

1. Evaluation of the judicial systems (2016-2018 cycle)



Portugal

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Reference data 2016 (01/01/2016 - 31/12/2016)

Start/end date of the data collection campaign : 01/06/2017 - 31/12/2017

Objective :

The CEPEJ decided, at its 28th plenary meeting, to launch the seventh evaluation cycle 2016 – 2018, focused on 2016 data. The CEPEJ wishes to use the methodology developed in the previous cycles to get, with the support of its national correspondents' network, a general evaluation of the judicial systems in the 47 member states of the Council of Europe as well as two observer states (Israel and Morocco). This will enable policy makers and judicial practitioners to take account of such unique information when carrying out their activities.

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

Instruction :

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

- User manual
- Explanatory note

While the explanatory note gives definitions and explanations on the CEPEJ evaluation questionnaire and the methodology needed for replying, the User manual is a tool to help you navigate through this application. You can download the Explanatory note as a whole on the CEPEJ website. The specific explanations are also accessible for each question within this application under the tab "Explanatory note". This will serve as immediate consultation tool when answering questions. The user manual is accessible in the "Documentation" tab of the application.

In case you have any questions related to these documents or on the use of the application, please do not hesitate to contact the Secretariat.

1.General information

1.1.Demographic and economic data

1.1.1.Inhabitants and economic general information



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

[10309573]

Comments

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

	Amount
State or federal level	83335700000 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Regional / federal entity level (total for all regions / federal entities)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments

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

[17905]

Comments

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

[16079]

NA

Comments In the present questionnaire we used another "concept" of gross anual salary that we believe is closer to the objectives of this question.

We opted for the category of "payments and salaries" instead of "remunerations" of the national budget because "remunerations" also includes social contributions by the employer which constitute wage costs and not salary.

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

[]

Allow decimals : 5

NAP

Comments

A1. Please indicate the sources for answering questions 1 to 5

Sources: Sources for questions 1, 2 and 3 -National Statistics Institute (Instituto Nacional de Estatística) Sources for question 4 - Ministry of Solidarity, Employment and Social Security (Ministério da Solidariedade, Emprego e Segurança Social)

1.1.2. Budgetary data concerning judicial system



006. Annual (approved and implemented) public budget allocated to the functioning of all courts, in € (without the budget of the public prosecution services and without the budget of legal aid). If you cannot separate the budget allocated to the courts from the budgets of public prosecution

services and/or legal aid, please go to question 7. If you are able to answer this question 6, please answer NAP to the question 7.

	Approved budget (in €)	Implemented budget (in €)
TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	441024845 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. Annual public budget allocated to (gross) salaries	379868175 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Annual public budget allocated to computerisation (equipment, investments, maintenance)	9499613 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5252738 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc), without legal aid. NB: this does not concern the taxes and fees to be paid by the parties.	1006000 <input type="checkbox"/> NA <input type="checkbox"/> NAP	279380 <input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Annual public budget allocated to court buildings (maintenance, operating costs)	43560800 <input type="checkbox"/> NA <input type="checkbox"/> NAP	31362225 <input type="checkbox"/> NA <input type="checkbox"/> NAP
5. Annual public budget allocated to investments in new (court) buildings	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
6. Annual public budget allocated to training	7090257 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5986229 <input type="checkbox"/> NA <input type="checkbox"/> NAP
7. Other (please specify)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - Please indicate any useful comment to explain the figures provided. If the annual public budget allocated to the functioning of all courts actually implemented is different from the approved annual public budget allocated to the functioning of all courts, please indicate the main differences: Q.6.2 The annual public budget allocated to “computerization” (approved and implemented) decreased in relation to 2014 following the conclusion of a project called Tribunal XXI. This project aimed to centralize and store data of the Citius platform in a data center structure, as well as the development of IT platforms, digitalization and integration of ongoing court cases, integration of video recordings of hearings and installation of centralized counters citizen service. The increase between 2015 and 2016 in the approved budget allocated to computerization is explained by the increase of the foreseen investment in IT and software equipment in the Financial and Equipment Institute (Instituto de Gestão Financeira e Equipamentos da Justiça), in administrative equipment and buildings in the Institute of Registry and Notary (Instituto dos Registos e do Notariado) and in administrative equipment and informatics software in the Directorate-General for Justice Administration (Direcção-Geral da Administração da Justiça).

Q.6.3 The annual public budget allocated to “justice expenses” (approved and implemented) increased compared to 2014 data due to the entry into force of Law 23/2013, 5th February, regulated by Ordinance n.46/2015, of 23rd February and Ordinance 278 of 26th August that established the payment of notary fees related to the inventory process. The decrease between 2015 and 2016 in the implemented budget allocated to justice expenses is explained by the decrease in the number of judicial proceedings in relation to 2015.

Q.6.4 The decrease between 2014 and 2016 in the implemented budget allocated to court buildings is explained by the reduction of construction works carried out to guarantee the normal functioning of the courts.

007. (Modified question) If you cannot answer question 6 because you cannot isolate the budget allocated to courts from the budget allocated to public prosecution services and/or legal aid, please fill only the appropriate line in the table according to your system:

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

Comments:

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

	Litigants required to pay a court tax or fee to start a proceeding at a court of general jurisdiction ?
for criminal cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
for other than criminal cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments - If there are exceptions to the rule to pay a court tax or fee, could you please provide comments on those exceptions?

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

- In general, courts costs and official fees are not related neither to the nature of the case, nor to the volume of activity, but are related to the value of the disputed claim. There are exceptions when certain classes are involved such as the Government or entities recognized to have social utility, e.g. mercy houses or charitable institutions. The Portuguese law refers to the concept of value for purposes of calculating the justice tax and this calculation is based on a unit of cost (UC) which varies according to a table and is actualized yearly. In 2014 and 2016 its value was 102 Euros.

The fixed costs for litigants in civil proceedings are set out in articles 5-7 and in the attached tables I and II of the Decree Law 34/2008 of 26th February 2008 (Regulation of Procedural Costs). The fixed costs for litigants involved in criminal proceedings are set out in article 8 and in the attached table III of the same Decree Law.

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

[204]
 NA
 NAP

Comments

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

[148596268]

NA

NAP

Comments

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

	TOTAL	Criminal cases	Other than criminal cases
TOTAL - Annual approved public budget allocated to legal aid (12.1 + 12.2)	31816000 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
12.1 for cases brought to court	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
12.2 for non-litigious cases or cases not brought to court (legal consultation, ADR, etc.)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

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

	TOTAL	Criminal cases	Other than criminal cases
TOTAL - Annual implemented public budget allocated to legal aid (12-1.1 + 12-1.2)	60335899 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
12-1.1 for cases brought to court	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
12-1.2 for non-litigious cases or cases not brought to court (legal consultation, ADR, etc.)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If the public budget actually implemented regarding legal aid is different from the annual approved public budget allocated to legal aid, please indicate the main differences:

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

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to the public prosecution services, in €	110412452 <input type="checkbox"/> NA <input type="checkbox"/> NAP	126441757 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Please indicate any useful comment to explain the figures provided. Moreover, if the annual public budget allocated to the public prosecution services actually implemented is different from the approved annual public budget allocated to the public prosecution services, please indicate the main differences: In 2012 the state budget made salary cuts that have now been replaced and therefore have increased the budget allocated to the public prosecutors services.

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

	Preparation of the total court budget	Adoption/approval of the total court budget	Management and allocation of the budget among the courts	Evaluation of the use of the budget at a national level courts
Ministry of Justice	(X) Yes () No [] NAP	(X) Yes () No [] NAP	(X) Yes () No [] NAP	(X) Yes () No [] NAP
Other ministry	(X) Yes () No [] NAP	(X) Yes () No [] NAP	(X) Yes () No [] NAP	(X) Yes () No [] NAP
Parliament	() Yes (X) No [] NAP	(X) Yes () No [] NAP	() Yes (X) No [] NAP	(X) Yes () No [] NAP
Supreme Court	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP
High Judicial Council	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Courts	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Inspection body	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Other	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP

Comments - If any other Ministry and/or inspection body and/or other, please specify: "Other" - Ministry of Finance

The Parliament adopts and evaluates the use of the State budget. The Ministry of Finance is always involved in the preparation and allocation of resources.

A2. Please indicate the sources for answering questions 6 to 14:

Sources: Question 6, 9, 12 and 13 - Financial and Equipments Institut (Instituto de Gestão Financeira e Equipamentos da Justiça)

1.1.3. Budgetary data concerning the whole justice system

015-1. Annual (approved and implemented) public budget allocated to the whole justice system, in € (this global budget includes the court system as defined under question 6 and also the prison system, the judicial protection of juveniles, the operation of the Ministry of Justice, etc.).

Approved budget (in €)	Implemented budget (in €)
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Total annual public budget allocated to the whole justice system in €	1624770130 [] NA [] NAP	1672253585 [] NA [] NAP
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Please indicate any useful comment to explain the figures provided above and specify if a large portion of the budget allocated to the whole justice system comes from an international organisation. Moreover, if the annual public budget allocated to the whole justice system actually implemented is different from the approved annual public budget allocated to the whole justice system, please indicate the main differences: Q.15.1 - The approved budget has increased because the salary cuts that were made in 2012 have been replaced.

