

NGO contribution to the 1st thematic evaluation round procedure Portugal

ACF – Associação Contra o Femicídio

AMCV – Associação de Mulheres Contra a Violência

APAV – Associação Portuguesa de Apoio à Vítima

Associação Mulher Séc. XXI

Associação Mulheres Sem Fronteiras

Associação Ser Mulher

CooLabora

Dignidade – Associação para os Direitos das Mulheres e Crianças

FEM – Feministas Em Movimento

PpDM – Plataforma Portuguesa para os Direitos das Mulheres

UMAR – União de Mulheres Alternativa Resposta

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Executive summary

This is the shadow report reflecting the consolidated views of 10 NGOs, a platform of NGOs and an expert (mentioned above).

This report organizes the information by the relevant articles of the Istanbul Convention, on the scope for the current GREVIO assessment on Portugal, making it clear and structured. Each section includes positive developments, challenges, and recommendations where applicable. Some recommendations are based on the CEDAW Committee Concluding observations on the tenth periodic report of Portugal, 2022.

MAIN FINDINGS

Article 7: Comprehensive and Co-ordinated Policies

Positive Developments

- **National Action Plans:** Portugal has implemented National Action Plans (NAPs) on equality since 1997 and domestic violence since 1999, with the latest being the National Strategy for Equality and Non-Discrimination (ENIND) for 2018-2030.
- **Legislative Improvements:** Enhancements through Regulatory Decree 2/2018, Directive 5/2019, and Law n^o 45/2023 have been made to improve victim support services and policies.

Challenges

- **Budget Issues:** There is no specific budget allocated to the NAP, leading to reliance on European funds and on funds coming from social gambling.
- **Gender Neutrality:** Domestic violence is often treated as gender-neutral, which does not address the gender-specific nature of the issue.
- **Judicial Analysis:** Judicial decisions often lack a gender perspective and human rights considerations.
- **Service Coverage:** Some measures lack national coverage, affecting their effectiveness.

Recommendations

- **Policy Framework:** Ensure laws and policies explicitly recognize violence against women as a gendered issue including femicide and that they are mandatory.
- **Funding:** Allocate proper funding in the State budget specifically for combating violence against women and domestic violence.
- **Unified Approach:** Implement a unified approach in domestic violence cases that prioritizes victim protection and safety.

Article 8: Funding

Challenges

- **Irregular Funding:** Funding is scarce and irregular, heavily dependent on short-term European projects.
- **Dependence on State Funding:** NGOs rely significantly on state funding through the funds coming from social gambling, leading to instability.
- **Geographic Disparities:** There are significant geographic disparities in funding and service availability.

Recommendations

- **Stable Funding:** Ensure continuous and stable funding through state budgets rather than intermittent project-based European funds and adoption of funding model focus on “same service - same amount of financing” at national level.
- **NGO Support:** Recognize NGOs as essential public policy agents and provide them with appropriate resources.
- **Reduce Dependence:** Reduce dependence on project-based funding to ensure stability and consistency.

Article 11: Data Collection and Research

Positive Developments

- **Standardized Tools:** Implementation of standardized tools and forms for data collection.
- **Database Creation:** Establishment of the Violence against Women and Domestic Violence Database.

Challenges

- **Gender-Specific Data:** Limited reference to gender-specific data in policies and judicial decisions.

Recommendations

- **Data Collection:** Improve data collection mechanisms to include gender-specific information.
- **Policy Improvement:** Use collected data to inform and improve policies and judicial practices.

Article 12: General Obligations

Positive Developments

- **Legislative Amendments:** Laws have been amended to include children as victims in domestic violence contexts.

Challenges

- **Parental Alienation:** Continued use of the concept of parental alienation, affecting children's safety.
- **Training:** Lack of specific training for judiciary actors on gendered violence.

Recommendations

- **Judiciary Training:** Train judiciary actors on the gendered nature of violence against women.

- **Victim Protection:** Ensure laws prioritize victim protection and children's safety.

Article 14: Education

Recommendations

- **Educational Programs:** Implement educational programs to raise awareness of gender-based violence.
- **Promote Non-Violence:** Promote a culture of non-violence, equality, and non-discrimination through education.

Article 15: Training of Professionals

Challenges

- **Inadequate Training:** There is inadequate specialized training for professionals dealing with domestic violence.

Recommendations

- **Specialized Training:** Provide mandatory initial and ongoing specialized training for professionals.

Article 16: Preventive Intervention and Treatment Programmes

Positive Developments

- **Intervention Programs:** Introduction of intervention programs for perpetrators.

Challenges

- **National Coverage:** Limited national coverage of these programs.

Recommendations

- **Program Expansion:** Expand and improve intervention programs for perpetrators to ensure accountability.

Article 18: General Support Services

Challenges

- **Service Availability:** Inconsistent availability of support services across regions.

Recommendations

- **Enhance Support Services:** Enhance support services for victims of domestic violence and their children.
- **Specialized Services for Children:** Develop specialized support services for children, including those in shelters.

Article 20: General Support Services

Recommendations

- **Comprehensive Support:** Provide comprehensive support services for all forms of violence covered by the Istanbul Convention.

Article 22: Specialist Support Services

Challenges

- **Limited Services:** Limited specialized support services for victims of sexual violence.

Recommendations

- **Increase Specialized Services:** Establish more specialized support services for victims of sexual violence.

Article 25: Support to Victims of Sexual Violence

Challenges

- **Crisis Centres:** Limited availability of crisis centres for victims of sexual violence.
- **Translation Issues:** Inadequate translation of the Istanbul Convention's Article 25 into Portuguese law.

Recommendations

- **Improve Implementation:** Improve translation and implementation of Article 25.
- **Financial Support:** Increase financial support for specialized services for sexual violence victims.

Article 31: Custody, Visitation Rights, and Safety

Challenges

- **Parental Alienation:** Continued use of parental alienation concepts affecting children's safety.

Recommendations

- **Family Court Decisions:** Ensure family courts consider domestic violence when making custody and visitation decisions.
- **Legislate to prohibit the use of parental alienation:** or related pseudo-concepts in family law cases and the use of so-called experts in parental alienation and related pseudo-concepts
- Ensure that Social Security Institute regularly monitors the Family Support and Parental Counselling Centre (CAFAP) entities, and that these inspections include families' feedback.

Article 48: Prohibition of Mandatory Alternative Dispute Resolution Processes or Sentencing

Recommendations

- **Prohibit Mandatory ADR:** Prohibit mandatory alternative dispute resolution processes in domestic violence cases.

Articles 49 and 50: General Obligations and Immediate Response, Prevention and Protection

Recommendations

- **Strengthen Response:** Strengthen immediate response and protection measures for victims of domestic violence.

Article 51: Risk Assessment and Risk Management

Positive Developments

- **Risk Assessment Procedures:** Implementation of risk assessment procedures.

Challenges

- **Inconsistent Application:** Inconsistent application of risk assessment procedures across regions.

Recommendations

- **Standardize Procedures:** Standardize and improve risk assessment procedures nationwide.

Article 52: Emergency Barring Orders

Recommendations

- **Effective Implementation:** Ensure effective implementation and enforcement of emergency barring orders.

Article 53: Restraining or Protection Orders

Recommendations

- **Enhance Enforcement:** Enhance the enforcement and effectiveness of restraining and protection orders.

Article 56: Measures of Protection

Recommendations

- **Comprehensive Protection:** Implement comprehensive protection measures for victims of violence.

Part III: Emerging Trends on Violence Against Women and Domestic Violence

Observations

- **Public Awareness:** Growing public awareness of domestic violence as a serious crime.
- **Public Consciousness:** Increase in public consciousness due to visible failures in the system.

Part IV: Administrative Data and Statistics
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Recommendations

- **Improve Data Collection:** Improve the collection and analysis of administrative data on violence against women.
- **Inform Policy Decisions:** Use data to inform policy decisions and measure the effectiveness of interventions.

Part I: Changes in comprehensive and co-ordinated policies, funding, and data collection in the area of violence against women and domestic violence

Article 7: Comprehensive and co-ordinated policies

Since 1997 Portugal have been adopting and implementing National Action Plans on equality between women and men, and since 1999 National Action Plans on preventing and combating domestic violence. Both national action plans are coordinated by the Commission for Citizenship and Gender Equality over a period of 4 years. Almost all government areas are considered in its implementation and monitoring.

Positive developments

In 2018 a change occurs: the Resolution of the Council of Ministers No. 61/2018 of 21 May approved the National Strategy for Equality and Non-Discrimination - *Portugal + Igual* (ENIND) for the 2018-2030 programmatic cycle, temporally and substantively aligned with the Agenda 2030 and supported by three Action Plans, which define strategic and specific objectives in terms of non-discrimination on grounds of sex and equality between women and men, preventing and combating all forms of violence against women and domestic violence, and combating discrimination based on sexual orientation, gender identity and expression, and sexual characteristics.

From 2018 until now, 2 action plans regarding VAW and DV were adopted (2018-2021, 2023-2026). Each Plan is structured around 6 strategic objectives:

1. Preventing and eradicating social tolerance of the various manifestations of violence against women and domestic violence (VAW), raising awareness of its impacts and promoting a culture of non-violence, equality and non-discrimination.
2. Support and protect - expand and consolidate intervention.
3. Intervene with aggressors, promoting accountability.
4. Qualifying professionals and services for intervention.
5. Researching, monitoring and evaluating public policies.
6. Preventing and combating harmful traditional practices, namely female genital mutilation and child, early and forced marriages.

For the first time, policies against sexual violence were introduced in the 1st NAP (2018-2021) and policies supporting children orphans of femicide in the 2nd NAP.

Concerning the legislative framework there were some improvements:

- Regulatory Decree 2/2018, 24th of January, established the conditions for the organisation and operation of the support services, emergency shelters and shelters that are part of the national network for victims' support services (NNVSS). Standardized tools such as the Single Service Form that must be used

by all services of the NNVSS across the country; this includes the form for the victims identification, the form for the suspect, the form for the description of the case, a form regarding the development of a safety plan and safety promotion strategies for children and young people in care, a form for the assessment of social needs of the DV victims and individual intervention plan and a referral report form. One of the outcomes of that regulatory decree was the increase of the number of places on shelters and emergency shelters, namely on shelter for male victims of domestic violence, shelter for women with mental illness victims of domestic violence (available in 2019).

- Directive 5/2019 issued by the Attorney General's Office with the following focus areas: Risk assessment; Operation within 72 hours; Statements for future memory; Victims sheltered in refugees or with confidential household; Coercive measures; Teleassistance; Provisional suspension of the process.
- Ordinance 138-E/2021, 1st of July, which changed the statutes of victims.
- The Attorney General's Office Directive 5/2019 was implemented to ensure a working methodology for the protection and defence of women's rights and their empowerment, considering the existing legal framework.
- Law n° 45/2023, 17th of August, enlarging the scope for the application of statements for future memory, as well the implementation of Specialized Integrated Domestic Violence Sections (SEIVD) in some Judicial Districts, as pilot initiatives.
- Crises Centres for victims of sexual violence, only two centres (Lisbon and Oporto)
- Implementation of Psychological Support Responses for Children and Young People, victims of DV in Protocol with the Portuguese Order of Psychologists, but without national scope.

However, some of the measures considered in the above legislation are being implemented as pilot projects without national coverage and without a clear response capability.

There are a few municipalities that have adopted Municipal Plans against domestic violence (for instance, [Lisboa](#), [Almada](#) and [Cascais](#)). A guide on minimum intervention requirements for supporting victims of domestic violence and gender-based violence determines the principles that must be respected by all professionals and structures that interact with victims.

Challenges

There is no specific budget allocated to the NAP.

Although the NAP covers different forms of VAW as referred in the Istanbul Convention, a strong focus on domestic violence prevails in PT policies and practices: the Portuguese framework Law no. 112/2009 did not change its title neither its gender-neutral perspective. In fact, it contains the wording “women/woman” only in four articles: no. 2 (Women’s Human Rights NGO), no. 37-A (Violence against Women and Domestic Violence Database – introduced in 2021), no. 60 (women’s shelters) and no. 79 (training on equality between men and women).

Women’s rights and their empowerment are not at the centre of the policies neither of the judicial practices. Women’s rights have been absent from the spirit of policy-making and from its implementation; they are rather more dependent on the “good will” of public and private entities, not seen as mandatory and its implementation is territorially unbalanced.

