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Help for American Victims of Crime in Portugal

[Please click on this link to read the Department of State's brochure for victims of crime.](#)

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Being the victim of a crime in a foreign country can be a devastating and traumatic experience. While no one can undo the emotional trauma, physical injury, or financial loss you may have experienced, the U.S. Embassy in Lisbon and U.S. Consulate in Ponta Delgada, Azores are ready to help. We are very concerned about violent crimes committed against U.S. citizens in Portugal. We will assist you in managing the practical consequences of being a crime victim and provide you with information about accessing the local criminal justice system, as well as other resources for crime victims abroad and the United States. This office can assist you to find appropriate medical care, contact family or friends on your behalf and explain how funds can be transferred. We can also help you to better understand the criminal justice system in Portugal, which is very different from the system in the United States.

The information included in this guide relating to the legal requirements in Portugal is provided for general information purposes only. The information may not be accurate or relevant to a particular case. Questions involving interpretation of Portuguese laws should be addressed to legal counsel licensed to practice law in Portugal. The investigation and prosecution of the crime is solely the responsibility of local authorities. The Federal Bureau of Investigation (FBI) may assist local authorities in certain cases of kidnapping, hostage-taking and terrorism.

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REPORTING CRIMES

Q: Where can victims of crime file police reports or register complaints?

A: Victims should report the crime to the nearest legal authority, including: *Polícia Judiciária* (The Criminal Investigation Police), *Polícia de Segurança Pública* (the Public Security Police), *Guardia Nacional Republicana* (The Republican National Guard), *SEF* (Portuguese Immigration), and the Public Prosecutor's Office. In January 2008, the Ministry of Internal Administration launched a service called *Queixa Electronica* (Electronic complaints). The Online Criminal Complaints System was created by Law 1593/2007 of December 17 and is intended to facilitate the filing of criminal complaints with the police authorities. The crimes that allow a complaint by electronic means include crimes such as domestic violence, theft, robbery, arson and various other crimes against persons. Lawyers may file criminal complaints on behalf of their clients through the Online Criminal Complaint System ([Sistema de Queixa Electrónica](https://queixaselectronicas.mai.gov.pt/)). Users follow an eight-step reporting process providing details such as time, date and location of the offense. The complaints are subsequently forwarded to the appropriate police authorities. The "Queixa Electronica" service can be accessed at the following website: <https://queixaselectronicas.mai.gov.pt/> (For crimes not included in the Electronic Claim System please contact the nearest police agent or station.)

Q: Must crimes be reported in the jurisdiction where they happened?

A: No.

Q: Are there special police officers that assist foreigners?

A: Yes. There are several "Tourism Police Stations" located in the following cities most popular with tourists:

Lisbon:	Praça dos Restauradores (tel: 21 342 16 34). Hours: 24/7.
Cascais:	Rua Visconde da Luz nº14 D (tel: 21 486 39 29). Hours: Daily, 9 a.m. to 8 p.m.
Porto :	Rua Club Fenianos, nº 11, (tel: 22 20818 33). Hours: Daily, 8 a.m. to 2 a.m.
Faro :	Governo Civil de Faro, Praca D. Francisco Gomes. (tel: 289 81 09 00,). Hours: Daily, 9 a.m. to 12:30 p.m. and 2 p.m. to 5:30 p.m.
Albufeira :	GNR (National Republica Guard) Av. 25 de Abril (tel: 289 583 310). Hours: Daily, 9 a.m. to 1 a.m..
Vila Real Sto. Antonio:	PSP tourism Office. Av. da Republica, Edificio da Fronteira. Tel. 281 512 300. Hours: Daily, 8 a.m. to 8 p.m.
Azores:	Policia de Segurança Pública, Rua da Alfandega, 296 282 022, Hours: 24

Q: Must police reports be filed within a certain amount of time?

A: The victim has six months to file a police report. The clock starts ticking from one of the following events: 1) date of the offense and when the perpetrator is known; 2) date of the victim's death; 3) date of the victim's incapacitation.

Q: Can someone else file a police report on the victim's behalf?

A: It depends on the nature of the crime. The Portuguese criminal system divides the crimes into three categories: private, semi-public and public. Private crimes include but are not limited to slander and libel. Semi-public crime include simple battery, rape, sexual assault, threat, coercion, and

embezzlement. Public crimes include murder, assault and battery with intent, domestic violence, robbery, possession of stolen objects, and damages.