015-2. (Modified question) Please indicate the budgetary elements that are included in the whole justice system by specifying on the one hand the elements of the judicial system budget (please check the consistency with questions 6, 12 and 13). (Note: NAP means that the element does not exist in your system):

	Included
Court (see question 6)	(X) Yes () No [] NAP
Legal aid (see question 12)	(X) Yes () No [] NAP
Public prosecution services (see question 13)	(X) Yes () No [] NAP

Comments:

015-3. (Modified question) On the other hand, please specify the other budgetary elements included in the whole justice system budget. (Note: NAP means that the element does not exist in your system):

	Included
Prison system	(X) Yes () No [] NAP
Probation services	(X) Yes () No [] NAP
Council of the judiciary	(X) Yes () No [] NAP
Constitutional court	() Yes (X) No [] NAP
Judicial management body	(X) Yes () No [] NAP

State advocacy	() Yes () No <input checked="" type="checkbox"/> NAP
Enforcement services	() Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Notariat	() Yes () No <input checked="" type="checkbox"/> NAP
Forensic services	<input checked="" type="checkbox"/> Yes () No <input type="checkbox"/> NAP
Judicial protection of juveniles	<input checked="" type="checkbox"/> Yes () No <input type="checkbox"/> NAP
Functioning of the Ministry of Justice	<input checked="" type="checkbox"/> Yes () No <input type="checkbox"/> NAP
Refugees and asylum seekers services	() Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Immigration Service	() Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Some police services (e.g. : transfer, investigation, prisoners' security)	<input checked="" type="checkbox"/> Yes () No <input type="checkbox"/> NAP
Other	() Yes () No <input checked="" type="checkbox"/> NAP

Comments - If "other", please specify: Before 2015, the budget of the judicial police was included in the category "other services", while starting from 2015, the Criminal Investigation Police (Polícia Judiciária) has been included in the new category "some police services".

A3. Please indicate the sources for answering questions 15-1, 15-2 and 15-3:

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

2. Access to justice and all courts

2.1. Legal Aid

2.1.1. Scope of legal aid

016. Does legal aid apply to:

Criminal cases	Other than criminal cases
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Representation in court	(X) Yes () No [] NA [] NAP	(X) Yes () No [] NA [] NAP
Legal advice	(X) Yes () No [] NA [] NAP	(X) Yes () No [] NA [] NAP

Comments

017. Does legal aid include the coverage of or the exemption from court fees?

(X) Yes

() No

Comments - If yes, please specify:

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

(X) Yes

() No

Comments - If yes, please specify:

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

	Criminal cases	Other than criminal cases
Legal aid granted for other costs	(X) Yes () No [] NA [] NAP	(X) Yes () No [] NA [] NAP

Comments - If yes, please specify:

2.1.2. Quantitative information on legal aid



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

	Cases brought to court	Cases not brought to court / non-litigious cases
TOTAL	153316 [] NA [] NAP	1594 [] NA [] NAP
In criminal cases	[X] NA [] NAP	[X] NA [] NAP
In other than criminal cases	[X] NA [] NAP	[X] NA [] NAP

Comments - Please specify when appropriate: Data on cases not brought to court concerns only cases of legal advice. It is not possible to determine how many cases terminated at this time.

In 2014, there was an increase in the number of cases brought to court explained by the economic and financial situation that increased the number of labour conflicts as well as family and criminal disputes. The same reasoning and the economy recovery of the following years may explain the present decrease.

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

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

Comments - If yes, please specify:

022. If yes, are individuals free to choose their lawyer within the framework of the legal aid system?

() Yes

(X) No

Comments

023. (Modified question) Does your country have an income and assets evaluation for granting (full or partial) legal aid to the applicant? The answer NAP means that there is no income and/or assets evaluation system for granting legal aid.

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

Comments - If yes, please indicate if any other criteria are taken into account for the granting of legal aid and any comment that could explain the figures provided above:

024. In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?

() Yes

(X) No

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

025. In other than criminal cases, is the decision to grant or refuse legal aid taken by (one option only):

- the court
 an authority external to the court
 a mixed authority (court and external bodies)

Comments

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

- Yes
 No

Comments - If appropriate, please inform about the current development of such insurances in your country; is it a growing phenomenon?

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

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

Comments

B1. Please indicate the sources for answering questions 20 and 23 :

Sources: Question 20 - Ministry of Solidarity and Social Welfare (Ministério da Solidariedade e Segurança Social)
Question 23 - Directorate-General for Justice Policy (Direcção-Geral da Política da Justiça)

2.2. Users of the courts and victims

2.2.1. Rights of the users and victims

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

	Yes, please indicate the internet adresse(es)	No
legal texts (e.g. codes, laws, regulations, etc.)	<input checked="" type="checkbox"/> www.dre.pt	<input type="checkbox"/>

case-law of the higher court/s	<input checked="" type="checkbox"/> (X) https://jurisprudencia.csm.org.pt /	<input type="checkbox"/> ()
other documents (e.g. downloadable forms, online registration)	<input checked="" type="checkbox"/> (X) www.citius.mj.pt	<input type="checkbox"/> ()

Comments - Please specify what documents and information the addresses for “other documents” include: “citius” include a number of downloadable forms and online registration. It’s a web portal aimed to the dematerialization of Justice services.

029. (Modified question) Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?

- () Yes, always
 (X) No
 () Yes, only in some specific situations

Comments - If yes, only in some specific situations, please specify:

030. Is there a public and free-of-charge specific information system to inform and to help victims of crime?

- (X) Yes
 () No

Comments - If yes, please specify:

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

	Information mechanism	Special arrangements in hearings	Other specific arrangements
Victims of sexual violence/rape	<input checked="" type="checkbox"/> (X) Yes <input type="checkbox"/> () No	<input checked="" type="checkbox"/> (X) Yes <input type="checkbox"/> () No	<input checked="" type="checkbox"/> (X) Yes <input type="checkbox"/> () No
Victims of terrorism	<input checked="" type="checkbox"/> (X) Yes <input type="checkbox"/> () No	<input checked="" type="checkbox"/> (X) Yes <input type="checkbox"/> () No	<input checked="" type="checkbox"/> (X) Yes <input type="checkbox"/> () No
Minors (witnesses or victims)	<input checked="" type="checkbox"/> (X) Yes <input type="checkbox"/> () No	<input checked="" type="checkbox"/> (X) Yes <input type="checkbox"/> () No	<input checked="" type="checkbox"/> (X) Yes <input type="checkbox"/> () No
Victims of domestic violence	<input checked="" type="checkbox"/> (X) Yes <input type="checkbox"/> () No	<input checked="" type="checkbox"/> (X) Yes <input type="checkbox"/> () No	<input checked="" type="checkbox"/> (X) Yes <input type="checkbox"/> () No
Ethnic minorities	<input type="checkbox"/> () Yes <input checked="" type="checkbox"/> (X) No	<input type="checkbox"/> () Yes <input checked="" type="checkbox"/> (X) No	<input type="checkbox"/> () Yes <input checked="" type="checkbox"/> (X) No
Disabled persons	<input checked="" type="checkbox"/> (X) Yes <input type="checkbox"/> () No	<input checked="" type="checkbox"/> (X) Yes <input type="checkbox"/> () No	<input checked="" type="checkbox"/> (X) Yes <input type="checkbox"/> () No
Juvenile offenders	<input checked="" type="checkbox"/> (X) Yes <input type="checkbox"/> () No	<input checked="" type="checkbox"/> (X) Yes <input type="checkbox"/> () No	<input checked="" type="checkbox"/> (X) Yes <input type="checkbox"/> () No
Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)	<input checked="" type="checkbox"/> (X) Yes <input type="checkbox"/> () No	<input checked="" type="checkbox"/> (X) Yes <input type="checkbox"/> () No	<input checked="" type="checkbox"/> (X) Yes <input type="checkbox"/> () No

Comments - If “other vulnerable person” and/or “other special arrangements”, please specify:

031-1. Is it possible for minors to be a party to a judicial proceeding:

Yes

No

Comments - If yes, please specify which procedures can be concerned (civil, criminal, administrative / normal or accelerated procedure) and at which conditions (can children benefit from legal aid, be represented by a lawyer, etc.):

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

Yes, please specify for which kind of offences: It applies to all cases in which intentional crimes occur that cause grievous bodily harm or death. Should any of these situations occur, the persons who have access to the compensation fund are the victim himself and his/her legal heirs.

No

Comments

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

Yes

No

Comments

033. If yes, does this compensation come from:

a public fund

damages and interests to be paid by the person responsible

a private fund

Comments

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

Yes

No

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

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

Yes

No

Comments - If yes, please specify:

036. Do victims of crime have the right to dispute a public prosecutor's decision to discontinue a case? Please verify the consistency of your answer with that of question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a decision by a judge". (The answer NAP means that the public prosecutor cannot decide to discontinue a case on his/her

own. A decision by a judge is needed.)

Yes

No

NAP

Comments - If necessary, please specify:

2.2.2. Confidence of citizens in their justice system

037. (Modified question) Is there a system for compensating users in the following circumstances:

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

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

038. (Modified question) Did your country implement surveys aimed at legal professionals and court users to measure their trust in justice and their satisfaction with the services delivered by the judicial system? If yes, how frequently and up to what level?