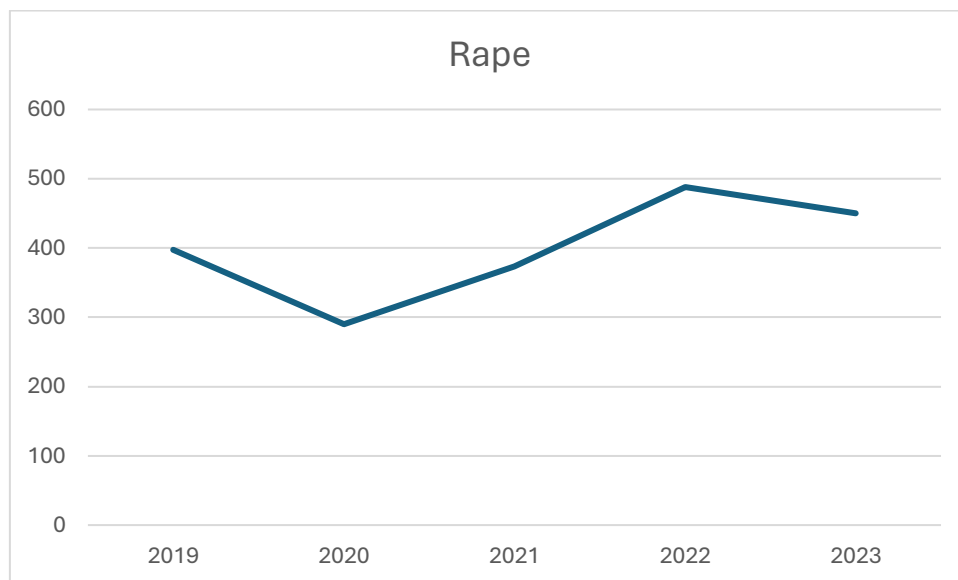
However, there was a growing public consciousness of domestic violence as a heinous crime. That consciousness was mostly prompted by:

- the failure of the system on the prevention, protection of victims and women’s access to justice.
- Women’s Human Rights NGOs and other victim support organisations are vocal in making visible the failure of the system and demanding an appropriate response.
- the very low rate of convictions which stems mainly from lack of gender analysis and knowledge reflects in existing misogynistic judicial decisions. In fact, judicial decisions are still taken without true consideration of human rights, with limited reference to the Istanbul Convention or to the CEDAW. Gender neutrality prevails in the law implementation and VAW is not taken as relevant as it should be.

The Portuguese Penal Code criminalises sexual violence, namely on the section of crimes against sexual freedom: Rape (article 164 of the Penal Code) and Sexual Assault (article 163). An amendment of 2019 included “*contra a vontade cognoscível da vítima*” (against the cognisable will of the victim) to comply with the IC. In our perspective, there is still room for improvement so it can be fully understandable by all women and not subject to individual interpretations of judges.

These crimes are categorised in Portugal as ‘semi-public’, meaning that criminal proceedings will only start after the victim has reported the crime to the authorities. Victims would therefore benefit if specialized support services could offer guidance. However, the translation into Portuguese of Article 25 of the IC needs to be improved as it impacts directly on the type of services available to survivors of sexual violence. Rape crisis or sexual violence referral centres for victims were translated as crisis centres “centros de crise” and, therefore, financial support to referral centres is not foreseen. There are only 2 specialized support services for victims of sexual violence for women and girls in Portugal.

Rape is increasing in Portugal, despite the absence of funding to rape crises centers across Portugal.



Source: RASI, 2015, 2016, 2017, 2018, [2019](#), [2020](#), [2021](#), [2022](#) and [2023](#)

Since 2015 that the Penal Code criminalizes sexual harassment in the streets and, according to a news article, since then thousands of judicial inquiries, hundreds of accusations but, until August 2021, only 6 people were arrested.¹ Another news article, dated of May 2021, refers that only 10% of all inquiries end up with a conviction.²

Forced-abortion and forced-sterilization are not crimes. In a report from the CERMI Women’s Foundation and the European Disability Forum is stated that in Portugal “*persons with disabilities, especially those who have been declared legally incapacitated,*

¹ <https://observador.pt/especiais/seis-anos-de-crime-de-importunacao-sexual-milhares-de-inqueritos-e-centenas-de-acusacoes-depois-seis-pessoas-foram-presas/>

² <https://www.noticiasaminuto.com/pais/1752785/assedio-sexual-no-trabalho-e-na-rua-se-importunao-e-seducao>

continue to be subjected against their will to abortion, sterilisation, scientific research, electroconvulsive therapy or psychosurgical interventions. The Committee [on the Rights of People with Disabilities] recommended that Portugal take all possible measures to ensure that the right to free, prior and informed consent to medical treatment is respected and that it put in place assisted decision-making mechanisms.” (2017, [Ending forced sterilisation of women and girls with disabilities](#). Pp. 40).

Although the Penal Code and the Code of Criminal Procedure were amended to enlarge the concept of victim to include children or young people up to 18 years of age who have suffered abuse related to exposure to contexts of domestic violence, the family courts keep using the pseudo-concept of parental alienation to force children to visit the abuser. There is absolutely no data on how the law is being applied in the criminal courts and if children are indeed being considered victims. There was also no specific training of judiciary actors or updated guidelines to reinforce this change in the Penal Code.

Recommendations:

- It is time to frame the laws, policies and system practices keeping in mind that this is male violence against women and girls and ensure proper funding in State budget for fighting it.
- Stop considering domestic violence as a gender-neutral crime and frame the laws, policies and system practices keeping in mind that this is male violence against women and girls.
- We emphasize the urgent need to ensure that all statutory agencies involved in domestic violence cases, including family judges, follow a unified approach which prioritises the need for protection and safety of the victims of domestic violence and which recognises that children witnessing abuse by one parent can be as affected as much as if they had experienced it themselves.
- Legislate to prohibit the use of parental alienation or related pseudo-concepts in family law cases and the use of so-called experts in parental alienation and related pseudo-concepts, as recommended in the UN Report of the Special Rapporteur on violence against women and girls, its causes and consequences.
- All Women’s Human Right Organizations and other victim support organisations should be automatically included in the Consulting Council of Commission for Citizenship and Gender Equality (CIG), and, on any other Consulting Councils, on all matters: local, district and regional councils, especially those that have competence to decide any kind of policies or financial supports, such as the ones

that come from the Municipalities, Portuguese State Budget and/or European funds.

- It must be assured/binding, that in all the public entities managing European funds Woman’s Human Rights NGO and other victim support organisations are involved – the organization choice must be a local or national organization, voted for that mission between women’s organizations.
- To further support specialized services for victims of domestic violence and to develop specialist support services for children, including in shelters where children should be able to stay with their mothers.
- To allocate specifically resources to support children of femicide cases (this year solely on January, 8 women were killed), who often lose both parents at once: the victim-parent is deceased, and the offender-parent is detained. In each situation an automatically support mechanism must be activated. Children must also be provided with pre-court preparation and post-court support.

Article 8: Funding

According to [EIGE’s study on the costs of gender-based violence \(2021\) in Portugal](#) is estimated in € 8,4 bn. However, funding for combating violence against women is scarce and irregular.

Domestic violence is the area with the greatest investment by the Portuguese State, but not all forms of violence against women are included – for instance, sexual violence is not taken as serious as domestic violence and funding is scarce.

There have not been any positive developments regarding funding.

Challenges

Within the State budget, from 2021 to 2024, the percentage of the budget for the measure no. 082 Security and Social Action - Domestic violence - Prevention and victim protection “Segurança e Ação Social - Violência doméstica – Prevenção e proteção à vítima” in relation to the total State budget remains extremely low:

Year	Measure no. 82 in Euros	Consolidated programme grand total - State budget in Euros	% of the measure no. 82 budget in relation to the overall State budget
2024	22 677 153 €	187 742 697 646 €	0.012
2023	22 360 552 €	179 032 339 398 €	0.012

2022	22 781 358 €	149 187 033 259 €	0.015
2021	18 974 119 €	145 118 356 228 €	0.013

Source: Own calculations based on *Orçamento do Estado Mapa 12 – Elementos informativos sobre os programas orçamentais, 2021, 2022, 2023 e 2024*

The expenses included in the State budget are mainly related to human resources of the Ministry of Home Affairs and the Ministry of Justice; there are also expenses related to the Ministry of the Council of Ministries and the Ministry of Labour, Solidarity and Social Security.

The main source of funding for Women’s Human Rights NGO and victims’ support services is through projects supported by European funds, lasting 18 to 36 months, not providing sufficient security and sustainability to the intervention nor its due continuity in the community in which it operates. This also gives women and overall communities a sense of weakness of the public strategy to combat violence against women and domestic violence. When the funding deadline is reached, the entire funding application process is carried out again, without an assessment of the impact of the intervention in the community. On the other hand, regions like Lisbon, do not have access to European funds. Within this areas, NGO and services are very much dependent on the financial support given by municipalities and Social Security Institute.

The funding should not be dependent on municipalities. We disagree with the transfer of competences made in relation to the support for victims of domestic violence to the municipalities – in our perspective, it should be repealed from the Regulatory Decree 2/2018, 24th of January.

This impacts specifically victims’ support services for adult women and psychological and psychotherapeutic support services to children and young people (RAP). A very significant part of these structures is financed by European funds, which translates into great precariousness, because the funding is done according to the opening of the funding calls and according to the respective programming periods, that is, it is of intermittent funding and the transition between community frameworks is not fully ensured, such as the situation of instability and precariousness that has persisted since 2022.

This funding scheme requires the dedication of the specialised small teams in allocating a significant part of their time to preparing applications and project execution reports, an effort that adds to what is already carried out within the scope of RNAVVD's reports to the CIG.

Furthermore, the intervention model of the services that are applying for funds are not taken as a criterion, nor are gender-related issues considered as part of their intervention. Apart from the responses funded by the Social Security Institute that manage to guarantee stability to the teams and victims with whom they work, all other sources of funding are disrespectful to the teams and to the victims as they depend on funding calendars and territorial limits. This means that some of the services created, namely psychological support services for children and young people victims of domestic violence as well as emergency shelters, do not exist in a balanced manner throughout the country.

The type of funding received via the Institute for Social Security do not fit into the typologies that can receive funding from the Programme to Sign or Extend Cooperation Agreements for the Development of Social Responses (Programa de Celebração ou Alargamento de Acordos de Cooperação para o Desenvolvimento de Respostas Sociais).

The financial resources that the State provides to the NGOs are to pay for a service they perform in favour of victims' rights, particularly in terms of counselling structures (advice and advocate Centres), management of shelters, etc., and not for the organizations themselves.

The existence of loose projects dispersed over time and territory has not guaranteed effectiveness, coherence and the expected change in behaviour and mentalities.

There are also services that resort to a welfare approach, rather than a women's human rights approach, being financed year after year. We emphasize that Women's Human Rights NGOs play a crucial role, above all that of the State, in implementing public policies and restoring human rights, particularly in supporting women and girls who are victims of violence, combating inequalities and discrimination and promoting women's human rights. As public policy implementers to whom functions are transferred, they must be assured that this transfer of competences corresponds to the transfer of means and conditions, including financial ones, for this purpose.

The dependence on irregular funding is very significant. The Portuguese State has been increasingly conveying the need for NGOs to diversify their sources of revenue to ensure their sustainability. But how can NGOs guarantee these other sources of funding and, at the same time, carry out the functions and purposes they seek? The impetus to promote social entrepreneurship has been growing, with NGOs being able to have secondary purposes that aim to make a profit to finance their support services.

Despite the Women's Associations Act in Portugal, there was a drastic reduction in financial support for non-governmental women's organisations in the 2001 State Budget (!) and in 2017, financial support for non-governmental women's organisations was no longer included in the State Budget Act.

Women's Human Rights NGOs do not have the vocation to be *Airbnb* managers, nor to be producers and sellers of goods on the market. The economic resources at their disposal do not even allow them to ensure the implementation of any other profitable activities, and it is considered essential that the recognition of their activity must not be aimed at profit and that it must be financed entirely by public and State funds.

Additionally, some NGOs work on several places and must drive long distances for it: that time and distance should be considered to a bigger financial support and to allow hiring more employees.

Overall, from the perspective of public policies, the funding scheme available to NGOs and victims' support services clearly presents several gaps, leaving women and children at risk.

Without the work of the NGOs, the State would have no response to support victims, but the current "contractualization" of these services is in arrears, with no possibility of submitting requests for reimbursement on the Portugal 2030 platform, forcing them to turn to banks, close services and leave workers with unpaid wages and at risk of unemployment. On the International Workers' Day, 27 NGO demand that the state respect the work done by these specialists! Organisations that have specialised support services for victims of violence reported that since October 2023, victim support structures have not received funding and have been forced to submit applications with projects to People 2030 to continue to support victims.

Recommendations:

- The main source of funding for victims' support services and Women's Human Rights NGOs should be the State budget. That is if the State wants to continuously affirm having victims' support services when it is, in fact, run by the Women's Human Rights NGO and other organisations.
- In order to achieve an effectively coordination on long term policies on preventing violence against women is absolutely fundamental to reinforce women's organizations that are working on women's human rights: ensuring that their expenses with their work are properly funded; ensuring the protection of the

teams that are working directly with victims and that they are paid with the same criteria that public workers, including on what concerns on risk support; women's organizations should be the first to be asked and given financial support to work on new responses in the violence against women and girls and on women's human rights area, obliging the Portuguese State to equality and transparent processes for this allowing Women's Human Rights NGO to oppose if that doesn't happen (positive discrimination). These measures will allow and increase the specialization of the organizations, keeping the jobs, talents and activity.