Private and semi-public crimes are only prosecuted after the filing of a police report by the victim. If the victim is under the age of 16, the police report must be filed by a legal representative. Police reports may be presented by the victim, a lawyer or a third person on the victim's behalf, as long as they are in possession of a power of attorney specifically bestowing that power. If the victim dies, the surviving spouse, the descendants, and the surviving parents may also submit a police report. In the absence of the previously mentioned family members, siblings may file the police report. Additionally, in the case of private crimes, the victim must file a request to become "Assistente" (Assistant to the Public Prosecutor). This will enable her/him to actively participate in the judicial proceedings, namely by presenting additional evidence or making other requests. Becoming an "Assistente" requires payment of a court fee in the amount of 96 Euros. In the case of semi-private crimes, becoming "Assistente" is not mandatory. Therefore, if the victim chooses not to request it, her/his role in the process will be as a witness.

Public crimes are investigated as soon as they are reported by the victim or any other person.

Q: Will victims be given a copy of the report?

A: The police provides a copy of the case record which contains the date of filing, nature of the offense, and in case of theft, a list of goods that were reported stolen by the victim, and registration number of the police report.

Q: Will police provide an interpreter?

A: Yes.

Q: How can crimes be reported if the victim has left the country?

A: If the victim left the country s/he may send a complaint to the police by e-mail lsbetur@psp.pt or by fax (Fax # 351-21 – 342 1642). The police will issue a written report and forward it to the Public Prosecutor's Office. The police will inform the victim of the process number and of their rights, such as how to request compensation. The victim may also choose to appoint a local lawyer or individual to file the police report on their behalf (see above for instructions).

Q: Can crimes be reported to the country's embassy in the U.S.?

A: No.

Q: Can post file a complaint on the victim's behalf?

No. Post is not authorized to act as the victim's representative.

If you have difficulties filing your police report with an official, please contact the U.S. Embassy or Consulate immediately. You may need a police report to file for crime victim compensation or insurance reimbursement. If you do decide to file a report please send a copy to us, along with your address and phone number in the event we need to communicate with you. While we are not authorized to act as your legal representative, prosecutor or investigator, our office can help you track the progress of your case and advise you of any developments.

INVESTIGATIONS: Many crime investigations never result in the arrest of a suspect.

Q: Who is responsible for investigating crimes?

A: The Public Prosecutor is in charge of the inquiry phase and is assisted by police authorities who act by delegation. They are responsible for the criminal investigation under the guidance of the Public Prosecutor.

Q: Can victims expect forensic evidence to be collected (fingerprints, photographs, etc.)?

A: Yes. In cases of violent crime, the victim will be examined by a medical professional provided by the police. This preserves the integrity of the evidence should the case go to trial.

Q: How will the victim get information about the progress of the investigation?

A: The victim may file a written request to the Court to monitor the process or obtain certificates or copies of documents. The rule is that judicial proceedings are opened to public scrutiny. However, the Public Prosecutor may decide, with the concurrence of the Investigating Judge*, that the case be sealed to protect the interests of the parties or the people involved in the investigation. If the case is sealed, the Investigating Judge's decision cannot be challenged.

* **Note:** In the investigation phase, the Investigating Judge's main role is to protect and guarantee the fundamental rights of the defendant.

Q: To whom should a victim report threats, harassment or intimidation by the accused or his/her family or friends?

A: The victim should report it to the police.

Q: How long will the case remain open if there is no arrest?

A: Eight months is the general rule, if the defendant is not under arrest. There may be instances, however, when the investigation remains open for an extended period in cases of serious or complex crimes.

ARRESTS

Q: If someone is arrested, will s/he be detained until the trial?

A: Not necessarily. Within a maximum of 48 hours after detention, the detainee must either appear before a judge for a summary trial, in the case of **in flagrante delicto** (in the very act of committing a crime or other wrong) or must appear before a judge for the first judicial hearing during which the judge will decide either to release the detainee or impose appropriate preventive measures. At this first hearing, the judge informs the detainee of the charges, and allows him/her the opportunity to present a defense. Preventive custody is only applied in exceptional circumstances. There is one measure that is consistently applied to any defendant until trial, called the "**declaration of identity and residence**" (termo de identidade e residência). Under this measure, the accused must appear before the competent authority when requested, and must inform the Court of any new residence at least five days before changing such residence.

