

ANNEXES

I. Tables and figures

- **Table 1: Domestic violence statistics (2014-2017)**

Year	2017			2016			2015			2014		
Crime	No. Proceedings	No. Defendants	No. Convicted persons	No. Proceedings	No. Defendants	No. Convicted persons	No. Proceedings	No. Defendants	No. Convicted persons	No. Proceedings	No. Defendants	No. Convicted persons
Total	3 420	3 580	1 909	3 642	3 221	1 989	3 322	3 480	1 871	2 879	3 007	1 661
Domestic Violence (Spouse/similar)	2 674	2 770	1 457	2 829	2 951	1 534	2 604	2 714	1 444	2 267	2 346	1 283
Domestic Violence against minors	67	75	49	75	84	48	67	74	39	61	71	33
Other type of Domestic Violence	679	735	403	738	787	407	651	692	390	551	590	345

Source: Ministry of Justice

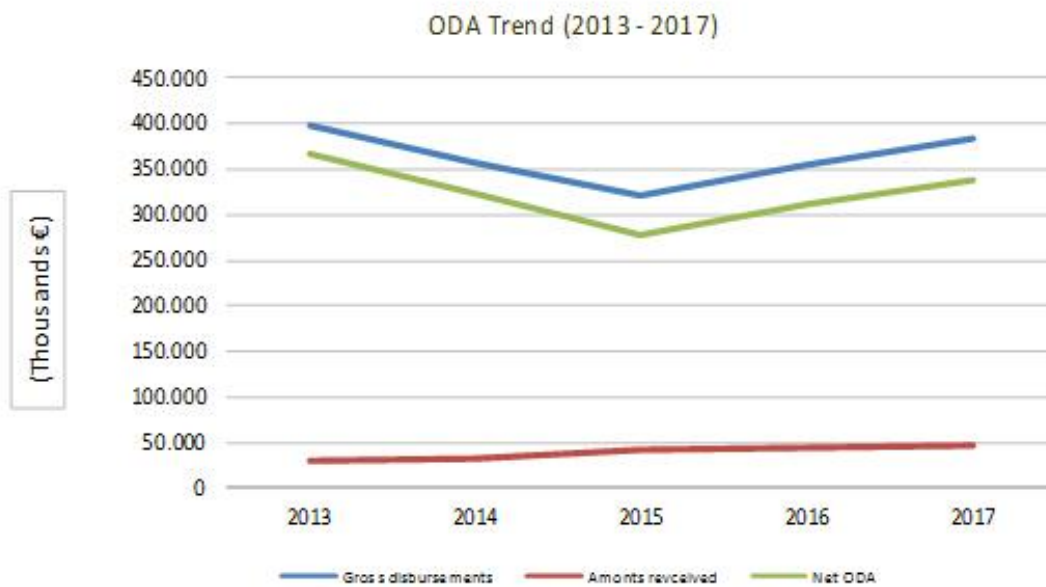
- **Table 2: Judicial backlog (2014-2018)**

Year	Backlog (at the end of the period considered)		Rate of resolution*	
	Total	Executive Proceedings	Total	Executive Proceedings
1st semester 2018	802 443	649 146	141,88%	171,55%
2017	873 865	699 494	139,71%	169,01%
2016	1 007 250	801 969	145,55%	184,38%
2015	1 168 496	935 163	126,68%	137,16%
2014	1 277 113	1 009 555	104,62%	107,55%

* No. proceedings closed/no. procedures open x 100

Source: Ministry of Justice

- **Figure 1: ODA Trend (2013-2017)**



Source: Camões, I.P./GFPE

II. Adopted legislation

- **Racism and racial discrimination**

Transcription of Article 240 of the Criminal Code:

“1 - Whoever:

a) Founds or sets up an organization or develops activities of organized propaganda inciting or encouraging discrimination, hatred or violence against any person or group of persons on the grounds of race, colour, ethnic or national origin, ancestry religion, sex, sexual orientation, gender identity and physical or psychological disabilities; or

b) Participates in the organization or in the activities referred to in the preceding sub-paragraph a), or gives his support thereto, including the financing thereof; is punished with imprisonment from one to eight years.