	National level	Court level
1. (Satisfaction) surveys aimed at judges	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
2. (Satisfaction) surveys aimed at court staff	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
3. (Satisfaction) surveys aimed at public prosecutors	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc

4. (Satisfaction) surveys aimed at lawyers	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
5. (Satisfaction) surveys aimed at the parties	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc
6. (Satisfaction) surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies)	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc
7. (Satisfaction) surveys aimed at victims	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
8. Other not mentioned	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc

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

http://opj.ces.uc.pt/site/novo/ficheiros/justica_adm/relatorio_justica_e_eficiencia_taf_23_05_2017.pdf

<https://justica.gov.pt/Noticias/Utilizadores-do-SITAF-destacam-melhoria-da-qualidade>

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

Yes

No

Comments

041. (Modified question) If yes, please specify certain aspects of this procedure:

	Authority responsible for dealing with the complaint	Time limit for dealing with the complaint
Court concerned	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Higher court	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Ministry of Justice	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Council of the Judiciary	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other external bodies (e.g. Ombudsman)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

041-1. (Modified question) Please specify further certain aspects of this procedure:

	Number of complaints	Compensations amount granted to users
Court concerned	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Higher court	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Ministry of Justice	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Council of the Judiciary	864 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Other external bodies (e.g. Ombudsman)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

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

3. Organisation of the court system

3.1. Courts

3.1.1. Number of courts

042. Number of courts considered as legal entities (administrative structures) and geographic locations

	Number of courts
42.1 First instance courts of general jurisdiction (legal entities)	292 <input type="checkbox"/> NA <input type="checkbox"/> NAP
42.2 First instance specialised courts (legal entities)	228 <input type="checkbox"/> NA <input type="checkbox"/> NAP
42.3 All the courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all supreme courts)	253 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

043. Number (legal entities) of first instance specialised courts (or specific judicial order)

	Number of courts
Total (must be the same as the data given under question 42.2)	248 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Commercial courts (excluded insolvency courts)	20 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Insolvency courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Labour courts	44 [] NA [] NAP
Family courts	45 [] NA [] NAP
Rent and tenancies courts	[] NA [X] NAP
Enforcement of criminal sanctions courts	5 [] NA [] NAP
Fight against terrorism, organised crime and corruption	[] NA [X] NAP
Internet related disputes	[] NA [X] NAP
Administrative courts	20 [] NA [] NAP
Insurance and / or social welfare courts	[] NA [X] NAP
Military courts	[] NA [X] NAP
Other specialised 1st instance courts	114 [] NA [] NAP

Comments - If “other specialised 1st instance courts”, please specify:

044. Is there a foreseen change in the structure of courts [for example a reduction of the number of courts (geographic locations) or a change in the powers of courts]?

(X) Yes

() No

Comments - If yes, please specify: Law n.40-A/2016, 22 December and Decree-Law n. 86/2016, 27 December.

On the 1st of January 2017, 20 extinct districts were reopened, as well as 23 of the so-called proximity sections, in which judicial acts may now be concluded.

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

	Number of courts
a debt collection for small claims	1 [] NA [] NAP
a dismissal	23 [] NA [] NAP

a robbery

23

[] NA

[] NAP

Comments

045-1. (New question) Is your definition for small claims the same as the one in the Explanatory note?

(X) Yes

() No, please give your definition for small claims:

Comments

045-2. (New question) Please indicate the value in € of a small claim:

[15000]

Comments

C. Please indicate the sources for answering questions 42, 43 and 45:

Sources: Question 42 and 43 –Directorate-General for Justice Administration (Direcção-Geral da Administração da Justiça).
Question 45 - Directorate General for Justice Policy (Direcção-Geral da Política da Justiça)

3.2. Court staff

3.2.1. Judges and non-judge staff



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

	Total	Males	Females
Total number of professional judges (1 + 2 + 3)	1986 [] NA [] NAP	809 [] NA [] NAP	1177 [] NA [] NAP
1. Number of first instance professional judges	1479 [] NA [] NAP	493 [] NA [] NAP	986 [] NA [] NAP
2. Number of second instance (court of appeal) professional judges	425 [] NA [] NAP	250 [] NA [] NAP	175 [] NA [] NAP
3. Number of supreme court professional judges	82 [] NA [] NAP	66 [] NA [] NAP	16 [] NA [] NAP

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

047. Number of court presidents (professional judges). Please give the information in full-time

equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts

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

Comments

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

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

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

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

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

Comments

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

	Figure
Gross figure	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

In full time equivalent

NA
 NAP

Comments

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

	Yes	No	Echevinage
in criminal law cases	()	(X)	()
- severe criminal cases	()	(X)	()
- misdemeanour and/or minor criminal cases	()	(X)	()
in family law cases	()	(X)	()
in civil cases	()	(X)	()
in labour law cases	()	(X)	()
in social law cases	()	(X)	()
in commercial law cases	()	(X)	()
in insolvency cases	()	(X)	()
other	()	(X)	()

Comments - If "other", please specify:

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

(X) Yes

() No

Comments

050-1. (New question) If yes, for which type of case(s)? (Please, for severe criminal cases and misdemeanour cases refer to the CEPEJ definitions)

Severe criminal cases

Misdemeanour cases

Other cases

Comments

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

[]

NA

Comments

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

	Total	Males	Females
Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)	5652 [] NA [] NAP	1916 [] NA [] NAP	3736 [] NA [] NAP
1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2. Non-judge staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, court recording, helping to draft the decisions)	5342 [] NA [] NAP	1805 [] NA [] NAP	3537 [] NA [] NAP
3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management)	92 [] NA [] NAP	57 [] NA [] NAP	35 [] NA [] NAP
4. Technical staff	210 [] NA [] NAP	53 [] NA [] NAP	157 [] NA [] NAP
5. Other non-judge staff	8 [] NA [] NAP	1 [] NA [] NAP	7 [] NA [] NAP

Comments - If "other non-judge staff", please specify:

053. (Modified question) If there are Rechtspfleger (or similar bodies) in your judicial system, please specify in which fields do they have a role:

- [] legal aid
- [] family cases
- [] payment orders
- [] registry cases (land and/or business registry cases)
- [] enforcement of civil cases
- [] enforcement of criminal cases
- [] other cases not mentioned (please describe in comment)
- [] non-litigious cases

Comments - Please briefly describe their status and duties: NAP

054. Have the courts outsourced certain services, which fall within their powers, to private providers?

Yes

No

Comments

054-1. (New question) If yes, please specify which services have been outsourced:

IT services

Training of staff

Security

Archives

Cleaning

Other types of services (please specify):

Comments

C1. Please indicate the sources for answering questions 46, 47, 48, 49 and 52

Sources: Directorate-General for Justice Policy (Direcção-Geral da Política de Justiça)

3.3. Public prosecution

3.3.1. Public prosecutors and staff

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

	Total	Males	Females
Total number of prosecutors (1 + 2 + 3)	1499 <input type="checkbox"/> NA <input type="checkbox"/> NAP	576 <input type="checkbox"/> NA <input type="checkbox"/> NAP	923 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Number of prosecutors at first instance level	1391 <input type="checkbox"/> NA <input type="checkbox"/> NAP	512 <input type="checkbox"/> NA <input type="checkbox"/> NAP	879 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Number of prosecutors at second instance (court of appeal) level	91 <input type="checkbox"/> NA <input type="checkbox"/> NAP	54 <input type="checkbox"/> NA <input type="checkbox"/> NAP	37 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Number of prosecutors at supreme court level	17 <input type="checkbox"/> NA <input type="checkbox"/> NAP	10 <input type="checkbox"/> NA <input type="checkbox"/> NAP	7 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Please indicate any useful comment for interpreting the data above:

056. Number of heads of prosecution offices (on 31 December of the reference year). Please give the information in full-time equivalent and for permanent posts actually filled, for all types of courts – ordinary and specialised jurisdictions.

	Total	Males	Females
Total number of heads of prosecution offices (1 + 2 + 3)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
1. Number of heads of prosecution offices at first instance level	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2. Number of heads of prosecution offices at second instance (court of appeal) level	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
3. Number of heads of prosecution offices at supreme court level	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Please provide any useful comment for interpreting the data above: Portuguese Official Justice Statistics do not collect these data.

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

(X) Yes, please specify their number (in full-time equivalent):NA

() No

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

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

() Yes

(X) No

Comments

059-1. Do prosecution offices have specially trained prosecutors in domestic violence and sexual violence etc.?

(X) Yes

() No

Comments

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

	Total	Males	Females
Number of staff (non-public prosecutors) attached to the public prosecution service	1578 [] NA	570 [] NA	1008 [] NA

C2. Please indicate the sources for answering questions 55, 56 and 60

Sources: Directorate-General for Justice Policy (Direcção-Geral da Política de Justiça)

3.4. Management of the court budget

3.4.1. Court budget

061. Who is entrusted with responsibilities related to the budget within the court?

	Preparation of the budget	Arbitration and allocation of the budget	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Court President	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Court administrative director	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Head of the court clerk office	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Other	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments - If "other", please specify: The 2014 data were given in accordance with the legal regime in force at the time: Law 3/99, of 13th of January and Law 52/2008, 22nd August, which were in force until 31st of August 2014 and Law 62/2013, 26th of August and Decree Law 492/14, 27th March, that entered into force on the 1st of September 2014. The 2016 data already take into account the present judicial structure, in force since September 1, 2014.

The category "other" includes entities that are consulted previously to the approval of the budget : District Management Council and the Ministry of Justice.

3.6. Performance and evaluation

3.6.1. National policies applied in courts and public prosecution services

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

Yes

No

Comments - If yes, please specify:

067. Do you have specialised court staff that is entrusted with these quality standards?

Yes

No

Comments

068. Is there a national system to evaluate the overall (smooth) functioning of courts on the basis of an evaluation plan agreed beforehand?

Yes

No

Comments

068-1. (New question) If yes, please specify the frequency of this evaluation:

Annual

Less frequent

More frequent

Comments - If "less frequent" or "more frequent", please specify: Every four years.

069. Is there a system for monitoring and evaluating the performance of the public prosecution service?

Yes

No

Comments - If yes, please give further details:

3.6.2. Performance and evaluation of courts



070. Do you have, within the courts, a regular monitoring system of court activities concerning:

number of incoming cases

number of decisions delivered

number of postponed cases

length of proceedings (timeframes)

age of cases

other (please specify):

Comments Scheduling; delays of judges and sections.