Following are the pre-trial measures that a suspect may be subject to:

1) Bail applies if the alleged crime is punishable by imprisonment;

2) *Obligation to appear periodically before a judicial body or a criminal police agency at specified times. This enforcement measure may be applied in cases when the alleged crime is punishable by a prison sentence of more than six months;*

3) *Suspension from the performance of duties, the practice of an occupation or the exercise of his/her rights. The application of this measure may be combined with another legally applicable measure in cases when the alleged crime is punishable by a maximum prison sentence of more than two years;*

4) *Restraining orders, which can bar the suspect from entering the area or residence where the crime took place, leaving the country, or contacting certain individuals. These measures may be ordered when there is strong evidence of a willfully committed offense punishable by more than two years' imprisonment;*

5) *House arrest monitored by an electronic device. The suspect may be allowed to leave the house under certain circumstances. This measure shall be applied when there is strong evidence of a willfully committed offense punishable by a prison sentence of more than three years;*

6) *Preventive arrest. Pre-trial detention is of a limited and exceptional nature and subject to strict legal procedures. A judge can require preventive arrest, reviewing the decision every three months, in the following cases: if the crime is punishable by more than five years imprisonment, or three years (in case of terrorism, violent or highly organized crimes); if the person is illegally in the country or subject to an extradition or deportation process; if there is a fear that the person may flee or may destroy evidence or obstruct the investigation; or if the person is likely to continue criminal activity. If the individual believes his/her detention is illegal (outside authorized places of detention or beyond authorized limits) s/he may make an application for an habeas corpus.*

Q: Will the victim be notified of the arrest?

A: *No. Under Portuguese law, an arrest notification is made to a family member of the prisoner or other designated individual. The court may notify the victim, however, when the offender is released if the Public Prosecutor's Office deems the person to be a potential threat to the victim.*

Q: Will the victim be asked to identify the perpetrator in-person or in a police lineup?

A: *The victim may be asked to identify the person in a police lineup.*

PRETRIAL PERIOD

Q: Is there a distinction between misdemeanors and felonies?

A: *Yes.*

Q: Who decides if charges will be filed?

A: *The Public Prosecutor.*

Q: Who decides if the case will go to trial?

A: *Following the investigation, the Public Prosecutor has the power to decide to take the case to trial. The Public Prosecutor's decision is subject to a number of controls, however. For this purpose, an optional phase is provided for between the inquiry phase and the trial phase – called the "Instrução" (fact-finding phase). The "Instrução" is optional and may be requested by the defendant or the*

“Assistente” (the victim who requested to be an active participant in the criminal procedure). In this case, there will be either a judicial confirmation of the decision to send the case to trial or a ruling to dismiss it. This phase is presided over by the Investigative Judge (Juiz de Instrução Criminal) assisted by police investigators acting under his orders. It consists, at a minimum, of a fact-finding debate that allows a discussion before the judge as to whether sufficient evidence has been gathered to justify sending the defendant to trial. After the fact-finding debate, the Investigative Judge makes a ruling ordering an indictment and either sends the case to trial or dismisses it.

Q: What courts have jurisdiction in criminal cases?

A: Judicial courts within a geographic area of where the crime was committed have jurisdiction. If the crime was committed abroad the case is tried by the court in the area where the offender is found or where he is domiciled.

Q: Is there an equivalent to plea bargaining?

A: The provisions of a new Portuguese law on mediation resemble but do not mirror the American model of plea bargaining. Mediation can be used to resolve cases where either there is enough evidence against the defendant to proceed to trial or the defendant has pled guilty. A prosecutor can refer a case to mediation at any stage of the preliminary investigation. If the victim and offender reach an agreement during mediation, the case against the defendant is suspended. Crimes eligible for mediation include: slander, robbery, fraud, and simple assault. If the offender does not fulfill all obligations under the offender/victim agreement, the case is re-opened and goes to trial. Ineligible crimes include assault against law enforcement officers in the line of duty, sexual offenses and offenses against victims younger than sixteen years of age.

Q: Are there victim advocates that represent the victim's interests?

A: The country has several organizations that assist victims with legal issues. These organizations, however, cannot represent the victims' interests in courts. Only lawyers, either retained by the victims or appointed by the Court are authorized to do so.

TRIAL

Q: How long do trials normally last?

A: The length of a trial depends on the nature of the case. By law, the trial must not be interrupted except if there is a health or physical condition that prevents the attendance of any person essential to the trial, or if there are exceptional procedural grounds, namely, the need to obtain additional evidence or to solve an incidental issue raised during the trial. In those exceptional circumstances a continuance is possible but it may not exceed thirty days.

