

## Avalent>Õigusaktid ja kohtupraktika>Riikide kohtupraktika

### National case law

#### Portugal

This page provides you with information on Portuguese case law.

In Portugal, the right to legal information is a fundamental right of the citizens expressly referred to in Article 20(2) of the Constitution of the Portuguese Republic, as implemented by Law No 34/2004 of 29 July, in its current wording, which establishes the rules governing access to law 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 163 and 606 of the Code of Civil Procedure

Articles 86 (1), 87 and 321 (3) of the Code of Civil Procedure

Article 3e 115 of the Law governing the Organisation, Functioning and Proceedings of the Constitutional Tribunal

Article 30 of the Code of Administrative Court Procedure

Thus, the Ministry of Justice ensures the maintenance of a set of documentary databases, available at <http://www.dgsi.pt/>. In addition, they are published in the Diário da República and searchable 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 to standardise jurisprudence of the Supreme Court of Justice and of the Court of Auditors and decisions of the Supreme Administrative Court to which the law provides a general binding force;

Decisions of other courts that are generally binding

#### Presentation of decisions/headings

The entry at <http://www.dgsi.pt/> allows access to a set of case law databases and bibliographical databases of some 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).

Either the spot of entry or a result obtained presents the documents in the form of vouchers, containing the following information:

Procedure number

Date of case

Rapporteur

Descriptor

Example of headings

#### Decisions of the Supreme Court of Justice

SESSION	PROCEDURE	RAPPORTEUR	DESCRIPTOR
25-03-2009	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 databases 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)

The 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 processes

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 processes		
Other national court (Constitutional Court...)?	Yes	Yes
— At the Court of Justice of the European Union?	Yes	Yes
— The European 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**

[Documentary database](#)

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