071. Do you monitor backlogs and cases that are not processed within a reasonable timeframe for:

civil law cases

criminal law cases

administrative law cases

Comments

072. Do you have an evaluation process to monitor waiting time during court procedures?

Yes

No

Comments - If yes, please specify:

073. Do you have a system to evaluate regularly the activity (in terms of performance and output) of each court?

- Yes
- No

Comments

073-0. (New question) If yes, please specify the frequency:

- Annual
- Less frequent
- More frequent

Comments - If "less frequent" or "more frequent", please specify: Every 6 months.

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

- Yes
- No

Comments

074. Are there performance targets defined at the level of the court?

- Yes
- No

Comments Law on the organisation of the judicial system (Law 62/2013 of 26 August) sets out that the High Council for the Judiciary and the Prosecutor-General, in liaison with the member of Government responsible for the justice, establish, within their respective competences, the strategic objectives for first instance courts for a three year period. Put differently, the overall functioning of courts is assessed on the basis of an evaluation plan agreed beforehand every four years. These entities are also responsible for setting, every year, the strategic objectives of first instance courts for the following judicial year. Taking into account the results obtained in the previous year and the strategic objectives formulated for the subsequently year, the president of the court and the public prosecutor coordinator, after hearing the judiciary administrator, articulate proposals for the procedural objectives for each court. This system is very recent, is currently being implemented, subject to improvements, and only covers civil and commercial cases.

075. (Modified question) Please specify the main targets applied to the courts:

- to increase efficiency / to shorten the length of proceedings
- to improve quality
- to improve cost efficiency / productivity
- Other (please specify):

Comments

076. Who is responsible for setting the targets for the courts?

- Executive power (for example the Ministry of Justice)
- Legislative power
- Judicial power (for example High Judicial Council, Higher Court)
- President of the court
- Other (please specify):

Comments

077. Concerning court activities, have you defined performance and quality indicators (if no, please skip to question 79)

Yes

No

Comments

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

incoming cases

length of proceedings (timeframes)

closed cases

pending cases and backlogs

productivity of judges and court staff

percentage of cases that are processed by a single sitting judge

enforcement of penal decisions

satisfaction of court staff

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

judicial quality and organisational quality of the courts

costs of the judicial procedures

number of appeals

other (please specify):

079. Who is responsible for evaluating the performance of the courts (multiple options possible) :

High Council of judiciary

Ministry of Justice

Inspection authority

Supreme Court

External audit body

Other (please specify):

Comments

3.6.3. Court activity and administration

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

Yes (please indicate the name and the address of this institution): Directorate-General for Justice Policy (Ministry of Justice)

No

Comments

080-1. Does this institution publish statistics on the functioning of each court:

Yes, on internet

No, only internally (in an intranet website)

No

Comments

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

Yes

No

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

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

Internet

Intranet (internal) website

Paper distribution

Comments Publication on internet is a part of the process of Justice dematerialization.

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

Annual

Less frequent

More frequent

Comments

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

Yes

No

Comments - If yes, please specify:

082-1. (Modified question) Is there a process or structure of dialogue between lawyers and courts as regards the way cases are presented before courts in other than criminal matter (e.g. organisation, number and planning of hearings, on-call service for urgent cases)?

Yes

No

Comments - If yes, please specify:

3.6.4. Performance and evaluation of judges



083. Are there quantitative performance targets (for instance a number of cases to be addressed in a month) defined for each judge?

- Yes
- No

Comments

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

- Executive power (for example the Ministry of Justice)
- Legislative power
- Judicial power (for example the High Judicial Council, Supreme Court)
- President of the court
- Other (please specify):

Comments

New node



4.Fair trial

4.1.Principles

4.1.1.Principles of fair trial



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

- []
- NA
- NAP

Comments

085. Is there a procedure to effectively challenge a judge if a party considers that the judge is not impartial?

- Yes, number of successful challenges in a year
- No

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

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

Monitoring system	
For civil procedures (non-enforcement)	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="checkbox"/> NAP

For civil procedures (timeframe)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
For criminal procedures (timeframe)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP

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

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

Sources: Portuguese Government Agent for the Court of Human Rights

4.2. Timeframe of proceedings

4.2.1. General information

087. Are there specific procedures for urgent matters as regards:

- civil cases
- criminal cases
- administrative cases
- There is no specific procedure

Comments - If yes, please specify:

088. Are there simplified procedures for:

- civil cases (small disputes)
- criminal cases (misdemeanour cases)
- administrative cases
- There is no simplified procedure

Comments - If yes, please specify:

088-1. (Modified question) For these simplified procedures, may judges deliver an oral judgement with a written order and dispense with a full reasoned judgement?

- civil cases
- criminal cases
- administrative cases

Comments - If yes, please specify:

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

conclusions and on dates of hearings)?

() Yes

(X) No

Comments - If yes, please specify:

4.2.2. Case flow management – first instance



091. (Modified question) First instance courts: number of other than criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court (Please insert NA for category 2)
Total of other than criminal law cases (1+2+3+4)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	312255 [] NA [] NAP	308880 [] NA [] NAP	346863 [] NA [] NAP	274272 [] NA [] NAP	81019 [] NA [] NAP
2. Non litigious cases (2.1+2.2+2.3)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2.2.1. Non litigious land registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.2 Non-litigious business registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.3. Other registry cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

2.3. Other non-litigious cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3. Administrative law cases	75515 <input type="checkbox"/> NA <input type="checkbox"/> NAP	26049 <input type="checkbox"/> NA <input type="checkbox"/> NAP	29048 <input type="checkbox"/> NA <input type="checkbox"/> NAP	72516 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments " Item 91-1 "Civil (and commercial) litigious cases", includes the case-flow of civil justice, labour justice and juvenile justice. It does not include civil and labour enforcement cases. On 1 September 2013, the new Code of Civil Procedure entered into force, establishing a new regime for the enforcement action in Portugal, based on a new paradigm, which states that the processes that run in court must stand out clearly - those who are dependent on the commission of an act of the judge or the secretary – from those who run out of court. This new model, which enables a new way of organizing tasks, of work monitoring and of differentiating responsibilities is provided for in Article 551, paragraph 5 of the new Code of Civil Procedure. This new system follows more closely the current model in other countries and, without prejudice to the specificities of each planning and method of statistical production, will facilitate the future approach to a comparison of the Portuguese system with that of other countries. From a statistical point of view, this new model has not yet however been reflected in numbers, as work is still on-going aimed at demarcating the procedures that are in court, waiting for an act, from those that are being handled by other entities. Since is not yet possible to provide figures that reflect the amount of work taken on by the courts as referred above, the data does not include civil and labour enforcement cases. The data on enforcement cases for the year 2016 is: pending cases on 1 Jan. 2016: 934.860; incoming cases: 158.164; resolved cases: 289.402; pending cases on 31 Dec. 2016: 803.622. These numbers correspond to the total number of existing procedures in Portugal in 2016, following the existing model prior to the entry into force of the said legal diploma. For this reason, the alerts and notes transmitted in previous years with regard to comparisons between countries still remain. A comparative reading of these values must, as we have repeatedly drawn attention, be very cautious, refraining from any comparison in terms of volume or duration of cases and should be limited to the evaluation of the development indicators. Item 91_3 "Administrative law cases", includes administrative and tax cases. The separate data on tax cases is as follows: pending cases on 1Jan. - 53.597; incoming cases - 16.445; resolved cases - 20.222; pending cases on 31 Dec. - 49.820. Regarding the decrease in the number of incoming administrative law cases, it results from the decrease in the number of incoming tax law cases, in particular in what concerns misdemeanour appeals".

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

. Na

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

. N/A

094. (Modified question) First instance courts: number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court
Total of criminal law cases (1+2)	61981 [] NA [] NAP	82386 [] NA [] NAP	87786 [] NA [] NAP	56581 [] NA [] NAP	23031 [] NA [] NAP
1. Severe criminal cases	57332 [] NA [] NAP	71773 [] NA [] NAP	76711 [] NA [] NAP	52394 [] NA [] NAP	22582 [] NA [] NAP
2. Misdemeanour and / or minor criminal cases	4649 [] NA [] NAP	10613 [] NA [] NAP	11075 [] NA [] NAP	4187 [] NA [] NAP	179 [] NA [] NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences": There is no specific reason explaining the decrease in the number of incoming and pending criminal cases in comparison with the values of previous cycles. There were no legislative changes or other that could explain this value. However, we can note that cases at first instance in criminal and other areas have been decreasing in the last years. In addition, this decrease may also result from the fact that the number of criminal cases registered by police forces has been decreasing.

4.2.3. Case flow management – second instance



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

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court (Please insert NA for category 2)
Total of other than criminal law cases (1+2+3+4)	11776 [] NA [] NAP	24755 [] NA [] NAP	23666 [] NA [] NAP	12865 [] NA [] NAP	[X] NA [] NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	5733 [] NA [] NAP	20946 [] NA [] NAP	20332 [] NA [] NAP	6347 [] NA [] NAP	[X] NA [] NAP
2. Non litigious cases (2.1+2.2+2.3)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2.1. Non litigious land registry cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2.2 Non-litigious business registry cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2.3. Other registry cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.3. Other non-litigious cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
3. Administrative law cases	6043 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3809 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3334 <input type="checkbox"/> NA <input type="checkbox"/> NAP	6518 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments There is no specific explanation as regards the increase in the number of civil and commercial litigious cases pending on 1 January 2016 between 2015 and 2016. The question 97_3 "Administrative law cases", includes administrative and tax cases.

