

[Home](#) > ... > [Legislation and Case Law](#) > [National Case Law](#) > Portugal

National case law

Content provided by:

Portugal

Portugal



This page provides you with information on Portuguese case law.

In Portugal the right to information on the justice system is a fundamental right of citizens expressly provided for in Article 20(2) of Portugal's Constitution and implemented by Law No 34/2004 of 29 July 2004, as amended by Law No 47/2007 of 28 August 2007 establishing the rules for access to justice and to the courts.

According to Article 4 of this law, it is the duty of the government to take steps to make known the law and the legal system, the Ministry of Justice being responsible for providing legal information, either through publications or any other form of communication, with a view to ensuring a better exercise of rights and fulfilment of the obligations laid down in law.

Publicising judicial decisions is an international principle enshrined in both Article 10 of the Universal Declaration of Human Rights and Article 6 of the European Convention on Human Rights. This principle is laid down first in Article 206 of the Constitution (also in relation to court hearings) and in various laws governing different jurisdictions, namely:

- Articles 167 and 656 of the Code of Civil Procedure
- Articles 86(1), 87 and 321(3) of the Code of Civil Procedure
- Articles 3 and 115 of the law governing the organization, functioning and procedure of the Constitutional Court.
- Article 30 of the Code of Administrative Court Procedure

The Ministry manages a number of data bases of legal documents that can be found at <http://www.dgsi.pt/>. They are also published in the Official Gazette and available at <https://dre.pt/>:

- Decisions and pronouncements of the Constitutional Court on the unconstitutionality or illegality of a law or on the unconstitutionality of an omission
- Decisions of the Supreme Court of Justice and the Court of Auditors to harmonise case-law and the decisions of the Supreme Administrative Court that by law are generally binding
- Decisions of other courts that are generally binding

Presentation of decisions/headings

The website <http://www.dgsi.pt/> provides access to a set of databases of precedents and to the bibliographic reference libraries of the Ministry of Justice.

In visiting any of these bases you see the most recent documents entered and a navigation bar that give access to the various types of search allowed (free search by term, by field and by descriptor).

The entry page or results page shows documents by title, content and the following information:

- Case Number
- Date of case
- Judge delivering opinion of the court
- Descriptor

Example of headings

Decisions of the Supreme Court of Justice

DATE OF HEARING	CASE IDENTIFICATION	JUDGE DELIVERING OPINION OF THE COURT	DESCRIPTOR
25.3.2009	08S2592	BRAVO SERRA	END OF EMPLOYMENT CONTRACT

Formats

The full text of the judgment is available (subject to personal data protection rules) in html format.

Courts concerned

The data bases available at <http://www.dgsi.pt/> contain case-law of the following courts/entities:

- Supreme Court of Justice
- Courts of Appeal (Coimbra, Évora, Lisbon, Porto and Guimarães)
- Constitutional Court
- Supreme Administrative Court
- Central Administrative Courts (North and South)
- Court of Conflicts of Jurisdiction
- Opinions of the Public Prosecutor's Office
- Justices of the Peace

Other proceedings

In Portugal, information is available on a number of cases, as shown in the table below.

Information is available about:	Supreme Courts	Other courts
Appeals?	Yes	Yes
Is a case is still pending?	No	No
Result of appeals?	Yes	Yes
Irrevocability of the decision?	No	No
Other cases		
• before another Portuguese court (Constitutional Court, etc.)?	Yes	Yes
• before the Court of Justice of the European Union?	Yes	Yes
• before the Court of Human Rights?	Yes	Yes

Publication rules

At national level there are no binding rules on the publication of case-law. However, there are binding rules in Portugal concerning publication by courts.

Only selected case-law is published in Portugal. The criteria applied are importance and relevance.

Useful links

[Data bases of legal documents](#)

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