Q: Will the victim be required to return to the host country one or more times to testify?

A: The victim must testify but s/he may do so during a pre-trial hearing by means of “declarações para memória futura” if he/she lives abroad or if he/she is a victim of a sexual assault or trafficking. In these special circumstances, and at the request of the victim, the Judge may listen to the victim's testimony during the pre-trial phase. The defendant, defendant's attorney and victim's attorney are notified of the pretrial hearing by the Court so that the defendant's right to a fair trial is not affected. The defendant's attorney may challenge the witness's testimony and examine the credibility of the statement and the granting of its admissibility. Also, a deposition may be used in place of a live witness testimony in the trial hearing. The victim may also request to provide his/her testimony through video conference during the trial hearing.

Q: Can the victim submit a written statement, or provide testimony at the host country's embassy in the U.S.?

A: No. Under the Portuguese criminal justice system, testimony is presented orally before the Judge in the presence of the Public Prosecutor, the defendant and his attorney.

Q: Who else will be present in the courtroom (media, consular officers, etc.)?

A: As a rule, trials are open to the public. In exceptional situations, the judge may decide to close the trial from public view. A request may also be made by the Public Prosecutor, the defendant or the "victim/assistant" to close the trial.

Q: Does the court provide translation for witnesses who do not speak the local language?

A: Yes.

Q: Will there be a jury?

A: Jury trials can be requested but are rare in Portugal. In these cases, the jury panel court, presided by the President Judge of the Court and including two-panel court judges, and the jurors will judge the case. Jury trials are limited to certain type of cases, such as crimes against cultural identity, personal integrity, State security, or any crime which carries a sentence of more than 8 years imprisonment.

Q: Are there special protocol requirements in the courtroom (i.e. appropriate dress, standing when the judge enters, etc)?

A: There is no dress code other than that for lawyers, judges and Public Prosecutors. As in the U.S., people participating or attending a trial must stand when the Judge enters the room.

SENTENCING

Q: If the offender is found guilty, when will sentencing take place?

A: In principle, the sentencing hearing takes places 10 days after the trial.

Q: Does the victim have input at sentencing?

A: No. The victim who during the judicial proceedings became "Assistente" (Assistant to the Public Prosecutor)) may however, lodge an appeal to a higher court under certain circumstances.

Q: Will the sentence be served immediately?

A: Yes. The sentence is considered served upon the defendant or his lawyer on the date of the sentencing hearing.

Q: Will the victim be notified when the perpetrator is transferred or released?

A: The victim is not notified of the transfer but may be notified of the release of the defendant if it may pose a threat to the victim.

APPEALS

Q: Can the accused appeal?

A: Yes, the accused has the right to appeal the conviction or sentence within 20 days after the sentencing hearing. There is more than one type of appeal and the appellate courts may vary depending on the nature of the appeal.

Q: How long does the appeal process take?

A: It can take several months, depending on the circumstances of the case.

Q: Are victims expected to testify during appeals as well?

A: No.

ATTORNEYS: You may want to consider hiring a local attorney to secure appropriate legal guidance. Local legal procedures differ from those in the United States. Although the Public Prosecutor is responsible for prosecuting your case, an attorney you hire can promote your interests with the police and the court. While our office cannot recommend specific attorneys, we can provide you with a list of attorneys who have expressed interest in representing U.S. citizens. This list is available on the Internet at <http://portugal.usembassy.gov/service/attorney-information.html>

VICTIM COMPENSATION IN (PORTUGAL)

Q: Is there a national crime victim assistance office?

A: Yes, it is the Portuguese Association for Victims Support (APAV). APAV is a non-profit organization and a member of the European Forum for Victims Services and the European Forum Victim-Offender Mediation and Restorative Justice.

Q: What does that office do?

A: The office promotes the protection of and support for the victims of criminal offenses through social, psychological and legal support. Their trained volunteers provide mediation and legal counseling to crime victims on a confidential basis and free of charge. They also promote and participate in programs, projects and activities in the fields of information, training and public awareness.

Q: Will it provide referrals for psychological, medical and/or legal assistance?

A: Yes.

Q: How can victims contact this office?