- The legislation of the National Network for Support Services for Victims of Domestic Violence (RNAVVD) should provide:
 - an identical reference value per service user, independent of the region where the service is provided.
 - the formula for the calculation of the reference value should be established in consultation with all the entities that are part of the network (this is urgent and needed to achieve fairness between different organizations that provide support for victims of violence).
- Measures to ensure transparency in funding is necessary: there is a glaring disparity between entities, with religious entities benefiting, as a rule, from greater public funds than Women's Human Rights NGO for the same service and work.
- It should be mandatory that Women's Human Rights NGO must be listened on all matters, laws and policies, that have a gender impact and all work and time expended by those organizations should be paid accordingly.
- It should be mandatory that all funding programmes, especially European ones, including the regional and thematic funds, to have specific funds allowing Women's Human Rights NGO to apply for their regular activity, including the possibility to buy and carrying out work that can be a source of funding for their offices or shelters, including spaces/apartments, cars, as well hiring more professionals.
- It must be assured that the organizations that are already working on the support to domestic violence victims or, as well, on women's human rights are the ones that will be funded to assure new services, such as supporting victims of sexual violence, forced marriage and other forms of violence against women. Those services should be provided locally, not as a pilot project, but as regular service in every district of Portugal. All services should be funded by the State Budget and not by European funds. Why would you keep piloting projects when there is already evidence that those services are necessary?

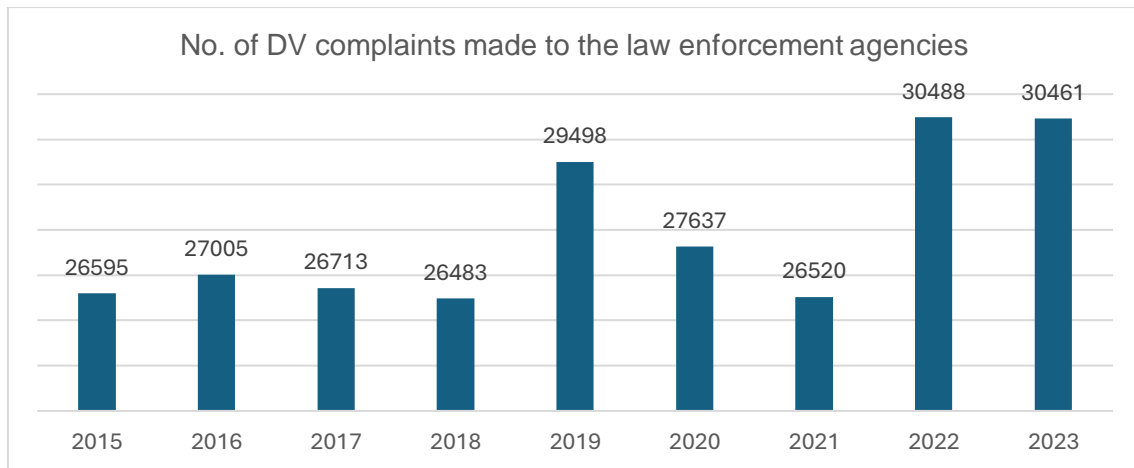
- Within the Women's Human Rights NGO law include administrative rules that exempt those organisations from complying with public procurement rules up to the thresholds provided for it in the European regulation for public procurement, exempt from the concept of conflict of interest in order to hiring people that perform functions on the governing bodies of those organisations as workers or service providers, as a way of promoting the professionalization of the ONG and a stable staff of female employees: No activist and women's human rights defender should withdraw from activism due to financial difficulties.
- Regular funds available to the RNAVVD entities to allow them to provide other support that, in most cases, must be requested from other entities outside the RNAVVD and which leads to revictimization. Therefore, financial support for rent, dentists, orthodontics, purchase of goods, including glasses, must be supported by RNAVVD entities who must receive financial support for this (at this time, for example, this support may be requested from Caritas). The assessment of these needs must be carried out by the support structure.

Article 9: Non-governmental organisations and civil society

Overall, Women's Human Rights NGO, and particularly those working in the community, are not considered and their experience is not valued, even though they work closely with the most disadvantaged women, immigrants and the Roma community. Funding is scarce and too often focuses on studies, campaigns and not on supporting concrete activities to work directly with women and girls.

Article 11: Data collection and research

Domestic violence is the crime in Portugal with the higher number of complaints in all years (2019-2022); in 2023 was the 2nd most reported crime to the law enforcement agencies. From 2019 till 2023, an average of 27.980 DV complaints per year were made to the law enforcement agencies.



Source: RASI, 2015, 2016, 2017, 2018, [2019](#), [2020](#), [2021](#), [2022](#) and [2023](#)

Positive developments

Data on domestic violence is published online by the Commission for Citizenship and Gender Equality (CIG) on its webpage.

Data is provided monthly by RNAVVD's support services, shelters and emergency shelters, among others. For that to happen, standardized tools were made and are being used by all victims' support services.

Every year the Annual Internal Security Report (RASI) is published by the Secretariat General of Internal Security.

In 2016 the Ordinance no. 280/2016 entered into force, regulating the procedure for retrospective analysis of homicides in the context of domestic violence. Since 2017, 22 reports were [published online](#) with several recommendations. However, the data and information are given voluntarily by the professionals involved in the case to the Domestic Violence Homicide Retrospective Analysis Team.

Challenges

There is no systematic data collection on all form of violence against women and domestic violence that supports a holistic view from the different entities, namely from law enforcement agencies, the justice sector, social services, and the public health care sector.

As legislation and policies on preventing and combating violence against women in Portugal are gender-neutral (ignoring the asymmetric power relations between women and men), male violence against women and girls – femicide, intimate partner violence,

and other forms – is ineffectively known and targeted. There is limited reference to gender-specific data in policies and judicial decisions.

Portugal has a high rate of female victims of homicide due the high number of femicides occurring in intimate relationships. UN data from 2019 indicate that globally women are around 20% of homicide victims, but in Portugal, in 2018, this value was triple (60.7%) and in other years it was double (2019 = 41.1%; 2023 = 31.2%).

In 2023, 19 women and 2 children were murdered in the context of domestic violence.

Most of the homicides are committed in the family home and mostly in the presence of children who became orphans.

From 2016 until 2021, the Secretary General of the Ministry of Home Affairs published the Annual Domestic Violence Monitoring Report, giving more detailed information about DV in Portugal. However, we couldn't know all victims and perpetrators characteristics as data was not disaggregated by sex.



Source: RASI, [2021](#)

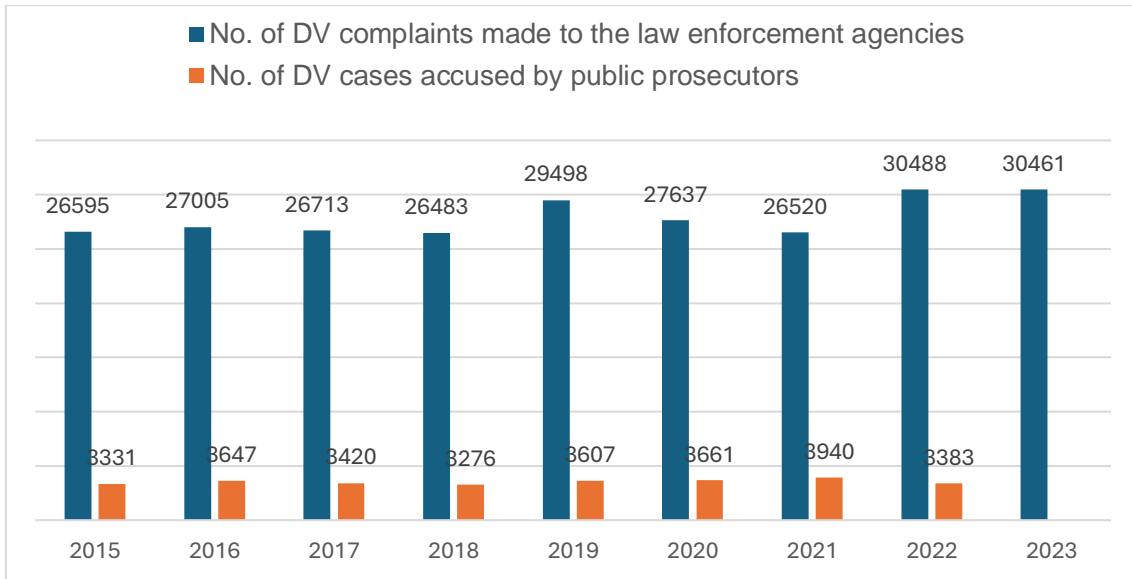
The data coming from RASI follows the same trend, and only considers sex disaggregation in relation to the number of victims and perpetrators; we cannot withdraw from RASI the average age of women and men as victims or perpetrators, for instance.

The RASI has two main crime categories - Global crimes and Violent and Serious Crimes. Domestic violence is included in Global Crimes and not on the Violent and Serious Crimes section, although, according to our criminal procedure code, domestic violence falls within the scope of violent crime (art. 1, j) of the CPP).

There is still no way to allow cases of violence against women and domestic violence to be tracked from reporting to conviction, at all stages of the law-enforcement and judicial proceedings.

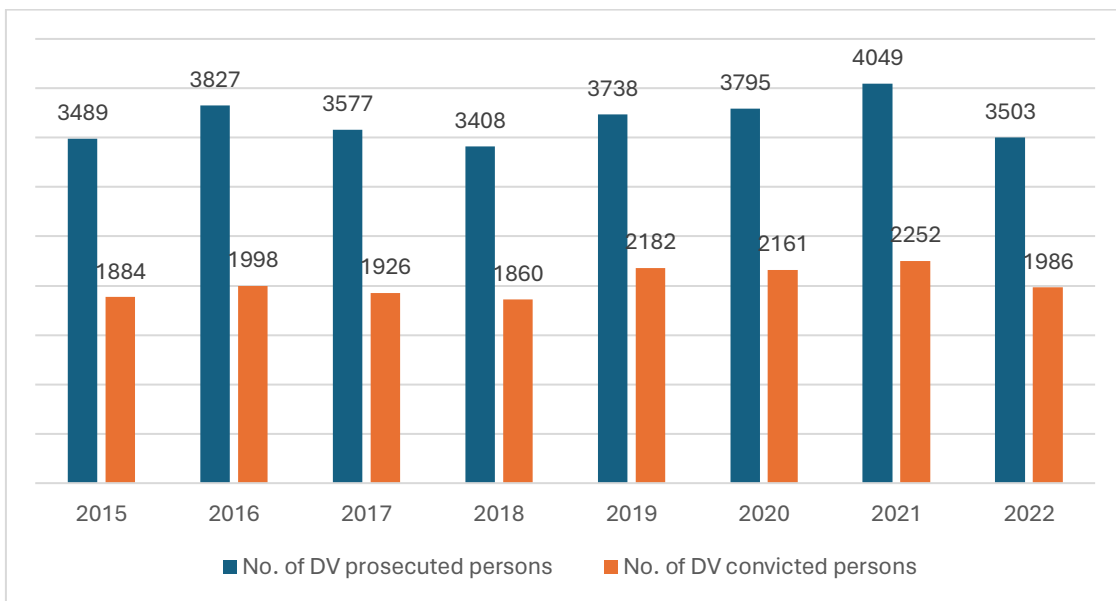
Nevertheless, even without direct correlation, the numbers reported show a serious issue with crime investigation and prosecution.

NGO contribution to the 1st GREVIO thematic evaluation round procedure
Portugal



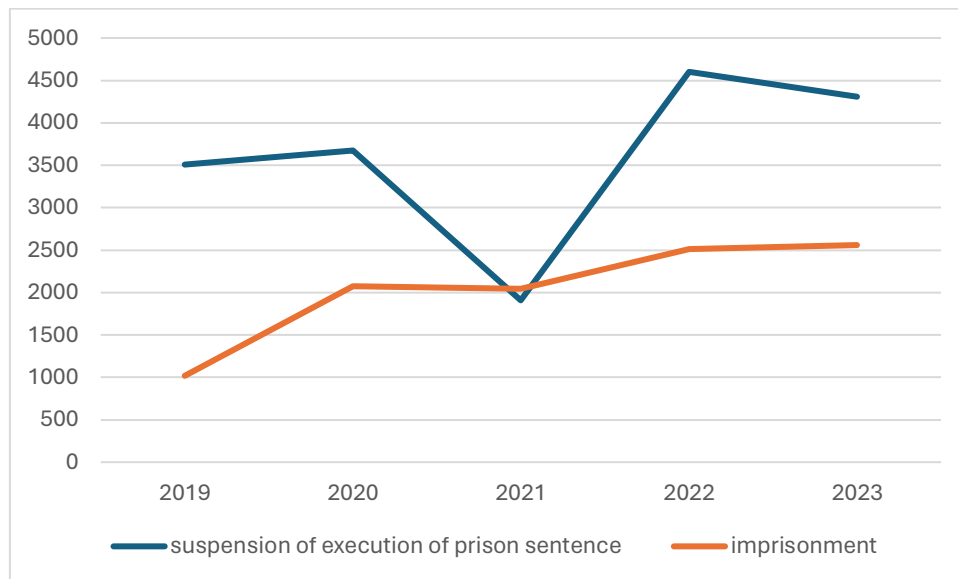
Source: <https://estatisticas.justica.gov.pt/sites/siej/pt-pt/Paginas/Temas/CriminalidadeJusticaPenal.aspx>

Number of perpetrators prosecuted and convicted



Source: <https://estatisticas.justica.gov.pt/sites/siej/pt-pt/Paginas/Temas/CriminalidadeJusticaPenal.aspx>

Number of convicted perpetrators imprisoned and with the suspension of execution of
prison sentence



Source: RASI, [2019](#), [2020](#), [2021](#), [2022](#) and [2023](#)

We also do not know the number of non-compliances and resulting sanctions, as well as decisions to inhibit the exercise of parenthood. It is important to assess the impact of these decisions on women's poverty and on their children's lives. We should evaluate the impact of those decisions on the parents' lifestyle by carrying out a retrospective analysis with adult children who experienced DV namely on the path of legal proceedings, their relationship with the judicial system, the impact on education and professional lives, etc.