The number of Pending cases on 1Jan. that correspond only to tax cases is 3.909

The number Incoming cases that correspond only to tax cases is 1.809

The number of Resolved cases that correspond only to tax cases is 1.663

The number of Pending cases on 31 Dec. that correspond only to tax cases is 4.055

098. (Modified question) Second instance courts (appeal): number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court
Total of criminal law cases (1+2)	3165 <input type="checkbox"/> NA <input type="checkbox"/> NAP	12030 <input type="checkbox"/> NA <input type="checkbox"/> NAP	11792 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3403 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. Severe criminal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

2. Misdemeanour and / or minor criminal cases	<input checked="" type="checkbox"/> NA	<input checked="" type="checkbox"/> NA	<input checked="" type="checkbox"/> NA	<input checked="" type="checkbox"/> NA	<input checked="" type="checkbox"/> NA
	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP

Comments There is no specific reason explaining the increase in the number of pending criminal cases on 31 December 2016 in comparison with the values of the previous cycle. There were no legislative changes or other that could explain this change.

4.2.4. Case flow management – Supreme Court

099. (Modified question) Highest instance courts (Supreme Court): number of “other than criminal law” cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme court (Please insert NA for category 2))
Total of other than criminal law cases (1+2+3+4)	1492 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4069 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4002 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1559 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	416 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2748 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2728 <input type="checkbox"/> NA <input type="checkbox"/> NAP	436 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Non litigious cases (2.1+2.2+2.3)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2.1. Non litigious land registry cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2.2 Non-litigious business registry cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

2.2.3. Other registry cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.3. Other non-litigious cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
3. Administrative law cases	1076 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1321 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1274 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1123 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments In Portugal, there are not non-litigious cases in superior courts.

The category "other" does not exist in the higher instances.

It is noteworthy that before 2015, data concerning the total of "other than criminal law cases" did not include administrative law cases.

Since 2015, administrative law cases are included in the total which explains the significant increase of cases.

The question 99.3 "Administrative law cases", includes administrative and tax cases.

The number of Pending cases on 1Jan. that correspond only to tax cases is 783

The number Incoming cases that correspond only to tax cases is 1.039

The number of Resolved cases that correspond only to tax cases is 946

The number of Pending cases on 31 Dec. that correspond only to tax cases is 876

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

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

() No

Comments

100. (Modified question) Highest instance courts (Supreme Court): number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme court
Total of criminal law cases (1+2)	113 <input type="checkbox"/> NA <input type="checkbox"/> NAP	937 <input type="checkbox"/> NA <input type="checkbox"/> NAP	924 <input type="checkbox"/> NA <input type="checkbox"/> NAP	126 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. Severe criminal cases	113 <input type="checkbox"/> NA <input type="checkbox"/> NAP	937 <input type="checkbox"/> NA <input type="checkbox"/> NAP	924 <input type="checkbox"/> NA <input type="checkbox"/> NAP	126 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Misdemeanour and / or minor criminal cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments In Portugal, misdemeanour/minor criminal cases may not be dealt in the Supreme Court of Justice.

4.2.5. Case flow management – specific cases

101. (Modified question) Number of litigious divorce cases, employment dismissal cases, insolvency, robbery cases, intentional homicide cases, cases relating to asylum seekers and cases

relating to the right of entry and stay for aliens received and processed by first instance courts.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec ref. year
Litigious divorce cases	5294 <input type="checkbox"/> NA <input type="checkbox"/> NAP	9131 <input type="checkbox"/> NA <input type="checkbox"/> NAP	9966 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4459 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Employment dismissal cases	2493 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3663 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4598 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1558 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Insolvency	3482 <input type="checkbox"/> NA <input type="checkbox"/> NAP	14746 <input type="checkbox"/> NA <input type="checkbox"/> NAP	15625 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2603 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Robbery case	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Intentional homicide	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Cases relating to asylum seekers (refugee status under the 1951 Geneva Convention)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Cases relating to the right of entry and stay for aliens	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - The decrease in the number of pending cases in the beginning of 2016 in relation to 2015 in respect of litigious divorce cases, employment dismissal cases and insolvency is explained by the fact that the number of resolved cases in 2015 was superior to the number of incoming cases that year. There is no specific explanation as regards the decrease in the number of these cases (for example legislative changes). However the decrease of these cases follow the general trend of the decrease of incoming and pending cases in civil and labour matters.

- The decrease in the number of pending cases in the end of 2016 in relation to 2015 in respect of litigious divorce cases, employment dismissal cases and insolvency is explained by the fact that the number of resolved cases in 2016 was superior to the number of incoming cases that year. There is no specific explanation as regards the decrease in the number of these cases (for example legislative changes). However the decrease of these cases follow the general trend of the decrease of incoming and pending cases in civil and labour matters.

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

. Please check comments.

102. Average length of proceedings, in days (from the date the application for judicial review is lodged). The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the enforcement procedure.

	% of decisions subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)	% of cases pending for more than 3 years for all instances
Litigious divorce case	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Employment dismissal case	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Insolvency	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Robbery case	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Intentional homicide	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

103. Where appropriate, please indicate the specific procedure as regards divorce cases (litigious and non-litigious):

. Please check comments

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

. The average duration of completed cases corresponds to the time between the entry of the proceedings and the date of the final decision (judgment or order) at the respective instance, regardless of res judicata. In the area of criminal justice, only the trial duration is considered.

4.2.6. Case flow management – public prosecution

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

- to conduct or supervise police investigation
- to conduct investigations
- when necessary, to request investigation measures from the judge
- to charge

to present the case in court

to propose a sentence to the judge

to appeal

to supervise the enforcement procedure

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

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

other significant powers (please specify):arrests of suspects in situations of flagrante crime, gathering banking and financial information and conduct of house and office searches.

Comments

106. (Modified question) Does the public prosecutor also have a role in:

civil cases

administrative cases

insolvency cases

Comments - If yes, please specify:

107. Cases processed by the public prosecutor - Total number of first instance criminal cases:

	Received during the reference year	Discontinued during the reference year (see Q108 below)	Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	Cases brought to court
Total number of first instance cases processed by the public prosecutor	441351 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	50403 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

107-1. (Modified question) If the guilty plea procedures exist, how many cases were brought to court by the prosecutor through this procedure?

	Number of guilty plea procedures
Total	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Before the court case	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
During the court case	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

108. Total cases which were discontinued by the public prosecutor:

Number of cases

Total cases which were discontinued by the public prosecutor (1+2+3)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. Discontinued by the public prosecutor because the offender could not be identified	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3. Discontinued by the public prosecutor for reasons of opportunity	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

109. Do the figures include traffic offence cases?

Yes

No

Comments

D2. Please indicate the sources for answering questions 91, 94, 97, 98, 99, 100, 101, 102, 107, 107-1 and 108.

Sources: Directorate-General for Justice Policy (Direcção-Geral da Política de Justiça)

5. Career of judges and public prosecutors

5.1. Recruitment and promotion

5.1.1. Recruitment and promotion of judges

110. (Modified question) How are judges recruited?

mainly through a competitive exam (open competition)

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

a combination of both (competitive exam and working experience)

other (please specify):

Comments

110-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting judges?

Yes

No

Comments - If yes, please specify:

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

- an authority made up of judges only
- an authority made up of non-judges only
- an authority made up of judges and non-judges

Comments - Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles:

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

- Yes
- No

Comments

112-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting judges?

- Yes
- No

Comments - If yes, please specify:

113. What is the procedure for judges to be promoted? (multiple answers possible)

- Competitive test / Exam
- Other procedure (interview or other)
- No special procedure

Comments - Please specify how the promotion of judges is organised (especially if there is no competition or examination):

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

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

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

114. (Modified question) Is there a system of qualitative individual assessment of the judges' work?

- Yes
- No

Comments

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

- Annual
- Less frequent
- More frequent

5.1.2. Status, recruitment and promotion of prosecutors

115. What is the status of prosecution services?

- statutory independent
- under the authority of the Minister of justice or another central authority
- other (please specify):

Comments - When appropriate, please specify the objective guarantees of this independence (transfer, appointment...).

115-1. Does the law or another regulation prevent specific instructions to prosecute or not, addressed to a prosecutor in a court.

- Yes
- No

Comments - If yes, please specify:

116. How are public prosecutors recruited?

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

Comments

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

- an authority composed of public prosecutors only
- an authority composed of non-public prosecutors only
- an authority composed of public prosecutors and non-public prosecutors

Comments - Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles:

117-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting prosecutors?

- Yes
- No

Comments - If yes, please specify:

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

Yes

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

Comments

119. What is the procedure for prosecutors to be promoted? (multiple answers possible)

Competitive test / exam

Other procedure (interview or other)

No special procedure

Comments - Please, specify the procedure (especially if it is a procedure different from a competitive test or an exam):

119-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting prosecutors?

Yes

No

Comments - If yes, please specify:

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

Years of experience

Professional skills (and/or qualitative performance)

Performance (quantitative)

Assessment results

Subjective criteria (e.g. integrity, reputation)

Other

No criteria

Comments - Please, specify any useful comment regarding the criteria (especially if you have checked the box "performance" or "other"): There are two criteria used for the promotion of prosecutors, merit that is assessed by classification and seniority in the career.

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

Yes

No

Comments

5.1.3. Mandate and retirement of judges and prosecutors

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

Yes, please indicate the compulsory retirement age: 70

No

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

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

For disciplinary reasons

For organisational reasons

For other reasons (please specify modalities and safeguards):

No

Comments

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

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

No

NAP

Comments

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

Yes, please indicate the compulsory retirement age:70

No

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

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

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

No

Comments

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

Yes, what is the length of the mandate (in years)?

No

Comments NAP

The mandate for judges is for an undetermined period.

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

Yes, what is the length of the mandate (in years)?

No, what is the length of the mandate (in years)?NAP

Comments NAP

The mandate for public prosecutors is for an undetermined period.

