and men, regardless of ethnicity, age, socioeconomic status, disability, religion, sexual orientation or gender identity may aspire, in equity, to live in a

society free of violence and discrimination. A society with a strong pattern of respect for fundamental human rights.

Timeframe, methodology and implementation:

The V Plan started in 1st January 2014 and will end in 31 December 2017. It focuses on five strategic areas (in a total of 55 measures):

- 1) Prevention, Awareness-raising and Education;
- 2) Protection of Victims and Promotion of their Social Integration;
- 3) Intervention with the Perpetrators;
- 4) Training and Qualification for Professionals;
- 5) Investigation and Monitoring.

The Commission for Citizenship and Gender Equality is responsible for the coordination and monitoring of the V Plan, in which it is supported by a working group composed of representatives from the ministries that are responsible for the largest number of measures, as well as representatives from non-governmental organisations which integrate CIG's advisory council.

The Portuguese Attorney General's Office is also represented in this group, as well as the

Superior Council of Magistracy (CSM). The working group supporting the coordinator entity is composed of the following members:

- a) One representative of the Presidency of the Council of Ministers;
- b) One representative of the Ministry of Internal Affairs;
- c) One representative of the Ministry of Justice;
- d) One representative of the Ministry of Economy;
- e) One representative of the Ministry of Health;
- f) One representative of the Ministry of Education;
- g) One representative of the Ministry of Solidarity, Employment and Social Security;
- h) One representative of the National Association of Portuguese Municipalities;
- i) Three representatives of the non-governmental organisations section of CIG's advisory council, chosen among the respective members;
- j) One representative of the Portuguese Attorney General's Office, acting in accordance with the respective statutes and within the scope of its powers;
- k) One representative of the Superior Council of Magistracy, acting in accordance with the respective statutes and within the scope of its powers.

Other persons and entities may be invited to attend the meetings of the working group if relevant for the specific matter under discussion.

The evaluation of the V Plan is periodical and final. Besides the monitoring and interim assessments, the V Plan should be subject to a final evaluation at the end of its term.

The public bodies also have the responsibility, in the scope of their responsibilities in the execution of the V Plan, to submit to the CIG, the activity report on the implementation of the V Plan concerning the previous year and the work plan for the current year regarding the implementation of the V Plan, to cooperate with the CIG in the monitoring and evaluation of the processes and outcomes of the implementation of the V Plan, particularly in the meetings of the working group; and to submit to the CIG the final report on the execution of the measures under the responsibility of the respective body.

V Plan Monitoring and Evaluation:

Implementation rates, year 2014

Strategic areas	Nº measures	Nº measures for 2016 (for V Plan validity)	Nº measures implemented in 2016	Implementati on rate 2016
Area 1 Prevention, Awareness-raising and Education	17 ⁴	16	15	93,3%
Area 2 Protection of Victims and Promotion of their Social Integration	17	17	16	94,1%
Area 3 Intervention with the Perpetrators	6	6	6	100%
Area 4 Training and Qualification for Professionals	7	6	6	100%
Area 5 Investigation and Monitoring	7	6	5	83.3%
TOTAL	54	51	48	94%

Implementation rates, year 2015

Strategic areas	Nº measures	Nº measures for 2016 (for V Plan validity)	Nº measures implemented in 2016	Implementati on rate 2016
Area 1 Prevention, Awareness-raising and Education	17 ⁵	17	15	88%
Area 2 Protection of Victims and Promotion of their Social Integration	17	17	15	88%
Area 3 Intervention with the Perpetrators	6	6	6	100%
Area 4 Training and Qualification for Professionals	7	7	7	100%
Area 5 Investigation and Monitoring	7	6	5	83%
TOTAL	54	53	48	90.5%

Implementation rates, year 2016

Strategic areas	Nº measures	Nº measures for 2016 (for V Plan validity)	Nº measures implemented in 2016	Implementati on rate 2016
Area 1 Prevention, Awareness-raising and Education	18	14	13	93%
Area 2 Protection of Victims and Promotion of their Social Integration	17	12	12	100%
Area 3 Intervention with the Perpetrators	6	6	6	100%
Area 4 Training and Qualification for Professionals	7	7	7	100%
Area 5 Investigation and Monitoring	7	4	4	100%
TOTAL	55	43	42	98%

⁴ Excluded measure 18 – To Implement the III Program of Action to Prevent and Eliminate FGM and promote all the measures foreseen in it.

⁵ Excluded measure 18 – To Implement the III Program of Action to Prevent and Eliminate FGM and promote all the measures foreseen in it.

The Portuguese Ministry of National Defence (MoD) is also engaged in the implementation of Portugal's 5th National Plan for Gender Equality, Citizenship and Non-discrimination 2014-2017, which is the main instrument for the implementation of public policies aimed at attaining gender equality and non-discrimination based on gender and sexual orientation within the national defence sector.

The MoD is equally committed to ensure the application of the National Action Plan for the Implementation of the United Nations Security Council Resolution 1325 (2000) on Women, Peace and Security and will continue to promote its monitoring and evaluation mechanisms. In this context, the MoD has invested in the implementation of training programmes and courses aimed at raising awareness on issues pertaining to the Women, Peace and Security Agenda, particularly in matters such as gender and human rights, sexual violence and health issues.

The MoD has been also increasing the number of military personnel trained as gender focal points and gender advisors through specific and certified UN/EU and/or NATO education and training.

In addition, the directives related to the participation in Portuguese Armed Forces in international missions stipulate the inclusion of women in military contingents deployed abroad. To that end, training on gender issues is provided and measures to combat sexual harassment and address logistical concerns are envisaged.

Furthermore, a Code of Conduct for the Portuguese Armed Forces is being developed, which will include a gender perspective, in accordance with military ethics.

In conclusion,

Regarding domestic violence, Portugal made a long solid legal evolution (some major landmarks):

1982 - The Criminal Code typifies the crime of ill-treatment to a spouse or equivalent;

1999 – First National Plan against Domestic Violence (1999-2002);

2000 – The Crime of ill-treatment to spouse or equivalent becomes a public crime;

2007 – Penal Reform implements the domestic violence crime autonomously through article 152 of the Penal Code;

2009 - Law no. 112/2009, of 09/16, amended and republished by Law no. 129/2015 of 3 September⁶, which establishes the legal framework applicable to the prevention, protection and assistance of domestic violence victims and creates The National Support Network for Domestic Violence Victims (RNAVVD)

2013 - Council of Europe Convention for the Prevention and Fight against Violence against Women and Domestic Violence (Istanbul Convention), adopted in Istanbul on 11 May 2011, adopted by the Republic Assembly Resolution No. 4/2013 and ratified by the Republic President's Decree no. 13/2013;

2014 - The V National Plan to Prevent and Combat Domestic and Gender-based Violence 2014-2017 (V PNPCVDG) that includes the III Programme of Action for the Prevention and Elimination of Female Genital Mutilation 2014-2017

2015 - Portugal has transposed the Victim's Directive for its National Legal System.

For more and detailed information, see Section 1 – C.

⁶ [Law no. 112/2009, of 09/16, amended and republished by Law no. 129/2015 of 3 September](#)

B. Please provide an account of financial resources allocated to the implementation of the above-mentioned policies, as required by Article 8, with an indication of the sources of financing (amount of financing allocated and its percentage of the total annual state budget; amount of financing allocated and its percentage of regional budgets; amounts from other sources).

There are 5 main financial resources allocated to the implementation of prevention and fight against VAW and Domestic Violence:

Annual State Budget

In accordance with Portugal international commitments, namely the Beijing Declaration and UN Platform for Action of the United Nations and the present Convention it was recently established that each ministry must foresee in its budget the funds related to domestic violence prevention, protection and assistance of its victims, informing the member of the Government responsible for Gender Equality area. In 2016, seven ministries reported said allocation, in an amount totalling € 13 885 274.

Law 112/2009 – Law no. 112/2009, of 09/16, amended and republished by Law no. 129/2015 of 03 September, which establishes the legal regime applicable to the prevention of domestic violence, to the protection and assistance of its victims, in its article 80º - Protocols, establishes:

1 - Educational and educational establishments and entities monitoring the crime of domestic violence may celebrate cooperation protocols.

2 - Municipalities that have, or wish to have, projects against violence, in particular information centres on domestic violence, are supported by protocols, with a view to implement awareness campaigns and actions in local communities foreseeing the victim support network national coverage.

3 - The State promotes, with health professional orders, the protocols necessary for the regular dissemination of informative material on domestic violence in health centres and pharmacies.

4 - Protocols may be signed between the Public Administration body responsible for the area of citizenship and gender equality and the various public administration bodies involved in the protection and assistance of victims with a view to defining administrative procedures for reporting data and integrated development of victim protection network policies and awareness of domestic violence.

5 - The Public Administration body responsible for citizenship and gender equality may also conclude protocols with non-governmental organizations with a view to articulating procedures for protection and assistance to victims.

and Article 80a - Budget

1 - Each entity enters in its budget the charges arising from the execution of this law.

2 - The amount of the sums referred to in the preceding paragraph and their execution, as well as the estimate of the amount corresponding to exemptions granted to persons with domestic violence victims, shall be notified to the member of the Government responsible for equality by the end of the first quarter of the subsequent year.

This is a recent national directive which means that there are no available data on this specific budgeting to date. It is expected that in the first 2018 trimester will have specific budget reports.

Also regarding Annual State Budget it is important to clarify that shelters have specific funding from social security ministry.

Year	Total amount for shelters
2015	
2016	

European Structural Investment Funds

As a Member State of the European Union, Portugal has benefited from the European Structural Investment Funds. Under the European Social Fund, for more than a decade, the government has given great relevance to gender equality and gender violence, allocating a specific budget to tackle these issues. Consequently, there has been for the last years financial support both for public and private entities, mainly NGO's working on gender issues. Yet, the period under analysis in this report, 2015 and 2016, is marked, in the perspective of the European Funds, by a transitional phase between two programming periods. During this time, the Member State has to close all projects under implementation and report to the European Commission the results of the whole programming period, while, at the same time, has to programme the following one. Therefore, in 2015, the projects expenditure under this framework was around 1,46M€, of the total amount for the programming period. The negotiations of the programming period 2014-2020 (which can be implemented until 2022) resulted once again in significant funding opportunities for gender equality promotion and prevention and fight against gender violence. There is a total amount, European Social Fund and national budget, of more than 50M€ to support NGO's, employer associations, unions, local authorities, training centres, enterprises and other entities in this programming period.

In July 2015 there were two calls for proposals published under this framework, with amounts of 3,8M€ and 3,5M€, to support NGO's and training activities. The first one guaranteed support to 50 projects starting in the end of 2016.

Social games

Since 2012, a percentage of the revenue from social games (e.g. lotteries) allocated to the Presidency of the Council of Ministers has been used in the fight against domestic violence and in the promotion of gender equality: between 2012 and 2015, 3.75%, and since 2016, 4.75%. This mechanism improved funding of victims transportation, emergency accommodation and shelters, victim-support services, tele assistance for domestic violence victims, victims empowerment, training/information and NGO support.

More than 8M€ from the same funding source were allocated to combating gender-based and domestic violence and victim support, fight against human beings trafficking and gender equality promotion.

Small Grants

Regarding technical and financial support to non-governmental women's associations (NGOs) included in CIG consulting board section, a national financing amount is given every year to projects in the field of gender equality and actions to address violence against women in accordance to the Decree-Law n.º 246/98, of 11/08, in the wording given by Law n.º 37/99, of 26/05. In 2016, the total financing amount given to the NGO's was € 90,000.00, of which € 51.445,30 was to address violence against women/domestic violence. In 2015, those amount had been 43 536,93€.

EEA Grants

Through the Financial Mechanism of the European Economic Area, under the European Economic Area Grants, Norway, Iceland and Liechtenstein, as Donor States, financed in 16 European Union Member states initiatives and projects in various program areas, with a view to reduce economic and social disparities and strengthen bilateral relations between the Donor States and the Beneficiary States.

CIG is the Operator of the *Programme PT07 Mainstreaming Gender Equality and Promoting Work-Life Balance* and Fundação Calouste Gulbenkian is the Operator of the *Programme PT05 - Active Citizenship (NGOs support)*. Several of the 113 projects supported under the scope of the EEA Grants Fund for NGOs (PT05) addressed gender equality and gender-based violence, either as its main focus or as one of its concerns. A total amount of aprox. 9M€ was allocated to this specific area. To the *PT07 Mainstreaming Gender Equality and Promoting Work-Life Balance* were allocated aprox.3M€.

C. 1. How is the work of NGOs and other civil society actors, in particular women's organisations, recognised, encouraged and supported, as required by Articles 8 and 9?

The work of the NGOs, civil society and women's organisations is recognised, encouraged and supported as they important executors of public policy.

Regarding finance support please see above answer to question B. (European Structural Investment Funds, Social Games, Small Grants, EEA Grants). As already mentioned, under the European Social Fund, in July 2015 were published two calls for proposals. One was meant to fund financial and technical support to NGO's (working on the promotion of gender equality and preventing and fighting against gender violence and human trafficking) and the other was focused on funding the training of strategic actors on these issues. The first call, with a total budget of approximately 3,8M€, guaranteed support to 45 civil society organisations, enabling them to start 50 projects in the end of 2016.

The vast majority of projects are targeted towards preventing and combating gender violence, developing local and regional activities. These projects can have a maximum duration of 30 months and must pursue specific goals. Most of them will develop sensitising activities through various methodologies and strategies, many of them count on the participation of local communities, aiming at the participation of more than 50.000 people. Twenty-four (24) projects will create or maintain support offices, which much reach within their implementation period almost 5000 persons. Other will engage in creating technical and pedagogical resources or developing specific studies.

Women organisations and other NGO working on these issues could also apply to the second call for proposals, aiming the support of training courses directed to strategic actors. Acknowledging their proximity to local communities, they are an important stakeholder identifying and mobilising other important players and building up local partnerships. Therefore, even if they have not training centres themselves, they can apply to this call by contracting the services to a certified training centre (results published during 2017).

Regarding recognition and encouragement, it should be restated that all shelters, emergency accommodations and more than 80% victims' support centres are managed by NGOs. Being so it is civil society and women's organisations have a shared responsibility in implementing public policies regarding prevention and protection. The following measures/organization reflect the importance of these institutions as executors of public policy.

Please consider also answer to question C.2).

Moreover, NGO's are also actively involved by the Government in the design and execution of national awareness campaigns.

2. Which measures are taken to ensure effective co-operation with these organisations at national and regional/local levels?

All the national instruments fundamental for intervening in prevention and combating VaWG are based on a **networking** logic: state and civil society, central administration and local government:

- The V Plan and the National Support Network are the core references in preventing and combating VaWG in Portugal. These instruments establish a national joint intervention involving public administration, NGOs and civil society;

- Law 112/2009 – Law no. 112/2009, of 09/16, amended and republished by Law no. 129/2015 of 03 September, which establishes the legal regime applicable to the prevention of domestic violence, to the protection and assistance of its victims. This law creates the national support network for domestic violence victims (RNAVVD);
- The Network of all the bodies working towards victims support, including CIG (public body responsible for citizenship and gender equality), Social Security Institute, shelters, Emergency accommodations, victim's support services, other public administration bodies and the national telephone helpline.

CIG has also a NGOs Consulting Board - NGOs Consulting Board Section. The Consulting Board is an advisory body for development implement and evaluate public policies on citizenship education and gender equality promotion. The Consultation Board ensures the representation of government departments and civil society NGOs, it is chaired by the Secretary of State for Citizenship and Equality, and, in her absence, by the President of CIG.

This articulated work is transversal to all areas, prevention, training and protection and has its corollary in national legislation. Regarding The V Plan - Area 1) Prevention, Awareness-raising and Education, some NGO/Civil Society and State co-operation examples:

Regarding The V Plan - Area 2) Protection of Victims and Promotion of their Social Integration, some NGO/Civil Society and State co-operation examples:

- All **SHELTERS** are managed by NGOs and totally founded by the State. At the present date there are 39 (38 for women + 1 for men) shelters, with 679 vacancies (669 women + 10 men) managed by 36 different NGO.
Annual budget of approx. XXX
In October 2016 opened the first shelter (with 10 vacancies) for men who are domestic violence victims. It is a pilot experiment that will be evaluated at the end of the first year.
Annual budget 98 244, 84 €
- There are 130 victim **SUPPORT SERVICES**. From these, 103 are victim support services managed by NGOs. The remaining 27 victim's support services are managed by public administration, including municipalities
Annual budget per service average is about 37 000 €, excluding additional budget provided from other sources like: municipalities' budgets, European funds, and patron.
- All **EMERGENCY ACCOMMODATIONS** are managed by NGOs and totally financed by the State. At the present date there are 20 emergency accommodations with a total of 126 vacancies managed by 15 different NGOs
Annual budget of approx. 1 284 240 €

Regarding measures to ensure effective co-operation with these organisations at national and regional/local levels we highlight:

Victim' support centres – regional distribution		
Castelo Branco	CENTER COUNTRY 24	3
Coimbra		11
Leiria		6
Santarém		4
Açores (São Miguel 8, São Jorge 2, Terceira 4, Faial 2, Santa Maria 1, Flores 1, Graciosa 1, Pico 1)	ISLANDS 22	20
Madeira		2
Aveiro	NORTH 50	4
Braga		14
Bragança		2
Guarda		1
Porto		25
Viana do Castelo		2
Vila Real		1
Viseu		1
Beja		SOUTH 34
Évora	1	
Faro	7	
Lisboa	16	
Portalegre	2	
Setúbal	5	
TOTAL		130

Shelters – regional distribution		N. Shelters	N. Vacancies
Castelo Branco	CENTER COUNTRY N. Shelters 2 N. Vacancies 26	-	-
Coimbra		-	-
Leiria		1	16
Santarém		1	10
Açores (São Miguel 8, São Jorge 2, Terceira 4, Faial 2, Santa Maria 1, Flores 1, Graciosa 1, Pico 1)	ISLANDS N. Shelters 6 N. Vacancies 89	4	63
Madeira		2	26
Aveiro	NORTH N. Shelters 13 N. Vacancies 247	3	66
Braga		2	16
Bragança		1	5
Guarda		-	-
Porto		5	126
Viana do Castelo		1	15
Vila Real		1	19
Viseu		-	-
Beja		SOUTH N. Shelters 17 N. Vacancies 307	2
Évora	2		39
Faro	2		28
Lisboa	6		114
Portalegre	-		-
Setúbal	5		89
TOTAL		38	669

Emergency Accommodations – regional distribution		N. Accommodations	N. Vacancies
Castelo Branco	CENTER COUNTRY N. Accommodations 2 N. Vacancies 15	-	-
Coimbra		-	-
Leiria		2	15
Santarém		-	-

Açores (São Miguel 8, São Jorge 2, Terceira 4, Faial 2, Santa Maria 1, Flores 1, Graciosa 1, Pico 1)	ISLANDS N. Accommodations 0 N. Vacancies 0	-	-
Madeira		-	-
Aveiro	NORTH N. Accommodations 11 N. Vacancies 75	2	6
Braga		1	6
Bragança		1	9
Guarda		-	-
Porto		4	26
Viana do Castelo		1	12
Vila Real		1	4
Viseu		1	12
Beja	SOUTH N. Accommodations 7 N. Vacancies 36	2	4
Évora		1	2
Faro		1	12
Lisboa		2	15
Portalegre		-	-
Setúbal		1	3
TOTAL		20	126

The strategy to prevent and combat domestic and gender-based violence lays on regional and local specific services, emphasizing training, awareness raising and networking between social protection, security services and non-governmental organizations. The V National Plan strategy aims to build a progressive national coverage of victim support and protection services.