A: On the Internet: <http://www.apav.pt/portal/> or by hotline: 707 20 00 77 (10:00AM – 1:00PM; 2:00PM – 5:00PM weekdays). They also provide walk-in services

Q: Are there domestic violence and sexual assault hotlines?

*A: Yes. For victims of domestic violence there is a 24-hour helpline. It is an anonymous and confidential service that provides victims with counseling, information about their rights and information about where they can get support. The number is **+351 800 202 148**. Victims may also contact **APAV: +351 707 20 00 77** (weekdays from 10:00 a.m. to 1:00 p.m. and 2:00 p.m. to 5:00 p.m.) or the National hotline for Social Emergencies: **144** (24/7) .*

PORTUGAL has a crime victim compensation program that will reimburse victims. Under Portuguese law, compensation awarded to victims in criminal proceedings is paid by the offender, unless s/he is unable to do so because of insolvency or if s/he cannot be located.

Claims for restitution, redress and compensation must, with some exceptions, be brought before the court competent to hear the criminal offense. These claims may be brought before a civil court when the following conditions apply:

- (a) there has been no indictment in the criminal proceedings within eight months of the crime having been reported, or there have been no developments in that time;
- (b) the criminal proceedings have been dismissed or suspended, or lapsed before coming to trial;
- (c) the proceedings are based on a private complaint or charge;
- (d) there were no damages at the time charges were brought, or the full extent of damages was not known;
- (e) the criminal sentence did not include a decision on the claim for damages in view of the nature of the issues involved and the inherent characteristics of the criminal proceedings in cases where the law allows the criminal courts not to take a decision on such claims;
- (f) the claim is brought against the defendant and other persons with purely civil liability, or only against the latter where the defendant is the one concerned by the main proceedings;
- (g) the value of the claim means that it can be brought before a multi-member court, while the criminal proceedings must take place before a judge sitting alone;
- (h) the criminal proceedings take the form of summary or very summary proceedings;
- (i) the injured party has not been informed of the possibility of bringing a civil claim in the criminal proceedings or been given notice to do so.

The Portuguese Government's CRIME VICTIM COMPENSATION PROGRAM: When the offender's identity is unknown or when for any other reason s/he cannot be accused or convicted, the victim may require the State's assistance. This assistance, however, is limited to the patrimonial damages resulting from serious physical injuries and the damage must have caused a considerable disturbance to the insured's quality of life, as defined by law.

Q: Are there special requirements for foreigners?

A: No. Any victim of serious bodily harm resulting directly from a violent crime on Portuguese territory or on board Portuguese ships or aircraft may benefit from the compensation scheme. Applications must be made within a year from the date on which the criminal offense was committed. If criminal proceedings have begun, the time limit can be extended to one year after the decision terminating the proceedings is handed down. In any event, the Minister of Justice can accept applications after the deadline if justified psychological or material circumstances prevented the application being made in timely manner.

Q: What crimes are covered?

A: Only victims who have suffered serious bodily harm and people entitled to maintenance in the event of the victim's death can benefit from state compensation (only crimes involving intentional violence are covered). The injury must result in permanent incapacity or temporary total incapacity for work of at least thirty days or death. The harm suffered must have caused a serious deterioration in the standard

of living of the victim or the persons entitled to maintenance. For victims of domestic violence, loss resulting from physical or mental abuse is covered by the scheme.

Complete information in Portuguese on the compensation scheme can be found at Comissão para a Instrução dos Pedidos de Indemnização às Vítimas de Crimes Violentos (Committee for examining requests for compensation to victims of violent crime) at Escadinhas de S. Crispim, n.º 7, 1149-049 ; the e-mail address is: jose.duarte@tac.mj.pt. Compensation is granted by the State at the request of the persons entitled to it. Forms are available free of charge from the Commission. For additional information in English on obtaining compensation from the State or a public body please visit the European Judicial Network in Civil and Commercial Matters "Compensation to Crime Victims – Portugal" Website: http://ec.europa.eu/civiljustice/comp_crime_victim/comp_crime_victim_por_en.htm (website & hyperlink for national compensation program).

EMBASSY LOCATION

Americans living or traveling in Portugal are encouraged to register with the Embassy in Lisbon or Consulate Ponta Delgada in the Azores through the [State Department's travel registration website](#) so that they can obtain updated information on travel and security.. Americans without Internet access may register directly with the nearest U.S. Embassy or Consulate. By registering, American citizens make it easier for the Embassy or Consulate to contact them in case of emergency. The U.S. Embassy is located at Avenida das Forças Armadas, Lisbon, Tel: 351 21 727 33 00; 21 770 24 02 ; Fax: 21 – 727 23 54. For the Azores: the U.S. Consulate is located at Av. Principe do Monaco, Nr. 6, 2nd F, Ponta Delgada, Tel: 351 296 282216; Fax: 351 296 28 72 16.