5.2. Training

5.2.1. Training of judges

127. Types of different trainings offered to judges



	Compulsory	Optional	No training proposed
Initial training (e.g. attend a judicial school, traineeship in the court)	(X) Yes () No	() Yes (X) No	() Yes (X) No
General in-service training	(X) Yes () No	() Yes (X) No	() Yes (X) No
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	(X) Yes () No	() Yes (X) No	() Yes (X) No
In-service training for management functions of the court (e.g. court president)	(X) Yes () No	() Yes (X) No	() Yes (X) No
In-service training for the use of computer facilities in courts	() Yes (X) No	() Yes (X) No	(X) Yes () No

Comments The changes on the training proposed in 2014 and 2016 have to do with the fact that the training program is set every year according to the needs assessment.

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

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

Comments - Please indicate any information on the periodicity of the continuous training of judges: The changes on the training proposed in 2014 and 2016 have to do with the fact that the training program is set every year according to the needs assessment.

5.2.2. Training of prosecutors

129. Types of different trainings offered to public prosecutors

	Compulsory	Optional	No training proposed
Initial training	(X) Yes () No	() Yes (X) No	() Yes (X) No

General in-service training	(X) Yes () No	() Yes (X) No	() Yes (X) No
In-service training for specialised functions (e.g. public prosecutors specialised on organised crime)	(X) Yes () No	() Yes (X) No	() Yes (X) No
In-service training for management functions in the courts (e.g. Head of prosecution office, manager)	(X) Yes () No	() Yes (X) No	() Yes (X) No
In-service training for the use of computer facilities in office	() Yes (X) No	() Yes (X) No	(X) Yes () No

Comments The changes on the training proposed in 2014 and 2016 have to do with the fact that the training program is set every year according to the needs assessment.

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

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

Comments - Please indicate any information on the periodicity of the in-service training of prosecutors: The changes on the training proposed in 2014 and 2016 have to do with the fact that the training program is set every year according to the needs assessment.

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

	Initial training only	Continuous training only	Initial and continuous training
One institution for judges	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
One institution for prosecutors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
One single institution for both judges and prosecutors	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments

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

	Budget of the institution for the reference year, in €
One institution for judges	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
One institution for prosecutors	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
One single institution for both judges and prosecutors	9136275 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

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

. NAP

5.3. Practice of the profession

5.3.1. Salaries and benefits of judges and prosecutors

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

	Gross annual salary, in €	Net annual salary, in €	Gross annual salary, in local currency	Net annual salary, in local currency
First instance professional judge at the beginning of his/her career	35699 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President)	85820 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Public prosecutor at the beginning of his/her career	35699 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Attorney General).	85820 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments

133. Do judges and public prosecutors have additional benefits?

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

Comments

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

. For judges and prosecutors “other financial benefit” can include:

- Remuneration Supplement for Performing Urgent Services
- Residence Subsidy
- Representation Expenses
- Travel Expenses
- Per diem/expense allowance

[] NAP

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

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

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

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

	With remuneration	Without remuneration
Teaching	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Research and publication	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Arbitrator	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Consultant	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Cultural function	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Political function	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other function	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

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

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

Yes

No

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

5.4. Disciplinary procedures

5.4.1. Authorities responsible for disciplinary procedures and sanctions

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

Court users

Relevant Court or hierarchical superior

High Court / Supreme Court

High Judicial Council

Disciplinary court or body

Ombudsman

Parliament

Executive power (please specify):

Other (please specify):

This is not possible

Comments

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

Citizens

Head of the organisational unit or hierarchical superior public prosecutor

Prosecutor General /State public prosecutor

Public prosecutorial Council (and Judicial Council)

Disciplinary court or body

Ombudsman

Professional body

Executive power (please specify):

Other (please specify):

This is not possible

Comments

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

Court

Higher Court / Supreme Court

Judicial Council

Disciplinary court or body

Ombudsman

Parliament

Executive power (please specify):

Other (please specify):

Comments

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

Supreme Court

Head of the organisational unit or hierarchical superior public prosecutor

Prosecutor General /State public prosecutor

Public prosecutorial Council (and Judicial Council)

Disciplinary court or body

Ombudsman

Professional body

Executive power (please specify):

Other (please specify):

5.4.2. Number of disciplinary procedures and sanctions

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

	Judges	Prosecutors
Total number (1+2+3+4)	35 <input type="checkbox"/> NA <input type="checkbox"/> NAP	12 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Breach of professional ethics	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Professional inadequacy	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3. Criminal offence	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify:

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

	Judges	Prosecutors
Total number (total 1 to 9)	32 <input type="checkbox"/> NA <input type="checkbox"/> NAP	14 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Reprimand	8 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Suspension	5 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Withdrawal from cases	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Fine	13 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP
5. Temporary reduction of salary	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
6. Position downgrade	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP

7. Transfer to another geographical (court) location	0 [] NA [] NAP	2 [] NA [] NAP
8. Resignation	0 [] NA [] NAP	0 [] NA [] NAP
9. Other	6 [] NA [] NAP	3 [] NA [] NAP

Comments - If “other”, please specify. If a significant difference exists between the number of disciplinary proceedings and the number of sanctions, please indicate the reasons. For public prosecutors other include temporary inactivity (2) and compulsory retirement (1). For judges other include compulsory retirement (5) and dismissal (1).

E3. Please indicate the sources for answering questions 144 and 145:

Sources: The High Council of the Judiciary (Conselho Superior da Magistratura), the High Council of the Prosecutors (Conselho Superior do Ministério Público) and the High Council of Administrative and Fiscal Courts (Conselho Superior dos Tribunais Administrativos e Fiscais).

6. Lawyers

6.1. Profession of lawyer

6.1.1. Status of the profession of lawyers

146. Total number of lawyers practising in your country:

[30475]

[] NA

[] NAP

Comments

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

Yes ()

No (X)

Comments

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

[]

[X] NA

[] NAP

Comments

149. (Modified question) Do lawyers have a monopoly on legal representation in (multiple options are possible):

	First instance	Second instance	Highest instance court (Supreme Court)
Civil cases	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Dismissal cases	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Criminal cases - Defendant	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Criminal cases - Victim	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Administrative cases	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
There is no monopoly	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP

Comments - Please, indicate any useful clarifications regarding the content of lawyers' monopoly:

149-0. (New question) If there is no monopoly, please specify the organisations or persons that may represent a client before a court:

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

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

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

other activities?

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

Comments Lawyers cannot exercise the notarial activity. However, there are functions related with the notarial activity that lawyers can practice, such as signature recognition.

149-2. What are the statuses for exercising the legal profession in court?

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

Comments

150. Is the lawyer profession organised through:

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

Comments

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

- Yes
- No

Comments - If not, please indicate if there are other specific requirements as regards diplomas or university degrees:

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

- Yes
- No

Comments

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

- Yes
- No

Comments - If yes, please specify:

F1. Please indicate the sources for answering questions 146 and 148:

Sources: National Bar Association

6.1.2. Practicing the profession

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

Yes

No

Comments

155. Are lawyers' fees freely negotiated?

Yes

No

Comments

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

Yes laws provide rules

Yes standards of the bar association provide rules

No neither laws nor bar association standards provide rules

Comments

6.1.3. Quality standards and disciplinary procedures

157. Have quality standards been determined for lawyers?

Yes

No

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

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

the bar association

the Parliament

other (please specify):

Comments

159. Is it possible to file a complaint about:

the performance of lawyers

the amount of fees

Comments - Please specify:

160. Which authority is responsible for disciplinary procedures?

the judge

the Ministry of Justice

a professional authority

other (please specify):

Comments

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

	Number of disciplinary proceedings
Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	3389 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Breach of professional ethics	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Professional inadequacy	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3. Criminal offence	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other	3389 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify: In Portugal, we have three kind of misconduct assessments: most simple called prior investigation, investigation and lastly disciplinary cases.

162. Sanctions pronounced against lawyers.

	Number of sanctions
Total number of sanctions (1 + 2 + 3 + 4 + 5)	240 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Reprimand	98 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Suspension	20 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Withdrawal from cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
4. Fine	118 <input type="checkbox"/> NA <input type="checkbox"/> NAP
5. Other	4 <input type="checkbox"/> NA <input type="checkbox"/> NAP

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

Please notice that reprimand is a heavier sanction than a simple warning (the Bar Statute foresees in article 130 these two different

sanctions). Simple warning cases are not included in the data above. Withdrawal from cases happens with disbarments or definite removals.

7. Alternative dispute resolutions

7.1. Mediation

7.1.1. Details on mediation procedures and other ADR



163. Does the judicial system provide for judicial mediation procedures? If this is not the case you will go directly to question 168.

Yes

No

Comments Concerning the significant increase in the number of family mediations, with initiative in the courts (with the consent of the parties):

The increase in the number of cases is due, on one hand, to a greater dissemination of the Family Mediation System and to a wider perception of its benefits by users and other operators of the System and on the other hand to the legislative reform operated in 2015, with the approval of the General Regime of the Civil Guardianship Process (RGPTC) that originated the increase of Family Mediation applications originating in the Courts.

This occurred as a consequence of the new paradigm established in this new legislation, according to which, in the majority of civil juvenile cases, where it is not possible to obtain the agreement of the parties in court, the court must suspend the proceedings and refer the parties to one of two interventions: Family mediation (if the parties agree to submit to the procedure) or the specialized technical hearing, if they do not agree to resort to Family Mediation. The RGPTC entered into force in October 2015 and its effects were immediately felt in the statistical data for the subsequent year.

Regarding the decrease in the number of mediations in civil and commercial matters, we do not have data that allows us to clarify the trend.

As for the decrease in the number of mediations in criminal matters, we do not have data to clarify the trend. Next year, the Directorate-General for Justice Policy (Ministry of Justice) will develop a Monitoring and Diagnostic Evaluation Study of the Criminal Mediation System that may shed light on this trend.