Gender equality and the prevention and combat of domestic and gender violence regionalization policies are based on a joint and networked effort involving the central public administration and the local public administration, stimulating networking and promoting territorial decentralization of actions. In this context it is important to first focus on the most domestic and gender violence service deprived areas, implementing a strategy for the development of a network that promotes the minimum conditions necessary to support and protect victims. Ensuring that it is carried out with financial, technical and logistic support, in accordance with available resources profitability principle. According to this strategy 6 protocols have been signed.

In order to increase decentralized assistance / support to victims (especially in rural areas where public transport response is insufficient), the State has provided 14 service structures (in mainland) with one vehicle each.

D. Please provide details on the body(ies) established or designated in application of Article 10.

1. Official bodies for the **co-ordination** and **implementation** of policies and measures to prevent and combat all forms of violence covered by the Convention; 2. body(ies) for **monitoring** and **evaluating** policies and measures to prevent and combat all forms of violence covered by the Convention

According to Law Nr. 112/2009, 16th September, amended and republished by Law Nr. 129/2015, 3rd September CIG is responsible for coordinating and monitor policies and measures to prevent and combat all forms of violence covered by the Convention. Being under the Presidency of the Council of Ministers CIG is also the national reference and pivot for the implementation of citizenship and gender equality policies in Portugal.

CIG is responsible for the coordination and monitoring of the V Plan, in which it is supported by a working group composed of representatives from the ministries that are responsible for

the largest number of measures, as well as representatives from non-governmental organisations which integrate CIG's advisory council.

The Portuguese Attorney General's Office is also represented in this group, as well as the Superior Council of Magistracy (CSM). The working group supporting the coordinator entity is composed of the following members:

- l) One representative of the Presidency of the Council of Ministers;
- m) One representative of the Ministry of Internal Affairs;
- n) One representative of the Ministry of Justice;
- o) One representative of the Ministry of Economy;
- p) One representative of the Ministry of Health;
- q) One representative of the Ministry of Education;
- r) One representative of the Ministry of Solidarity, Employment and Social Security;
- s) One representative of the National Association of Portuguese Municipalities;
- t) Three representatives of the non-governmental organisations section of CIG's advisory council, chosen among the respective members;
- u) One representative of the Portuguese Attorney General's Office, acting in accordance with the respective statutes and within the scope of its powers;
- v) One representative of the Superior Council of Magistracy, acting in accordance with the respective statutes and within the scope of its powers.

Nevertheless, as already mentioned, implementation (and some evaluation) is a shared responsible mainly done by civil society (NGOs), municipalities and several ministries (health, security, education, etc.). Civil society, central and local public administration are the executors of public policy.

Regarding international report mechanism (Please see also answer to question - Chapter I, D.):

Body	Functions	Each function (by whom)	Tasks and competences	Human resources (by function)	Annual budget (by function)
PNHRC	Co-ordination	Executive Secretariat of the PNHRC	Coordination, gathering and compilation of inter-ministerial contributions, drafting and submission of implementation reports.	The Human Rights Division of the Ministry of Foreign Affairs working part-time as Executive Secretariat of the Committee	The PNHRC does not have a specific budget. Its activities are financed by the budgets of the members of Government (Ministers) who are members of the Committee
CIG	Implementation	Secretary of State for Citizenship and Equality	Coordination of all entities (central, regional and local public entities, NGO and CSO, and private sector)	49: 2 head of the Commission; 7 head of units; 23 policy officers; 15 administrative assistants; 2 informatics staff	For 2016, the total budget (from state budget) is € 4.112.431€

E. 1. Please specify the entities collecting relevant **data** and the type of data collected by each of them.

2. With regard to each type of data, please indicate if the data is disaggregated by sex, age, type of violence as well as the relationship of the perpetrator to the victim, geographical location, and any other factors deemed relevant, for example disability.

3. How is this data collated and made public at national level?

Please note that intending a clear understanding of national reality regarding data collection this three questions were considered as a set and answered jointly, following a logic of: who (entities) is doing what (type of data) and how (how it is collected, presented - disaggregated or not - and made public).

Justice/General Secretariat of the Ministry of Home Affairs - Domestic Violence

Law Nr. 112/2009⁷, concerning the prevention of domestic violence and the protection of its victims, establishes in articles 37 and 37-A that the General Secretariat of the Ministry of Home Affairs *collects and analyses data from law enforcement agencies and justice services*. Concerning justice sector data, the law states that information transmitted should include: the decisions of attribution of victim status; investigations results and final decisions in proceedings regarding the crime of domestic violence.

According to this legislation, courts should provide data on the outcomes of domestic violence court cases and the number of domestic violence victims to General Secretariat of the Ministry of Home Affairs, which analyses the data and prepares a report that is sent to CIG every 6 months.

Justice

The Directorate General for Justice Policy (DGPJ - as a delegated entity of the National Statistics Institute), is responsible for preparing official justice statistics, which includes those referring to statistical data of the courts of first instance. In this context, the following statistical data collected is considered to be related to violence against women:

- Completed criminal cases for all types of crime established in the Penal Code and in various criminal legislation;
- Number of persons accused and convicted in criminal cases at the trial stage and their characterization by sex, age, nationality and crime;
- Penalties applied to convicted persons in criminal cases at the trial stage.

This data is sent to DGPJ by law enforcement authorities, the Public Prosecution Service (investigations & prosecutions) and by the Criminal Courts, regarding convictions. This data is collected by the various entities assisting victims. Information on accused and convicted persons in criminal proceedings at the trial stage allows their characterization by sex, age, nationality and type of crime, as well as by the judicial division of the territory. In the context murder cases, specific data is collected on persons convicted for marital homicide. For this specific type of crime it is possible to collect disaggregated information on the relationship between the victim and the accused. The information is made available online and free of charge in the Justice Statistical Information System at: www.siej.dgpj.mj.pt

Law enforcement/General Secretariat of the Ministry of Home Affairs - Annual Report of Internal Security (RASI) and Domestic Violence

Regarding law enforcement data, the General Secretariat of the Ministry of Home Affairs collects and analyses all incidents registered by Republican National Guard (GNR) and Public Security Police (PSP) - the 2 national security forces. More specifically, the police forces communicate the complaints of all crimes registered in a year to the Directorate-General for Justice Policy (DGPJ). The Annual Report of Internal Security (RASI) is based on this information. This data is publicly disseminated through: a) a general report on internal security (RASI), responsibility of the General Secretariat of the Ministry of Home Affairs (and for which the General Secretariat of the Ministry of Home Affairs also contributes); and b) a specific report focused on domestic violence, responsibility of the Secretariat-General of Internal Affairs, both produced on an annual basis. This specific report is based in all incidents regarding domestic violence that were reported directly to the police (except those registered by Institute of Forensic Medicine and Public Prosecutor's Office) and having article 152.⁹ of the Penal Code as framework (not exclusively on intimate partner violence). This annual report includes all incidents of domestic violence reported in the previous year by GNR and PSP. This report also includes information on:

- a) The number of persons having the recognised status of victims
- b) Results of investigations
- c) Final decisions in court cases of domestic violence

The report is organised in five parts:

1. Executive Summary

⁷ [Articles 37 and 37-A of Law Nr. 112/2009, 16 September, amended by Law Nr. 129/2015, 3 September](#)

2. Global quantitative data on domestic violence occurrences reported to security forces
3. Detailed occurrence characterization
4. Detentions and specialized centres in the security forces, Information and training actions and initiatives
5. Decisions on the attribution of victim status and final decisions in criminal cases of domestic violence.

The two recent Reports are available in the following links:

http://www.sg.mai.gov.pt/Noticias/Documents/Rel%20VD%202014_vfinal_14agosto2015.pdf
<http://www.sg.mai.gov.pt/Noticias/Documents/Rel%20VD%202015.pdf>

Since 2006, law enforcement has the standardized “news” item for domestic violence, with the identification of the victim and the offender, information on the situation of economic dependence between victim and offender, existence (or not) of children in the residence, existence (or not) of firearms and their relevance in the reported crime, additive behaviour of the offender, receipt of health care by the victim in a health institution. There is a final field for information on the need for urgent intervention.

The Commission for Equality in Labour and Employment (CITE), as the national mechanism whose mission is to pursue gender equality in work and employment, the protection of maternity and paternity and the reconciliation of professional, family and personal life, CITE undertakes a regular activity of general information about these rights, provides legal support to alleged gender based discrimination victims, as well as receives complaints and issues legal opinions concerning equality and non-discrimination in labour and employment. By fulfilling its mission CITE is facilitating access of gender based discrimination victims to justice, namely women who continue to be more discriminated against in the labour market.

In 2016 CITE received 64 complaints regarding violations of legal provisions on equality and non-discrimination between women and men: 14 related with the protection of parenthood, 14 related with equality and non-discrimination, 24 related with work-life balance and 12 related with other subjects.

In 2016 CITE issued 688 legal opinions, of which 655 were legal opinions which employers must obligatorily request before dismissing any pregnant worker, any worker who has recently given birth or who is breastfeeding, or male worker during the parental leave, as well as legal opinions employers must request in advance when they disagree with part-time or flexitime work for male or female workers with one or more children under the age of 12.

In the 1st semester of 2017 CITE received 21 complaints (6 related with the protection of parenthood, 8 related with equality and non-discrimination, 6 related with work-life balance and 1 not related with CITE’s mission) and issued 332 legal opinions.

More than 90% of the legal opinions issued, as well as the complaints received by CITE are from women.⁸

Health – Female Genital Mutilation

Directorate General of Health has a Health Data Platform, where professionals record observations. For the clinical data of FGM, an individualized separator was created where the following data can be recorded for women subjected to FGM: current age, date of registration, institution where registration is introduced, type of mutilation (type 1; 2, 3, 4), age and country where the mutilation was performed, whether it was performed during the stay in Portugal (yes/no), where the woman was observed (medical check-up, hospitalization, pregnancy, puerperium) (Yes/no), whether and what were the associated complications (uro-gynecological, sexual, obstetrical, psychological).

- F.** Please give information on **any research** supported by your government in relation to Article 11 paragraph 1b in the years 2011-2015.

According to the V Plan - Strategic area 5) - Investigation and Monitoring:

⁸ <http://cite.gov.pt/pt/acite/oquefazemos.html>

2015 - Studies promoted by CIG:

- [Study on the judicial decisions in conjugal homicide crimes](#) - Criminology School, Porto University Law School. This study was elaborated with the general purpose of contributing to the increase of the scientific knowledge of the criminological nature of the problem, concerning the content of the judgments which form the basis for the decisions.
- [Study on the judicial decisions in domestic violence crimes](#) - Justice Observatory, Coimbra University Social Studies Centre. This study aimed for a sociological characterization of victims and the offenders, including their intervention in the process, understanding the judicial answer regarding domestic violence, as well as the semi-judicial procedures on victims support, the intervention with offenders and the identification of the most determinant factors that support the decisions taken by the judiciary.

Studies by private organizations, represented in the coordinating group of the V Plan Support Group:

- Collaboration on the doctoral thesis *National Changes regarding Domestic Violence against Women*, ISPA - Applied Psychology Superior Institute
- Collaboration and dissemination of the *Annual Study on Femicide*, by OMA - Observatory of Murdered Women, headed by an NGO – UMAR
- Study about dating violence (around 1000 teenagers of Porto Schools), *Artways Project* - Project developed by an NGO - UMAR

2016 - Studies promoted by CIG:

- The Commission for Citizenship and Gender Equality promoted an [evaluation study on the degree of satisfaction of users of the national support network for domestic violence victims](#). The study was contemplated in measure 49 - Strategic Area 5 - V Plan
- In accordance with V Plan - measure 23 - *To define minimum operating requirements for the structures integrated within the national support network for victims of domestic violence, and for their supervision and technical follow-up*, CIG also developed a [minimum standard guide for the national domestic violence network](#).
- CIG and The Judicial Studies Centre (CEJ) published the Manual "[Domestic Violence - Sociological, Psychological and Juridical Implications](#)". This e-book written by several CEJ and CIG professionals, aims to be a multidisciplinary manual aimed primarily at justice professionals (and others). It is a pioneering and reference document for justice professionals.

Studies by private organizations, represented in the coordinating group of the V Plan Support Group:

- [Sexual and moral harassment in the workplace - Portugal](#), promoted by CITE - Commission for Equality at Work and Employment

The project *Sexual and Moral Harassment in the Workplace* is an EEA Grant project (Programme PT07 Mainstreaming Gender Equality and Promoting Work-Life Balance) promoted by the Commission for Equality in Labour and Employment (CITE), in a partnership with six Portuguese entities - Interdisciplinary Centre for Gender Studies (CIEG) from the School of Social and Political Sciences (ISCSP-UL), Authority for Working Conditions (ACT), Centre for Judicial Studies (CEJ), Bar Association, Municipality of Lisbon (CML), GRAFE Company - and one partner of the donor country, the Norwegian Association of Local and Regional Authorities (KS).
Goals:

1. Make the diagnosis and characterization of moral and sexual harassment in the labour market, in Portugal;
2. Raise awareness regarding harassment at the workplace – sexual as well as moral;
3. Exchange experiences and best practices between Portugal and Norway on harassment at the workplace and workplace cultures.

To achieve these goals it was conducted a survey on sexual and moral harassment in the workplace that covered 1801 individuals (558 men and 1243 women) in a representative sample of the working population of mainland Portugal, excluding the

primary sector. This survey provided an updated database on the subject in Portugal and the information to produce a book on sexual harassment and bullying in the workplace, including a comparative analysis with the data of the last survey done in Portugal on sexual harassment, which was published in 1994.

- Collaboration and dissemination of the [Annual Study on Femicide](#), by OMA - Observatory of Murdered Women, headed by an NGO – UMAR

Retrospective analysis in domestic violence homicide situations - Article 4-A - Law Nr. 112/2009⁹, which defines the legal regime of domestic violence prevention, protection and assistance, establishes that:

1. The Public Administration services that intervene in the protection of domestic violence victims must undertake a retrospective analysis of homicides in domestic violence context which have already been object of a final judicial decision. This analysis will study these situations and implement a new preventive methodology and due procedures.
2. For the purposes of the preceding number, the Retrospective Domestic Violence Homicide Analysis Team will be composed by:
 - a. A representative appointed by the Ministry of Justice;
 - b. A representative appointed by the Ministry of Health;
 - c. A representative appointed by the Ministry of Solidarity, Employment and Social Security;
 - d. A representative of the General Secretariat of the Ministry of Internal Affairs;
 - e. A representative of the Public Administration body responsible for citizenship and gender equality;
 - f. A representative of the Public Prosecutor's Office;
 - g. A representative of the territorially competent security force in the area where the crime was committed.

The Retrospective Homicide Review Team regulated by Administrative Rule no. 281/2016, 26 October started in 2016. The General Secretariat of the Ministry of Internal Affairs (SGMAI) is a permanent member of this Team and ensures logistical and administrative support for its operation. The security forces are also involved in this Team through non-permanent members.

EEA Grants (Programme PT05 - Active Citizenship (NGOs support) - research projects
New Challenges in combating Sexual Violence - (AMCV - Women Against Violence Association). Sexual violence has many potential consequences for sexual and mental health, which are both serious and long-lasting, and this project aimed at creating an articulated network of support services to survivors of sexual violence in Portugal, which also feeds into the creation of national policies. It has effectively contributed to highlight sexual violence on the political agenda and to better public policies and legislation in this area, surpassing its initial ambitions. The promoter NGO also attained greater recognition by the public authorities of its role and greater influence on legislative measures and public policies. As intended, the project created an articulated network for the implementation of an integrated, coherent and comprehensive intervention model, a specialized office for survivors of sexual violence, a self-representative group for survivors, and an online petition. As a result, a more robust and effective support can now be provided and, after many years of endeavours, the promoter NGO and the Ministries of Justice and Social Security signed a protocol in order to finance the assistance centre's running costs, thus attaining long-term sustainability. This project created two guides in partnership with Directorate General of Health and Legal Medicine National Institute (and Forensic Sciences)
[Guide on Sexual Violence \(for professionals\)](#)
[Guide on Sexual Violence \(for victims\)](#)

- G.** Please provide information on any **population-based survey(s)** conducted on violence against women as required by Article 11, paragraph 2.

⁹ [Article 4-A - Law Nr. 112/2009, 16 September, amended and republished by Law Nr. 129/2015, 3 September](#)

In July 2015 was published a research study on the prevalence of *Female Genital Mutilation: prevalence, socio-cultural dynamics and recommendations for its elimination*. The study provides relevant information to develop adequate strategies and methodologies eradication FGM in Portugal. The study identifies the number of girls and women victimized or at risk of excision (as well as their characterization), presenting the geographic areas with the highest incidence of cases. Although this is a prevalence study (quantitative nature) ,also includes a qualitative analysis of the representations that affected communities have about this practice, as well as their perception about the quality and effectiveness of the national current policies exist for the prevention and eradication of FGM. One of the conclusions: there are multiple reasons for the perpetuation of FGM and that they vary according to sex, age, country and ethnic origin. This data allows to develop customized solutions, territorial/focused interventions with the communities at risk.

The study also includes a set of specific recommendations based on the results obtained in the confronted with the work that has been carried out under the programs against FGM. According to this research, in 2013 lived in Portugal 9614 women from 28 countries where FGM is practiced. The biggest communities are Guinea Bissau, with 8063 women, followed by Senegal with 470 women, Guinea (Conakry) with 419, and Nigeria with 156. Geographically, these women are located mainly in the Great Lisbon zone - Lisbon (7324) and Setubal (1035) - followed by Porto (464) and Faro (205). Within the Great Lisbon zone, these communities are mainly located in the municipalities of Lisboa, Amadora, Sintra, Cascais and Loures (Lisbon District), and Almada, Barreiro, and mainly Seixal and Moita (Setubal District). In Porto zone, the municipalities with more women from countries where FGM is practiced are Porto and Gaia. In Algarve, women from countries where FGM is practiced, concentrate in the municipalities of Portimão, Albufeira, Loulé and Faro. Regarding the number of women over 15 years from countries where FGM is practiced resident in Portugal, and the prevalence of FGM is their countries of origin, there is an estimated of 6576 women who were much possibly submitted to FGM (5246 women between 15 and 49, and 1330 over 50). These women are geographically distributed according the same districts of residence of women coming from countries where FGM is practiced being the major zones of women affected by MGF the Lisbon zone and the main municipality on MGF is Sintra. The study also estimated the number of children under 15 years that were possibly submitted to MGF or are in risk to be submitted to MGF which is 1830 children.