2 - Whoever, publicly, by any means intended for disclosure, namely through the apology, denial or gross trivialisation of crimes of genocide, war crimes or crimes against peace and humanity:

a) Fosters acts of violence against any person or group of persons on the grounds of race, colour, ethnic or national origin, ancestry, religion, sex, sexual orientation, gender identity and physical or psychological disabilities; or

b) Slanders or insults any person or group of persons on the grounds of race, colour, ethnic or national origin, ancestry, religion, sex, sexual orientation, gender identity and physical or psychological disabilities; or

c) Threatens any person or group of persons on the grounds of race, colour, ethnic or national origin, ancestry, religion, sex, sexual orientation, gender identity and physical or psychological disabilities;

d) Incites violence or hatred against any person or group of persons on the grounds of race, colour, ethnic or national origin, ancestry, religion, sex, sexual orientation, gender identity and physical or psychological disabilities;

is punished with imprisonment from six months to five years.”

- **Combating violence against women**

Transcription of Article 152 of the Criminal Code:

“1 – Whoever, in a repetitive manner or otherwise, inflicts physical or mental maltreatment, including bodily punishments, deprivation of liberty and sexual abuses:

a) On the spouse or ex-spouse;

b) On a person of the same or another sex with whom the offender maintains or has maintained a dating relationship or a relationship analogous to marriage, even if without cohabitation;

- c) On a parent of a common descendant in first degree; or
- d) On a particularly helpless person due to age, disability, disease, pregnancy or economic dependency, who cohabitates with the offender;

is punished with imprisonment from one to five years, if a more severe sentence is not applicable by virtue of another legal provision.

2 – In the case provided for in the preceding paragraph, if the offender:

a) commits the act against a minor, in the presence of a minor, in the common domicile or in the victim's domicile; or

b) disseminates personal data, on the Internet or by any other means of public dissemination, namely image or sound, regarding the privacy of one of the victims without his/her consent;

is punished with imprisonment from two to five years.

3 – If from the acts provided for in paragraph 1 results:

a) Grievous bodily injury, the offender is punished with imprisonment from two to eight years;

b) Death, the offender is punished with imprisonment from three to ten years.

4 – In the cases provided for in the preceding paragraphs, the ancillary penalty of prohibition of contact with the victim and of prohibition of use and carrying weapons may be imposed on the defendant for a period from six months to five years, as well as the accessory sentence of obligation to attend specific programs for prevention of domestic violence.

5 - The ancillary penalty of prohibition of contact with the victim shall include the restriction from approaching the victim's residence or place of work and its compliance shall be monitored by remote technical means.

6 – Whoever is convicted of a criminal offence under this article may, considering the concrete seriousness of the act and its connection with the function performed by the offender, be inhibited from the parental authority, tutorship or curatorship for a period from one to ten years."

- **Trafficking in persons**

Transcription of Article 160 of the Criminal Code:

"1 – Whoever offers, delivers, recruits, allures, accepts, carries, accommodates or receives a person for purposes of sexual exploitation, labour exploitation, begging, slavery, organs removal or the exploitation of other criminal activities:

a) By means of violence, kidnapping or serious threat;

b) Cunningly or through fraudulent manipulation;

c) With abuse of authority resulting from a hierarchical, economic, working or familiar dependency;

d) Taking advantage of the victim's mental incapacity or situation of special vulnerability; or

e) By obtaining the consent of the person who has control over the victim; is punished with imprisonment from three to ten years.

2 – The same sentence applies to whom, by any means, recruits, allures, carries, makes arrangements for the accommodation or reception of a minor, or delivers, offers or accepts the minor, for purposes of exploitation, including sexual exploitation, labour exploitation, begging, slavery, organs removal, adoption or the exploitation of other criminal activities.