We, as service providers, know the impact all legal proceedings have on women's poverty. According to DECO data, overall debts are contracted mostly by men and renegotiated mostly by women. Aspects such as the assignment of the family home, sharing and/or assuming the debts resulting from bank credits (including those debts contracted by women within the scope of the violent relationship to allow the aggressor to carry out a desired activity for him or to buy goods that he wants).

Furthermore, it is of utmost important to typify strategies and threats most used by perpetrators during judicial proceedings, either towards their victims and lawyers. All of us should be able to know how long decisions are taken related to all judicial proceedings on DV cases, the levels of litigation, and the way those proceedings are fuelled with prejudices and sexist stereotypes.

There is no data on the number of times custody decisions have resulted in the restriction and withdrawal of parental rights because of violence perpetrated by one parent against

the other. It would also be important to know and publish data on the number of custody decisions forcing visitation rights as well as number of decisions forcing shared residency within the context of domestic violence.

Statistics at the justice level are scarce and not visible to the public. Regarding the retrospective analysis of homicides in the context of domestic violence, for better clarification in the dissemination of the outcomes, in addition to sex, there should also be the age of the victims. We continue to lack data regarding non-compliance with coercion and protection measures and the decisions taken by the judiciary regarding non-compliance. The articulation between family and penal proceedings continues to occur in a way that does not protect victims of DV and VAW crimes. Statistics on inhibition of parental rights are unknown.

The Portuguese State has made insufficient investment in supporting research on all forms of violence against women and children. The last prevalence study dates of 2009. In 2020, a Women's Human Rights NGO published a National Study on Dating Violence, funded by the CIG.

Nevertheless, in 2021, the Foundation for Science and Technology (FCT) and CIG opened applications for R&D focusing on gender and the labour market during and after the COVID-19 crisis (employment, unemployment, precariousness, forms of work organisation, health and social support); COVID-19 and everyday life, stereotypes and gender roles (gender stereotypes, risk behaviours, informal care); and COVID-19 and violence against women and domestic violence (patterns and dynamics, state and social responses, tools for prevention). [Fifteen projects were funded](#), with an overall budget of 500,000 euros, with a greater number of research projects on violence against women and domestic violence (8 projects, 53%): The impact of sars-cov-2 on the social determinants of gender-based violence: proposals for action and intervention; Violence against women and domestic violence in times of pandemic: characterisation, challenges and opportunities in distance support; Online violence against women: preventing and combating misogyny and violence in a digital context based on the experience of the covid-19 pandemic; Violence in intimate relationships in times of covid-19: gender inequalities and (new) contours of domestic violence?; Safecheck app: risk assessment and management with victims of intimate partner violence; Days of confinement and violence: the response of support services for victims of domestic violence in times of the covid-19 pandemic in Portugal; The impact of covid-19 on violence against women: a longitudinal analysis; and Action tools and training references, with the aim of supporting a life free of gender-based violence and domestic violence.

Recommendations

- Following the recommendations of the United Nations Special Rapporteur A/HRC/53/36 Custody, violence against women and violence against children, the State should establish regular monitoring mechanisms to oversee the effectiveness of family justice systems for victims of domestic abuse.
- Improve data collection mechanisms to include gender-specific information. The “visibility of victims” requires a correct application of Law No. 112/2009 of September 16th in line with the article 11 of the Istanbul Convention, benefiting from a more effective way in collecting transparent data specific of the judicial cases of violence against women and domestic violence that intersect in the criminal/family area and whose statistical treatment must be linked to the Ministry of Justice.
- Collect and publish data disaggregated by sex on Internet and ICT availability and take measures to eliminate any gender inequality in access to technologies.
- Production of knowledge that distinguishes different socioeconomic status (we know that in cases where perpetrators are higher social classes, the violence is frequently heightened, leading many women to enter into agreements and shared agreements that are harmful to their interests and rights, with the threat that they could “lose” their children).
- The State's investment in supporting victims of violence must be transparent. This includes knowing the value of agreements established with all organizations and service providers, evaluating the average agreements with national entities, identifying funding and resource inequalities among organizations and service providers, and understanding which additional services are in need to be provided. It's essential to assess whether these services uphold the principles of promoting and defending women's human rights. This study will mandate the establishment of clear funding criteria and ensure that future agreements prioritize women's organizations and other victim support organisations.
- Regarding the improvement of policies: Use collected data to inform and improve policies and judicial practices.

Part II: Information on the implementation of selected provisions in priority areas in the field of prevention, protection and prosecution

Article 12: General obligations

Positive developments

Since 2005, every year CIG implements a national campaign on domestic violence. From 2016 till 2021, the design of the campaigns was made with the collaboration of Women's Human Rights Organizations and victims' support services. The campaign materials were displayed in national TV, radio and media, mupis and outdoors, on buses, among others.

Every 25th of November, CIG gathers information on initiatives on the 16 days of activism against violence against women promoted by NGOs, public and private entities, and municipalities. The information is displayed later in the webpage of CIG.

In 2022, for the first time in Lisbon, and perhaps in the country, a huge campaign was promoted based on a partnership between the Portuguese Platform for Women's Rights (PPDM) and the local municipality of Lisbon. More than 65 events were held - conferences, exhibitions, gatherings, debates, theatre, cinema, online campaigns, marches, actions in schools - involving more than 45 organisations. The diversity of initiatives, forms of organisation and participating voices showed how all the manifestations of violence against women are related, forming a continuum that goes from "everyday sexism" to the grossest violations of their freedom: sexual harassment, sexual exploitation in the prostitution system, physical violence, sexual violence and femicide.

A specific website, [FimdaViolência.pt](https://www.fimдавiolência.pt), has been created containing information on each of the events, the manifesto opens to subscription by organisations and individuals and a biography of the survivors who took part in the events. The Manifesto received 58 signatures from a wide variety of organisations (including the Commission for Equality in Labour and Employment, local councils, associations and platforms) and more than 300 individual signatures. A march covering all forms of male violence against women was organised, having as a starting point the Praça do Comércio, next to the Statue of King José I, which was also illuminated in orange, and featured a musical performance by Khira and speeches by survivors Mia Doring, Joana Dias and Khira, as well as several activists.

For the first time, the Portuguese Parliament lit up in orange on 25 November in response to a request from the Portuguese Platform for Women's Rights.

In 2023, the campaign site was updated with materials and initiatives with a strong focus on the adoption of the EU Directive on combating VAW and DV. A Manifesto opened for signatures gathered 250 signatures from organisations and individuals.

Challenges

In our view, there is no strategic long-term vision to end VAW, as it requires far-reaching changes in attitudes and beliefs towards women and girls.

The National Commission for the Promotion of Rights and Protection of Children and Youth and its local branches are fuelled with social workers that lack sufficient consideration of the underlying power dynamics and gender discrimination inherent in domestic violence, and the impact that witnessing such violence may have on children. This may lead to frequent secondary victimisation of victims and of their children.

Family courts are still heavily using harmful gender stereotypes and prejudices based on the idea of the “evil women”, minimizing the violence against women and children’s exposure to domestic violence by labelling mothers as parental alienators.

In terms of prevention, there is still no policy and practice on the part of the Portuguese State.

Child marriages continue to have a high impact on the Roma community, without any consequences for the people involved. There is no systematized collection of information from all the entities involved and in contact with victims - CPCJs, health, social services, schools. There are no official statistics on forced marriages published and easily accessible.

Recommendations

- National campaigns: Launch nationwide multimedia campaigns to educate the public about violence against women and girls, its causes and consequences, addressing sexist stereotypes and gender roles. Design the campaigns with the effective collaboration with Women’s Human Rights NGO. Think outside the box.
- Implement awareness-raising campaigns targeting women belonging to disadvantaged groups, such as women with disabilities, Roma women, women migrants and older women, to submit complaints, to access to free legal aid and to benefit from reparation to victims.
- Adopt urgent measures focused on Roma girls to prevent and reduce child and/or forced marriages and early pregnancies and to encourage their permanence in

the education system, including by providing scholarships, sexual education programs and access to family planning services, and taking measures to raise awareness among the Roma community of the harmful effects of child marriage and early unions.

- Address men and bystanders' behaviours.
- Partnerships with media: Work with television, radio, and online media to produce and broadcast content that highlights issues related to violence against women, its causes and consequences.
- Social media campaigns: Resort to social media platforms to spread awareness, share survivor stories whenever possible, and provide information on resources and support services. Associate the social media campaigns to other type of informational materials, such as brochures, posters, and other informational materials in public places like schools, hospitals, football stadiums, music festivals, etc. Highlight stories of individuals who have successfully combated gender-based violence and become role models in their sphere of action.
- Create platforms for survivors to share their stories and experiences, fostering a supportive environment and reducing stigma.
- Develop and implement codes of conduct against sexual harassment and complaint mechanisms in public and private entities such as Universities, Schools, Hospitals, Health Care centers, Museums, among others. Statistical data on sexual harassment should be published on a regular basis.

Article 14: Education

Positive developments

On one hand, there is a growing recognition of the importance of Human Rights, Gender Equality, Non-Discrimination, Gender-based Violence against Women, Peace in the education of children and young people. There was some public investment in the development of pedagogical materials for children aged 6 to 18 years, and training was given to teachers. CIG developed five guiding manuals "Gender and Citizenship Education Guides: a strategy for gender mainstreaming in the educational system".

In March 2021 the Ministry of Education creates a Monitoring Committee to Combat Bullying and Cyberbullying in Schools. This Committee should design strategies to prevent and combat bullying and cyberbullying; promote and monitor the training of teaching and non-teaching staff in developing social and emotional skills; monitor the

existence of situations of violence in the school context, in particular these two phenomena; and present proposals for action at the end of each school year. Until now, none of our NGO was involved neither have knowledge of any of its outcomes.

Challenges

Although “citizenship and development” is a mandatory subject in all levels of education (from the 1st till the 12th year of schooling), its practice is not informed by a curriculum. In fact, “the curricular approach to citizenship education can take different forms, depending on the dynamics adopted by schools within the scope of their autonomy, namely through the development of projects and activities of their own initiative, in partnership with families and entities that intervene in this context, within the framework of the relationship between the school and the community. Not being imposed as a mandatory subject, schools are given the possibility of deciding whether to offer it as an autonomous subject, in the 1st, 2nd and 3rd cycles of basic education.” [Directorate-General for Education](#), December 2012 – Updated in November 2013.

On 2019 the former Ministry of Education stated in a [news article](#): “Gender equality at school: what are they afraid of? I receive letters and some petitions against the inclusion of Gender Equality in the curriculum. Curiously, they don't talk about equality, but about gender ideology. With bizarre arguments, such as the alleged imposition of a culture of death, the cancellation of biology or the destruction of the family. A simple bibliographic search in the National Library catalogue doesn't register any entry on "Gender Ideology". There are, however, more than a hundred scientifically based studies on Gender Equality.”

NGO received several complaints about the absence of effective implementation of equality between women and men, violence against women and domestic violence. They also have reports that some students were prohibited by their families from attending classes on education and development.

Frequently, NGO also came across with resistance from teachers.

In some disciplinary groups, citizenship is taught together with other subjects, e.g. history and geography, with no space for adequate reflection on the causes and consequences of VAW.

The main objective of article 14 of the Istanbul Convention will not be fully fulfilled as long as the application of these materials and content remains optional and dependent on the preference of school councils/directions and education professionals.

Project ARTHÉMIS intervenes with the entire school community and is promoted by a UMAR. We consider extremely important that this kind of programs can be promoted or supervised by NGOs with expertise in the field.

Regarding higher education, subjects such as equality between women and men, non-stereotyped gender roles, mutual respect, non-violent resolution of conflicts in interpersonal relationships, gender-based violence against women and the right to personal integrity are not mainstreamed on higher education degrees.

Nothing has changed in the higher education curricula since the ratification of the Istanbul convention. In medicine, nursing, law, psychology, students learning curricula do not include any subject related to violence against women and domestic violence.

Recommendations

- The Ministry of Education must make available, per group of schools, per academic year, the themes covered in the citizenship subject and in the Health Education Plan.
- Implement educational programs to raise awareness of gender-based violence.
- Promote a culture of non-violence, equality, and non-discrimination through education.
- Amend school curricula for sexuality education include a gender perspective and the impact of unequal power relations and discriminatory gender stereotypes on women's and girl's sexuality and their sexual and reproductive choices.