Detailed results and conclusions could are available in https://www.cig.gov.pt/wp-content/uploads/2015/07/Relat_Mut_Genital_Feminina_p.pdf.

The above mentioned *Sexual and moral harassment in the workplace - Portugal*, promoted by CITE - Commission for Equality at Work and Employment and funded by EEA Grants, was published in the last semester of 2016 and launched on May 29, 2017. In this project, which had as main objectives to make the diagnosis and characterisation of moral and sexual harassment in the labour market in Portugal and raise awareness regarding harassment at the workplace, updated knowledge on the subject was produced, being the most relevant the survey on sexual and moral harassment in the workplace that covered 1801 individuals (558 men and 1243 women) in a representative sample of the working population of mainland Portugal, excluding the primary sector. This survey provided an updated database on the subject in Portugal and the information to produce a book on sexual harassment and bullying in the workplace, including a comparative analysis with the data of the last survey on sexual harassment published in 1994. This update survey allowed creating tools that can facilitate the actions of public authorities, employers, as well as workers and their representatives, to preventing and combating harassment in the labour market. In 2015, CITE received 129 complaints regarding violations of legal provisions on equality and non-discrimination between women and men: protection of parenthood (17); reconciliation of professional and family life (70); sexual harassment (1) moral harassment (8) work conditions (16) Gender Pay Gap (1) access to work and employment (5) another's (11).

This survey provided an updated database on the subject in Portugal and the information to produce a book on sexual harassment and bullying in the workplace, including a comparative analysis with the data of the last survey on sexual harassment published in 1994. This updated data is the basis of a sociologic analysis about the harassment phenomenon in Portugal (the study mentioned above) and of a 42 hours training programme and training materials for moral and sexual harassment prevention - http://cite.gov.pt/asstscite/downloads/publics/Manual_Formac_Assedio_Sexual_Moral_Local_Trabalho.pdf. The training programme and training materials on harassment are tools that can be used for different audiences and needs, having been built with the purpose of deconstructing preconceived ideas and clarify about what is and what isn't harassment. It also identifies tips and forms to enable action against harassment incidents in the workplace. Being based on the most updated data on harassment and with a flexible structure these training tools have a huge use potential. CITE has also created a specific webpage on harassment with information about the project Sexual and Moral Harassment in the Workplace but also relevant information about harassment, such as events, studies, data, legislation, good practices examples. It is also an interactive page where people can put queries about the subject and have these queries answered - <https://assedio.cite.pt/>

III. Prevention

A. What campaigns and programmes on any of the forms of violence covered by the Convention have your authorities promoted or conducted in accordance with Article 13, paragraph 1?

CIG has been developing awareness-raising activities since 2005¹⁰. In CIG's website reference to different campaigns can be found, regarding:

Gender Equality

- [Campanha «Não lhes feche a porta»](#) (Campaign *Do not close the door on them* - Campaign to fight Homophobia and Transphobia 2015)

In compliance with the The V Plan, Strategic Area 1) - Prevention, Awareness-raising and Education - Measure 1 - To carry out national campaigns against all forms of violence covered by the scope of the Istanbul Convention.

Female Genital Mutilation

- [Campanha «Direito a Viver sem Mutilação Genital Feminina»](#) (*Right to Live Without Female Genital Mutilation*, 2016)

The campaign was launched on July 20th 2016 at the airports of Lisbon, Porto and Faro and has since been replicated during school holidays (Easter and summer holidays) due the increasing visits potentially aiming at these rituals. Leaflets and posters were distributed every day to the public at the airports' departure area for flights intended for West Africa. This region is home to most of the 30 countries where FGM is practiced. This campaign is held simultaneously and similarly at Bissau airport and Guinea-Bissau since the overwhelming majority of women in Portugal undergoing this practice, or at risk of being mutilated, belong to the immigrant community in Guinea-Bissau.

The NGO and the immigrant associations' representative of the at risk communities that take part in the working group responsible for the implementation of the Action Programme were active partners in this public awareness-raising campaign. Furthermore, CIG has been supporting some local immigrant associations developing awareness-raising projects which include **tailored** materials to fit **specific communities**.

¹⁰ <https://www.cig.gov.pt/aco-es-no-terreno/campanhas/>

Domestic Violence

- [Campanha contra a violência no namoro – Quem te ama, não te agride!](#) (*Dating violence – He/she who loves you doesn't attack you*, 2016)
- [“Nunca é tarde”](#) (*Never too late – Campaign against violence towards older women*, 2014)

Human Trafficking

- [Campanha “Exploradas e tratadas como lixo”](#) (*Campaign “Exploited and treated like trash”*. 2016)
- [“Apanhados no Tráfico Humano”](#) (*Caught in Human Traffic*)

The above campaigns have been promoted by CIG. Nevertheless there have been also other national campaigns and awareness raising activities from the Civil Society in partnership with CIG:

- [Campanha Nacional «Comunidade Ativa contra a Violência»](#) (*Active Community against Violence 2016*)

In the International Day for the Elimination of Violence against Women (25th November), the Portuguese Government, through the Secretary of State for Citizenship and Equality, and a group of Non-Governmental Organizations, associated with the Commission for Citizenship and Gender Equality and the Public Prosecutor's Office, launched a campaign the "Active community against violence " campaign. This National Campaign was also complemented by a Proximity-local Campaign, (approx. 41 local actions alluding to VaWG).

- [Campanha Nacional contra a Violência no Namoro](#) (*National Campaign on Dating Violence – Change Course*, 2016)

Within the implementation of the 5th National Plan for the Prevention and Fight against Domestic Violence, the Ministry of Defence (MoD) is mainly concerned with implementing provisions related to awareness-raising and information activities on domestic and gender-based violence. In this sense, the MoD regularly provides all its personnel, both civilian and military, with information on gender issues, in particular on discrimination and gender-based violence (eg through studies and lessons learned) and also provides publications and guides on preventing sexual harassment in the workplace.

In the case of the Armed Forces, such training and awareness-raising is conducted in the framework of the Women, Peace and Security Agenda. Between 2014 and 2015, there have been no reports of sexual and gender violations within the Armed Forces.

- B.** What steps have your authorities taken to include **teaching material** in formal education curricula at all levels of education, and/or in non-formal education, as required by Article 14, paragraph 1?

The *Educational Guides on Gender and Citizenship* is an ongoing project developed by CIG since 2008-2009 (school year).

The *Educational Guides on Gender and Citizenship* are in line with international agreements ratified by Portugal which, in part, arise from the Objectives of the Beijing Action Platform (article 5 of the CEDAW and article 10 concerning Education). The aim of the Guides is to mainstream gender equality into the education system, in an effective, permanent and sustained way.

The implementation process of the Guides is still ongoing. Portugal is currently implementing its V Plan for Equality. In all these plans, education has always been taken into account. One of the measures foreseen in the V Plan for Equality is the drafting of an Education Guide on Gender and Citizenship for the secondary education level, finished in 2016. And, this project

is the last planned phase of CIG's medium-term strategy carried out directly with schools and teachers.

This project is coordinated by CIG and developed with a close and strong cooperation of 26 authors - researchers, teachers' trainers and experts in Gender Studies, Women's Studies and Education, all belonging to different Higher Education Institutions. The Guides have been distributed by more than 800 basic and secondary school network libraries, as well as by 16 Higher Education Institutions Libraries. The application of the Guides by teachers of all school levels has been supported, in the last three years, by 59 in-service teacher training courses nationwide, provided by CIG, 10 higher education institutions and a central department of the Ministry of Education, covering more than 150 school clusters and half of the continental municipalities and some municipalities of the two Autonomous Regions of Azores and Madeira. Several cooperation agreements were established with the Higher Education Institutions.

More than one thousand teachers (target group) attended these courses, all over the country, and incorporated gender perspective and sexual equality in their daily school practices and disciplinary contents, extending them to many other teachers, as well as school projects, families and local communities. The main purpose of the Guides is to offer teachers a range of concrete and common themes from a gender perspective to work on with their pupils and students, such as concerning the body and movement, health, sexuality, security, sexism and stereotypes, ICT, decision-making, personal and social development, educational environment and organization, communication and expression, knowledge and science, playful time and time use, local heritage, literature.

These Guides were considered a good practice by the Gender Equality Commission of the Council of Europe: [Compilation of good practices to promote an education free from gender stereotypes and identifying ways to implement the measures which are included in the Committee of Ministers' Recommendation on gender mainstreaming in education.](#)

- [Education guide gender and citizenship: pre-school](#) (EN)
- [Education guide gender citizenship: 1st cycle of basic education](#) (PT version)
- [Education guide gender citizenship: 2nd cycle of basic education](#) (PT version)
- [Education guide gender citizenship: 3rd cycle](#) (EN)
- **Education guide gender citizenship: Secondary education** (not yet available)

The V Plan – Measure 5 – also establishes the development and distribution of manuals and other information/pedagogical materials for the education community. In 2015 two manuals were developed, one for teachers and other for childhood education professionals. These manuals were distributed nationally in the first 2016 trimester.

- [Manual for Childhood Education Professionals – Children exposed to domestic violence – Increase understanding and improve community responses](#)
- [Manual for Teachers – Children and Young People exposed to domestic violence – Increase understanding and improve community responses](#)

Health

- [Interpersonal Violence - Approach, Diagnosis and Intervention in Health Services](#) - to educate health professionals about the phenomena and to reinforce the efficacy of their intervention. This document constitutes an essential tool to recognise risk contexts and factors, to intervene with victims and to refer cases of violence to a set of different services. It also allows an articulation of principles of prevention in services, to increment institutional resources and to define flowcharts to intervene on interpersonal violence.

Justice

- Manual "[Domestic Violence - Sociological, Psychological and Juridical Implications](#)". This e-book written by several CEJ and CIG professionals, aims to be a multidisciplinary manual aimed primarily at justice professionals (and others). It is a pioneering and reference document for justice professionals.

Defence

- Students enrolled in the military academies are required to participate in awareness sessions on issues of gender violence, where information and guidelines are provided.
 - Moreover, all military personnel participating in international missions (under the UN, NATO and the EU) are obliged to receive adequate and mission specific training, before and during deployment, namely through briefings on gender issues, including sexual violence, which are in accordance with the UN's zero tolerance policy regarding sexual exploitation and abuse.
- C. Please indicate (using Table 1 in the Appendix) the categories of professionals who receive **initial training** (education or professional training) as required by Article 15. Additional information which you consider relevant in this context may be provided in narrative format.
- D. Please indicate (using Table 2 in the Appendix) the number of professionals per year who have benefitted from **in-service training** on violence against women. Additional information which you consider relevant in this context may be provided in narrative format.

Please note that these 2 questions were answered jointly following the V Plan logic - yearly training plans according to each intervention area.

V Plan, Strategic Area 4) - Training and Qualification for Professionals

The continuous training of professionals who work on preventing and combating gender-based violence and domestic violence has been crucial, promoting more adequate intervention. A better capacity building of professionals in this field also contributes to the reduction of secondary victimisation and re-victimisation. This strategic area comprises measures focused on the technical and personal qualification of professionals from different areas of intervention, who work, directly or indirectly, with victims of domestic and gender-based violence and the perpetrators. The strategic goals of this area are: intensifying training for professionals, development and implementation of training benchmark towards the intervention with particularly vulnerable groups.

This strategic area includes:

- To extend training programmes for professionals who intervene, directly or indirectly, on domestic and gender-based violence:
 - a) Health care professionals
 - b) Professionals/teams from social security
 - c) Education professionals
 - d) Professionals of the national support network for victims
 - e) Professionals of the employment centres
 - f) Professionals working in the field of housing and integration of immigrants
 - g) Media professionals
 - h) Professionals working in support facilities for the elderly
- To strengthen the qualification of magistrates in matters of domestic and gender-based violence
- To qualify professionals from PSP and GNR
- To qualify professionals in models of intervention with perpetrators
- To expand training programmes for the qualification of Victim Support Professionals to the entire national territory
- To qualify professionals for specialised intervention with children who are also domestic violence victims, both within the solutions provided by the national support network for victims of domestic violence and the solutions for children and youngsters at risk.
- To raise awareness/train professionals to intervene in matters of LGBT people.

Data on 2015

- CIG carried out 7 training courses on domestic violence and gender-based violence for health professionals, social service professionals, justice and Commissions for the Protection of Children and Young People professionals, covering about 150 professionals from different cities of the country;

- Institute of Legal Medicine and Forensic Sciences (Institute belonging to the Ministry of Justice) carried out 25 training actions at a national level, covering about 1000 health professionals;
- In Health System initial training courses were carried out, covering a total of 192 health professionals (nurses, psychologists, doctors);
- CEJ - Center for Judicial Studies (which is charge of initial an in-service training of prosecutors and judges) undertook training actions on domestic violence, both in the Criminal area and in the area of Family and Children's jurisdiction, as well as in the Labor area, with the participation of approx. 400 professionals;
- In the framework of Ministry of Home Affairs, 2015 training plan was implemented as follows:
 - GNR - 10 in-service training courses on special community policing programs, with a total of 189 trainees. Some training actions that were not included in the initial plan were later promoted, in a total of 14 training courses/actions, covering about 428 elements;
 - PSP - 8 in-service training courses in special community policing programs, with a total of 8277 trainees, with a total workload of 147 hours.
 - DGRSP (Ministry of Justice) - 14 training actions on intervention with perpetrators, aimed to Probation Officers Social Reintegration Professionals, covering a total of 232 trainees. The training actions were carried out throughout the continental territory and focused on the following topics:
 - Psychoeducational Intervention in the PAVD (Program for Domestic Violence Perpetrators)
 - Risk Assessment in Domestic Violence - SARA - Spousal Assault Risk Assessment
 - Motivational Interview.
- Victim Support Professionals (TAVs) - Law no. 112/2009, provides that care and direct assistance to victims of domestic violence must be carried out by victim support professionals (TAVs). These professionals who, within the scope of their duties and with the appropriate training and qualifications, identify, monitor and evaluate victims of domestic violence, ensuring a valid, prompt and effective response to the needs and help requests. There is a specific training (90 hours training course certified by CIG) for these professionals. In 2015, with social games funding, 10 training courses were promoted to train 150 Victim Support Professionals.
- CIG promoted 4 training courses on domestic violence among the same sex couples for the national support network for domestic violence victims' professionals, covering 104 professionals, in 4 main cities.
- CITE promoted 15 training courses on situation of women and men in the labour market, gender gaps in labour market indicators, sexual harassment, combating labour segregation and discrimination and promote gender equality by deconstructing gender stereotypes for 620 professionals, employers and social partners (454 female and 166 male).

Data on 2016

- CIG carried out 13 training actions on domestic violence and gender-based violence, among professionals from the police and social security covering about 220 professionals from different cities of the country.
- Directorate General of Health - training courses for approx. 238 health professionals (doctors, nurses, psychologists, social workers, lawyers and hospital administrators). In the course of these training actions, the manual "Interpersonal Violence - Approach, Diagnosis and Intervention in Health Services" was made public.
- CEJ promoted training courses on "Domestic violence and gender", "Domestic violence and gender and female genital mutilation", and "Victim in criminal proceedings", similar to previous years training plans. In addition, in the scope of the Criminal Jurisdiction, as well as of the Family and Minors, the topics addressed by the V National Plan have also been addressed in the various sessions that have

already been held in the Initial Magistrates Training Course, which has been in progress since 2016.

- Ministry of Home Affairs training plan was implemented as follows:
 - GNR held a course on investigation and support to specific victims, involving 78 trainees;
 - PSP carried out a course on Integrated Model of Proximity Policing for 235 professionals, and carried out training courses on Domestic Violence for 41 professionals;
 - Retrospective Analysis of Homicides in Domestic Violence - 3 training courses for 83 security forces trainees.
- CIG, as the Intermediate Organization of the Operational Program for Social Inclusion and Employment, opened a call aimed to qualify professionals from the different areas in gender equality, sexual orientation and gender identity, preventing and combating domestic and gender-based violence (including female genital mutilation, preventing and combating trafficking in human beings and supporting and supporting victims and perpetrators). As part of this call, CIG has developed a set of training guidelines aimed at supporting entities that promote training for professionals working in the above mentioned areas. One of the benchmarks for this competition was the training of Victim Support Professionals, so it is expected that in 2017 these training actions will occur in a large scale.
- CITE promoted training courses on situation of women and men in the labour market, gender gaps in labour market indicators, sexual harassment, combating labour segregation and discrimination and promote gender equality by deconstructing gender stereotypes for 641 professionals, employers and social partners (406 female and 235 male).

Education - Educational Guides on Gender and Citizenship

During the school years of 2014-2015 and 2015-2016, this strategy continued to be developed: 45 in-service teachers' training courses about Education, Gender and Citizenship, validated by the Ministry of Education, were funded by social games. These courses were carried out by 6 universities (Open University and Universities of Braga, Porto, Coimbra, Beira Interior and Évora) and 4 High Education Schools of Polytechnic Institutes (Portalegre, Santarém, Setúbal and Lisbon), and also by both CIG and the General Directorate of Education, covered all grades of education system (from preschool to secondary education) and about 200 school clusters all around the country, including Madeira and Azores, and providing approximately 1.800 hours of training.

E. Please provide information on action taken to set up or support programmes for perpetrators of domestic violence as referred to in Article 16, paragraph 1. In particular, please provide details on:

The Directorate-General for Reintegration and Prison Services (DGRSP) has a rehabilitation program for domestic violence perpetrators (PAVD), which could be described as follows:

- PAVD is a structured intervention, based on an ecological model with a strong cognitive-behavioural orientation, addressed to defendants/convicted persons under Article 152 of the Criminal Code - Domestic Violence whenever the offender (male) maintains or has maintained a relationship with the female victim. It is applied by the courts and executed by the DGRSP, aiming at promoting in the perpetrators the awareness and assumption of responsibility for violent behaviour and the use of alternative strategies in order to reduce criminal recidivism.
- PAVD can be applied in the context of any sentence or judicial measure that is executed in the community, with a minimum duration of 18 months, protection orders, provisional suspension of the criminal proceeding, suspension of execution of the penalty, as an accessory penalty or attached to the electronic surveillance system (electronic bracelet).

PAVD is composed by the following phases:

- Phase 0 - Risk assessment: essential for determining whether defendants meet the criteria for integration and are responsive to this intervention.
- Phase 1 - Stabilization: Individual case management using motivational techniques.
- Phase 2 - Psychoeducational Approach: Group intervention (20 structured sessions) in which issues associated with conjugal violence are addressed.
- Phase 3 - Relapse Prevention: Individual follow-up aimed at consolidating the learning process aimed at preventing criminal recidivism.

