

Committee of the Parties



Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)

Recommendation on the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence by Portugal

IC-CP/Inf(2019)3

Published on 28 January 2019

The Committee of the Parties to the Convention on Preventing and Combating Violence against Women and Domestic Violence (hereinafter referred to as “the Convention”), acting under the terms of Article 68(12) of the Convention;

Having regard to the purposes of the Convention to protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence; to contribute to the elimination of all forms of discrimination against women and promote substantive equality between women and men, including by empowering women; to design a comprehensive framework, policies and measures for the protection of and assistance to all victims of violence against women and domestic violence; to promote international co-operation with a view to eliminating violence against women and domestic violence; and to provide support and assistance to organisations and law enforcement agencies to effectively co-operate in order to adopt an integrated approach to eliminating violence against women and domestic violence;

Bearing in mind the provisions of Article 66 (1) of the Convention concerning the monitoring role of the Group of Experts on Action against Violence against Women and Domestic Violence (hereinafter referred to as “GREVIO”);

Having regard to the Rules of Procedure of the Committee of the Parties;

Having regard to the instrument of ratification deposited by Portugal on 5 February 2013;

Having examined the Baseline Evaluation Report concerning the implementation of the Convention by Portugal adopted by GREVIO by written procedure in December 2018, as well as the comments of the Government received on 18 January 2019;

Considering the overarching priorities set out in Chapter I of the Convention (purposes and scope of the Convention, definitions, equality and non-discrimination, due diligence and gender-sensitive policies);

Bearing in mind the primordial importance of the provisions set out in Chapter II of the Convention, in particular the obligations to (1) ensure a holistic response to violence against women by devising a set of comprehensive and co-ordinated policies implemented by way of effective multi-agency co-operation; (2) institutionalise and fully mandate one or more co-ordinating bodies as required by Article 10 of the Convention; (3) adequately resource policies, measures and mandates introduced to prevent and combat all forms of violence against women, including government and non-governmental specialist support services; and (4) to collect relevant statistical data disaggregated, at a minimum, by sex, age, type of violence, relationship of the perpetrator to the victim and geographic location;

Welcoming the measures taken by the Portuguese authorities in implementing the Convention and noting in particular:

- the development – under the leadership of the national co-ordinating body – of comprehensive and co-ordinated policies to tackle certain forms of violence against women, such as domestic violence and female genital mutilation;
- the integrated approach taken in addressing the multiple factors leading to intersectional discrimination and the different needs of victims;
- the achievements made in systematising the collection of administrative data regarding domestic violence;
- the support provided to extensive research projects into certain forms of violence against women, such as domestic violence and sexual and moral harassment in the workplace;
- the efforts to build recognition of the prevalence of violence against women among both the general public and targeted audiences, resulting in high average levels of awareness;
- the measures taken to promote change in social and cultural patterns of behavior of women and men and to eradicate prejudices and stereotypes, in particular among youth;

- the progress achieved in promoting gender equality and combating gender discrimination in the workplace;
- the improvements in the risk assessment procedures which may have contributed to the decreased numbers of recorded female homicide victims in a context of intimate partner violence;

A. Recommends, in light of the considerations indicated in the preamble above, that the Government of Portugal take the following measures identified in GREVIO's report¹ for immediate action to:

1. ensure that the scope of legislation, policies and measures is properly determined by taking into account the definitions in the Convention regarding the notion of domestic violence (paragraph 9) and that of victim (paragraph 15);
2. improve the design and/or implementation of comprehensive and co-ordinated policies, by:
 - a. ensuring that they give due importance to all forms of violence against women covered by the Convention (paragraphs 5 and 28);
 - b. reinforcing co-operation mechanisms with NGOs (paragraph 31);
 - c. enhancing co-ordination among governmental agencies (paragraph 34) and between national and local government (paragraph 37), notably by strengthening the co-ordinating functions of the national co-ordinating body (paragraph 54);
3. expand the resources dedicated to prevent and combat violence against women, in order to offer equitable access to appropriate funding for all specialist support service providers, remedy existing gaps in the provision of services and guarantee equal access to support for all victims (paragraph 46);
4. reinforce the support and recognition given to women's NGOs and ensure that all entities running services for victims equally apply relevant standards for service provision (paragraph 49);
5. improve the collection of gender disaggregated data by law-enforcement agencies (paragraph 63) and the criminal justice sector (paragraph 69), as well as the health sector (paragraph 72);
6. ensure that the interplay between perpetrator programmes and criminal proceedings does not work against the principle of victims' access to fair and just legal processes, while ensuring that such programmes are aligned with the principles of the Istanbul Convention and recognised best practices (paragraph 105);
7. further devise solutions offering a multi-agency co-ordinated response to all forms of violence against women, by involving all the authorities and stakeholders concerned and providing the necessary guidance and training (paragraphs 119 and 123);
8. further develop the provision of appropriate specialist support services for victims of all the different forms of violence and their children (paragraph 137), including a dedicated telephone helpline (paragraph 141) and measures to protect and support child witnesses (paragraph 148);
9. ensure that the rights and safety of victims and their children are guaranteed in relation to the determination and exercise of custody and visitation rights (paragraphs 164 and 168);

¹ The number of the paragraph setting out the GREVIO's proposals and suggestions in the report is indicated in brackets.

-
10. amend legislation to conform with the requirements of the Convention, as regards in particular the offences of sexual violence and sexual harassment (paragraph 175), the legal provisions on aggravating circumstances (paragraph 181) and the rules regarding *ex parte* and *ex officio* prosecution (paragraph 223);
 11. fully uphold the principle of criminal accountability, while ensuring that the handling of cases of violence against women by law-enforcement bodies and the judiciary is mindful of the gendered nature of such violence, fully respects victims' human rights and guarantees their need for safety (paragraphs 191 and 200);
 12. ensure the availability and effective application of restraining and/or protection orders in relation to all forms of violence against women (paragraphs 219 and 220);
- B. Requests the Government of Portugal to report to the Committee of the Parties on the measures taken to improve the implementation of the Convention in the above-mentioned areas by 30 January 2022.
- C. Recommends that the Government of Portugal take measures to implement the further conclusions of GREVIO's baseline evaluation report.