SPECIAL INFORMATION FOR CASES OF SEXUAL ASSAULT AND RAPE

Physical evidence is very important in sexual assault cases, and can deteriorate as time passes. As such, victims should not change clothes, avoid bathing if possible, and have a physical exam at the first opportunity. You should take these steps even if you are unsure about whether to report the crime to police. If you decide to pursue prosecution at a later time, these steps preserve evidence that will assist the prosecutor. A consular officer or after-hours duty officer from the U.S. Embassy may be able to accompany victims of sexual assault for the medical exam.

Q: How are sexual assault and rape defined in the host country?

A: Sexual assault and rape are semi-public crimes, meaning criminal proceedings must be initiated by the victim with the submission of a police report to the police. However, if the offense is committed against a minor or if the offense leads to murder or suicide, it becomes a public crime. In this case, the criminal offense is initiated by the Public Prosecutor without the need of a police report submitted by the victim or his/her legal representatives. Police reports must be submitted to the Police, GNR, Judiciary Police or Public Prosecutor's Office. The State Medical Forensic Institutes (Instituto de Medicina Legal) in Lisboa, Porto or Coimbra, or the Gabinetes Medico Legais located in the State Hospitals may, in certain circumstances, receive the complaint.

Q: Does the legal definition vary from region to region?

A: No.

Q: Who authorizes forensic sexual assault exams in the host country?

A: The Instituto Nacional de Medicina Legal (The National Legal Medicine Institute) located in Lisbon, Coimbra and Porto, or its representative office located at hospitals in other cities of the country.

Q: Are they done in every case, very few cases, etc?

A: In every case, as needed and if the victim authorizes the exam.

Q: Who performs forensic sexual assault exams?

A: Forensic expert doctors from the Instituto de Medicina.

Q: Where should victims go for a sexual assault exam?

A: Victims should immediately go to the emergency room of a State Hospital, or to the Instituto Nacional de Medicina Legal or one of its representative offices.

Q: What does a forensic sexual assault exam involve? (In the U.S. the exam normally involves a pelvic exam, vaginal/penile/anal swabs, head and pubic hair samples, fingernail scrapings, blood samples, saliva samples, etc.)

A: It involves a pelvic exam, vaginal/penile/anal and biological forensic exams. If the victim did not file a complaint before performing the forensic exam, the physician will keep the samples for six months, during which time the victim may file the complaint.

Q: Will the victim be allowed to bring a support person?

A: Yes.

Q: Who pays for the exam?

A: Exams are paid for by the State.

Q: If the victim decides not to have a medical exam, will that make a difference during the trial?

A: The medical exam is an important piece of evidence. Failure to produce that evidence may jeopardize the case.

Q: Can rape/sexual assault charges be filed without an exam?

A: Yes.

You should get medical attention to determine if you have been injured in any way and to discuss treatment and prevention options for pregnancy and sexually transmitted diseases.

Q: Is emergency contraception (the morning-after pill) available in the host country?

A: Yes. Additionally, abortion is legal in Portugal.

Q: Is HIV prophylaxis available?

A: Yes. And, it can be obtained from a State Hospital.

Q: Who will interview the victim?

A: The physician.

Q: Will he or she be interviewed by multiple people?

A: Yes, including the police.

Q: Is acquaintance rape (date rape) taken seriously?

A: Yes.

Q: Is spousal rape a crime?

A: Yes. Rape committed by the spouse is punishable with a prison term and may be cause for divorce.

Q: Are there special considerations for male rape?

A: No.

Q: Are there laws that protect the identity of sexual assault survivors?

A: No.

Q: Can s/he expect media attention?

A: Generally, sexually assault cases do not generate media attention. It depends on the situation that surrounds the case, the profile of the offender and the victim.

Q: Is there a rape crisis hotline?

A: Victims may contact the following entities:

*APAV (Associação Portuguesa de Apoio à Vítima)
Tel.: 707 200 077
Weekdays from 10 a.m. to 1 p.m. and 2 p.m. to 5p.m.*

Linha Nacional de Emergência Social – 144

*Azores: Centro de Apoio à Mulher
Rua João do Rego, 128,
Tel: 296 628 540
Hours: 9:30am to 12:30 and 2pm to 5:30pm*

Q: Do operators speak English?