The PAVD is a multimodal program that works as a whole and in a sequential way, and it is not feasible for the accused to pass the stage without fulfilling his/her antecedent.

Results obtained:

- During the years 2015 and 2016, the PAVD was applied to 10,3% and 9,9% of the individuals followed by the Probation Officers for the crime of domestic violence "against spouses or similar to spouses";
- At the end of 2016, a total of 1,809 individuals were integrated into the PAVD, or had already completed it. Of these, the majority are in compliance with a suspension of execution of the imprisonment measure (53% with the so-called Proof Regime and 11% with imposition of rules of conduct), followed by situations of provisional suspension of the criminal proceeding (35%). Only 1% is within the scope of a measure of constraint;
- Most of the individuals comply with the frequency of the Program under a judicial measure with a duration of 18 months, followed by measures between 2 years and 2 ½ years;
- Of the individuals in the PAVD, for whom data is available on the criminal record, 62,8% are primary, 11% have a criminal record for domestic violence, 6,1% have facts connected with interpersonal violence and other acts. It is also verified that 20.1% have antecedents for crimes other than domestic violence;
- On 1 January 2016, 814 individuals in the PAVD were followed up by the Probation Officers, who completed the year to follow 841 PAVD (27 individuals);
- In 2016, at the national level, a total of 402 new penalties/measures were initiated with an obligation to frequency PAVD;
- During 2016, according to the methodology of the PAVD, a total of 1,142 individuals with a judicial obligation to attend the Program were interviewed;
- Of the individuals still integrated in the PAVD, 66% are in Phase 1 of the Program, 18% in Phase 2 and 16% is in the last Phase;
- In 2016, 26 Psychoeducational groups (with 228 individuals) were concluded, and another 15 groups were formed that include 162 defendants / convicted persons who continued to 2017.

The program also includes procedures for intervention with victims/partners with the dual purpose of assessing the risk of recidivism of the perpetrator and providing them with a victim support centre framework.

In parallel to all phases of the Program is the judicial follow-up of the sentence or measure applied (sending periodic reports to the court), the work articulated with the community network (police, victim support centre, etc.).

The program's theoretical rationale is based on a complex perspective of conjugal violence as a dysfunctional relational pattern resulting from "(...)interaction between individual variables (e.g. dysfunctional beliefs about "myself" and others), dysfunctional interpersonal attitudes or strategies (e.g., Aggressive behaviour, control, humiliation and limitation of the freedom of the other) and cultural beliefs and gender stereotypes that function as instrumental beliefs"¹¹. The assumption of this perspective determines the Program's focus on changing certain behaviours, a set of cultural and social beliefs, but also a series of representations of the individual on himself/herself, such as, in this case, early maladaptive schemes.

¹¹ Rijo & Capinha, 2012, page 44.

This programme is financed by annual state budget.

The PAVD Program was externally evaluated by a university entity - CESP (Cooperativa de Ensino Superior, Politécnico e Universitário, CRL Instituto Superior de Ciências da Saúde-Norte, Instituto de Investigação e Formação Avançada em Ciências e Tecnologias da Saúde / Cooperative of Higher Education, Polytechnic and University, CRL Institute of Sciences of the Health-North, Institute of Research and Advanced Formation in Sciences and Technologies of the Health).

F. Please provide information on action taken to set up or support programmes for sex offenders as referred to in Article 16, paragraph 2. In particular, please provide details about:

The DGRSP develops a rehabilitation program for sex offenders, which could be described as follows:

- Technical intervention program aimed at prisoners convicted by the commission of sexual crimes, including crimes against freedom and sexual self-determination, is composed of a common core of motivational intervention, consisting of 14 sessions, and two lines of intervention differentiated and specific to the current criminal typology, Namely for perpetrators of crimes against sexual freedom and another for perpetrators of crimes against sexual self-determination of the victim, with 30 sessions each, which means that in total the program consists of 44 sessions;
- It is a cognitive-behavioural program that uses the dynamics of groups as privileged technique and seeks to detect which intellectual mechanism contributed or facilitated the commission of crimes that, in certain cases, hinder the rationality of human ethics;
- After an initial evaluation phase, where all personal dimensions are questioned, from personality characteristics, cognitive abilities, history and personal antecedents, socio-familial framework, employment conditions, among others, and after the holistic knowledge of that subject, the problem / deficit areas are then equalized and prioritized in order of needs, guiding the technical intervention for its restoration.

Results obtained: In 2016, a total of 69 inmates attended and 4 programs were developed inside prisons.

This programme is financed by annual state budget. An impact assessment project is being developed by a university institution, which will retrieve the empirical evaluation data already collected through the intrinsic methodologies of the program and will evaluate the recidivism of all the recruits who attended the program.

G. What action has been taken to encourage the private sector, the information and communication technology (ICT) sector and the media, including social media, to participate in the elaboration and implementation of policies as set out in Article 17, paragraph 1?

(Please see also question H. in this chapter)

The Working Conditions Authority (ACT) develops a specific programme to promote gender equality and decent working conditions in order to:

- identify, eliminate and/or reduce discrimination in hiring, remuneration systems, vocational training and performance assessments;
- enhance the gender dimension in inspection activities;
- train and raise the awareness of labour inspectors for the acquisition of specific skills in the identification and characterization of gender-based discrimination in the workplace, in particular indirect discrimination;
- implement inspection activity support instruments which make it possible to indicate situations of discrimination and noncompliance with labour legislation in the field of gender equality in all activity sectors.

This programme involves workers and their representatives, employers and their representatives, beneficiaries of the work, service providers, social and institutional partners. It also developed in 2016 an Action to promote Gender Equality at Work with CITE in order to promote gender equality at work and ensure the effective application of the rights of employees, namely by:

- increasing public and social awareness of the phenomenon of sex discrimination in the labour market;
- engaging and making social partners, representatives of workers and society at large accountable in the fight against sex discrimination in the labour market;
- contribute to increasing the belief that sex discriminatory behaviour in the labour market is reprehensible and not tolerable.

This Campaign will end in 2017.

The Ministry of Economy (ME) through its Directorate-General for Economic Activities (DGAE) has been raising awareness on human rights, namely through the RSO PT network (a network that continuously develops topics regarding social responsibility). In 2016, it developed a Brochure containing a step-by-step guide to help Portuguese organizations to develop self-regulatory standards (*a code of conduct*): “Code of ethics and conduct. Advantages and Benefits to the Organization” explicitly saying which areas should be included and addressed when creating a code of conduct (moral and/or sexual harassment, multiple discrimination, diversity and inclusion and equal opportunities). This Brochure aims to promote best-practices on corporate social responsibility, namely to encourage and stimulate Portuguese organizations to better help tackle domestic violence.

H. Please specify which self-regulatory standards such as codes of conduct for the ICT sector and the media, including social media, exist in the area of violence against women and/or gender equality (for example to refrain from harmful gender stereotyping and spreading degrading images of women or imagery which associates violence and sex).

(Please see also question G. in this chapter)

ACT has been developing information materials in the framework of the above mentioned Action to promote Gender Equality at Work, in particular advertisements published in nationwide media about harassment, wage equality, working hours, conciliation of the professional and personal life, parenthood. This action has 3 main axes:

- Raising awareness and information axis: initiatives directed at different target groups/public opinion: advertising campaign and dissemination targeting specific audiences: leaflet, poster, information telephone line, FAQs, campaign website;
- Education axis: advertising in basic and secondary education schools, using appealing language and in public information meetings;
- Inspection action (taking place in 2017).

General Data	
Inspection visits, visited establishments, workers encompassed	2015
Inspection visits	39.306
Own initiative	13.916
On request	4.393
Own initiative and on request	7.190
Second and other visits	13,807
Visited Establishments	25.447
Own initiative	15.171
On request	3.479
Own initiative and on request	6.797

No. of workers	234.643
Men	133.315
Women	101,328

Inspections in the field of vulnerable groups in 2015 - The approach of gender equality as a matter of good citizenship, respect for differences and the universality of the guarantees associated with the employment contract, as well as the protection of vulnerable groups of workers (such as minors, especially in the use of their work in shows, advertising and similar activities) justified the conducting of inspections by the services of ACT.

Inspection	Visits	Notif. to take measures	Warning	Fines levied for offences	Minimum penalty framework (EUR)
Equality and non-discrimination in employment and at work	256	71	90	53	104.471,88
Based on gender	25	0	9	1	204
Based on nationality	25	12	6	2	661,88
Based on race	3	0	1	4	1.962
Fixed-term hiring	9	0	2	1	1530
Other forms of discrimination	194	59	72	45	100.114
Immigrant workers	532	316	171	171	242.831,08
Minors	67	24	14	28	39.571,32
Other vulnerable groups of workers	37	19	8	1	2.040

- ACT carried out 256 visits, with the purpose of developing strategies for prevention and control to promote policies and practices of equality and non-discrimination in access to employment and working conditions.
- All sectors of economic activity were considered, particularly civil construction, hotel and restaurant management, agricultural areas, trade, entertainment and related activities.
- These inspection visits resulted in 53 coercive procedures 90 warnings were also issued.
- The exercise of the information activity and control in the context of equality and non-discrimination in employment and at work on the basis of sex aims to guarantee protection associated with parenthood, the prevention of discrimination in employment and at work on the basis of sex and the guarantee of equal pay for men and women for work of an identical nature, quality and quantity.

ACT - Information/awareness raising

- 79 actions to raise awareness on equality and non-discrimination in access to employment and work;
- 121 dissemination actions "Back to School Campaign" (the issue of equality was not the only one, but one of the themes addressed in a transversal perspective of gender equality);
- Information and awareness on gender equality and bullying (available on [ACT website](#)).

ACT has, in all its regional services, face-to-face and a national telephone information service, where workers and employers and their representative bodies can obtain information and advice in the areas that constitute its mission:

- Faqs, specific legislation on gender equality, list of psychosocial risks/harassment/stress / violence, complaints form.
- Instruments to support action to combat sex discrimination at work:
 - a) CITE in partnership with the ACT, has created a set of tools to facilitate the activity of inspectors and labour inspectors in their day to day activities, which help them in the objective identification of discriminatory practices based on sex, and also promoted the acquisition of knowledge and skills on gender equality by these inspectors.
 - b) Information guide on preventing and combating harassment in the workplace: an instrument to support self-regulation - this guide is a support tool that aims, in a simple way, to help identify situations of harassment and to serve as inspiration for the construction of procedures to prevent and combat such phenomena in the workplace.

The Ministry of Economy through DGAE has been developing three measures present in the V National Plan, namely:

1. “Good Practices Guide for Business on the Prevention and Combat of Domestic and Gender Violence” (DGAE and CIG worked together to create), finished in 2016.
2. Awareness raising workshops for Portuguese enterprises, businesses, public administration, trade unions and civil society on good practices to prevent and combat of domestic and gender violence.
3. Conference (2016): “Corporate Sustainability: Challenges and Opportunities”. Specific panel Domestic Violence: “Costs of Domestic Violence for the Employer: Disclosure of the Good Practices Guide for Business on the Prevention and Combat of Domestic and Gender Violence”. Campaign target: Portuguese enterprises. Participants: Public administration, businesses and business associations.

I. What measures have been taken to encourage the establishment of **protocols** or **guidelines**, for example, on how to deal with sexual harassment in the workplace; and to raise awareness of human resources staff on issues of violence against women, including domestic violence?

- Guideline (2015-2016) - Children and Young People exposed to domestic violence (please see answer to question B, Chapter III)
- Guideline/Good Practices (2015) - Prevention and Combat against Domestic and Gender Violence - Good Practices Guide for Business (please see also answer to previous question)

Volume 1 - “Domestic and Gender Violence and employers: Learning for Action”- literature review, from a national and international perspective, about the consequential social, economic, labour and business costs of domestic and gender violence involved in the labour market. This literature review also focuses in the best business practices and legislation in the combat of this problem.

Volume 2 - “Guide on good practices about prevention and combat against Domestic and Gender Violence targeting enterprises” – based on Volume 1 literature and empirical data the guide presents specific action measures to companies/enterprises.

Volume 3 – “Recommendations to prevent and combat Domestic and Gender Violence in the enterprises” - set of general recommendations for enterprises and other relevant stakeholders.

- Guideline/Good Practices (2015-2016) - Handbook for Professionals Working with LGBT Victims:

Lisbon University Institute Centre of Social Intervention Research developed and published by CIG request. This innovative guide presents the identification, systematization (and, in some cases, more profound knowledge) and guidelines for professionals that work with

LGBT victims of violence in intimate relationships. This guide is the acknowledge product that professionals who daily work with victims of gender violence, especially domestic violence, need specific training on the violence(s) that these victims suffer.

- The VIDArte Prize aims to distinguish artistic work focused on the theme of domestic violence - in the areas of cinema, theatre and literature (during the V National Plan). Portuguese work or co-productions (in PT) have been accepted for competition, which seek to portray:

- violence resulting from an imbalance of power between men and women, which results in acts of physical, psychological and sexual violence, being most victims, women;
- violence as an obstacle for achieving equality, development and peace and violates human rights and fundamental rights/freedoms.

Goals:

- to deconstruct gender stereotypes, which support the maintenance of asymmetrical intimate relationships, based on dynamics of power and control of one member over the other;
- to portray the consequences - personal and social - that the experience / exposure to situations of domestic violence entails;
- to reduce social tolerance in the face of domestic violence;
- to promote a culture of non-violence, based on the principles of equality and the exercise of citizenship.

- Igualdade é Qualidade Prize (Equality is quality prize)

It is a prestigious distinction with the strategic objective of combating discrimination and promoting equality between women and men at work, employment and vocational training, as well as reconciling work, family and personal life. The Prize was created in 2000 and recognizes the merit of companies and other employers (Public, cooperative, associations and other non-profit organizations), in the development of exemplary policies and good practices in the promotion of equality between men and women. It was decided to distinguish, as of the 11th edition, the good business practices in the prevention and combating domestic violence and gender. This Prize pursue exemplary policies regarding equality and good practices for reconciling professional, personal and family life, and good practices domestic and gender based violence. In last edition of the award were submitted 19 organizations (companies' public sector; private sector and social economic). In this Prize we have 3 honourable mentions in each sector.

Putting in place mechanisms to deal with sexual harassment in the workplace is one of the goals of equality plans that are mandatory to state owned companies and are recommended in private companies since Ministers Council Resolution Nr. 19/2012, of March 8.

- Sexual and Moral Harassment in the Workplace

CITE developed between January 2014 and April 2016 the project Sexual and Moral Harassment in the Workplace, which included a wide and diverse universe of partners to ensure a crosscutting dissemination of its results. This project had as main objectives to make the diagnosis and characterisation of moral and sexual harassment in the labour market in Portugal and raise awareness regarding harassment at the workplace. (Please see answer to questions F e G, Chapter II)

In the framework of the cooperation relations between CITE and ACT, and in order to develop joint actions to raise awareness among employers, as well as to achieve a more fluid articulation between CITE's legal work and ACT's inspection activity, the two entities, in a joint initiative, promoted the above mentioned National Action to Promote Gender Equality at Work (<http://cite.gov.pt/pt/acite/campanhas006.html>), with a duration of one year (September 2016 to September 2017) and with the objective of raising awareness about the importance of promoting gender equality and decent work, based on four thematic axes: harassment, equal pay, protection in parenthood/work-life balance and access to work, employment and vocational training.

The launching of the Action was held on September 20, 2016, with the participation of 124 people.

Putting in place mechanisms to deal with sexual harassment in the workplace is one of the goals of equality plans that are mandatory for state owned companies and recommended to private companies under the Ministers' Council Resolution Nr. 19/2012, of March 8.

J. Please indicate any other measures taken or planned to prevent violence against women.

Please see also projects Sexual and Moral Harassment in the Workplace by CITE and Gender Equality at Work by ACT in previous questions.

Prevention of sexual violence in intimate relationships:

In the last 2016 quarter, CIG presented a project to the European Commission - Directorate General Justice and Consumers - under the restricted call for proposals JUST / 2016 / RGEN / AG / VAWA - Action grants to support national information, awareness raising and education activities aimed at preventing and combating violence against women Under the Rights, Equality and Citizenship Program (2014-2020). The project - prevention of sexual violence in intimate relationships was designed and presented by CIG to the European Commission in partnership with the Social Security (ISS, IP), the Directorate General of Health (DGS), the Ministry of Justice (MJ), the General Directorate of Education (DGE) and the Directorate General of School Institutions (DGEstE) and the General Secretariat of the Ministry of Internal Affairs (SGMAI).

The project aims to raise the awareness within professionals in these five professional areas (professionals in the public administration, considered key to implement prevention programs regarding sexual violence in intimate relationships. These different professional sectors, as partners in the Domestic Violence Victims National Support Network, are the target public of the project and will learn to recognize, in the context of their intervention, the problem of sexual violence in intimate relations and adapt their attitudes and behaviours regarding the problem. This is an action/research project composed of four distinct phases: a 1st phase of diagnostic evaluation aiming at knowing and systematize the beliefs and attitudes of the five sectors regarding sexual violence in intimate relations; a 2nd phase consisting on designing an awareness and information campaign for each professional group; a 3rd phase – National and sectoral Campaign implementation; and a 4th phase - impact assessment. The project will start in May 2017 and end in November 2019.

Transport Service for Domestic Violence Victims and their Children:

The "Transport Service for Domestic Violence Victims and their Children" is available since August 1st 2013. The service ensures the safe and secure transportation of domestic violence victims and their children, (as well as their personal belongings) from any kind of domestic violence support service to emergency accommodation and shelters, guaranteeing their physical and emotional integrity. The Transport service is a national (continental) service activated through a call centre system. The service is available every day, 24 hours/day.

Year	Number of Transports	Number of people transported
2014	707	1 462
2015	676	1 316
2016	665	1300
Total	2 222	4 434

IV. Protection and support

- A. Please provide details on action taken to ensure that women victims of all forms of violence covered by the Convention receive information on support services and legal measures available to them, as required by Article 19.**

Article 15 of the Victim's Statute¹² grants to all crime victims the right to receive adequate and timely information on available support services and legal measures in a language they understand, namely:

1. the type of services or organizations to which they could go to ask for support;
2. the kind of support they can receive;
3. where and how you can file a complaint (
4. how and under what terms can receive protection or
5. Legal aid,
6. what are the requirements governing its right to compensation
7. under what conditions they have the right to interpretation and translation and
8. what procedures to file a complaint, if their rights are not respected by the competent authorities operating in the context of the criminal proceeding.

Same rights are set forth in Article 15 of Law Nr. 112/2009, 16th September, establishing the legal regime applicable to the prevention of domestic violence.

All information must be provided to victims in a simple, clear and accessible language.