Article 15: Training of professionals

Positive developments

Over the years, there has been an increase in the implementation of training programmes on VAW and DV, provided to professionals who work with victims of VAW, but mainly on DV, to achieve greater specialization. Training includes law enforcement agencies, judicial magistrates, the Bar Association, the National Health System, among others.

Challenges

The Centre for Judicial Studies (CEJ) has a unique main role - is the only national training entity that provides both initial and life-long training of judges and prosecutors and other judicial professionals. However, CEJ training has been including several initiatives

around the pseudo-concept of parental alienation reinforcing the gender stereotyping and the use of parental alienation in family law proceedings, not explicitly recognizing that parental alienation is used by abusers as a tool to continue their abuse and coercion and to undermine and discredit allegations of domestic violence.

There has been a lot of investment by the Portuguese State in specialized training on domestic violence, violence against women and human rights. However, it is still not sufficient, nor does it cover all professional groups. It is true that more and more criminal agents are trained, but it is also true that we continue to have a significant training deficit in the patrols that first intervene at the scene of the crime. The 72-hours of urgent intervention is not taken as serious as it should be.

Although since 2019 training in domestic and gender-based violence as well as human rights for prosecutors has become mandatory, there are other professionals that are far from being trained on VAW: judges.

Social professionals, including all those who have a seat in Commission for Protection of Children and Juveniles (CPCJ), in the Multidisciplinary Technical Support Teams of the Courts (EMAT) or who provide services for victims, and despite their academic background, and Public Prosecutor's or Judicial magistrates who intervene in processes directly related to cases of domestic violence or violence against women, namely, in criminal proceedings, parental responsibility regulation proceedings, promotion and protection, divorce, inventory and sharing processes, or other judicial processes in which there is opposition of interests between the victim and the perpetrator – all of them must have training on the causes and consequences of violence against women, sexist stereotypes, hidden machismo, gender inequalities, trauma, psychology of testimony, among others.

Two major issues emerge in Portugal: professionals do not have the time needed for a long-term training on VAW and DV, and there is a strong staff turnover. This means that those who receive training will not stay long in the field of VAW and DV.

VAW and DV are criminal areas that are not attractive: they imply long criminal proceedings, several obstacles in the collection of evidence, a rejection of sexist stereotypes and gender roles, etc. Professionals tend to spend short time performing duties related to VAW and DV. As we frequently hear people don't want to pursue a career in combating VAW.

Training is not enough, there must be assessment and minimum requirements must be established without which they cannot perform these functions.

Recommendations

- Following the recommendation of the United Nations Special Rapporteur A/HRC/53/36 Custody, violence against women and violence against children, the state should ensure mandatory training of the judiciary and other justice system professionals on gender bias, the dynamics of domestic violence and the relationship between allegations of domestic abuse and of parental alienation and related pseudo concepts.
- It is essential to reinforce the ongoing training of professionals who play a significant role in intervening with victims, namely: justice professionals; police; health service professionals and teachers.
- Develop mandatory training on the causes and consequences of violence against women, sexist stereotypes, hidden machismo, gender inequalities, trauma, psychology of testimony, among others. These training should reach all professionals that are in contact with women and children victims of violence, including CAFAP professionals.
- There have been several studies on gender prejudices and sexist stereotypes in sentences and on the judiciary (for instance, Ventura, Isabel (2017), *Medusa no Palácio da Justiça*). It is important to extend these studies to the practice of the law, to the law enforcement and social services professionals who carry out functions that involve interacting with victims or preparing reports/assessments. These studies should be part of the training of professionals from the Commission for the Promotion of the Rights and Protection of Children and Juveniles (CPCJ), the Multidisciplinary Technical Support Teams of the Courts (EMAT), the schools' psychologists, etc.

Article 16: Preventive intervention and treatment programmes

Challenges

It lasts at least 18 months, as a coercive measure, provisional suspension of proceedings, suspension of execution of the sentence, as an accessory sentence or as part of the electronic surveillance system.

Two programs aimed at perpetrators had been officially presented, the effective implementation of which is unknown and, if so, the results regarding the impact of their implementation on the change of perpetrators' behaviours are unknown.

Limited national coverage of these programs. It is also limited to domestic violence, not to other forms of violence against women.

Recommendations

- Expand and improve intervention programs for aggressors to ensure accountability.

Article 18: General obligations

Positive developments

Since 2020, a database (VIVIDO) has been developed, supported by European funds, aiming to serve as a platform for all organizations to facilitate and coordinate the support provided to victims of domestic violence. It includes all victims' information, namely name, age, residence, etc., raising, in our view, some breaches on data protection policy. Additionally, by now it is not clear how it will work due to the absence of a set of rules and norms indicating who can access what kind of information for what reasons and what entities will share the same information. Some civil society organizations, in particular Women's Human Rights NGO and other victim support organizations, took a stand showing their concerns about this platform given that sensitive data about people's lives were at stake.

Since 2019 victims' support offices (GAV) for victims of VAW and DV were implemented within the Department of Investigation and Criminal Action through a Protocol with the Ministry of Justice and Women Human Rights organisations and victims' support services. They are currently implemented within the Department of Investigation and Criminal Action (DIAP) of the judicial districts of Aveiro and Porto-Este, Braga, Coimbra, Lisbon-West (Sintra), Lisbon-Norte (Loures), Lisbon (Margem-Sul), Setubal, Leiria and Faro.

The civil society partners are Associação de Mulheres Contra a Violência (AMCV), Associação Portuguesa de Apoio à Vítima (APAV), União Alternativa e Resposta de Mulheres (UMAR), Caritas, Associação para o Desenvolvimento da Figueira da Foz, and Associação Mulher Sec.XXI.

The GAV pilot experience was implemented in DIAP with a tripartite protocol involving MJ, PGR and entities with specialized intervention in VAW and DV with a view to strengthening relationships and increasing trust between civil society organizations and the courts.

Since 2016, there is a guide on minimum standards for domestic violence and violence against women action that determines principles to be respected by all professionals and structures/entities that interact with victims. The guide was updated in 2020.

There are specialized structures in the law enforcement agencies to facilitate victims' assistance, with the possibility to make referral to the RNAVVD.

Challenges

Another pilot experience is the SEIVD - Specialised integrated domestic violence sections (Seções especializadas integradas de violência doméstica) which sought to communicate criminal proceedings and juvenile jurisdiction proceedings. However, it hardly reaches its purposes, given the widely known difficulties in articulating and the commonly inadequate response to family proceedings in cases of DV.

In our opinion, they were unable to resolve what has been diagnosed for a long time. SEIVD, and in particular, family and child groups, limit themselves to deciding whether, in domestic violence processes where child victims are also identified, promotion and protection processes are opened or whether they are referred to the Regulation of Parental Responsibilities. From here onwards the processes run with the maladjustment and attack on the rights of women and children as it is so well known.

Access to justice: “the [CEDAW] Committee expresses its concern that access to justice remains hampered by the complexity of procedures and the conditions for granting legal aid, in particular regarding women belonging to ethnic minorities. It also notes with concern the exemption from court fees and free legal aid are not available to women without sufficient economic resources in all areas of law, and about the lack of information available for women about other aids to complaint or to access to justice.” (§12 of the CEDAW Committee Concluding observations on the tenth periodic report of Portugal, 2022).

The criteria for determining resources for granting legal aid are only based on the victims' income and does not include expenses relating to housing costs, credits, and other relevant expenses such as daycare, schools, medication, health support, travel, etc. These expenses must be considered to assess the possibility of paying legal or sponsorship expenses.

Co-operation mechanisms and structures: Law No. 112/2009, of September 16th, established the legal regime applicable to the prevention of DV, the protection and

assistance of its victims and stipulated the way in which the various entities must articulate to assure victims' rights.

It should be noted that the legislator's constant concern is to provide more guarantees and avoid procedures that could cause and provoke situations of secondary victimization, given the enormous damage that comes to victims.

However, the correct implementation of the mentioned is not being done starting with immediate communication by the judicial authorities or criminal police bodies to the CPCJ and the territorially competent Family Court, whenever there are children of women victims of DV (article no.14, no. 6).

It is relevant to note that paragraph 7 of article no.14 of the mentioned Law expresses the importance of communication to the Family Court being accompanied by a copy of the report meeting or presentation of the complaint, including a copy of the additional steps taken in the meantime. This procedure rarely occurs, because they considered themselves as separate criminal and civil family areas of law, with specialized courts to exclusively judge the areas of law to which they are linked.

The access to the right regulated in article no. 25 of that Law states that when the same fact gives rise to several proceedings (crime, assessments, regulation of parental responsibilities, inventory, etc.), it must be ensured, whenever possible, the appointment of the same representative or unofficial defender to the victim, which in fact does not occur. Following this challenge, the Bar Association has issued a Recommendation for Legal Aid in the context of Domestic Violence on 02/01/2024.

In our view, it is essential that the investigation incisively examines the progress and decisions of the different legal proceedings, to confirm, or not, what is based on the empirical observation. In particular, to receive information about archived domestic violence proceedings: how interrogations or inquiries were conducted (open or structured interviews), what evidence was not required, what support the victims had, economic status declared by the perpetrators; to receive information on the use of time, conciliation, employment and poverty of women and children's victims of domestic violence, as well as in other cases of alternating/joint custody in which there is only room for the equal support of common expenses (school and health) and there is no payment of alimony.

There is no one-stop-shop approach in our judicial system.

Families and children' victims of femicide, orphans of mother, are left without any support from the State. Consequently, they not only endure lengthy judicial proceedings but also face multiple instances of gender-based discrimination and entrenched stereotypes regarding violence against women. The lack of accountability exacerbates their situation, and despite encountering various forms of institutional violence, they receive no assistance or support.

The exemption of court fees and free legal aid in all areas of law is not available to women without sufficient means of living. Exemption from the payment of court fees is only provided in cases of domestic violence. The system of access to law in Portugal provides for the possibility of obtaining legal aid in the form of exemption from the payment of costs with the proceedings, the appointment of an official lawyer and payment of the respective fees and legal consultation. Obtaining legal aid in any of these modalities, or in all, depends on the presentation of multiple documents that demonstrate the lack of economic means (and as a rule, earning more than 1 IAS - Social Support Index - €509.26 (2024) per person per household prevents its granting). When women are living in a shelter, or receiving support by a victims' support service or have a Victim's Status does not exempt women from this procedure to obtain legal aid in the other mentioned modalities, in addition to the exemption from payment of costs.

In other words, even victims of domestic violence are not automatically granted access to the right of legal aid in its 3 modalities. And, even when they are receiving support by a victims' support service, they must instruct these proceedings with multiple documentation. Access to the right (right to lawyers and exemption from payment of costs) is not assessed as an individual right but based on the household's income. However, this whole process is very bureaucratic, depends on the existence of these possibilities that services cannot provide spontaneously. It requires multiple trips to different services (Parish Council to demonstrate the composition of the household, Social Security to demonstrate the social benefit they receive, copies of the last six salaries receipts, declaration from the Tax Authority on the last year income, on the real estate and cars they own, etc.). However, no document is required to prove the victims' expenses, namely with house rents or bank credits, or with day care centres or schools for children - the assessment is made considering only the household's income and not its expenses.

At the end of the judicial procedures, if the perpetrator is acquitted at the end of the trial, and if the victim does not have legal aid, she has to bear the costs of the proceedings.

Recommendations

- Ensure that all women, particularly women with limited resources and women belonging to disadvantaged groups, can access de facto to free legal aid, simplifying the administrative procedures and minimizing the negative impact that the joint annual tax return has in women.
- In the case of existent bank credits, the pendency of a criminal case for domestic violence should be grounds for suspending payment of bank or parbank credits relating to debts for the purchase of housing, cars or other consumer credits for the period of six months, or one year, in case victims are living in a shelter (extending the measures and moratoriums that were enacted under the COVID to situations in which there is domestic violence).
- The inventory and division of assets should be of an urgent resolution in cases affected by domestic violence – even if archived; with an obligation, in the event of no agreement regarding the division of assets, to make a decision on the allocation of a family home over common property, credit moratorium, independent assessment of the property and preference in purchasing the property for the victim. If it is not possible for the victim to acquire the property, if it is a common asset, the income from that property must revert to the victim until it is shared. Mandatory sharing of income from common assets pending criminal proceedings, when requested and as a precautionary measure.
- Family courts must liaise with law-enforcement agencies and with victim's support services and must verify whether they are facing a context of domestic violence which would warrant restricting custody and visitation rights.
- Access to the law: make use of the different means of proof (wiretapping, filming, etc). Assessment of evidence: enshrine a presumption of "truth" in the testimony of victims alongside the presumption of innocence of perpetrators – this must be done with an amendment to the Constitution. Providing victims and perpetrators with equal means and procedural dignity, including in the assessment of evidence at trial.
- Change the legal aid rules so that it is guaranteed that victims also have the right to legal assistance by lawyers from their first intervention in the criminal proceedings and in other related processes.
- Extend the right to legal aid to other connected processes: Exercise Regulation of Parental Responsibilities, divorce, inventory, division of assets.