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

Before going to court

Ordered by a judge in the course of a judicial proceeding

Comments - If there are mandatory mediation procedures, please specify which fields are concerned: The resort to family mediation, as regards civil juvenile restraining orders (procedural forms designed, in most cases, to supplement and regulate the incapacity of exercising the rights of the children), is specially foreseen in the General Regime of the Civil Juvenile Procedure (RGPTC), approved by the Law 141/2015, of 8 September. Therein, it is set forth that, at any stage of the proceedings and whenever deemed appropriate, the judge may, on his own motion but with the parties' consent or at their request, determine the intervention of the public or private services on family mediation. To such purpose, it is also established the judge's duty to inform the interested parties on the existence and objectives of the services on family mediation.

(The agreement reached through mediation shall be homologated by the judge if it meets the interest of the child).

It ought to be referred that a compulsory mediation model, having as reference experiences such as the "ordered" or "mandatory" mediation (California) has been considered in the course of the works that led to the recent approval of RGPTC, in particular with respect to the regulation of the exercise of parental responsibility. Such possibility was set aside as it was considered that, on one hand, the willingness trait would be, by itself, an enhanced factor if not even determinant to the success of the proceedings and, on the other hand, in due consideration to the contraindication of the principle of mediation in cases of domestic violence.

Accordingly, the provisions set forth in article 48(1) of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), approved and ratified by Portugal (Res. AR 4/2013, of 21/1), were taken into

account:

“Parties shall take the necessary legislative or other measures to prohibit mandatory alternative dispute resolution processes, including mediation and conciliation, in relation to all forms of violence covered by the scope of this Convention.” Thus, the Portuguese legislator chose to maintain the voluntary basis of the mediation process and, at the same time, establish a “specialized technical hearing”, of a compulsory nature, whenever the parties do not reach an agreement at the judicial hearing and do not consent to mediation (Articles 23 and 38 of RGPTC). The “specialized technical hearing” on parental dispute matters is entrusted to the court’s technical assistance team and is designed to provide a diagnosed assessment on the parents’ competences and on the parties’ availability towards an agreement that may better safeguard the superior interest of the child. At the same time, this intervention purports to fulfil the enlightenment and awareness goals inherent to a pre-mediation session.

This is an intervention which is clearly different from the mediation process. It may be highlighted, for instance and among others, its distinct purposes and characteristics: on one hand, the contents of the sessions are not confidential (the outcome of the intervention shall culminate with a reasoned notice to the court) and on the other, the specialized technical auditor is a real court advisor (and not an impartial and independent third party as the mediator).

164. Please specify, by type of cases, the organisation of judicial mediation:

	Court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
Civil and commercial cases	() Yes (X) No	(X) Yes () No	(X) Yes () No	() Yes (X) No	() Yes (X) No
Family law cases (ex. divorce)	() Yes (X) No	(X) Yes () No	(X) Yes () No	() Yes (X) No	() Yes (X) No
Administrative cases	() Yes (X) No	(X) Yes () No	(X) Yes () No	() Yes (X) No	() Yes (X) No
Employment dismissals	() Yes (X) No	(X) Yes () No	(X) Yes () No	() Yes (X) No	() Yes (X) No
Criminal cases	() Yes (X) No	() Yes (X) No	(X) Yes () No	() Yes (X) No	() Yes (X) No

Comments The reply with regard to the category “public authority (other than the court)” for administrative cases refers to the Centre for Administrative Arbitration. CAAD is a centre of institutionalized arbitration and specialized features, created by Order no. 5097/2009, of the Secretary of State of Justice, with competence in matters of public law, in the administrative and tax areas. In the administrative area, CAAD is responsible for resolving disputes arising from public employment relationships and contracts concluded by pre-affiliated public entities - such as the Ministries of Justice, Culture and, more recently, the Ministry of Education and several higher education institutions - or through the granting of an arbitration agreement, involving entities that are not pre-affiliated to CAAD.

In accordance with Article 4 of the CAAD Regulation on administrative matters, this arbitration centre provides a mediation service, which may be requested by any interested party. According to the available statistical data, it is not possible to know the number of disputes resolved through mediation in CAAD since such information is protected by statistical confidentiality, which necessarily refers us to very small numbers. However, this should not, in our opinion, determine that the answer given by the Mediation as a means of alternative dispute resolution, also in the administrative area, should be ignored (since the fact that the procedure does not determine the resolution of the dispute does not determine its non-existence).

response to comments:

The fact that the Centre for Administrative Arbitration is a centre of institutionalized arbitration and specialized features, and therefore should be classified for this purpose, as a "public authority" should not lead us to ignore that its mediators are private, since once they are mediating administrative cases they are not exercising a public authority and are not endowed with any imposing powers.

That’s why we will keep the given answer on Q 164.

165. Is there a possibility to receive legal aid for judicial mediation procedures?

(X) Yes

() No

Comments - If yes, please specify:

166. Number of accredited or registered mediators who practice judicial mediation:

[514]

[] NA

[] NAP

Comments this number includes mediators of the Ministry of Justice registered public systems mediation and mediators of the Peace Courts. Unlike previous data, it also includes accredited conflict mediators in accordance with Law n.29/2013 of 19 April (Mediation Law).

167. Number of judicial mediation procedures.

	Number of judicial mediation procedures
Total number of mediation cases (total 1 + 2 + 3 + 4 + 5)	1679 [] NA [] NAP
1. Civil and commercial cases	1241 [] NA [] NAP
2. Family cases	434 [] NA [] NAP
3. Administrative cases	[] NA [X] NAP
4. Employment dismissal cases	[X] NA [] NAP
5. Criminal cases	4 [] NA [] NAP

Comments - Please indicate the source: Directorate-General for Justice Policy - Ministry of Justice

168. Does the legal system provide for the following alternative dispute resolutions (ADR):

[X] mediation other than judicial mediation

[X] arbitration

[X] conciliation

[] other ADR (please specify):

Comments

G1. Please indicate the source for answering question 166:

Source: Directorate General for Justice Policy, Ministry of Justice

8.Enforcement of court decisions

8.1.Execution of decisions in civil matters

8.1.1.Functioning

169. Do you have enforcement agents in your judicial system?

Yes

No

Comments

170. Number of enforcement agents

[1189]

NA

NAP

Comments

171. Are enforcement agents (multiple options are possible):

judges

bailiffs practising as private professionals under the authority (control) of public authorities

bailiffs working in a public institution

other

Comments - Please specify their status and powers:

171-1. Do enforcement agents have the monopoly in exercising their profession?

Yes

No

Comments - Please indicate any useful clarifications regarding the content of the enforcement agents' monopoly or on the opposite regarding the competition they have to deal with:

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

	Option
Seizure of movable tangible properties	<input type="checkbox"/> Yes with monopole <input checked="" type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of immovable properties	<input type="checkbox"/> Yes with monopole <input checked="" type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure from a third party of the debtor claims regarding a sum of money	<input type="checkbox"/> Yes with monopole <input checked="" type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP

Seizure of remunerations	<input type="checkbox"/> Yes with monopole <input checked="" type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of motorised vehicles	<input type="checkbox"/> Yes with monopole <input checked="" type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP
Eviction measures	<input type="checkbox"/> Yes with monopole <input type="checkbox"/> Yes without monopole <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Enforced sale by public tender of seized properties	<input type="checkbox"/> Yes with monopole <input checked="" type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP
Other	<input type="checkbox"/> Yes with monopole <input type="checkbox"/> Yes without monopole <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Comments

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

- Service of judicial and extrajudicial documents
- Debt recovery
- Voluntary sale of moveable or immovable property at public auction
- Seizure of goods
- Recording and reporting of evidence
- Court hearings service
- Provision of legal advice
- Bankruptcy procedures
- Performing tasks assigned by judges
- Representing parties in courts
- Drawing up private deeds and documents
- Building manager
- Other

Comments The reply with regard to the option “Voluntary sale of moveable or immovable property at public auction” changed in order to reflect the implementation, that occurred in 2016, of public and electronic judicial auction of moveable or immovable property on enforcement agents cases. "Other" means other proceedings that can be determined by law.

172. Is there a specific initial training or exam to become an enforcement agent?

- Yes
- No

Comments

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

Yes

No

Comments This evolution resulted from the adoption of a new professional status of enforcement agents (Law n. 154/2015, 14th September) that established a mandatory general continuous training.

173. Is the profession of enforcement agents organised by (the answer NAP means that the profession is not organised):

a national body

a regional body

a local body

NAP

Comments

174. Are enforcement fees easily established and transparent for the court users?

Yes

No

Comments

175. Are enforcement fees freely negotiated?

Yes

No

Comments

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

Yes

No

Comments

H0. Please indicate the sources for answering question 170

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

8.1.2. Efficiency of enforcement services



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

Yes

No

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

- a professional body
- the judge
- the Ministry of Justice
- the public prosecutor
- other (please specify):Comissão para o Acompanhamento dos Auxiliares da Justiça

Comments

179. Have quality standards been determined for enforcement agents?

- Yes
- No

Comments - If yes, what are the quality criteria used? Within its responsibilities for discipline and supervision of the activity of enforcement agents and insolvency agents, the CAAJ has been following the criteria established by CEPEJ, such as: Recommendation number 75 (see Guidelines for a Better Implementation of the Existing CEPEJ Recommendations on Enforcement - Rec (2009)11).

In addition, on April 28 of 2015 a code of conduct was adopted for enforcement agentes (Regulation n. 202/2015, Código deontológico dos solicitadores e agentes de execução).