It should be highlighted that the legislation establishes, as well, the concept of "particularly vulnerable victims" and therefore individual assessments that must be done, should take into account, in particular, victim's personal characteristics entitled to special protection measures. Sexual violence, gender based violence or intimate relationship victims can have same special treatment when they provide statements. Competent law enforcement authorities have relevant training regarding the appropriate way to provide this information and on communicating with victims in order that they feel they are being treated with dignity. Portugal has special police departments that provide information and assistance to victims: Article 27 - Law Nr. 112/2009, 16th September - Offices for information and assistance to victims in police stations

1. Victim care offices working within police stations ensure the prevention, care and monitoring of domestic violence situations.
2. Each law enforcement authority should organize its network of service offices, equipped with appropriate conditions, namely privacy, to take care for victims.
3. The provisions of the previous paragraphs should also be implemented, whenever possible, at the premises of the Departments for criminal investigation and prosecution (DIAPs).

B. 1. Please provide a short description of the measures taken to ensure that the following **general support services** (as referred to in Article 20, paragraph 1) take the situation of women victims systematically into account, employ measures and interventions to ensure their safety, and are equipped to meet their specific needs and to refer them to the appropriate specialist services:

a. financial support services

Woman victims of violence are entitled to receive in advance cash benefits from the State whenever, as a consequence of the crime, they find themselves in a situation of serious financial hardship. This is reinforced when the woman is a victim of domestic violence. The claim of such support should be sent to the Commission for the Protection of Victims of Crime. Please see:

- [Article 14, Law Nr. 61/91, 13 August - Advance compensation](#)
- [Article 40, Law Nr.112/2009, 16 September - Financial support](#)
- [Article 5, Law Nr.104/2009,14 September - Advance compensation for victims of domestic violence](#)
- [Article 6, Law Nr. 104/2009,14 September - Down payment amount](#)

Victims who are in an economic need situation can access the Social Integration Income (RSI). RSI is a transitional cash benefit and aims to provide these victims with resources that contribute to the satisfaction of their basic needs and to the fostering of a progressive social, labour and community insertion. The RSI processed for victims of domestic violence is the subject of priority analysis by the social security services.

¹² Annex to Law Nr. 130/2015, 4th September

As stated in chapter II, question C. 2, sheltered women have access (at the moment of exit) to an empowerment fund. This fund was created to enable women to cope with all the expenses when leaving shelters and starting a new phase in their lives. This fund as a wide coverage, it can be used to pay first need goods (food, pharmacy), appliances, renting, water/gas/electricity bills, education (kindergarten is not a public/free service), travel and books and school supplies. This fund is based on an annual estimated cost of € 517 000, 00.

Year	N. assisted women
2015	240
2016	295
TOTAL	778

b. housing services

Sheltering/Emergency accommodations

As mentioned before, Portugal has 39 shelters available for women victims of domestic violence and their children, with a total of 669 women vacancies in the country (including both autonomous regions). There is also, since October 2016, a shelter for men victims of domestic violence (10 vacancies). In addition to these long-term services (the law provides up to 6 months accommodation with the possibility of extended accommodation for an equal period), there are 126 emergency vacancies aimed at crisis situations and the need for immediate and short-term security. These vacancies allow that accommodation in a shelter will only take place when it is strictly necessary and when re-victimisation risk justifies it. The occupancy rate of shelters is around 78% and of emergency accommodations is considerably lower. It should also be noted that this national support network is fully financed by the Portuguese State and managed by NGOs that establish cooperation agreements with the state.

Shelters are obliged to comply with a set of requirements, established in Law no. 1/2006, of January 25¹³, and in Law Nr. 112/2009, 16th September ¹⁴, in its current version of September 2015. All 39 shelters must (among other standards established in the two mentioned diplomas):

- temporarily accommodate women and children, protecting their physical and psychological integrity;
- provide the necessary conditions for their education, health and well-being, in a peaceful and safe setting;
- promote the acquisition of personal, professional and social skills;
- promote the reorganization of the womens' lives aiming at family, social and professional reintegration.

The services provided are totally free of charge. It is up to the State to promote the creation, implementation, expansion and support shelters and other services that are part of the national network.

Any form of public support for shelters and emergency accommodations, regarding establishment or operation, requires the technical supervision of the Public Administration's body responsible for citizenship and gender equality. It also requires Social Security inspection (in accordance with legal attributions), as well as the technical support and monitoring of those social responses that are the subject of a cooperation agreement. The supervision and monitoring of all these shelters and emergency services are therefore the joint responsibility of the Social Security services and the body responsible for the area of citizenship and gender equality.

It should also be pointed out that according to Law Nr. 112/2009, CIG is responsible for ensuring technical supervision in the specific domestic violence services. CIG verifies the

¹³ Regulates the organization, operation and inspection conditions of shelters that are part of the public network to support women victims of violence.

¹⁴ Establishes the legal regime applicable to domestic violence prevention and to the protection and assistance of its victims.

conformity of the procedures with national, community and European guidelines on the subject and articulation with the public policies. It also monitors the work of the teams regarding intervention models and practices, which must follow the guidelines issued by the social security services, and the training, information and updating of the technical-scientific skills of their human resources.

Failure to comply with the legally established standards for the implementation and operation of these services compromises their public funding and, therefore, their existence.

The 39 shelters of the national network of shelters, as well as 126 emergency vacancies, are distributed among 15 of the 18 Districts of Continental Portugal (coverage of 83% of the territory) and in both autonomous regions (coverage of 100% of the territory). Moreover, in the vast majority of cases the domestic violence victims are located outside their residence area due to re-victimization risk. For this reason, the Portuguese state provides a safe and secure transport service to the domestic violence services for women and children (previously mentioned).

The impact of this relocation, in socio-professional terms, is even foreseen in Law Nr. 112/2009, which guarantees, transfer for children in shelters to a nearest school. Under the Labour Code, the victim of domestic violence has the right to be transferred, temporarily or permanently, at his/her request, to another establishment of the company.

Between 2013 and 2015 were implemented 126 emergency vacancies for domestic violence victims – in existent shelters or in new structures built for this specific purpose. These vacancies are totally funded through the State Secretary for Parliamentary Affairs and Equality. Regarding national coverage, from the 18 districts, 13 have emergency vacancies specific for domestic violence victims.

Emergency Accommodations	
Year	N. accommodated people ¹⁵
2015	1632 ¹⁶
2016	1628
TOTAL	4201

Lease support

Article 45 of Law Nr. 112/2009, establishes that the domestic violence victim is entitled to support for lease, to the assignment of public housing or to specific equivalent modality, under the terms defined by law or in protocols for this purpose. Accordingly, Article 11 of Law no. 80/2014, of December 19, recommends that, in the allocation of a housing under a supported lease, whenever the typology and the conditions of the dwellings object of the procedure allow it, the rental agencies define preferential criteria, particularly for single-parent families or involving minors, persons with disabilities or those aged 65 or over, or for domestic violence victims. This diploma also provides for an exceptional regime that determines access to the allocation of housing under a supported lease to individuals and households that are in urgent and / or temporary housing needs, namely as a result of natural disasters and calamities or other situations of vulnerability and social emergency and physical or moral danger to persons, including those related to domestic violence.

In addition, women accommodated in shelters have privileged access to a housing stock exchange, with national coverage, according to a protocol between CIG and the Institute of Housing and Urban Rehabilitation (IHRU). In 2015, of the 41 applications by the National Network of Shelter Homes, 16 houses were allocated and 23 requests carried forward to the following year. In 2016, of the 46 applications, 17 came through and 25 carried forward to the following year (the remainder refers to withdrawals by women).

Also to be highlighted is the Collaboration Protocol "Solidary Municipalities with Domestic Violence Victims", established in 2012, which provides support for the empowerment of

¹⁵ Children and Women

¹⁶ This increase is justified by the new emergency accommodations created in 2015

domestic violence victims who have been accommodated in a shelter aiming to return to community of origin or other (if justified by reasons of safety or labour allocation). Municipalities undertake to include women victims of domestic violence in their priorities regarding social housing or to present alternatives such as council house renting at low-cost for domestic violence women that leave shelters. If all this fails, the municipality must provide, through its social action services, the necessary support to women victims of domestic violence. Currently, there are 129 municipalities that subscribed to this exceptional regime (42% of municipalities, throughout the national territory).

c. legal counselling services;

According to Law Nr. 112/2009 - Article 15 - Right to information, legal counselling is covered in the following terms: The victim shall be guaranteed access to the following information from his or her first contact with law enforcement authorities:

1. the type of services or organizations to which she/he may turn for support;
2. the type of support he/she can receive;
3. where and how he/she can file a complaint;
4. what procedures follow the complaint and what is its role in the complaint;
5. how and under what terms can receive protection;
6. to what extent and under what conditions does he/she has access to Legal advice; or Legal aid; or other forms of advice;
7. what are the requirements governing his/her right to compensation;
8. what special defense mechanisms he/she can use, being resident in another State.

Victims are entitled to benefit from legal aid when they have the legal status of “assistant” or of a civil party in the criminal proceedings, or when, as witnesses, they would like to be accompanied by a lawyer at any procedural stage. Whenever the victims are dealing with insufficient financial resources, the legal assistance to be provided is free of charges. Victims are entitled as well to benefit from legal aid and advice about their role and status during the entire criminal proceedings. All services provided through the national network for support victims of domestic violence are free of charge to those victims (Article 54 of Law Nr. 104/2009).

d. psychological support services

Victim support service goals:

1. To ensure the support of victims in the areas of psychosocial care and legal information;
2. To assess and manage risk and social needs of victims;
3. To provide information and training on the issue of domestic and gender based violence to strategic targets at regional and local level, in particular with schools, civil society organizations, local authorities and companies.

As such, psychological support is provided by victim support services.

e. Education and training services

Domestic violence victims have priority into vocational training programs or any other active measure of employment. The victim shall also be given priority in the employment centres and employment and vocational training centres of the Institute of Employment and Vocational Training (carried out under privacy). Institute of Employment and Vocational Training (IEFP) - within the scope of the V National Plan gives priority to domestic and gender violence victims when contacting job centres/vocational training centres to register, seek employment, participate in professional courses designed to promote their employability or to be referred and integrated in Active Labour Market Policies (ALMP).

In 2015, a total of 705 domestic violence victims visited a local job and vocational training centre. In total, 327 victims have been integrated in different employment, occupational and training measures. In 2016, only with provisional data available, 510 victims of domestic

violence visited local job and vocational training centres. Of this total, 185 victims, have been integrated in different employment, occupational and training measures

Since 2014 CIG and Directorate General for Education develop the project “*School goes to The Shelter*”. This project aims to empower sheltered women in different key areas: literacy, digital literacy and basic computer skills, basic mathematic, Portuguese for foreigners and Visual Education.

School goes to The Shelter		
School Year	N. covered shelters	N. covered women
2014-2015	14	119
2015-2016	13	156
2016-2017	18	230

(f) Employment services

Article 42 of Law Nr. 112/2009 - Transfer at the worker's request - Victims of domestic violence should be given priority in accessing job vacancies. Also, under the Labour Code, a worker who is a victim of domestic violence has the right, subject to same conditions, to be transferred, temporarily or permanently, at his/her request, to another facilities or branch of the company.

(g) any other relevant service: Please see also answer to next question.

Adult Violence Prevention Teams (EPVA). These teams are part of an action health plan towards gender health, violence and life cycles by the Ministry of Health. This is an integrated model of intervention on interpersonal violence across life span entitled Health Action on Gender, Violence and Life Span (HAGVLS), coordinated by the Directorate-General of Health. Among other objectives, HAGVLS aims to prevent interpersonal violence, specifically domestic violence, sexual violence, stalking, dating violence, violence against elder people, vicarious violence, female sexual mutilation and trafficking in human beings. In order to implement HAGVLS, multidisciplinary Adult Violence Prevention Teams (EPVA) was formed in Health Centres and Hospitals, which have, amongst others, the main functions:

- Disseminate useful information to the public and raise awareness among professionals of different services for gender equality and violence prevention throughout the life cycle;
- Disseminating legal, regulatory and technical information on the subject;
- Increase the training and preparation of professionals in the field;
- Collect and organize statistical data about the situations of violence attended in health services;
- Provide consulting support to other health professionals and teams with regard to report, monitoring or referral of violence cases;
- Managing clinical situations in the domain of violence that can be monitored at the level of Primary Health Care and Hospitals;
- Encourage the establishment of intra-institutional and inter-sectoral cooperation mechanisms in the area of interpersonal violence;
- Establish collaboration with other projects and community resources;
- Mobilize internal and external network resources;
- Ensure functional coordination with others teams in this domain

Since 2016 is also available a crisis centre for women and girls victims of sexual violence (serving all metropolitan-Lisbon area). This centre is a based on a protocol between an NGO (AMCV) and, the Deputy Minister and the Minister of Justice. This is a specialized service offering psychosocial support and individual psychological support to women and girls

victims of sexual violence. It is also a networking specialized service in awareness, risk prevention and secondary victimization.

Since November 2016, 3 Specialised Support Centres were opened for LGBTI population.

2. Please provide information on measures taken in relation to Article 20, paragraph 2, to ensure women victims benefit from appropriate **health care and social services**. Please also provide information on **protocols and guidelines** for staff assisting women victims and for their referral to additional appropriate services.

Law Nr. 112/2009 clarifies:

- Principle of equitable access to health care - the State, taking into account the health needs, ensures appropriate measures to ensure access to suitable treatment of the victim.
 - Clinical treatment - The National Health Service ensures the provision of direct assistance to the victim by specialized technicians and promotes the existence of service offices and clinical treatment aimed to prevent domestic violence.
 - Exemption from moderating fees - The victim is exempt from the payment within the scope of the National Health Service.
 - As part of the Health Action on Gender, Violence and Life Cycle, created by Order No. 6378/2013 of May 16 - Ministry of Health, a guide named "Interpersonal Violence - Approach, Diagnosis and Intervention in Health Services" was prepared. It is a publication that aims not only to improve the knowledge about the phenomenon of interpersonal violence, in the multiple contexts and forms that it covers, but also to enunciate the principles of preventive action in the services, the institutional devices and the flowcharts of action in the response to the problem through good practice. This document constitutes a technical reference for the intervention of all professionals and health teams who, in their daily activity, identify contexts and risk factors for interpersonal violence, signal, intervene or refer cases that are detected. In its elaboration, we could count on the contributions of a large group of personalities of recognized scientific and technical merit in different areas related to the prevention of interpersonal violence. (please see also answer to question B, Chapter III)
 - The Guidance on FMG (2012) which includes health action protocols.
 - In accordance with V Plan - measure 23 - *To define minimum operating requirements for the structures integrated within the national support network for victims of domestic violence, and for their supervision and technical follow-up*, CIG developed a [minimum standard guide for the national domestic violence network](#). This document is the framework for all services working with domestic violence victims (regardless specific professional protocols). Alongside with extensive law regulation presently being discussed it will be national compass for quality services in domestic and gender based.
 - Psychological counselling and clinical follow-up is available for cases of domestic violence, for both military and civilians and their families, at the Armed Forces' Hospital.
1. Please provide information on the annual number of women victims of violence who have been assisted by health and social services.

According to DGS, 153 new cases of FGM were registered in 2015/2016 in the Health Data Platform, which means that they are women who have been assisted by the health services.

No more data available.

- C. What steps have been taken to ensure that victims have information on access to and assistance with individual or **collective complaints mechanisms** (including legal advice) offered at regional or international level (Article 21). No data available.
- D. Please provide a description of the measures taken in relation to Articles 22, 23 and 25 to provide or arrange for **specialist women's support services** for all women victims and their children.
1. their number and geographical distribution (with an indication of the number of places in women's shelters. Please see tables in question C.2 in Chapter II
 2. the number of paid staff per service. No data available.
 3. their accessibility (for example 24/7 or other)
 - Emergency accommodations – 24/7
 - Shelters – 24/7
 - Victim support centres - 9a.m to 6p.m, in general, but they could, in special cases, be available in an extended schedule
 - National Helpline - 24/7
 4. the criteria defining a service as a specialist women's service as well as the standards of intervention, protocols, and any guidelines which are applied in order to ensure a gendered understanding of violence against women and a focus on the safety of the victims.

As previously stated, in accordance with the V Plan - measure 23 - *To define minimum operating requirements for the structures integrated within the national support network for victims of domestic violence, and for their supervision and technical follow-up*, CIG developed a [minimum standard guide for the national domestic violence network](#). These standards are compulsory and are the first step to a network services quality certification process that will begin in 2017. In March 2017 CIG applied to 2016 JUST/2016 Action Grants from European Commission- Directorate-General Justice and Consumers. The applied project: *Information management system for The National Support Network for Domestic Violence Victims*. CIG had Social Security Institute as an associated partner and Warwick University as a partner. The presented project will be an important instrument in this certification process, an online platform that gathers all information regarding services and their characterization will enable us to better monitor the domestic violence network and its different services.

5. the different groups of victims they are available for (for example women only, children, migrant women, women with disabilities, other).

As previous clarified, shelters are available for women and their children and there is one shelter for men and their children. All other services must be accessible to all individuals regardless of ancestry, sex, race, language, territory of origin, religion, political or ideological beliefs, education, economic situation, social status or sexual orientation, as guaranteed by the Portuguese Constitution – article 13) Principle of equality: 1) *All citizens have the same social dignity and are equal before the law.* 2) *No one can be privileged, benefited, harmed, deprived of any right or exempt from any duty due to ancestry, sex, race, language, territory of origin, religion, political or ideological beliefs, education, economic situation, social status or sexual orientation.*

All network services must have the human, physical conditions to respond to and/or accommodate all victims. The minimum standard guide mentioned in the previous question defines the specific training and physical facilities required for specific victims (regarding physical and mental disabilities, origin, age, sex, and others).

6. the annual number of women seeking help from these services. Please provide specific information on the annual number of women who requested and those who received, together with their children, accommodation in women's shelters. No data yet available.

7. their funding (source, funding periods and legal basis). Please see answer to question B. e C. in Chapter II).
8. who they are run by (for example women's NGOs, other NGOs, faith-based organisation, local government). Please see answer to question B. e C. in Chapter II).
9. whether they are free of charge for all women (that is, irrespective of their income);

According to Law Nr. 112/2009 which establishes the legal framework applicable to the prevention, protection and assistance of domestic violence victims and creates The National Support Network for Domestic Violence Victims, article 54^o - Free services:

1 - The services provided through the national network of support for victims of domestic violence are free of charge.

2 – When insufficient financial resources are proved, legal assistance to victims is free of charge.

Protection measures (tele assistance) are also free of charge.

10. co-ordination between specialist support services and with general support services.

CIG is the body responsible for coordinating The National Support Network for Domestic Violence Victims.

- E. Please provide information on measures taken to set up **telephone helplines** to provide advice to callers in relation to all forms of violence covered by the Convention, as referred to in Article 24.

