

Mandate of the Special Rapporteur on Violence Against Women, its causes and consequences – Response of the Portuguese Ministry of Justice

1. Administrative data on gender-related killings of women for 2016 - 2018;
2. The number of women killed by their partners (intimate partners killing) or by family members, or other killings by unrelated persons but gender-related;
3. Number of killings of children, disaggregated by sex, in the context of gender-related violence against women;
4. Existence of, or progress in, the creation of a national femicide watch and/or observatory on violence against women;
5. Analysis of cases and actions undertaken regarding in this respect;
6. Related investigations, prosecutions and convictions of all cases of gender-related killings.

Given the area of competence of the Ministry of Justice, the information available is as follows:

Regarding the collection of data with the aim of analysing the causes of femicide, statistic data on marital homicide convictions in criminal cases completed at the trial stage in the first instance courts between 2007 and 2017, the data can be found attached.

It is possible to analyse data on the victims of this type of crime, namely by gender, in the years 2016 and 2017 (Figures 4 and 5).

With regard to the analysis of cases, it is important to notice the work of the Retrospective Homicide Review Team on Domestic Violence (EARHVD) focusing on cases in addition to which the victim is a person which is listed in number 1 of article 152 (domestic violence) of the Criminal Code, namely whenever a causal link can be established between the homicide and a situation of conflict, in an intimate or family relationship, in which the victim has interfered directly or indirectly, due to a special relationship with the victim and/or the accused, for reasons of proximity or for professional reasons. It may therefore cover cases in which:

- a) The victim is one of the persons referred to in number 1 of article 152 of the CC;
- b) There is cohabitation between the victim and the accused;

- c) The victim is a family member or relative of one of the persons referred to in number 1 of article 152 of the CC or maintains or has maintained a close or mutual relationship with the victim;
- d) The victim is economically dependent on the accused;
- e) The victim is a descendant, ascendant, adopter or adopted of the defendant;
- f) The victim exercises, or has exercised, functions within the scope of services, victim support organizations or entities for the protection of children and youth, health action, education or intervention and social action, whose crime was motivated by, direct or indirect, the exercise of such functions.

In addition, as regards the legal nature of the crime, it is considered not only the cases of intentional homicide but also those of negligent homicide, namely pre-intentional homicides, which are included in Article 152 (3) of the CC.

Likewise, homicides in domestic violence, in which the perpetrator remains unknown or in uncertain part, may be subject to analysis in the abovementioned team.

The measures and/or recommendations resulting from the team analysis are systematized according to different areas: health, internal administration, justice, social security and gender equality. The respective reports are sent to the members of the government responsible for these areas and are publicly available, including NGOs, through the following link: <https://earhvd.sg.mai.gov.pt/Pages/default.aspx>.

It is important to note that the team's activity also deals with situations that may have arisen from the provisions of article 135 of the Criminal Code "Incitement or suicide aid".