180. If yes, who is responsible for establishing these quality standards?

- a professional body
- the judge
- the Ministry of Justice
- other (please specify):Comissão para o Acompanhamento dos Auxiliares da Justiça

Comments

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

- Yes
- No

Comments - If yes, please specify:

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

- Yes
- No

Comments - If yes, please specify:

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

- no execution at all

- non execution of court decisions against public authorities
- lack of information
- excessive length
- unlawful practices
- insufficient supervision
- excessive cost
- other (please specify):

Comments

184. Has your country prepared or established concrete measures to change the situation concerning the enforcement of court decisions – in particular as regards decisions against public authorities?

- Yes
- No

Comments - If yes, please specify: In the past years the Portuguese government has enacted several legal acts aimed at improving the enforcement of court decisions: Decree-law 226/2008, 20th November aimed at simplifying the enforcement procedure; Decree-law 4/2013, 11th January, which approved a set of urgent measures against pending backlogs relating enforcement procedures. There were no specific measures concerning the enforcement of court decisions against public authorities.

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

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

Comments It is now possible to monitor administrative proceedings.

186. As regards a decision on debt collection, please estimate the average timeframe to notify the decision to the parties who live in the city where the court sits (one option only):

- between 1 and 5 days
- between 6 and 10 days
- between 11 and 30 days
- more (please specify):

Comments

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

Number of disciplinary proceedings initiated
--

Total number of initiated disciplinary proceedings (1+2+3+4)	262 [] NA [] NAP
1. For breach of professional ethics	154 [] NA [] NAP
2. For professional inadequacy	92 [] NA [] NAP
3. For criminal offence	16 [] NA [] NAP
4. Other	0 [] NA [] NAP

Comments - If “other”, please specify: The number of disciplinary proceedings for “breach of professional ethics” increased meaningfully between 2014 (43) and 2016 (154). The number of disciplinary proceedings for “professional inadequacy” decreased in a considerable way between 2014 (265) and 2016 (92). The discrepancies are due to different interpretation of both categories. We consider now that professional inadequacy is more specific than breach of professional ethics.

188. Number of sanctions pronounced against enforcement agents:

	Number of sanctions pronounced
Total number of sanctions (1+2+3+4+5)	77 [] NA [] NAP
1. Reprimand	0 [] NA [] NAP
2. Suspension	1 [] NA [] NAP
3. Withdrawal from cases	2 [] NA [] NAP
4. Fine	66 [] NA [] NAP
5. Other	8 [] NA [] NAP

Comments - If “other”, please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons: Disbarment – 8 decisions. The difference between the number of disciplinary proceedings and the number of disciplinary sanctions is explained by the filing of 86 disciplinary proceedings.

H1. Please indicate the sources for answering questions 186, 187 and 188:

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

8.2.Execution of decisions in criminal matters

8.2.1.Functioning of execution in criminal matters

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

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

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

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

- Yes
 No

Comments

191. If yes, what is the recovery rate?

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

Comments - Please indicate the source for answering this question:

9.Notaries

9.1.Profession of notary

9.1.1.Number and status of notaries

192. Number and type of notaries in your country. If you do not have notaries skip to question 197.

	Number of notaries
TOTAL	443 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Private professionals (without control from public authorities)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Private professionals under the authority (control) of public authorities	381 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Public agents	62 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Other

NA
 NAP

Comments - If "other", please specify the status:

192-1. What are the access conditions to the profession of notary:

- diploma
- payment of a fee (e.g. purchasing office)
- co-opting of peers
- other

Comments

192-2. (Modified question) What is the duration of appointment of a notary?

- Limited duration, please indicate it in years:
- Unlimited duration

Comments

194. Do notaries have duties (multiple options possible):

- within the framework of civil procedure
- in the field of legal advice
- to certify the authenticity of legal deeds and certificates
- in the field of mediation
- other (please specify):notaries are legally responsible for documents that must be kept in their archive.

Comments

194-1. Do notaries have the monopoly when exercising their profession:

- in civil procedure
- in the field of legal advice
- to authenticate deeds/certificates
- in the field of mediation
- other

Comments - Please indicate any useful clarifications regarding the content of the notaries' monopoly or on the opposite regarding the competition they have to deal with:

194-2. As well as these activities, what are the other ones that can be carried out by notaries?

- Real estate transaction
- Settlement of estates
- Legality control of gambling activities
- Authentication of documents
- Translations
- Signatures

Other

Comments

195. Is there an authority entrusted with supervising and monitoring the notaries' work?

Yes

No

Comments

196. If yes, which authority is responsible for supervising and monitoring notaries?

a professional body

the judge

the Ministry of Justice

the public prosecutor

the Ministry of Interior

other (please specify):

Comments

196-1. Is there a system of general continuous training mandatory for all notaries?

Yes

No

Comments

11. Please indicate the sources for answering question 192:

Sources: Institute for Registry and Notary (Instituto dos Registos e do Notariado) - Ministry of Justice

10. Court interpreters

10.1. Details on profession of court interpreter

10.1.1. Status of court interpreters

197. Is the title of court interpreters protected?

Yes

No

Comments

198. Is the function of court interpreters regulated by legal norms?

Yes

No

Comments

199. Number of accredited or registered court interpreters:

[]

[X] NA

[] NAP

Comments

200. Are there binding provisions regarding the quality of court interpretation within judicial proceedings?

() Yes

(X) No

Comments - If yes, please specify:

201. Are the courts responsible for selecting court interpreters?

[] Yes, for recruitment and/or appointment for a specific term of office

[X] Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

[] No, please specify which authority selects court interpreters

Comments

J1. Please indicate the sources for answering question 199

Sources: Directorate-General for the Administration of Justice (Direcção-Geral da Administração da Justiça)

11. Judicial experts

11.1. Profession of judicial expert

11.1.1. Status of judicial experts

202. In your system, what type of experts can be requested to participate in judicial procedures (multiple choice possible):

[] "expert witnesses", who are requested by the parties to bring their expertise to support their argumentation,

[X] "technical experts" who put their scientific and technical knowledge on issues of fact at the court's disposal,

[] "legal experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the judicial work (but do not take part in the decision).

[] Other (please specify):

Comments

202-1. Are there lists or databases of technical experts registered?

Yes

No

Comments - Please, indicate any useful comment regarding these lists of experts if they do exist (e.g. : who decide of the registration on the list ? Is the registration limited in time ? does the expert take the oath ? how is his/her skill evaluated ? by whom ?)

203. Is the title of judicial experts protected?

Yes

No

Comments - If appropriate, please explain the meaning of this protection:

203-1. Does the expert have an obligation of training?

	Obligation of training
Initial training	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Continuous training	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments

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

the proceeding

the profession of expert

other

Comments

204. Is the function of judicial experts regulated by legal norms?

Yes

No

Comments

204-1. On the occasion of a mission entrusted to him/her, does the expert have to report any potential conflicts of interest?

Yes

No

Comments

205. Number of accredited or registered judicial / technical experts:

[]

NA

NAP

Comments

205-1. Who sets the expert remuneration?

- The expert remuneration is established by the Regulation of Judicial Fees (article 17 and Annex IV)

206. Are there binding provisions regarding the exercise of the function of judicial expert within judicial proceedings?

Yes

No

Comments - If yes, please specify, in particular the given time to provide a technical report to the judge:

207. Are the courts responsible for selecting judicial experts?

Yes, for recruitment and/or appointment for a specific term of office

Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

No, please specify which authority selects judicial experts Directorate-General for the Administration of Justice

Comments

207-1. Does the judge control the progress of investigations?

Yes

No

Comments

K1. Please indicate the sources for answering question 205

Sources: Directorate-General for the Administration of Justice (Direção-Geral de Administração da Justiça).

12.Reforms in judiciary

12.1.Foreseen reforms

12.1.1.Reforms

208. Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? Please inform whether these reforms are under preparation or have only been envisaged at this stage. Have innovative projects been implemented? If possible, please observe the following categories:

1. (Comprehensive) reform plans Presently, the chief objective of the reforms in the justice area is to streamline Justice through a managerial perspective mainly geared towards modernization, simplification and

rationalization.

Hence, it purports to improve the management of the judicial system, to ease the bottleneck of the courts, simplify and dematerialize court cases, bring Justice closer to the citizens and improve the quality of the Justice public service.

2. Budget NAP

3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings) NAP

3.1. Access to justice and legal aid - improve the quality of the access to the legal aid system in order to provide a better service to those who need it;

4. High Judicial Council NAP

5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education and training, etc. - adapt the judges' and public prosecutors' statute to the new judicial organization model;

6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities NAP

7. Enforcement of court decisions NAP

8. Mediation and other ADR - extend the jurisdiction and network of the justice of the peace and of the mediation and arbitration centres.

- promote the adherence, in general, of State bodies to the jurisdiction of the administrative arbitration centres already in place.

9. Fight against crime NAP

9.1. Prison system - identify alternative criminal measures to short term prison sentences with greater resocialization potential;

- improve the quality of the professionals that work in the prison system by providing the technicians with continuous qualification, training, professional and technological skills;
- It is underway a strategy on the detection and repression of illicit conducts in a prison environment developed by DGRSP in coordination with PJ.
- strengthen the human resources, in particular, the number of prison guards.
- introduction of information mechanisms to the courts' users, by making available inter alia a front-office for the users of the courts;

9.2 Child friendly justice NAP

9.3. Violence against partners NAP

10. New information and communication technologies - Online criminal record – set up a platform that will allow online requests of criminal records

by individuals and legal persons

- development and availability of IT tools for the courts' management system, in particular, for the monitoring of the procedural workload and human resources management;
- Creation of a new Justice gateway on the internet with useful information;

11. Other - regular elaboration of surveys to the users and service providers of the Justice public service.
- simplify the language used in procedural acts;