SIVVD - Domestic Violence Victim Information Service

The Domestic Violence Victim Information Service (SIVVD) is the first and only nationwide, free number to provide information and support to domestic violence victims. Being essentially an informative telephone line, it is intended to provide basic information on the most appropriate procedures for dealing with domestic violence situations, as well as on legal rights and procedures that must be put in place and also on the resources closest to the area of residence (or work) of the person requesting information and/or support. The helpline is anonymous and confidential and operates 24/7. The helpline professionals are from the social and human sciences areas with training in counselling and support for domestic violence victims.

Domestic Violence Calls between 9 and 5.30 pm, working days ¹⁷	
2014	952
2015	965
2016	658

The Ombudsman's telephone helplines (state wide, free of charge and 24/7) - In order to facilitate a more informal and permanent contact with the Ombudsman services, this State body implemented, in 2015, a new and integrated service to the the public. The personalized citizen assistance service includes face to face and general phone helpline assistance alongside with the other helplines: Children, Senior Citizen and a Person with disability.

- As to allegations of violence, the Children's helpline received 55 calls regarding neglect, 44 regarding psychological and physical ill-treatment, 19 referring to exposure of children to deviant and risk behaviours, 14 allegations of exposure of children to domestic violence, 11 concerning bullying, and 1 concerning sexual abuse.

¹⁷ Between 5pm and 9am, during working days, and all weekends, this Help Line is supported by National Social Emergency Helpline

- The Senior Citizen's helpline frequently receives calls concerning violence against elders. During 2016, 115 calls referring to neglect were received, 105 regarded ill-treatment (within the family or institutions), 58 concerned material and financial abuse and 20 allegations of abandonment.
- Person with disability helpline received 10 calls regarding neglect and ill treatment.

F. Please provide information on action taken to ensure that, in the provision of the above-mentioned general and specialist support services to victims, due account is taken of the rights and needs of **child witnesses** of all forms of violence against women as specified in Article 26, including age-appropriate counselling.

National Commission for the Promotion of the Rights and Protection of Children and Young People (CNPDPJC) – Under the Law of Protection of Children and young people in Danger, establish the following promotion and protection measures:

1. Support to the parents;
2. Support to other relatives;
3. Entrusting to a person of trust;
4. Support for independent living;
5. Family care;
6. Residential care;
7. Entrusting to the person selected for the adoption, foster family or institution for adoption.

In 2015, domestic violence accounted for 96.2% of the cases reported to the CPCJ, entailing behaviours that can compromise the well-being and development of children. Also, data from shelters and emergency shelter responses revealed that more than 50% of the vacancies are occupied by children. In order to respond to these situations, a Protocol was created between CNPDPCJ and CIG. In 2016, preparatory meetings and clarification sessions were held between the two institutions for the purpose of creating a technical orientation, to be concluded in June 2017. Until now, 28 protocols have been signed between the CPCJs and the social assistance services of the local social intervention network

G. Please indicate any **other measures**, including measures taken with regard to reporting as provided for in Articles 27 and 28, taken or planned to provide protection and support to victims of violence against women.

Reporting a crime is mandatory regarding all crimes, for law enforcement authorities and for public officials, even if the perpetrator of the crime is unknown.

For some types of crime (public crimes), a complaint by any person is sufficient to start a criminal investigation by any Public Prosecutor. Domestic violence, for instance, is a public crime, therefore it is sufficient that the Public Prosecution Service becomes aware of the crime in any way whatsoever, for criminal proceedings to be initiated. In other words, the case begins regardless of whether or not the victim wishes to make a complaint and the crime may be reported by anyone. If the person does not want to reveal his/her identity, it is possible to report the crime anonymously, even though it is preferable that the person provides identification identified, so that he/she can be called upon to cooperate in the criminal investigation at a later stage.

Law enforcement authorities and any public official are required to report any crime that they become aware of, whether in the course of their duties or because of their duties. Reporting a crime is also mandatory for anyone who becomes aware of situations that endanger the life, physical or psychological integrity, or freedom of a child or young person under the age of 18.

Please see [Articles 241 to 244 and 246 of the Code of Penal Procedure](#):

- Article 241 - Taking notice of the crime

- Article 242 - Mandatory report of a crime
- Article 243 - Notice record
- Article 244 - Optional report of a crime
- Article 246 - Form, contents and types of reports

V. **Substantive law**

- A. 1. Please provide information on the relevant **legal framework** in place (for example criminal law, civil law, administrative law) which gives effect to the provisions of the Convention, including action taken to avoid legislative gaps.

Additionally to Criminal Law, as far as civil legislation is concerned, although they are not widely used, there are also measures to remove the perpetrator foreseen in Civil law.

In accordance with Article 70 (1) of the Civil Code, «the law protects individuals against any unlawful offense or threat against its physical or moral" and the person threatened has the right to "request appropriate action in the circumstances of the case, in order to avoid the commission of such threat or mitigating the effects of the offense already committed "(article 70 (2) of the same Code).

The process of guardianship of personality is foreseen in Article 878 et seq of the Code of Civil Procedure, under the title of special procedures. According to Article 878 it could require the enactment of measures specifically designed to prevent the commission of any unlawful and direct threat to the physical or moral personality of the human being or to mitigate or to cease the effects of an offence already committed. The application must be submitted together with the presentation of evidence and the court must immediately appoint the date of the hearing to be held within 20 days (Article 879 (1), CPC).

In August 2015 the Penal Code was amended: the female genital mutilation crime became autonomous, stalking and forced marriage were established as crimes and rape, sexual coercion and sexual harassment crimes were amended, in compliance with the Istanbul Convention.

Article 144-A - Female genital mutilation

1. Any person who, totally or partially, through a clitoridectomy, infibulation, excision or any other harmful practice of the female genital tract for any non-medical reasons, is subjected to a prison sentence of 2 to 10 years.
2. The preparatory acts of the crime provided for in the preceding paragraph shall be punished by imprisonment for up to 3 years.

Article 154-A - Stalking

1. Any person who repeatedly persecutes or harasses another person, by any means, directly or indirectly, in a manner that is likely to cause him fear or disquiet or jeopardize his freedom of determination, shall be punished by imprisonment for up to 3 years or a fine, if a more severe penalty does not fit him under another legal provision.
2. The attempt is punishable.
3. In the cases provided for in paragraph 1, ancillary sentences may be applied to the defendant to prohibit contact with the victim for a period of 6 months to 3 years and an obligation to attend specific programs to prevent conduct typical of stalking.
4. The accessory penalty of contact with the victim shall include removal from the place of residence or place of work of the victim and compliance with it must be supervised by technical means of remote monitoring.
5. The criminal procedure depends on complaint.

Article 154-B - Forced marriage

Whoever compels another person to marry or enter a similar union will be punished with a prison sentence up to 5 years.

2. Does your internal law contain any specific legislation addressing violence against women?

Article 13 of the Constitution of the Portuguese Republic (principle of equality) establishes that all citizens have the same social dignity and are equal before the law (paragraph 1) and no one can be privileged, favoured, prejudiced, deprived of any right or exempted from any duty for reasons of ancestry, sex, race, language, territory of origin, religion, political or ideological beliefs, education, economic situation, social circumstances or sexual orientation (paragraph 2).

This means that everyone is entitled to the protection of the right to life without distinction or discrimination of any kind, and all persons shall be guaranteed equal and effective access to remedies for the violation of this right.

Since 1991 specific legislation addressing woman victim of violence is in force – Law Nr. 61/91 of 13 August, and regarding victims legislation concerning domestic violence, Law Nr. 112/2009, 16 September, Law Nr. 104/2009, 14 September and Law Nr. 130/2015, 4 September (which includes the Victim's Statute in its annex).

In the Criminal Police context, the EPJ - Criminal Police Training School defined a training program with different levels of subjects and different courses related. The first program course is about the legal framework bearing in mind the victims issues and the intervention responsibilities of the police in this context. The training sessions have a strong practical context with discussion of the legal issues applied to real cases of the different police departments.

3. Please provide in an appendix a compilation of extracts from or summaries of the relevant legal texts, including specific legislation addressing violence against women. These texts should be provided in one of the official languages of the Council of Europe (English or French), as well as in the original language, where applicable.

Relevant legal documents (PT links):

[Domestic violence - article 152 of the Penal Code](#)

[Law No. 112/2009, 16 September, amended and republished by Law Nr. 129/2015, 3 September](#) which establishes the legal framework applicable to the prevention, protection and assistance of domestic violence victims and creates The National Support Network for Domestic Violence Victims

Victim's Directive - Transposition for the National Legal System.

B. What action has been taken to provide relevant professionals with **guidance on how to implement the above legal framework** (for example drawing-up of protocols for police and other law enforcement officials, guidelines for prosecutors, and setting up of special units)?

- In order to improve the quality of police action, two instruments have recently been created:
 - the risk assessment tool aiming at minimizing the possibility of the victim being subjected to further assault and, in the end, saving lives, allowing security forces to be closer and monitor the situation by adjusting the preventive measures alongside with the investigation.
 - the Domestic Violence Policing Manual, which integrates in a single document all the technical police procedures to be adopted by the security forces according to their level of intervention/function.

- GNR, aware of its responsibilities, created specialized teams, the NIAVE (Team of Investigation and Support to Specific Victims), distributed by all territorial units, in an unequivocal response to the defense of the rights of the victims. These teams are specially dedicated to investigation, they (net)work in close connection and articulation with other community services, such as social security, NGOs, always with an interdisciplinary perspective.
- PSP has essentially focused on training as a means of alerting the police officers to this type of violence.
- [Law No. 112/2009, 16 September, amended and republished by Law Nr. 129/2015, 3 September](#) which establishes the legal framework applicable to the prevention, protection and assistance of domestic violence victims and creates The National Support Network for Domestic Violence Victims is itself the national framework in domestic violence and a guide to implementation.

C. Please detail the procedures available to women victims to provide them with civil remedies:

1. **against the perpetrators** (Article 29, paragraph 1)

In Portugal, Protection Orders are mainly, if not exclusively, issued in criminal proceedings. Although it is possible to apply for Protection Orders in civil proceedings, this rarely happens in practice. These proceedings are distinct from the criminal proceedings.

Within the civil remedies against the perpetrator it is possible to apply to the Civil Court to order the removal of the perpetrator for instance.

According to Article 70 (1) of the Civil Code, «the law protects individuals against any unlawful offense or threat against its physical or moral" and the person threatened has the right to "request appropriate action in the circumstances of the case, in order to avoid the commission of such threat or mitigating the effects of the offense already committed "(Article 70 (2) of the same Code).

The process of guardianship of personality is foreseen in Article 878 et seq of the Code of Civil Procedure, under the title of special procedures. According to Article 878 it could require the enactment of measures specifically designed to prevent the commission of any unlawful and direct threat to the physical or moral personality of the human being or to mitigate or to cease the effects of an offence already committed. The application must be submitted together with the presentation of evidence and the court must immediately appoint the date of the hearing to be held within 20 days (Article 879 (1), CPC).

If the request is upheld, the court shall determine the actual conduct to which the defendant is subject and, where appropriate, also the periodic penalty payment for each day of delay or for each infringement (Article 879 (4) of CPC).

From the criminal point of view, in Portugal, as a rule, compensation must be requested in the context of the criminal proceedings. Article 71 of the Code of Criminal procedure (CCP) establishes the principle of accession, according to which a claim for civil damages based on a criminal offence is deduced in the respective criminal proceedings, and can only be filed separately before a Civil Court in the cases provided for in Law and set forth in Article 72 of the same Code.

Article 129 of the CP provides that compensation for damages arising out of a crime is regulated by Civil law, applying here the principles set out in Articles 483 et seq. of the Civil Code. According to Article 129 the facts that are the subject of criminal proceedings may also be the ground for civil liability, as long as they affect interests that may be repaid in accordance with the civil law.

Therefore, the victim must express such will as soon as he/she files the complaint or until the investigation is concluded, as referred to in Article 75 (2) CCP, with 20 days after notification

of the indictment, to submit the application for compensation as laid down in Article 77 (2) of the same Code.

Even if an application for compensation has not been filed, the Criminal Court may, on its own initiative and having regard to the situation of the victim, order the defendant to pay him/her a certain compensation for the harm suffered, unless the victim him/herself objects to it.

In the case of victims of violent crimes, that is, those identified in Article 1 (j) and (l) of the CPP, there may be an advance of the compensation by the State or payment when it cannot be borne by the perpetrator and provided that the damage has caused considerable disruption to the level and quality of life of the victim, pursuant to Article 2 (1) (a) and (b) of Law Nr .104/2009, 14 September.

It should be mentioned that the foregoing right extends, in the case of death, to persons who, under the terms of Article 2099 (1) of the Civil Code, are granted a right to food and those that, under Law 7/2001, 11 May, live in union with the victim, according to paragraph 3 of the abovementioned Article.

It should also be noted that under Article 67a (3) of CPP, victims of violent crime and particularly violent crime (Article 1 (j) and (el) of CPP) are considered to be especially vulnerable for the purposes of subparagraph (b) of paragraph 1 of that Article.

The claim for compensation must be submitted to the Commission for the Protection of Victims of Crimes, in accordance with Article 10 (1) of Law no. 104/2009, of September 14, up to one year from the date of commission of the crime, or where a criminal proceeding exist, up to one year after the Court's final decision. The victim who at the time of the crime was a minor may submit the request up to one year after reaching the age of majority (18 years old), under the terms of Article 11 of the same Law.

2. where applicable, **against state authorities** which have failed in their duty to take the necessary preventive or protective measures within the scope of their powers (Article 29, paragraph 2).

According to the Portuguese legal framework, citizens can be compensated for damages caused to the rights or interests legally protected under the terms of Law no. 67/2007, of 31 December. This Law regulates the non-contractual civil liability of the State and other public entities for damages resulting from the exercise of legislative, judicial and administrative functions. It also covers civil liability for the holders of the organs, civil servants and public agents for damages arising from actions or omissions taken in the exercise of administrative and judicial functions and for the exercise of such exercise, as well as other employees of the entities covered.

The Constitution of the Portuguese Republic refers in Article 22 (Responsibility of public entities) that, jointly with the officeholders of their entities and bodies and their staff and agents, the State and other public entities are liable for actions or omissions that are committed in or because of the exercise of their functions and result in a breach of rights, freedoms or guarantees or in a loss to others.

D. Please detail the procedures available to women victims:

1. to claim **compensation from perpetrators** for any of the offences established in accordance with the Convention (Article 30, paragraph 1) Please see the answers to questions C.1.
2. to obtain, where applicable, **state compensation** when any such offence involves sustained serious bodily injury or impairment of health (Article 30, paragraph 2)

In the case of victims of violent crimes, that are those identified in Article 1 (j) and (l) of CPP, there may be an advance of the compensation by the State or a payment when it cannot be borne by the perpetrator and provided that the damage has caused considerable disruption to the level and quality of life of the victim, pursuant to Article 2 (1) (a) and (b) of Law Nr. 104/2009, 14 September.

It should be mentioned that the foregoing right extends, in the case of death, to persons who, under the terms of Article 2009 (1) of the Civil Code, are granted a right to food and those that, under Law Nr. 7/2001, 11 May, live in union with the victim, according to paragraph 3 of the abovementioned Article.

It should also be noted that under Article 67a (3) of CPP, victims of violent crime and particularly violent crime (Article 1 (j) and (e) of CPP) are considered to be especially vulnerable for the purposes of subparagraph (b) of paragraph 1 of that Article.

The claim for compensation must be submitted to the Commission for the Protection of Victims of Crimes, in accordance with Article 10 (1) of Law Nr. 104/2009, 14 September, up to one year from the date of commission of the crime, or where a criminal proceeding exist, up to one year after the Court's final decision. The victim who at the time of the crime was a minor may submit the request up to one year after reaching the age of majority (18 years old), under the terms of Article 11 of the same Law.

E. Please detail the procedures in place to ensure that:

1. incidents of violence against women are taken into account in the **determination of custody and visitation rights of children** (Article 31, paragraph 1) as a superseding concern;

State's intervention regarding this matter is subject to certain principles: the principle of the best interests of the child, the principle of privacy, the principle of minimum, proportional and current intervention, the principle of parental responsibility, the principle of family's prevalence, the principle of mandatory providing of information, the principle of mandatory hearing and the principle of participation and subsidiarity.

Law Nr. 147/99, 1st September - Law of protection of children and youth people in danger:

Article 3 - Legitimacy of intervention

1. Intervention for the promotion of the rights and protection of children and young people in danger occurs when parents, legal guardians or guardians endanger their safety, health, training, education or development, or when this danger results from the act or omission of a third party or the child or young person himself /herself who is not adequately opposed to removing it.
2. The child or young person is considered to be in danger when, in particular, he or she is in one of the following situations:
 - a. Is abandoned or lives in self-surrender;
 - b. Suffers physical or mental abuse or is a victim of sexual abuse;
 - c. Do not receive care or affection appropriate to your age and personal situation;
 - d. It is in the care of third parties, during a period of time in which the establishment was observed with them of strong relation of connection and simultaneously with the non-exercise by the parents of their parental functions;
 - e. It is obliged to carry out activities or work that are excessive or inappropriate to its age, dignity and personal situation or harmful to its formation or development;
 - f. Is subject, directly or indirectly, to behaviours that seriously affect its safety or its emotional balance;

- g. Behave or engage in activities or consumptions that seriously affect their health, safety, training, education or development without the parents, legal guardian or guardians objecting in an appropriate manner to remove this situation.

Article 1913 of the Civil Code - Inhibition of right

1. The following shall be deemed to be fully disqualified from the exercise of parental responsibilities:
 - a. Those convicted definitively for a crime to which the law assigns this effect;
 - b. Forbidden and disabled by psychic anomaly;
 - c. Absentees, from the appointment of the provisional curator.
2. The children who are not emancipated and those who are prohibited and disabled, who are not referred to in sub-paragraph b) of the previous number, are considered to be fully entitled to be prohibited from representing the child and administering their property.
3. Judicial decisions that inhibit the exercise of parental responsibilities are communicated, as soon as they have become final, to the competent court, in order to take the necessary measures.

Article 1915 of the Civil Code - Inhibition of the exercise of parental responsibilities

1. At the request of the Public Prosecution Service, of any relative of the minor or person to whom he is entrusted, de facto or de jure, the court may order the disqualification of the exercise of parental responsibilities when any of the parents culpably The children, with serious prejudice of these, or when, due to inexperience, illness, absence or other reasons, if it does not show in conditions to fulfill those duties.
2. Inhibition may be total or limited to the representation and administration of children's assets; May cover both or only one parent and refer to all or only one or a few children.
3. Unless otherwise decided, the effects of the inhibition covering all children shall extend to those born after it has been decreed.

Inhibition and limitations on the exercise of parental responsibilities:

Article 52 of Law no 141/2015, 8th September - General Regime of the Civil Tutelary Process - Legitimacy and grounds of inhibition

The Public Prosecution Office, any family member of the child or person under whose custody is still de facto, may request the total or partial inhibition of the exercise of parental responsibilities when either of the parents culpably violates the obligations towards their children, or if, due to inexperience, illness, absence or other reasons, he or she is unable to comply with those duties.