A: Yes.

SPECIAL INFORMATION FOR CASES OF DOMESTIC VIOLENCE

Q: *Is domestic violence considered a crime in the host country?*

A: Yes. It is a crime punishable under the Penal Code.

Q: *How can victims get a protection/restraining order?*

A: *Victims may request a restraining order from the Public Prosecutor at any stage of the case. Also, the Court may issue restraining orders barring the offender from contact with the victim, ordering the offender's expulsion from the victim's dwelling, barring him from the victim's workplace, prohibiting use of firearms, and requiring him to stay home.*

It should be noted that victims of domestic violence are also eligible for State compensation if the harm suffered has caused a serious deterioration in the standard of living of the victim or the persons entitled to maintenance, due to physical or mental abuse. In emergency situations, victims may request an advance on the compensation that has not yet been awarded. The advanced compensation may not exceed one quarter of the maximum amount. The amount of the advance is set taking account of the existence of serious financial distress resulting from the crime and may not exceed the monthly equivalent of the national minimum wage for a period of three months, which may be extended by a further three months or, in situations of extreme distress, a further six months.

Q: *How are restraining orders enforced?*

A: *The restraining orders may be monitored by an electronic device.*

Q: *Are there domestic violence shelters in the host country?*

A: Yes, there are 34 shelters around the country run by NGOs (non-governmental organizations).

Q: *If so, are they secure?*

A: Yes. *Their locations are confidential. The 34 shelters can house a total of 500 people.*

Q: *How many beds do the shelters have?*

A: *It depends on the size of the houses, but the number of beds varies from 5 to 30.*

Q: *Can they usually take clients on a walk-in basis?*

A: No. *The victim must be referred and accompanied by the police, a hospital member or a member of the commissions that take care of domestic violence cases.*

Q: *Can children stay at the shelters?*

A: Yes.

Q: *Is there a domestic violence hotline?*

A: Yes.

Emergency hotlines

800 202 148 (24 hours a day). *Servico de Informação a Vítimas de Violência Doméstica*

144 *Linha Nacional de Emergência Social (National Line of Social Emergency)*

112 *Número nacional de Emergência (National Emergency Number)*

Q: Do operators speak English?

A: Some do but an English speaker may not always be available.

Q: Is stalking a crime in the host country?

A: Yes.

Contact information for domestic violence emergency programs:

217 983 000/222 074 370 – *Comissão para a Cidadania e Igualdade de Género*

707 200 077 – *Associação Portuguesa de Apoio à Vítima (APAV)*

213 802 160 – *Associação de Mulheres contra a Violência (AMCV)*

217 594 499 – *Associação Portuguesa de Mulheres Juristas (APMJ)*

808 200 175 – *União Mulheres Alternativa e Resposta (UMAR)*

SPECIAL INFORMATION FOR CASES OF CHILD ABUSE

Q: What government authority is responsible for the protection of children?

A: *Comissões de Protecção de Crianças e Jovens em Perigo (Child and Youth Protection Commissions), is the responsible body for the protection of children. Also, the quasi-independent Children's Assistance Institute (Instituto de Apoio à Criança) has a network of 48 NGO's dedicated to helping at-risk youth. In the course of their duties, the police authorities must report all situations of children and youngsters in danger to the Comissões de Protecção de Crianças e Jovens em Perigo . Also, the Portuguese Ombudsman has a work unit specially designed to deal with issues concerning minors which includes a free-of-charge telephone line for children ("Recados da Criança") (free toll line 800 20 66 56) (website: <http://www.provedor-jus.pt/apresentacrianca.htm>.)*

Any person may complain directly to the Ombudsman, including Portuguese and foreign children.

Q: What authority do they have to investigate allegations of child abuse?

A: *Only the Public Prosecutor Office with the assistance of the Comissões de Protecção de Crianças e Jovens em Perigo may investigate allegations of child abuse..*

Q: How can suspect child abuse be reported?