- Amend the Criminal Code to define all forms of gender-based violence against women, including physical, psychological, sexual, economic and domestic violence as well as cyber violence and femicide, as criminal offences.
- Children who become orphans of mothers that were murdered in the context of DV must receive immediate, adequate and free of charge psychological and legal support (if needed), at all stages of the criminal proceedings. This support must be granted as long as they needed it.
- Establish a mechanism for ensuring effective cooperation and coordination between family and criminal courts in order to ensure that women have immediate recourse to civil protection orders and injunctions against perpetrators, without the need to engage in criminal proceedings.

Article 20: General support services

Positive developments

Family restructuring social benefit was adopted for victims of domestic violence that lose their income due to the context of violence.

Some municipalities adopted a housing policy that boosts applications from women victims of domestic violence.

Furthermore, measures were adopted to grant victims of DV of social financial support and priority in the employment centres.

Professionals, particularly in the fields of social intervention, health and the school community, continue to fail to identify situations involving ethnic minorities, such as Roma women and children or immigrants.

Challenges

Portuguese authorities should continue efforts to ensure that victims have access to services that facilitate their recovery from violence across the country, including support to housing and professional guidance.

There must be an expansion of residential responses for victims: assignment to emergency apartments or independent homes, to be financed to increase the protection of victims and reduce the time they spend in shelters.

Public health sector: When establishing evidence for the crime of domestic and gender-based violence and sexual crimes, it is often the case that only physical evidence is

valued, and the evidence of psychological violence is neglected. This happens both in the health sector and in the Institute of Legal Medicine (INML), which also contributes to the high level of archiving of criminal cases and the revictimization of victims.

It continues to be seen that professional, particularly those working in social intervention, health, and the school community, do not report situations of violence involving ethnic minorities, such as: Roma or immigrant women and children.

In the courts, social services, CPCJ, OPC, we see the devaluation of DV situations, particularly when women or girls are from the Roma community, Muslims, or immigrants from Asian countries.

Some crimes committed against women belonging to ethnic minorities, such as cutting hair as punishment for abusive behaviour, attacks by cutting off body parts, are considered cultural or religious issues.

Recommendations

- Provide comprehensive support services for all forms of violence against women covered by the Istanbul Convention.
- Grant funding for victims' support services and shelters to ensure urgent general and specialized medical consultations, including mental health, for victims and their children – even in private with full payment of those expenses and treatments.
- Promotion of local women's employability / self-employment / cooperatives in various fields and breaking the gender wall.

Article 22: Specialist support services

Challenges

In Portugal there is a National Support Network for Victims of Domestic Violence (RNAVVD) of shelters, emergency accommodations and advocacy and counselling Centres that are coordinated by the Commission of Citizenship and Equality (CIG), according to the Domestic Violence legislation Law 112/2009 16th of September and all its updates.

Despite being called a National Network, in reality, a set of organization of public (municipalities, police etc) and civil society entities with a wide range of model

approaches. Taking this into account, a process of certification by CIG was launched in 2021 to harmonize the model of intervention at national level.

Until now there is not a public outcome of this process. We observed that a common recommendation for the specialist support services entities was the suggestion to learn sign language.

Forced sterilisation is not included as an offence in the Criminal Code as it has been also established in the Istanbul Convention.

There is a low number of investigated cases of female genital mutilation and forced marriages, and despite Law No. 104/2009, which approved the regime granting compensation to victims of violent crimes and domestic violence, no applications for compensation have been made since 2011.

The State has no response to children and young people who have lived for years in contexts of violence and whose mothers do not use the services of care centers or shelters (I don't know if this is considered appropriate, but it is a concern we have).

FGM has been criminalized since 2015, but there are no specialized responses for survivors that take a holistic view of the victim's needs and respond to reconstruction surgeries and psychological support. Please note that we are not advocating the need to create specialized care centers or specialized shelters for these victims, but rather that there be specialisation on the health care sector - mental - trauma and reconstruction surgeries, with multidisciplinary teams, including survivors from the affected communities.

Recommendations

- As the specialist services organizations has a public service mission, they should be valued and have the right to a recognition of professional careers and corresponding salary amount for the specialist services professionals, similar to public service.
- All professionals who deal with victims of violence against women and domestic violence must have mandatory initial and on-going specialised training namely on the gendered nature of violence against women and its impact on children affected by domestic violence.
- Criminalize forced sterilisation in line with article 39 of the Istanbul Convention and ensure that all cases of female genital mutilation, child and/or forced

marriage and non-consensual sterilization are effectively investigated and prosecuted.

- Implement awareness-raising campaigns targeting particularly women from disadvantaged groups, such as women with disabilities, migrant women and Roma women, so that victims of female genital mutilation, child and/or forced marriages and non-consensual sterilization receive the compensation provided for in the regime granting compensation to victims of violent crimes and domestic violence, as established in Law No.104/2009.
- Establish more specialized support services for victims of all forms of violence against women including MGF survivors.
- Ensure the full, free and informed consent of women with disabilities for any intervention or medical treatment, train health professionals on human rights, dignity, autonomy and needs of women with disabilities and promulgate ethical standards for public and private health care.
- Implement multidisciplinary teams at the health care sector on trauma and reconstruction surgeries for FGM survivors.

Article 25: Support to victims of sexual violence

Challenges

Portugal has a very weak support network for victims of sexual violence, in particular rape. That there are only two crisis centres for women victims of sexual violence providing specialized psychological and psychosocial and legal support to women and girls who are victims of sexual violence.

These specialized services are far from covering the needs of responding to all victims of sexual violence in Portugal. For example, the Protocol with the NGO of Lisbon contemplate only 35 survivors per year and this specialized service give support to circa 100 survivors and family members per year, from all the country.

Sexual Violence, including rape, victims that need medical assistance are treated in hospital emergency, by health professionals who do not necessarily have specific training to deal with sexual violence/rape victims.

Moreover, rape is not a public crime, therefore evidence is only collected by the forensics, if there is a judicial complaint made by the victim, within the 6 months following the sexual attack, according to the Portuguese penal legislation.

In case of adult survivors of child sexual abuse, victim's deadline for the complaint was increased in 2023 to be up to the victim's 25th birthday and in the most serious cases up to 33 years old.

However, the expertise on trauma impact by supporting sexual violence survivors, namely adult survivors of child sexual abuse, highlights what is nowadays recognized at international level the need not to prescribe this type of crime and no temporary limit on the right to complain.

The same type of support, care and conditions for preserving evidence for victims of sexual violence are not granted at national level. The Portuguese State should leverage support to victims of domestic violence and sexual violence, regardless of age, the assessment of psychological damage.

Recommendations

- Strengthen support services for women victims of gender-based violence to match demand, including by ensuring a sufficient number of adequately funded crisis centres providing legal and psycho-social assistance to victims financed by the State Budget (and not by projects and protocols as it is nowadays).

Article 31: Custody, visitation rights and safety

Challenges

We all know the impact on children of witnessing one parent violent behaviour on the other. However, most statutory agencies involved in cases of DV involving children are still giving priority to the presumed "best interest of the child" to maintain regular contact with both parents at all costs regardless of the violence children have witnessed.

Children are still treated by the courts as witnesses and sometimes forced to testify in front of the perpetrator and others in the courtrooms, and in some cases repeatedly. There is also a lack of coordination between Criminal and Family Courts that re-victimize not only the women but also the hidden victims of domestic violence, the children (particularly in matters of child custody - there's been judges who have ordered accused fathers to visit regularly the children even in shelters when they are there with the mothers, for example). Furthermore, the organizations that are managing the shelters and victims' support services are often underfunded, therefore they are unable to secure long-term, specialized and stable support to children's victims of violence against women.

There is no data regarding how domestic violence as a criterion is been applied in practice in the determination of both custody and visitation rights. NGOs are regularly faced with cases where victims are being accused of parental alienators and children forced to visits and shared residency.

Although Portuguese law was changed to recognize the harm that witnessing violence by one parent against the other has on the child, there is no data regarding how the law is been applied in practice, and the experience of the NGOs and victims' support services reveals that children are still treated as witness and even seeing their suffering minimized through judicial procedures.

There is a legal criterion whose application depends on the sensitivity of the Judges. It is common for the Family and Juvenile Court to ignore the victim status attributed to children and women who are treated as alienators. The argument of domestic violence in juvenile jurisdiction actions is understood as a past fact that, if it happened, concerns the adult victim, normally the mother, whose factual matter only concerns criminal proceedings.

Children are ignored as victims of violence, whether physical or psychological, i.e., whenever they experience violence. There are many situations of equal treatment in the case of separation of the parental couple without taking into account the specificity of the situation of violence, giving rise to parenting regimes that are inappropriate to the specific case and that in no way ensure the best interests of the child and/or young person, which results in the establishment of contact with the aggressor parent regardless of the child's wishes.

We also observe that some Judges when they are hearing the children in Statements for future memory (criminal DV processes), they boycott and manipulate the child testimony, saying, for example "You don't want to speak bad things about your father and mother, don't you?".

There is a devaluation of the context of domestic violence, normally understood as a past fact and to be resolved through criminal proceedings. There has been progress towards respecting the child's right to hearing. However, there is no method for hearing it and it is not always respected. When child victims express their disagreement with being with or seeing the aggressor parent, it is often seen that psychological support is ordered for the child with the aim of bringing them closer to the aggressor parent without considering the actual risk and trauma it represents for them, the child victim. The risk assessment carried out in criminal proceedings is in no way considered when determining visitation

regimes, despite the law providing for coordination, namely through Directive of the Attorney General's Office 5/2019.

The number of children placed in shelters for women victims of Domestic violence outnumber the number of women. However, due to lack of adequate financial support, the standard staffing levels in shelters is not always enough to cope with its varying occupancy rates and they do not systematically include specialised staff to help the majority population in shelters: children.

The term parental alienation, although not always used as such in the Courts, the understanding remains that the invocation of domestic violence by the adult victim, normally the woman, in the processes of regulating parental responsibilities, aims to remove the child from her parent, reported/accused of domestic violence.

The law does not provide specialized technical hearings continue to be promoted in the processes of regulating parental responsibilities in which domestic violence is invoked despite the law prohibiting it.

There are Family Support and Parental Counselling Centres that supervise the visitation regimes stipulated by the Court in transitional regimes, without professionals duly qualified for this purpose. There are reports emanating from this type of services that are deficient in relation to the relational quality that may exist between the child and the aggressor parent. Instead, the reports mentioned are based on standardized assessments of compliance with the operating rules of the services.

In some family courts victims are forced into the “Family Constellations” non recognized therapy. Due to the prevalence of this issue in the Portuguese family courts, the Portuguese Psychological Association (“Ordem dos Psicólogos Portugueses” - OPP), institution responsible for the regulation of Psychology in Portugal, delivered a report in June 2019, warning that “Family Constellations” do not constitute a therapeutic model recognized by psychological science and that the provision of psychological services that do not comply with scientific principles or that are provided by unqualified professionals pose a threat to public health, as well as to the well-being of the population.

According to the information provided by the Social Security Institute (Instituto da Segurança Social, I. P.) in April 2024, there are currently 74 entities as Family Support and Parental Counselling Centres (CAFAP).

These entities are responsible for supervising child visits and, as contracted with the social services, have a global national capacity for 13 845 families.

The Social Security Institute has the responsibility to verify and audit the quality and compliance of the services being provided to the families, as stated in Decree-Law no. 186/2006 but that is not happening with the necessary cadence nor does it include the families' feedback.

As an example, the entity with the higher capacity (Passo a Passo Com a Criança and Família Associação de Ajuda Psicossocial) currently has contracts for 1.200 families.

In May 2016, the national television RTP broadcast a program regarding several cases being accompanied at this institution. On 18th June 2020 and 19th June 2020, another television broadcasted another program regarding several cases monitored by this institution.

In August 2020, Associação Dignidade requested the Social Security Institute (Instituto da Segurança Social) to provide information regarding the monitoring of this entity. The information was only provided in May 2021, and following a determination from CADA ([Comissão de Acesso aos Documentos Administrativos](#)). The last inspection was from 2016 and although the methodology template included a section on collecting information from the families, that wasn't done.

The criminal process specifically provides for the taking of measures to protect victims (adults and children), which are not respected in juvenile jurisdiction processes. The disarticulation between criminal and civil instances persists.

Portugal fails to comply with the provisions of numbers 1 and 2 of Article 31 of the IC.

Family and Juvenile Courts are unsafe spaces that do not protect victims, mothers and children. In these Courts, the victim is attributed the guilt and role of parental alienator, when she is protecting children instead of what the State's role should be.

Recommendations

- Ensure family courts consider domestic violence when making custody and visitation decisions.
- Prohibit the use of parental alienation in all courts.
- Ensure that Social Security Institute regularly monitors the Family Support and Parental Counselling Centre (CAFAP) entities, and that these inspections include families' feedback.