2. women victims and their children remain safe from any further harm in the **exercise of any visitation or custody rights** (Article 31, paragraph 2).

Please provide examples of how these procedures have been implemented.

F. Please indicate how your internal law criminalises the following forms of violence: **psychological violence, stalking, physical violence, sexual violence, including rape, forced marriage female genital mutilation, forced abortion, forced sterilisation.**

Concerning the crime of domestic violence, the legal right protected by the objective type is complex and includes physical, psychological and emotional health, the freedom of personal and sexual self-determination of the victim of violent acts and their dignity when integrated in a relationship or because of this relationship.

Article 152 of the Penal Code - Domestic violence

1. Whoever, in a repetitive manner or not, imposes physical or mental abuses, including bodily punishments, deprivations of liberty and sexual offences:
 - a. To the spouse or ex-spouse;

- b. To a person of another or of the same sex with whom the agent maintains or has maintained a relationship equal to a relationship of spouses, even if without cohabitation;
 - c. To progenitor of common descendant in first degree; or
 - d. To a person particularly undefended, due to age, deficiency, disease, pregnancy or economic dependency, who cohabitates with him;
- is punished with sentence of imprisonment from one to five years, if a more serious sentence is not applicable to him by virtue of another legal provision.
2. In the case foreseen in the previous number, if the agent commits the act against a minor, in the presence of a minor, in the common domicile or in the victim's domicile is punished with sentence of imprisonment from two to five years.
 3. If, from the acts foreseen in no.1 result:
 - a. Grievous bodily injury, the agent is punished with sentence of imprisonment from two to eight years;
 - b. The death, the agent is punished with sentence of imprisonment from three to ten years.
 4. In the cases foreseen in the previous numbers, the accessory sentences of prohibition to contact with the victim and of prohibition to use and carry weapons may be applicable to the defendant, for a period from six months to five years, and of obligation to attend specific programs for prevention of domestic violence.
 5. The accessory sentence of prohibition to contact with the victim may include the distance from the victim's residence or place of work and its compliance may be supervised by remote technical means.
 6. Whoever is convicted by a crime foreseen in this article may, considering the concrete seriousness of the act and its connection with the function performed by the agent, be hindered from the paternal power, tutorship or curatorship for a period from one to ten years.

Article 152-A - Physical abuse

1. Whoever, having under his care, protection, under the responsibility of his direction or education or working at his service, a minor or particularly undefended person, due to age, deficiency, disease or pregnancy, and:
 - a. Imposes to such person, in a repetitive manner or not, physical or mental abuses, including bodily punishments, deprivations of liberty and sexual offences or treats such person cruelly;
 - b. Uses such person in danger activities, inhuman or prohibited; or
 - c. Saddles such person with excessive works;

is punished with sentence of imprisonment from one to five years, if a more serious sentence is not applicable to him by virtue of another legal provision.
2. If from the acts foreseen in the previous numbers result:
 - a. Grievous bodily injury, the agent is punished with sentence of imprisonment from two to eight years;
 - b. The death, the agent is punished with sentence of imprisonment from three to ten years.

Article 153 of the Penal Code - Threat

1. Whoever threatens another person with the commission of a crime against life, bodily integrity, personal freedom, sexual liberty and self-determination or property of considerable value, in an adequate way to cause him fear or worry or to impair his liberty of determination, is punished with sentence of imprisonment for not more than one year or with fine penalty for not more than 120 days.
2. The criminal proceeding depends upon complaint.

Article 154 of the Penal Code - Coercion

1. Whoever, by means of violence or threat with an appreciable harm, constrains another person to an action or omission or to bear an activity, is punished with sentence of imprisonment for not more than three years or with fine penalty.
2. An attempt is punishable.
3. The act is not punishable:
 - a. If the use of the mean to accomplish the intended purpose is not censurable;
 - or

- b. If it is aimed to avoid suicide or the commission of a typical unlawful act.
4. If the act occurs between spouses, ascendants and descendants, adopting persons and adopted, or between persons, of a different or of the same sex, who live in equal conditions as those of spouses, the criminal procedure depends upon complaint.

Article 154-A of the Penal Code - Stalking

1. Any person who repeatedly persecutes or harasses another person, by any means, directly or indirectly, in a manner that is likely to cause him fear or disquiet or jeopardize his freedom of determination, shall be punished by imprisonment for up to 3 years or a fine, if a more severe penalty does not fit him under another legal provision.
2. The attempt is punishable.
3. In the cases provided for in paragraph 1, ancillary sentences may be applied to the defendant to prohibit contact with the victim for a period of 6 months to 3 years and an obligation to attend specific programs to prevent conduct typical of stalking.
4. The accessory penalty of contact with the victim shall include removal from the place of residence or place of work of the victim and compliance with it must be supervised by technical means of remote monitoring.
5. The criminal procedure depends on complaint.

Article 143 of the Penal Code - Simple bodily injury

1. Whoever harms the body or the health of another person is punished with sentence of imprisonment for not more than three years or with fine penalty.
2. The criminal procedure depends upon complaint, unless the harm is committed against agents of the security forces or services, in the performance of their duties or because of them.
3. The court may discharge without punishment:
 - a. In the case of reciprocal injuries and if it was not proved which one of the contenders has attacked in first place; or
 - b. In the case where the agent has solely exercised retort over the aggressor

Article 144 of the Penal Code - Grievous bodily injury

1. Whoever harms the body or the health of another person in a way that:
 - a. Deprives him from important organ or limb, or deforms him in a serious and permanent manner;
 - b. Takes or affects, in a serious way, his work capacity, intellectual capacities, of procreation or of sexual enjoyment or the possibility to use the body, the senses or the language,
 - c. Causes him a particularly painful or permanent disease, or grievous mental disorder or incurable; or
 - d. Causes a danger for his life;is punished with sentence of imprisonment from two to ten years.

Article 145 of the Penal Code - Qualified bodily injury

1. If the injuries to bodily integrity are produced in circumstances that reveal a special censurability or perversity of the agent, the latest is punished:
 - a. With sentence of imprisonment for not more than four years in the case of Article 143;
 - b. With sentence of imprisonment for not more than twelve years in the case of Article 144.
2. The circumstances foreseen in no. 2 of article 132 are capable, amongst others, of revealing the special censurability or perversity of the agent.

Article 163 of the Penal Code - Crimes against sexual liberty - Sexual coercion

1. Whoever, by means of violence, serious threat or after having rendered, for such purposes, another person unconscious or incapable of resisting, constrains such person to suffer or to commit, with himself or with a third party, a relevant sexual intercourse is punished with sentence of imprisonment from one to eight years.
2. Whoever, by any other mean not foreseen in the previous number and by abusing of the authority resulting from a familiar relationship, tutorship or curatorship or from hierarchical, economic or work dependence, or by taking advantage of the dread that has caused, constrains another person to suffer or to commit a relevant sexual

intercourse with himself or with a third party, is punished with sentence of imprisonment for not more than two years.

Article 164 of the Penal Code - Crimes against sexual liberty - Rape

1. Whoever, by means of violence, serious threat or after having rendered, for such purposes, another person unconscious or incapable of resisting, constrains such person:
 - a. To suffer or to commit, with himself or with a third party, copula, coitus per anus or oral sexual intercourse; or
 - b. To suffer vaginal or anus penetration of parts of the body or objects;is punished with sentence of imprisonment from three to ten years.
2. Whoever, by any other mean not foreseen in the previous number and by abusing of the authority resulting from a familiar relationship, tutorship or curatorship or from hierarchical, economic or work dependence, or by taking advantage of the dread that has caused, constrains another person:
 - a. To suffer or to commit, with himself or with a third party, copula, coitus per anus or oral sexual intercourse; or
 - b. To suffer vaginal or anus penetration of parts of the body or objects;is punished with sentence of imprisonment for not more than three years.

Article 154-B of the Penal Code - Forced marriage

Anyone who embarrasses another person to contract marriage or union comparable to that of marriage shall be punished by imprisonment for up to five years.

Article 144- A of the Penal Code - Female genital mutilation

1. Any person who, totally or partially, through a clitoridectomy, infibulation, excision or any other harmful practice of the female genital tract for any non-medical reasons, is subjected to a prison sentence of 2 to 10 years.
2. The preparatory acts of the crime provided for in the preceding paragraph shall be punished by imprisonment for up to 3 years.

Article 140 of the Penal Code - Abortion

1. Whoever, by any means and without the consent of the pregnant woman, makes her abort is punished with sentence of imprisonment from 2 to 8 years
2. Whoever, by any mean and with the consent of the pregnant woman, makes her abort is punished with sentence of imprisonment for not more than three years.
3. The pregnant woman who gives consent to the abortion executed by a third party, or that, by an own or another's act, makes herself abort, is punished with sentence of imprisonment for not more than three years.

Article 141 of the Penal Code - Aggravated abortion

1. When from the abortion or from the means employed results the death or a grievous bodily injury of the pregnant woman, the limits of the sentence applicable to whom makes her abort are raised of one third.
2. The aggravation is also applicable to the agent who customarily pursues the commission of abortions punishable in the terms set out in nos. 1 and 2 of the previous article or makes it with a profitable intention.

There is no crime in the Penal Code under the designation of forced sterilisation. However, this conduct is covered by Article 144 (please see above)

G. How does your internal law criminalise or otherwise address **sexual harassment**, as defined in Article 40?

Article 170 of the Penal Code - Sexual importunacy

Whoever importunes another person by way of performing exhibitionist acts, formulating sexual proposals or compelling such person to a contact of a sexual nature is punished with imprisonment up to one year, or a fine up to 120 days, if a more serious sentence is not applicable under another legal provision.

H. How does your internal law address **aiding or abetting** in relation to psychological violence, stalking, physical violence, sexual violence (including rape), forced marriage, the

performance of female genital mutilation, forced abortion and forced sterilisation (Article 41, paragraph 1)?

Aiding and abetting provisions are foreseen in the general Part of the Penal Code and are applicable to offences above mentioned in answer to question H.

Regarding Article 26 of the Criminal Code, co-authorship, unlike instigation or moral authorship, always implies the direct participation of the offender in the execution of the illegal fact, within the framework of prior agreement or of reciprocal and conscious collaboration.

Complicity differs from co-authorship by the absence of control of the illegal fact; The accomplice limits its intervention to facilitating the commission of the main fact by means of physical (physical) or psychic (moral) assistance, and this assistance is included in any contribution that has made the main fact or strengthened the damage to the juridical protected interest committed by the offender. Complicity is a mere aid, not determining the will of the offenders or participating in the execution of the crime, but is always an aid to the commission of crime and to that extent contributes to the commission of crime, is a co-cause of the commission of the crime.

Article 26 of the Penal Code - Authorship

Whoever performs the act, by him/herself or by someone as an intermediary, or directly participates in its execution, in agreement or together with another person, or other persons, or intentionally determines other person to carry out the act, is punishable as principal, if there has been execution or the beginning of execution.

Article 27 of the Penal Code - Complicity

1. Whoever, intentionally or in whatever form, materially or morally helps another person to perform an intentional act, is punishable as accomplice.
2. The penalty applicable to the accomplice is the one which is fixed for the principal, specially mitigated.

Article 28 of the Penal Code - Unlawful co-participation

1. If the act's unlawfulness or the degree thereof depends on certain qualities or special relations of the agent, for the respective penalty to be applicable to all participants it suffices that these qualities or relations occur in relation to any of them, except if otherwise stated.
2. Whenever the above rule results in the application of a more severe penalty for some of the co-participants, it may be substituted, in consideration of the circumstances of the case, for the one that would apply in the absence of the above rule.

Article 29 of the Penal Code - Fault in co-participation

Each co-participant is punished according to his/her fault, regardless of the penalty or degree of fault of the other co-participants.

- I. How does your internal law address **attempts** of physical violence, sexual violence (including rape), forced marriage, female genital mutilation, forced abortion and forced sterilisation (Article 41, paragraph 2)?

Attempt is foreseen in the general Part of the Penal Code and is applicable to offenses above mentioned in Question F.

Article 22 of the Penal Code - Attempt

1. An attempt exists when the agent performs acts for the execution of a crime that he/she has decided to commit, without completing such crime.
2. Execution acts consist of:
 - a. Those acts which fulfil a constitutive element of a type of crime;
 - b. Those acts suitable to produce a typical result; or
 - c. Those acts that, according to the common experience and with the exception of unforeseeable circumstances, are of a kind which is expected to be followed by acts of the types referred to in the previous paragraphs.

Article 23 of the Penal Code - Punishment for an attempt

1. Unless stated otherwise, an attempt is punishable only if to the respective completed crime corresponds a sentence higher than three years of imprisonment.
2. An attempt is punishable with the sentence applicable to the completed crime, specially mitigated.
3. An attempt is not punishable when it is clear that the means used by the agent is inadequate or the object essential for the completion of the crime does not exist.

J. How does your internal law ensure that, in criminal proceedings initiated following the commission of any of the acts of violence covered by the Convention, **culture, custom, religion, tradition or so-called honour** cannot be regarded as justification for such acts nor as mitigating circumstances (Article 42)?

No justification culture, custom, religion, tradition or so-called honour can be regarded as justification or regarded as mitigating circumstances where any of the acts of violence covered by the Convention is committed.

According to the principle of legality, the conducts that are to be considered as crimes, as well as possible aggravating or mitigating circumstances must be clearly foreseen in the criminal law. The Portuguese criminal law does not establish this kind of justification, thus they do not apply.

In addition, according to the principle of equality, set forth in Article 13 of the Constitution of the Portuguese Republic, all persons are to be regarded as equal also in terms of application of the criminal law.

K. Please describe how your internal law ensures that the offences established in accordance with the Convention apply notwithstanding the nature of the **relationship of the perpetrator to the victim** (Article 43).

The relationship of the perpetrator to the victim is taken into account but in a different way, that is to say, as an aggravating factor, as provided for in Article 177 CP. The penalties foreseen in Articles 163 to 165 and 167 to 176 CP, will be aggravated if the victim is the defendant's ascendant, descendant, adopter, adoptee, relative up to the second degree. The same applies where the defendant is in a family relationship, guardianship, or hierarchical, economic or work dependency with the defendant and the crime is committed by taking advantage of this relation.

L. For each form of violence covered by the Convention, please specify:

1. the applicable **sanctions**, including sanctions other than criminal, and, where appropriate, when sanctions involve deprivation of liberty which can give rise to extradition (Article 45, paragraph 1);

Please see the applicable sanctions in the provisions referred to in the answers provided to previous questions.

2. the relevant further **measures** which may be taken in relation to perpetrators, such as:
 - a. the monitoring or supervision of convicted persons;

Additionally to the decision of conviction, the Court can impose additional measures as already described before in previous answers. Please see Article 152-4 of CP.

- b. the withdrawal of parental rights, if the best interests of the child, which may include the safety of the woman victim, cannot be guaranteed in any other way (Article 45, paragraph 2).

Please see the previous answer to question F.1.

M. How does your internal law ensure that the circumstances referred to in Article 46, insofar as they do not already form part of the constituent elements of the offences, may be taken into consideration as **aggravating circumstances**?

Aggravating circumstances are to be taken into account in the conditions described in [Article 71 \(2\) of CP - Determination of the extent of the sentence](#)

1. The determination of the extent of the sentence, within the limits established by law, is made on the basis of the agent's fault and of the prevention requirements.
2. In the determination of the concrete sentence, the court takes into consideration all circumstances that, although not part of the type of crime, speak for or against the agent, namely:
 - a. The degree of unlawfulness of the act, the way of its execution and the seriousness of its consequences as well as the level of breach of the duties imposed to the agent;
 - b. The intensity of the wilful conduct or of the negligence;
 - c. The feelings evidenced in committing the crime and the purposes or motives that have determined it;
 - d. The personal conditions of the agent and his/her economic situation;
 - e. The prior and subsequent conduct to the act, especially when it is aimed at repairing the consequences of the crime;
 - f. The lack of preparation to maintain a lawful conduct, evidenced in the act, when such lack should be censured through the applicability of a sentence.
3. The grounds of the extent of the sentence are expressly referred to in the sentence.

N. 1. How does your internal law – in criminal and civil law – prohibit **mandatory alternative dispute resolution processes**, including mediation and conciliation, in relation to all forms of violence covered by the Convention (Article 48)?

Article 48 of the Convention is met since the former Article 39 of Law Nr. 112/2009, 16th September, establishing the legal regime applicable to the prevention of domestic violence and the protection and assistance to their victims, has been revoked in 3 September 2015 by Law Nr. 129/2015.

2. Please specify how your internal law ensures that such processes are not otherwise imposed on women victims of domestic violence, for example within the framework of legal separation and divorce proceedings.

Please see previous answer.

O. Please provide, on a yearly basis, **administrative and judicial data** on the following matters:

It is not possible to provide statistical indicators to respond to what is specifically requested, since they refer to situations of violence specifically targeted against women. In fact, there is currently no information about victims and their characterization in criminal cases, which impairs the response to most of the indicators. Since no statistical information is currently collected on victims, it is not possible to know whether the criminal proceedings in question concern crimes committed against women. Data on victims have not been available since 2007 due to changes occurred in the method of data collection and the quality of the information collected through the new method of collection from the court's computer system. There is currently a lack of information about victims in criminal cases, which the DGPJ has tried to resolve near the entity responsible for the computer application of the courts, but it has not yet been possible to recover the information in question.

VI. Please provide information on any other measures taken or planned in relation to substantive law, together with any available data on the recourse to such measures. It is planned the adoption of a Regulatory Decree that aims to establish the conditions for the organization and operation of support centers, emergency vacancies and shelters that are part of the national support network for victims of domestic violence Investigation, prosecution and procedural law and protective measures

A. 1. Please provide information on measures adopted to ensure a **prompt and appropriate response** from law enforcement agencies to all forms of violence covered by the Convention by offering adequate and immediate protection to women victims (Article 50).

As an introductory remark, Law Nr. 72/2015, 20th July, defining the objectives, priorities and guidelines of the criminal policy for the biennium 2015-2017, defines domestic violence as a crime of priority prevention and of priority investigation.

Law Nr 61/91, of 13th August, strengthens the mechanisms of legal protection for women victims of violence (Article 1). For the first time, in 1991, a law exclusively designed to combat violence against women was approved. In its Article 16, this law provides that when the pre-trial detention measure is not imposed, the measure of compulsion to stay away from the residence, which may be cumulated with the obligation to provide a cautionary amount of money, should be applied to the defendant in the case of this person is the one residing with the victim in the common economy, when there is danger of a dangerous continuation. Article 16(2) states that whenever such coercion measure has been imposed, the penalty that will to be applied can only be suspended on condition that the defendant does not physically or psychically mistreat the woman.