3 – In the case of the preceding paragraph, if the offender uses any of the means provided for in the subparagraphs of paragraph 1, or acts professionally or with profitable intent, the offender is punished with imprisonment from three to twelve years.

4 – The penalties provided for in the preceding paragraphs are increased by one third, in its minimum and maximum limits, if the conduct:

- a) the person's life has been endangered;
- b) the crime was committed with particular violence or has caused particularly severe damages to that person;
- c) the crime was committed by a public officer in the exercise of his/her functions;
- d) the crime was committed in the context of a criminal group; or
- e) the victim committed suicide as a consequence of the crime.

5 – Whoever, against payment or other compensation, offers, delivers, requests or accepts a minor, or obtains or gives consent to the minor's adoption, is punished with imprisonment from one to five years.

6 – Whoever, being aware of the commission of the criminal offences under paragraphs 1 and 2, uses the victim's services or organs is punished with imprisonment from one to five years, if a more severe sentence is not applicable by virtue of another legal provision.

7 – Whoever withholds, hides, damages or destroys identification or travel documents of a person victim of the criminal offences under paragraphs 1 and 2, is punished with imprisonment from one to three years, if a more severe sentence is not applicable by virtue of another legal provision.

8 - The victim's consent for the criminal offences under paragraphs 1 and 2 does not, in any case, exclude the unlawfulness of the conduct."

- **Children**

- Relevant legal amendments regarding children's rights*

- Law 4/2015, which amended the Educational Guardianship Law (Law 166/99);
 - Law 83/2015, which amended the CC, introducing the crime of FGM and the crime of forced marriage and its preparatory acts;
 - Law 91/2015, which amended Law 7/2007, established that adoption implies the issuance of new civil identification, tax, health, and social security numbers, for

the adopted child in order to guarantee identity secrecy provided for in article 1985 of the Civil Code;

- Law 103/2015, which creates the criminal identification register of convictions against sexual self-determination and sexual freedom of children and introduces the autonomous crime of child grooming;
- Law 122/2015, which amended the Civil Code and the Civil Procedure Code allows children over 18 who still depend financially on their parents to maintain access to their maintenance allowance from the parent with whom they do not cohabit, upon request (also article 1880 Civil Code);
- Law 130/2015, which amended the CCP and approved the new statute of the victim, in particular, article 22 regarding the rights of child victims;
- Law 141/2015 approved the civil guardianship procedure regime (divorce and parental responsibilities) and introduced a number of child-friendly and equity justice measures, including the mandatory appointment of a lawyer to the child when the child's interests are conflicting with those of the parents or when the child so requests the court and the child's right to trigger such procedures;
- Law 142/2015, which amended the Protection of Children and Young People in Danger (Law 147/99);
- Law 143/2015, established the new legal regime of the adoption process;
- Law 23/2017, which amended Law 147/99, extended the maximum age of minors in educational processes or vocational training to 25 years;
- Law 24/2017, which promotes the urgent regulation of parental responsibilities in situations of domestic violence and other forms of violence in a family context, amending the Civil Code, the General Regime of the Civil Guardianship Procedure, Law 112/2009, and the CCP;
- Organic Law 2/2018, which amended Law 37/81 (Nationality Law), extending access to Portuguese nationality and naturalization to any children born in Portuguese territory;
- Law 26/2018 on the regularization of the legal status of children and young people of foreign nationality placed in a State institution or equivalent, which also amended Law 147/99 and Law 23/2007. Children in this situation who do not hold a valid residence title are deemed to be in a situation of danger and are protected accordingly. For these children, special conditions to grant residence permits and naturalization apply;
- Law 38/2018, on the self-determination of gender identity and expression, which generally prohibits any treatment or medical intervention which imply a change on the body or sexual characteristics of intersex children until the gender identity of the child is manifested;
- Law 44/2018, which strengthens the criminal legal protection of privacy on the internet.