Article 48: Prohibition of mandatory alternative dispute resolution processes or sentencing

Challenges

Criminal law: Domestic violence criminal proceedings continue to allow the application of a provisional suspension, which is implemented in a gentlemen's agreement between the perpetrator, the victim and the Public Prosecutor's Office, which often provides for a meeting in which the perpetrator apologizes to the victim, without any concern for the eventual barring order determining a distance of the perpetrator from the victim. This type of mechanism has been seen as a new opportunity given to the perpetrator and the victim, which reflects the lack of recognition of the crime of domestic violence as a violent crime.

Civil law: The General Civil Protection Regime (RGPTC) Law No. 141/2015, of September 8, in its art. 24-A, prohibits the use of specialized technical hearing and mediation when coercive measures are enacted or an additional penalty prohibiting contact between parents is applied, or when the rights and safety of victims of domestic violence and other forms of violence are at serious risk of violence in a family context, such as child abuse or sexual abuse. This article excludes all victims who are not covered by coercive measures or an additional penalty of prohibition of contact, even if there is an accusation and conviction.

On the other hand, by not expressly specifying the prohibition of specialized technical hearing and mediation in medium and high-risk situations, the decision regarding the security risk referred to in paragraph b) of Article 24 is left to the judge of the case. - Based on what each parent says during the parent conference, that is, it is up to the judge to assess the risk according to what the adult victim claims and what the aggressor parent claims, which has proven to be completely inefficient. In addition, the hearing of the child carried out by technical teams advising the courts, if not even by judges, has almost always proved to be insistent attempts for the child to be with the aggressor parent, regardless of the relationship they have in the specific case, the fear that the child shows in relation to the same, of the existing risk itself and mainly of the will expressed by the child.

We have observed that the General Directorate of Political Justice site offers information on conflict resolution and family mediation. We propose that they must introduce an alert (redline) to the fact that those approach cannot be applied in cases cover by the IC, namely VAW and DV.

Some communities (like Roma and migrants' communities) turn to older people to define what should happen to women and children in the context of DV, this practice being known to state services.

Although Portugal has a Witness Protection Law, it is not applied to domestic violence and other crimes, except for the defendant being involved in other crimes such as drug trafficking, weapons trafficking, organized crime, etc.

In civil courts, namely family and minors, they do not apply any protection to victims. They take into account the needs of the Courts and not the needs of victims.

Recommendations

- Prohibit mandatory alternative dispute resolution processes in domestic violence cases.
- Strengthen immediate response and protection measures for victims of domestic violence.

Articles 49 and 50: General obligations and immediate response, prevention and protection

Challenges

The police have been the target of massive and intensive training to specifically intervene with victims of domestic violence. However, this training is only available to managers, and not to patrols that have a much closer approach to the reality of domestic violence, meaning that police officers who intervene directly with victims and perpetrators continue to need training.

In terms of the spaces for receiving victims within the police station, there has been an equipping of existing spaces, but they are still very limiting in relation to the needs of victims.

It is possible to report the crime of domestic violence online, but the victim will always have to go to the police station to assess the risk and to receive the victim status, which requires an inevitable exposure of the victim.

There are specialized domestic violence sections in police entities that work closely with the Public Prosecutor and victims' support services.

Those specialized sections are not extendable to the national territory.

The 72-hour manual was created through a Directive of the Attorney General's Office 5/2019, which determined that the Public Prosecutor's Office delegates the criminal investigation to the police forces within a short period of 72 hours, which involves listening to victims and collecting information. existing means of evidence. Normally, this phase involves hearing the victim and any witnesses they may indicate.

We found that the Public Prosecutor's Office continues to not be proactive in criminal investigations, as there is no active search for evidence. On the other hand, the 72-hour deadline helped in the application of more coercive measures, but it is not at all sufficient, as we continue to come up against the requirement to reiterate criminal conduct and collect evidence for the same reason why we continue to witness a high number of women and children's victims of domestic violence integrated into emergency equipment and shelters.

Through Law No. 112/2009, of September 16, some social protection measures have been developed, including protection at work, economic and housing support. As a measure of protection for victims of domestic violence, the attribution of a technical means of remote control, called teleassistance, was also extended to medium and high-risk situations, but which appears to be attributed without distinction to all victims of domestic violence who require it. Victims complain about the inefficiency of this monitoring device.

There are no protocols for police officers. The Directive 5/2019 establishes a model of action within 72 hours after the crime is reported and only for domestic violence crimes. The authorities simply collect the evidence indicated by the victim, normally hospital records that demonstrate the victim's follow-up and names of people identified by the victim. Functional action manual to be adopted by the criminal policy within 72 hours following the presentation of the crime report.

Progressively, victims are heard more in declarations for future reference. The professionals who send reports are no longer heard in an investigation or in a hearing for discussion and judgment.

Regarding migrant women, no measures were taken.

The majority of DV cases are archived due to lack of evidence: this evidence is not collected due to deficiencies in the questioning of victims and witnesses, due to

insufficient means of obtaining evidence (no wiretapping, telephone or other, for example) and, above all, due to poor assessment of the evidence in violation of the IC and in a manner that ignores scientific knowledge about the consequences of domestic violence and of violence against women.

The production of a certain type of evidence is mandatory, namely, testimony/statements for the future memory of the victim and their respective sons or daughters, providing for the addition of a report by professional from a victims' support service with estimation as expert evidence (and therefore excluded the principle of free assessment of evidence).

It is proposed as an absolute priority that the criminal procedural law starts to enshrine the principles contained in the IC, to avoid blaming victims.

The social report to be made to the defendants and the risk assessment must necessarily include aspects related to addiction, aspects related to the struggle for equality and the wheel of power and control, as psychopathy.

The provisional suspension of proceedings is not admissible: this has only served to lead to a lack of punishment for the crime and its agents.

Violation of IC principles when interrogating victims should be grounds for annulment and retrial without the statute of limitations for the crime expiring.

Law No. 112/2009 and/or the criminal procedural law and the civil procedural law (including, therefore, the RERP, Divorce, PP processes) now provide that victims can be accompanied by victim support professionals to indicate for themselves: in other words, the law enforcement cannot indicate who the professionals will be (as happens in some regions), proceeding to pay these travel to these professionals (as the law provides, regardless of whether they belong to the entity providing the support).

Victims may be accompanied by a lawyer from their first procedural intervention: they must be specialized professionals and be part of a fellowship established with the Bar Association especially for this purpose. The lawyers included in this scholarship would only be appointed as defenders of victims and cannot be appointed as unofficial defenders of perpetrators. In other words, within the legal aid and legal sponsorship system there would be specialization.

Prohibition, in the investigation phase, of interviewing the victim or victims on the same days as the perpetrators.

Portugal adopted measures, namely the Functional Performance Manual to be adopted by Law enforcement (OPC) within 72 hours following the submission of a complaint (Resol. Cons. Ministers no. 139/2019, of 19 August).

The Portuguese State does not act appropriately or offer adequate and immediate protection to victims of domestic violence and other legal types to which the Istanbul Convention refers. Namely:

- 1) Police forces with insufficient training and unsuitable for the types of crime.
- 2) Despite the existence of training, most practices have not changed.
- 3) The 72-hour Manual is not complied with by Law enforcement (OPC).
- 4) The Public Prosecutor's Office fails to comply with the legally stipulated deadline for applying coercive measures.
- 5) Irregular use of the provisional suspension of the process (SPP) – the mechanism should be triggered by the victim but is triggered by the system itself.
- 6) The rights of victims are not safeguarded, namely to information, to protection and to support.
- 7) Non-application of the summary process, even in cases provided by Law.
- 8) Delay in analysing the application of the coercive measure.

Recommendations

- Creation of new instruments for ascertaining facts from victims: establishing a model or several models of interrogation according to the type of crime suspected. Each script must contain an express prohibition on asking certain questions to victims, namely, questions that imply a devaluing judgment about their conduct, blaming them or that disregard the reaction that victims may have to violence (the fact of not reacting or the fact of returning to the relationship in a cycle of violence as a mitigating factor for the crime or as a benefit in favour of the defendant). The script must establish the method of inquiry to be applied to victims as an open interview alternating with a conducted interview, in order to allow more information regarding who was the perpetrator of the crime, who was the victim, what was done, guaranteeing a description as concrete as possible taking into account the various forms of violence (including the need to reproduce swear words and other insults), how it was practiced (with a description of the surroundings, who was present, the means used, the tone of voice, of the force used, etc.), where (indication of the location) and when (including the need to ask

questions that allow temporal location by approximation, what you were wearing, how long the age of your children, etc.) and what the consequences (that are indicated as verifiable in these cases must be included (fear, sadness, shame, isolation from people who are the victim's reference, unemployment, dismissal, dissociation, etc.).

- Ensure that children and young people have the status of victims and that the same instruments as adult victims are applied but adapted to them: risk assessment, safety plan, being accompanied by a trusted professional from a victims' support service, having the right to lawyer, give a statement for future memory, establish an urgent precautionary regime in terms of regulating parental responsibilities that allows for their protection and support.
- Strengthen immediate response and protection measures for victims of domestic violence.

Article 51: Risk assessment and risk management

Positive developments

Ordinance No. 138-E/2021 of July 1st provides the possibility for a victim who is in an illegal situation to be granted a residence permit urgently.

There are risk assessment instruments that are applied by criminal police bodies at national level and the risk indicators listed are respected. A proposal is currently underway to change the risk assessment models so that they are better adapted to the specific situation of the victims.

Resolution of the Council of Ministers no. 139/2019, of August 19, has a series of recommendations, many of which were not yet achieved. Also to be mentioned the issue of the different social supports that are given to victims mainly so that they can leave their homes, but which are notoriously scarce, and which serve mainly to mitigate the non-application of removal or harsher measures to the perpetrator.

Challenges

The risk assessment carried out by criminal police bodies, despite being implemented, does not have adequate analysis tools for specific situations and does not allow for rigorous monitoring of the situation throughout the entire judicial process.

The risk assessment instruments in cases of DV was designed to be applied by police forces and is mandatory at national level, however its 20 items have all the same weight. That means that if the policeman does not have training or experience in DV cases the assessment it is a mere quantitative and not a qualitative result, as the higher lethality risk indicators are not considered as red flags.

The risk assessment instruments (RV1L and 2L) provides a space for a so-called professional assessment, which allows the agent who carries it out to interpret the risk beyond the summation table of yes and no in the questionnaire. But what we observe is that this is rarely done, and the risk is usually assessed as lower as it should be, if it was an expert approach that values the items that point to red flags, as the existing of firearms, death threats, separation etc.

Its application is often poorly carried out by police forces, due to a lack of knowledge of protocols and a lack of training in the area of domestic violence.

We observe an inadequacy of the assessment of effective risks. The existing instrument applies to situations of domestic violence only in marital relationships, in heterosexual intimate relationships and for women of childbearing age.

On the other hand, this instrument, which should help in making quick decisions about removal measures or even preventive detention, is often not considered by the Public Prosecutor's Office.

Nevertheless, these constrains in its application were pointed out and the competent authorities are in the process of reviewing and adapting those instruments to be more accurate.

Risk assessments are exclusively carried out by criminal police bodies, so there is no cooperation with organizations in this regard. However, organizations also carry out their risk assessments and inform the courts of the differentiation of results, when there is one.

Furthermore, the security plans made by criminal police bodies are standardized and are not necessarily linked to risk assessments and their results.

Only organizations establish individual intervention and safety plans with victims taking into account their concrete reality with reference to the identified risk factors and the victims' needs.

The risk assessment form used by law enforcement agencies is being revised as problems have been detected in its application as well as in its evaluation.

Recommendations

- Review the instrument of risk assessment in DV cases.
- Standardize and improve risk assessment procedures nationwide
- Specialization in risk assessment and risk management of all front office professionals, namely police officers.

Article 52: Emergency barring orders

Challenges

Portugal has a high rate of female victims of homicide due the high number of femicides occurring in intimate relationships. UN data from 2019 indicate that globally women are around 20% of homicide victims, but in Portugal, in 2018, this value was triple (60.7%) and in other years it was double (2019 = 41.1%; 2023=31.2%).

In 2023, 19 women and 2 children were murdered in the context of domestic violence.

The majority of the homicides are committed in the family home and mostly in the presence of children.

In June 9th 2024, another women was murdered by an ex-partner. She had made 7 police reports/complains, one just 2 weeks before the homicide. The murderer was already previously convicted for the homicide of another ex-partner in 2009 and was in probation. The absence of emergency barring orders is endangering the lives of victims.

There are no measures that allow perpetrators in the context of domestic violence to be removed from their residence immediately after reporting it.

Law provides the possibility of detention outside of *flagrante delicto* which is not usually applied by criminal police bodies. Moreover detention in *flagrante delicto* is only applied in specific and dramatic cases.

Very recently, the National Strategy for the Rights of Victims of Crime was created, which provided the possibility of legislating to immediately remove the perpetrator from the residence, a measure that will be carried out until 2028.

Authorities do not provide victims with detailed information on how to obtain a no-remain order against their attackers. We have seen that the systematic message is sent that in case of danger the victim must leave the house to protect themselves and their children, who are also victims.