Pursuant to Article 200 CCP, the investigating judge may impose to the defendant a prohibition of contact by any means with a particular person, or prohibition of the frequency of certain places or certain means. The measure of coercion foreseen in this article will allow a removal of the defendant from both the victim and the victim's residence, even if this residence is also that of the defendant to whom the measure is imposed.

The application of this measure of coercion, in addition to the obligation to fulfil the requirements set forth in Articles 191, 192, 193 and 204, will also have to fulfil the specific requirements set forth in Article 200 (1) CPP.

The prohibition of contacting, by any means, a certain person, foreseen in Article 200 (1) (d) CCP, can be cumulated with the application of the measure of compulsion to stay at home (Article 201 (2) CCP).

In addition Article 31 of Law Nr. 112/2009 establishes the possibility of applying an urgent coercive measure in cases of domestic violence. Pursuant to paragraph 1, after the constitution of a defendant for the commission of the crime of domestic violence, the court shall, within a maximum period of 48 hours, consider applying, without prejudice to other coercion measures provided for in the Criminal Procedure Code and with respect to general and specific implementation assumptions referred to therein, measure or measures, listing a range of possible measures. The measures taken to remove the defendant (now from the victim's residence) are laid down in subparagraphs (c) and (d) respectively.

Paragraph 2 of the same article guarantees that the fact that the victim has been absent from his/her residence due to the practice or serious threat of the crime of domestic

violence does not preclude the application of the abovementioned measures of removal. In most cases of domestic violence, the fact is that it is the victim who has to leave and seek help from family and friends or shelters. However, the mere fact that the victim leaves the residence does not mean that he is completely safe. Nothing prevents the perpetrator from seeking the victim even if the victim is in shelter. The possibility of applying measures of removal of the aggressor, even if the victim is no longer in the residence, will protect the victim in these cases.

Compliance with measures to remove the victim's aggressor may, where necessary for the protection of the victim, be controlled by technical means of remote control (Article 35 (1) of Law no 112/2009), commonly known as electronic bracelet. The use of electronic surveillance has been increasing, not only as a mean of monitoring the coercion measure provided for in Article 200 (1) (d) CCP and the coercion measures provided for in Law no 112/2009, as well as the accessory penalty provided for in Article 152 (4) of CP.

The Public Security Police was involved in the construction of a new work tool, the Risk Assessment File on Domestic Violence, where special priority is given to the follow-up and investigation of this type of crime. Depending on the type of risk involved the victim is contacted and re-evaluated within 72 hours to 60 days.

2. Please provide any available administrative data (see section I. Introduction) on the number of interventions carried out annually by law enforcement agencies in relation to violence against women.

The Public Security Police informs that there were 15749 registered cases of Domestic Violence, with 15753 victims (13015 females and 2738 males) and 15751 suspects (2355 females and 13396 males).

B. What procedures have been put in place to ensure that an **assessment** of the lethality risk, the seriousness of the situation and the risk of repeated violence is carried out by all relevant authorities and duly taken into account at all stages of the investigation and the application of protective measures (Article 51)?

Since 1st November 2014, the public prosecutor and security forces, whenever receiving a domestic violence complaint, use a new tool for domestic violence risk evaluation. This tool has 20 indicators corresponding to a risk scale (low, medium or high), and can predict future violent behaviour, supporting law enforcement decisions. In certain conditions of time and context, it allows to estimate the predictability of new episodes of violence through the risk assessment process, proposing measures of protection and safety for violence victims.

The new risk assessment tool aims to minimize the possibility of further victimization and, in the end, to save lives, enhancing the ability of the security forces to conduct closer monitoring and to provide the public ministry with information on exposure and risk of violence to the victim.

During 2016 28213 Risk Assessment Reports on Domestic Violence (16217 on the 1st Line and 11996 on the 2nd Line) were elaborated, 28449 security plans were drawn and periodic contacts with victims were strengthened in 33433 cases. PSP has worked to establish links with support institutions in 15435 situations.

C. 1. Please indicate which authorities are granted the power to issue an **emergency barring order** when a woman victim (or at risk) of domestic violence is in a situation of immediate danger, as referred to in Article 52 (that is, ordering the perpetrator to immediately vacate the residence of the woman victim and/or prohibiting the perpetrator from entering the residence of or contacting the woman concerned): The judicial authorities.

a. the time required to issue an emergency barring order: As mentioned above, an urgent coercive measure will have to be applied by a Judge, within 48 hours after the constitution as defendant, under the terms of Article 31 of Law Nr. 112/2009.

b. the maximum duration of an emergency barring order:

The periods of duration of the coercive measures are set forth in Articles 215 and 218 of CCP. It is important to mention that the maximum duration period for the application of the prohibition and imposition of conduct measures, established in Article 200 CCP, is the same as that established for the application of the pre-trial detention (see Article 218-2 CCP). Accordingly, the measure of prohibiting and imposing conduct is extinguished when, from the moment of its enter in force, the following have elapsed:

- a) 4 months without any charge being made;
- b) 8 months without having been instructed, an instructional decision has been issued;
- c) 1 year and 2 months without a conviction in the 1st Instance court;
- d) 1 year and 6 months without a final court decision (Article 215-1 CCP).

In accordance with Article 215-2 CPP, these deadlines will be increased, respectively, to 6 months, 10 months, 1 year and 6 months, and 2 years in cases of violent crime, which is precisely the case of crimes against life, personal freedom, freedom and sexual self-determination, punished with an imprisonment term for a maximum of 8 years or more.

c. if the duration can be extended until a protection order can be issued: Please see the previous answers.

d. if emergency barring orders can apply to all women victims of domestic violence; if not, please specify any exceptions: Please see the previous answers.

e. the type of measures used to enforce emergency barring orders and ensure the safety of the woman victim;

The means used to control the implementation of the measures is the electronic surveillance by geo-location. This system uses three components: the electronic bracelet assigned to the offender. Another geo-location device that will be assigned to the victim and a geo-location system with a server that will allow the victim and the aggressor to be located, establish exclusion zones where the offender cannot enter and manage alarms when this restriction is violated.

f. what sanctions can be imposed in case of a breach of such an emergency barring order;

The breach of the coercive measures imposed to the offender will imply a possible repeal of the measure and the possibility of a more serious measure being applied for that reason (Article 203 CCP). The offender may also incur in the crime of disobedience, provided for in Article 348 of the CP.

g. the support and advice made available to women seeking such protection: Please see the previous answers.

3. Please provide, on a yearly basis, administrative and judicial data (see section I. Introduction) on:

- a. the number of emergency barring orders issued by the competent authorities;
- b. the number of breaches of such orders;
- c. the number of sanctions imposed as a result of these breaches.

D. How are **restraining or protection orders made available to women victims of all forms of violence covered by the Convention (Article 53, paragraph 1)?**

Please specify:

1. the procedures in place to apply for a restraining or protection order;
2. if restraining or protection orders can apply to all victims of violence covered by the Convention; if not, please specify any exceptions;

3. if there are any fees levied against the applicant/woman victim (with an indication of their amount);
4. the delay between issuing such an order and when it takes effect;
5. the maximum duration of restraining or protection orders;
6. if such orders are available irrespective of, or in addition to, other legal proceedings;
7. if restraining or protection orders can be introduced in subsequent legal proceedings;
8. the criminal and other legal sanctions which can be imposed (including deprivation of liberty, fines, etc.) in case of breach; and
9. the support and advice made available to women seeking such protection.

E. Please provide, on a yearly basis, administrative and judicial data (see section I. Introduction) on:

1. the number of restraining or protection orders issued by the competent authorities;
2. the number of breaches of such orders; and
3. the number of sanctions imposed as a result of these breaches.

F. 1. How does your internal law provide for the initiation of **legal proceedings ex officio** (namely, in order not to place the onus of initiating such proceedings and securing convictions on the women victims) in relation to each of the forms of violence covered by the Convention (Article 55, paragraph 1)?

According to Portuguese criminal law there are 3 types of crimes – public crimes, semi-public crimes and private crimes. For public and semi-public crimes a complaint is not needed and the investigations may be triggered ex officio as soon as the crime reaches the authorities. Private crimes depend on a complaint submitted by victim.

In relation to all the forms of violence covered by the Convention, all of them are in Portugal public crimes and therefore a complaint is not needed to launch the investigations and criminal proceeding.

Only regarding physical violence, the relevant article within the CP (Article 143 - Simple bodily injury) refers that the criminal procedure depends upon complaint, unless the harm is committed against agents of the security forces or services, in the performance of their duties or because of them.

a. Please specify which authorities have the power to initiate such proceedings.

The competent authority to initiate a criminal proceeding is the Public Prosecutor. Law enforcement authorities can initiate an investigation, which should be communicated to the Public Prosecution, in order to be validated and to initiate the formal criminal proceeding.

b. Please also indicate, for each of the forms of violence covered by the Convention, what provisions in law, policy or guidelines define when prosecution is or is not in the public interest.

According to the CCP, the principle of legality applies to the criminal law, meaning that all crimes should mandatorily be investigated.

G. How does your internal law allow for the continuation of **legal proceedings ex parte** (even if, for instance, the woman victim withdraws her statement or complaint) as referred to in Article 55, paragraph 1?

In Portugal public crimes do not depend on a complaint in order for a criminal proceeding to be initiated, which means that the described situation does not apply.

H. 1. How does your internal law allow for NGOs or other civil society actors and domestic violence counsellors to assist or support victims in legal proceedings (Article 55, paragraph 2)?

NGOs and other civil society actors as well as domestic violence support professionals play a fundamental role in this framework. The intervention of such entities is foreseen in Article 53-8 of Law Nr. 112/2009. According to this provision The National Support Network for Domestic Violence Victims comprises:

- The Public Administration body responsible for citizenship and gender equality=CIG
- Social security institute
- Shelters
- Emergency accommodations
- Victim support centres and care structures

All these services are bound to legal assist the victims. All professionals in these services must have specific training to provide a general process legal overview to the victim.

2. Please specify the conditions for such participation as well as their legal status during these proceedings.

The victims can participate in the criminal proceedings as an “assistant”, which allow them to follow the indictment proposed by the Public Prosecutor and ask for compensation, as well as participate as witness.

I. 1. What measures of protection are available during investigations and judicial proceedings (Article 56, paragraph 1)?

2. Please provide details on all measures referred to in Article 56 paragraph 1.

- Please see also previous answers regarding the different criminal proceeding’s phases.
- The women’s victims have the right to information, as set forth in Articles 10 and 11-9 of the Victim’s Statute.
- According to the CCP, any victim of a crime can participate in the hearing, as a victim as well as a witness, show their views, needs and concerns and provide criminal evidence. Law Nr. 90/1999 on witness’s protection could be applicable. Please see also Article 15 of Victim’s Statute.
- According to the CCP, any victim of a crime could participate in the hearing, as a victim as well as a witness, show their views, needs and concerns and provide criminal evidence. Law no. 90/1999 on witness’s protection could be applicable. Please see also Article 15 of Victim’s Statute.
- In addition to the previous answers, Article 15 (2) of the Victim’s Statute states that contact between victims and their family members and suspected or accused persons in all places that involve the presence of one or the other in the context of the criminal procedures, in particular in Courts, should be avoided, without prejudice to the established in the CCP.
- Another measure of protection is the programme Tele assistance Service for Domestic Violence Victims. Objective: to increase the protection and safety of the victim, ensuring, 24 hours a day and free of charge, an adequate response to both emergency situations. This measure is ordered by the judge or, during the investigation phase, by the Public Prosecutor’s Office. The decision can only be taken after the victim gives informed consent. Psychosocial support and protection by tele-assistance shall be provided for a period of time not exceeding six months, unless exceptional circumstances require its extension. The Service also has the following specific objectives: To attenuate anxiety levels, reinforcing the feeling of protection and security by providing support and ensuring 24-hour communication with the telephone answering centre; to increase self-esteem and the quality of life by encouraging the creation and/or strengthening of a social support network; To minimize the vulnerability of the victims, contributing to their autonomy and their re-integration in society; To Mobilize the police resources proportional to the type of emergency. The victim has a mobile equipment that allows to activate, at any time, a call centre (provided by operators with training in telephone assistance to victims).

Following the alarm button activation the Operators team, activates police forces, which will go to the victim's location. The location is achieved through the combination of GPS (Global Positioning System) and Location-Based Service (LBS) technologies that transmit the geographic coordinates of a given device. The Tele assistance service ensures a rapid response in danger/risk situations and permanent emotional support, thus contributing to their empowerment. Since the beginning of the programme (2011), and until 31 December 2016, 2241 persons have benefited from this protection measure. This is a protection measure based on an articulated work between justice, law enforcement and CIG.

3. Please also describe what special measures are available to offer protection to child victims and child witnesses of violence covered by the Convention (Article 56, paragraph 2).

- Article 22 of the Victim's Statute defines the rights of children victims. According to this provision, all child victims have the right to be heard in criminal proceedings, and for this purpose age and maturity are to be considered. In the absence of any conflict of interests, the child can be accompanied by their parents, legal representative or guardian of the person during the presentation of testimony.
- The appointment of a lawyer to represent the child is mandatory when their interests and those of their parents, legal guardian or those in custody are in conflict with and even when the child with the appropriate maturity so request to the court. The appointment of the lawyer shall be made under the Law of legal aid. No information shall be disclosed to the public which may lead to the identification of a child victim, under the application to a penalty to those incurring the commission of a crime of disobedience.

J. Please provide details on the availability of **free legal aid for women victims**, as required by Article 57, including eligibility criteria.

- Free legal aid to women victims is foreseen in Articles 13 and 14 of the Victim's Statute. According to Article 13, the State shall ensure, free of charge, in cases of Law Nr. 34/2004, that the victim has access to legal consultation and, if necessary, the subsequent judiciary support. In what concerns the expenses of the resulting victim participation in criminal proceedings, it exists the possibility of the victim being reimbursed of incurred expenses as a result of such intervention, in accordance to the law and depending on the procedural position occupied by the victim in the specific case.
- All services provided through the national network for support victims of domestic violence are free of charge to those victims (Article 54 of Law Nr. 104/2009), including legal aid.
- Social Security also provides legal aid for those with insufficient income.

K. Please provide information on **any other existing investigation, prosecution, procedural law and protective measures** in relation to violence against women, together with any available data on the recourse to such measures. No other information is available.

VII. Migration and asylum

(Chapter VII of the Convention, Articles 59 to 61)

Please provide information on the measures taken in relation to migrant women victims of violence as covered by the Convention, whose status makes them particularly vulnerable.

Please also provide information on the measures taken in relation to women asylum seekers who are fleeing gender-based violence.

- A. 1. Please indicate how your authorities ensure that a migrant woman victim may be granted an autonomous residence permit in the following cases:
- a. in the event of the dissolution of the marriage or relationship due to particularly difficult circumstances such as violence, irrespective of the duration of the marriage or relationship (Article 59, paragraph 1);
 - b. in the event of the expulsion of the (abusive) spouse or partner on whom her residence status depends (Article 59, paragraph 2);
 - c. where her stay in the country is necessary owing to her personal situation (Article 59, paragraph 3a);
 - d. where her stay in the country is necessary for the purpose of her co-operation in investigation or criminal proceedings (Article 59, paragraph 3b);
 - e. where she lost her residence status as a result of a forced marriage for which purpose she was removed from her country of residence (Article 59, paragraph 4).

With regard to this subject, the Public Security Police (PSP), on 1 July 2016, signed the Protocol "Together for All", aiming to promote the establishment of partnership relations, by agreement between the parties, at local and regional level.

During the implementation of this Protocol, in addition to training aspects, both received and delivered, PSP promotes and performs local protocols, and identifies privileged interlocutors to interact directly with organizations and professionals in the area of migration, among others.

2. Please provide data on the number of women who have been granted the right to remain in your country for any of the reasons set out in categories A.1.a to A.1.e and separate the data per type of residence status granted (permanent residence status, renewable residence status, other).

- B. 1. Does your internal law recognise **gender-based violence against women as a form of persecution for asylum claims** as referred to in Article 60, paragraph 1¹⁸?

¹⁸ Article 60, paragraph 1 of the Istanbul Convention refers to Article 1, A (2) of the 1951 United Nations Convention relating to the Status of Refugees, which defines the term "refugee" as "any person who (...) owing to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it."

The new asylum law includes as applicants with specific needs, *inter alia*, persons who have been subjected to acts of torture, rape or other serious forms of psychological, physical or sexual treatment, such as victims of domestic violence and victims of female genital mutilation;

2. How do you ensure a gender-sensitive interpretation of the forms of persecution set out in Article 1, A (2) of the 1951 Convention relating to the Status of Refugees¹⁹?

3. Please provide data on the number of women victims or those at risk who have been granted refugee status on one or more of the Convention grounds, as referred to in Article 60, paragraph 1, compared to the overall number of women who requested asylum in your country.

4. Please provide data on the number of women victims or those at risk who received complementary/subsidiary protection on such grounds.

C. Please indicate steps taken to develop:

- a. gender-sensitive reception procedures and support services for asylum seekers;
- b. gender guidelines;
- c. gender-sensitive asylum procedures, including refugee status determination and application for international protection, as required by Article 60, paragraph 3.

D. How do you ensure that women whose asylum claims have been rejected are not returned to any country where their life would be at risk or where they might be subjected to ill-treatment (including gender-based violence amounting to ill-treatment), as provided for in Article 61?

E. Please indicate **any other measures** taken in relation to the protection of migrant women victims and women asylum seekers in the area of immigration and refugee law.

The Portuguese High Commission for Migration is strengthening its commitment to develop measures and actions concerning migrant women, including refugees.

At present, it is carrying out an assessment on how to better respond to the needs of these women.

This is being done in cooperation with relevant stakeholders, namely public authorities and NGOs. This cooperation is a very important element in order to guarantee that all actions taken by the different stakeholders complement each other, thus guaranteeing more coordination and effectiveness.

Moreover, the Portuguese High Commission for Migration integrates, since October 2007, the Intersectorial Working Group for the Elimination of Female Genital Mutilation coordinated by CIG. This Working Group is responsible for coordinating the Programme of Action for the Prevention and Elimination of Female Genital Mutilation, currently in its third edition.

More concretely, the Portuguese High Commission for Migration prioritizes collaborative work in this area, integrates the Jury of the Prize “Against FGM – To Change the Future Now”, promoted by the Portuguese Commission for Equality and Citizenship, and participates in the organization of the Regional Meeting on FGM, which was already held twice (February 2016 and February 2017).

¹⁹ See, for example, United Nations High Commissioner for Refugees' Guidelines on International Protection: Gender-Related Persecution within the context of Article 1, A (2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees.

It is also relevant to mention that the Portuguese High Commission for Migration is preparing two awareness raising sessions on the topic of FGM for professionals working in the High Commission. Considering the risk of FGM among women arriving from Eritrea – country of origin of some women arriving in Portugal - training on the same topic but with a more detailed plan (two and a half days), is also being arranged for those entities responsible for the reception of refugees from Greece and Italy, under the relocation and resettlement plan, within the framework of the European Agenda on Migration.

F.