A: *Child abuse can be reported to the following entities:*

- *Regional Offices of the Comissões de Protecção de Crianças e Jovens (Child and Youth Protection Commissions). Following are their contact numbers and opening hours Website: http://www.mj.gov.pt/sections/contactos-e-horarios/comissoes-de-proteccao/downloadFile/attachedFile_f0/Contact_5_C Protec_CJovens_Risco_2007.pdf?nocache=1190392984.77*
- *Centros Regionais de Segurança Social (CRSS) ;*
- *Direcção Geral da Reinserção Social <http://www.mj.gov.pt/sections/o-ministerio/instituto-de-reinsercao/contactos/>*
- *Children's Assistance Institute (Instituto de Apoio à Criança) - SOS criança hotline (Tel: 1410)*
- *Courts*
- *Ombudsman. Free toll line 800 20 66 56 website: <http://www.provedor-jus.pt/apresentacrianca.htm>.*

Q: Who is mandated to report suspected child abuse?

A: *Law enforcement authorities, public servants, Child and Youth Protection Commissions, and individual members of civil society are mandated to report suspected child abuse.*

Q: Where would an American child be placed if he or she was removed from the home?

A: *S/he would be placed in a foster home or a shelter run by the Social Security Administration. In Lisbon, the child would be placed in the Centro de Acolhimento Temporário (CAT) a shelter operated*

by the Santa Casa da Misericórdia (The Holy House of Mercy). In Madeira Island, a child would be placed in the Centro de Segurança Social da Madeira and in the Archipelago of the Azores s/he would be in a foster home of the Instituto de Acção Social.

Q: What local resources have expertise in helping child victims?

A: *Comissões de Protecção de Crianças e Jovens em Perigo, Instituto de Apoio à Criança, Associação Portuguesa de Apoio à Vítima (APAV).*

Q: What medical resources are appropriate for the medical examination of an American child who may have been physically or sexually abused?

A: *A child may be examined at the National Health Service (State Hospitals), or by forensic expert doctors from the Instituto de Medicina Legal (The National Legal Medicine Institute) located in Lisbon, Coimbra and Porto, or physicians from their representative offices in other regions of the country.*

Q: Will the child be expected to testify if the abuser is charged with a crime?

A: *The child is expected to testify although there are specific rules that the Court must follow. Depositions of minors under the age of 18 may be conducted during the investigation phase and not in the courtroom. When conducted during the investigation phase the deposition takes place in an informal and comfortable place and the minor is assisted by a specialized technician, appointed by the court. Whether or not the testimony is taken during the investigation phase or in Court, the child may be protected from the defendant's sight. Thus, the child may testify via videoconference and the Court may use technical means to hide his/her image.*

Q: Will the court make special accommodations for the child to minimize the trauma of testifying?

A: *Yes. Please see the above answer.*

MISSING CHILDREN

*On July 25, 2008, Portugal launched the European-wide missing child line. The **116000** line is an extension of the current SOS Criança line (**1410**). The line is open Monday to Friday from 9 a.m. to 7p.m. In the future it will be available 24/7. To report a missing child, a physical description must be given along with circumstances of the disappearance. The information is quickly passed to relevant authorities, such as police, airports, and hospitals. A team from the Instituto de Apoio à Criança (Children's Assistance Institute), which runs SOS Criança, can help locate missing children. It also offers psychological help to the families of missing children and reports the case to the Child and Youth Protection Commissions.*

SPECIAL INFORMATION FOR CASES OF HOMICIDE

Q: Is an autopsy required in homicide cases?

A: Yes.

Q: Are surviving family members able to participate in the prosecution?

A: A homicide is a public crime; therefore, family members of the deceased do not need to bring charges against the perpetrator of the homicide. The Public Prosecutor initiates the prosecution as soon as s/he is made aware of the homicide. The surviving family member may request to become an "Assistente" and thus, become a collaborator of the Public Prosecutor. However, s/he must always be represented by a lawyer. The family member may also request for monetary compensation in the criminal procedure, according to the rules of the Code of Penal Procedures. **PORTUGAL has a crime victim compensation program that will reimburse victims. Please see information above.**

Surviving family members entitled to maintenance pursuant to the provisions of the Portuguese civil law can also apply for compensation from the State. Those entitled are, in this order:

(a) the spouse or ex-spouse;

(b) children;

(c) parents;

(d) siblings;

(e) aunts and uncles, as long as the person receiving maintenance is a minor;

(f) the stepfather and stepmother in relation to stepchildren under age who are, or were at the time of death of the spouse, under their care.

In addition, anyone who had been living as a common law spouse with an unmarried or legally separated person for at least two years at the time of death is entitled to apply for maintenance from the estate of the deceased.