Children are included in contact protection measures, but the law is not applied.

The rule is that there should be contact and social arrangements between the perpetrator parent and the victims children, with the determination of alternating residence/visitation between mother and father when one of them is the perpetrator.

Although the Law provided the removal of the perpetrator from home, in fact this is not applied by the judicial system, since the model, by now, followed in Portugal favours the removal of the victim(s) from their home favouring the permanence of the perpetrator in the same.

Recommendations

- Ensure effective implementation and enforcement of emergency barring orders.
- Ensure an effective monitoring mechanism to prevent violation of those emergency barring orders.

Article 53: Restraining or protection orders

Positive developments

There are measures prohibiting contacts as coercive measures enacted in criminal proceedings and specifically designed for the crime of domestic violence in accordance with the provisions of Law No. 112/2009 of 16 September. Children are included in these measures. The measures are exceptionally applied and very judicious and, in the case of children, they are very difficult to apply.

Challenges

The existing ones are residual and only applied to domestic violence.

We are witnessing the failure of the objectives of applying coercive measures, as they aim, in particular, to put an end to criminal conduct, prevent the victim from leaving their residence, prevent new retaliatory attacks and promote the protection and safety of the victim, which we only watch residually.

Recommendations

- Enhance the enforcement and effectiveness of restraining and protection orders.
- Ensure an effective monitoring mechanism to prevent violation of those restraining orders.
- Effective penalization of the violation of the restraining and protection orders, namely detention of the perpetrator.

Article 56: Measures of protection

Positive developments

There are good conditions for testimony, not only in the trial court itself but also remotely, in accordance with the latest legislative amendment to Law No. 112/2009, of September 16.

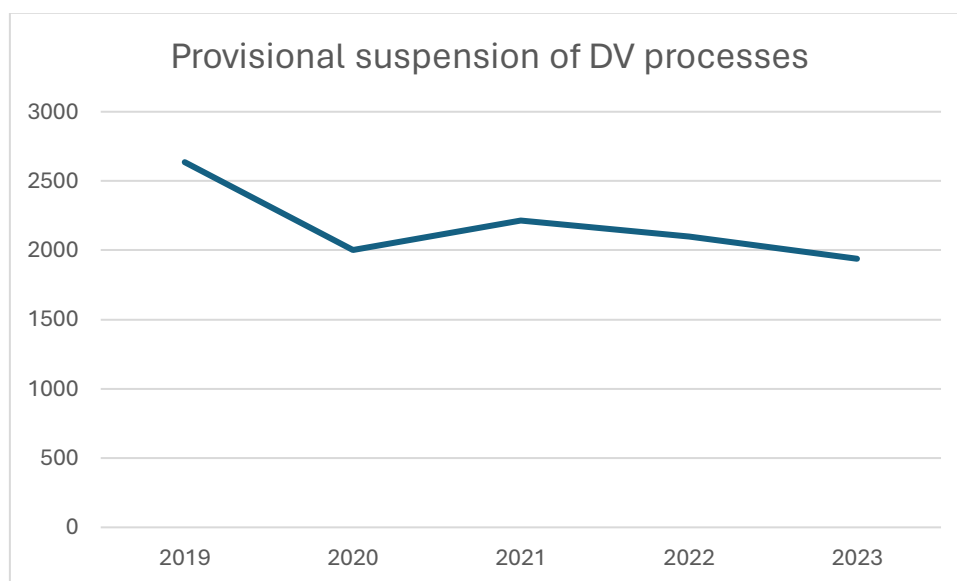
There are support services for victims to guarantee their rights, and the lack of information that victims still have regarding their rights should not be underestimated.

Challenges

The information is dependent on the availability of the professional handling the process.

Protection of the victim's privacy and image does not exist.

The provisional suspension of DV cases is still happening in Portugal:



Source: RASI, 2015, 2016, 2017, 2018, [2019](#), [2020](#), [2021](#), [2022](#) and [2023](#)

Recommendations

- Implement comprehensive protection measures for women and children's victims of violence.
- Ensure effective mechanisms for the early identification and referral of victims to appropriate services and to strengthen the protection and reintegration of women and girls victims of trafficking, including by ensuring that they are not liable for violations of immigration law and have access to justice and temporary residence permits irrespective of their ability or willingness to cooperate with the prosecution authorities.
- Investing in effectively improving the identification process of women and children trafficked.

Part III: Emerging trends on violence against women and domestic violence

Challenges

Portuguese Jurisprudence persists in not valuing psychological violence even when it is proven, and as a rule it clearly disregards expert examinations aimed at assessing psychological damage and considers psychological damage as not proven.

Among the most tragic outcomes from Domestic Violence is the drive toward suicide, a desperate escape from relentless torment. Unfortunately, this devastating correlation between domestic abuse and suicide is often underreported, under researched, and overshadowed by a lack of specific government measures aimed at addressing this hidden crisis.

Despite the gravity of this issue, there is a glaring absence of any statistics in Portugal and suicide resulting from domestic abuse often goes unrecognized or misclassified in official records.

On the other hand, Jurisprudence does not value sexual violence occurring in intimate relationships, considering it as domestic violence, therefore, punishable by an abstract prison sentence much lower than the crime of rape.

There is also a prejudice towards sexual and/or intimate acts carried out against the victim's will in an intimate relationship, which usually leads to the perpetrator's acquittal in this regard.

Even physical violence practiced in an intimate relationship is valued when it has a repeated nature, for which the courts rely insistently on the exposure of the victim and their reports, always accompanied by other means of proof, as the criminal process does not necessarily assume itself a presumption of the truth of the victim allegedly because it is in contradiction with the principle of presumption of innocence.

Therefore, Jurisprudence shows us that the system complains if the victim does not cooperate with the criminal process, but, when the victim does cooperate, the system does not value their statements when they are not accompanied by other means of proof.

On the other hand, the testimonial credibility expertise that began to be requested to assess the credibility of victims' statements are very little valued by the courts, which despite privileging the expertise of the Institute of Legal Medicine, also do not value them to the point of considering them proven the facts reported by the victims.

Jurisprudence also shows us that the perpetrators are still not removed from the home after the complaint, because, despite a greater number of coercive measures applied (prohibition of contacts between the accused and victim and prohibition of the accused approaching the victim), even in situations where there is a flagrant crime, the perpetrator are not detained and only after the 72-hour investigation does the Investigating Judge consider the possible application of measures.

Complaints in which the victims' statements are not supported by any means of evidence and which, therefore, end up being received in Shelters, are outside the scope of application of the measures. Jurisprudence also tells us that there remains a timid application of coercive preventive detention measures.

Children continue not to be seen as victims of domestic violence, except when they are the target of physical violence by the perpetrator parent, and even so, coercive measures to restrict the exercise of parental responsibilities are almost never applied, nor is the penalty accessory to inhibit the exercise of parenthood. Therefore, in Juvenile Jurisdiction processes, children are not recognized as victims, when heard their will is not valued if their wish is not to want contact with the perpetrator parent and the courts deal with the exercise of parental responsibilities in cases of domestic violence as a situation of marital conflict that is easily resolved through the implementation of agreements (which are many times forced) and that establish the exercise of joint parenthood for both parents, often even with the implementation of the alternating residence regime.

Cases of domestic violence where the victim is a child have increased 28,2% in 2022 and 17,7% in 2023.

Between 2018 and 2022, only 13% of the convicted for child sexual abuse faced an additional penalty that prohibited them from engaging in activities involving contact with children under 18 years old.

Image-based sexual abuse (IBSA, mostly encompassing nonconsensual production, sharing, threat to share intimate material) is poorly addressed in Portugal, despite its increasingly prevalence. There is not a specific and autonomous law (or set of laws) on image-based sexual abuse. Although the nonconsensual sharing of intimate/sexual images, as well as its threat, are indeed criminalized, they fall under different criminal provisions (such as domestic violence). Since 2022, the nonconsensual sharing of intimate images allows for up to five years in prison.

In the context of AI, deepfake sexual abuse is underregulated. Especially in light of the recently approved EU Directive on combating violence against women and domestic violence, the digital creation/alteration of intimate content should meet a specific criminal provision. Furthermore, the Portuguese Criminal Code still refers to “child pornography”, a deeply inaccurate term.

Recommendations

- Portugal should recognize online and ICT-facilitated violence against women as a human rights violation and a form of discrimination and gender-based violence against women, and duly apply core international, regional, European and national human rights instruments.
- Portugal should, in accordance with the principle of due diligence, enact new laws and measures to prohibit new emerging forms of online gender-based violence.
- Our legal frameworks should adequately protect all women’s human rights online, including the right to life free from violence, freedom of expression and access to information, and the right to privacy and data protection. We recommend the inclusion of IBSA on sex crimes in the Penal Code in order to fully protect what is at stake: people’s right to self-determination and sexual autonomy.
- Internet intermediaries should uphold the principle that human rights are protected online, and mandatory apply all core international human rights and women’s rights instruments with a view to contributing to universal human rights protection and achieving the empowerment of women, and the elimination of discrimination and violence against them in digital space.
- Internet platforms should commit to eradicating online violence against women, allocating resources to information and education campaigns on preventing ICT-facilitated violence against women and girls and on promoting human rights and digital security.
- Regarding migrants, it is of utmost importance the establishment of direct contact and communication between the public agency for immigrants (AIMA) and NGO and victims support services. It is also necessary to train professionals from AIMA and lawyers who dela with asylum seekers.

Part IV: Administrative data and statistics

There is no definition of femicide in the Penal Code, and this type of crime is covered by other provisions of Portuguese criminal law, namely articles 152nd on aggravated domestic violence by result (death), 131st (homicide), 132nd (qualified homicide), and 133rd (privileged homicide).

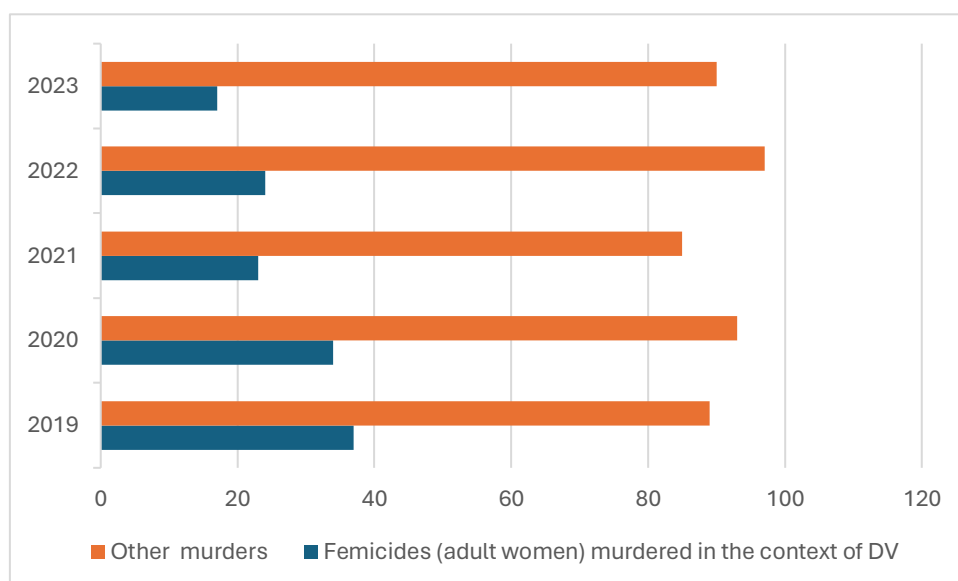
Therefore, there's no disaggregated data collection on femicide. The prevention and combat of femicide are not prioritized by the Portuguese State.

According to the State, between 2019 and 2023, one hundred and thirty-five women were killed by their partners or former partners. The number of femicides in the context of domestic violence has been decreasing from 2019 to 2023:

Year	Femicides (adult women) murdered in the context of DV
2019	37
2020	34
2021	23
2022	24
2023	19
Total	137

Source: Own calculations RASI, [2019](#), [2020](#), [2021](#), [2022](#) and [2023](#)

This is a trend that is connected to the overall number of murders in Portugal:



Source: RASI, [2019](#), [2020](#), [2021](#), [2022](#) and [2023](#)

However, we know that figures from women that die later in the hospital are not included as femicides in the context of DV. Moreover, every intentional killing of women could have been prevented, if Portuguese authorities adhered to due diligence criteria to prevent and protect the victims. This lack of prioritization and failure to meet international standards for preventing femicide underscores the urgent need for action and accountability from the Portuguese government.

In fact, numerous Members of the Portuguese Parliament, along with other prominent political figures from various parties, have voiced their disagreement regarding the establishment of a distinct crime of femicide stating "that it violates the principle of equality as enshrined in the Portuguese Constitution".

This is an incredibly problematic and underscores the need for further dialogue and advocacy to prioritize the protection of women's rights in Portugal. Therefore, Portugal should include femicide as a specific distinct crime in the Portuguese Criminal Code.

However, as the path already taken in the fight against violence against women is undeniable, including all types of domestic violence, it is crucial that effective policies are based on evidence, in compliance with data collection in accordance with the provisions of article 11. of the Istanbul Convention.