



British Consular Services  
Portugal

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#### Handbook for victims of Rape and Sexual Assault



Have you been a victim in Portugal?

#### Link to access this handbook online:

<https://www.gov.uk/government/publications/portugal-information-for-victims-of-rape-and-sexual-assault>

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## Handbook for victims of Rape and Sexual Assault



Have you been a victim in Portugal?

**Know your rights**

## TABLE OF CONTENTS

Definition and Legal Framework.....	3
First steps.....	4
Reporting the crime in Portugal.....	4
Police interview in Portugal – what to expect.....	6
If you don't want to report the crime in Portugal.....	7
The medical examination.....	8
Court procedures.....	9
Hiring a lawyer / Legal aid.....	10
Criminal injuries compensation scheme.....	10
Communication.....	10
Sentencing.....	10
Support organisations in Portugal and in the UK.....	12
Annexes (Flowcharts – coordinated response).....	14

## Definition of rape and sexual assault

Rape or sexual assault occurs where a person is subjected to a sexual act (penetration or sexual touching) without his or her consent. It includes situations where a person is unable to give consent – for example if they are unconscious through sleep, drunkenness or drugged.

The rape and sexual assault may involve threats, coercion or the use of physical force, sometimes with additional acts of violence.

Whether or not physical force is used, rape and sexual assault are acts of violence. They are a profound physical and personal violation of the individual.<sup>1</sup>

Being a victim of rape and sexual assault can impair physical, mental and emotional wellbeing.

Remember, you can never be blamed for what happened. The responsibility lies always with the offenders.

If you are a victim of rape and sexual assault, you have the right to seek help and support.

## Legal Framework

The Portuguese Penal Code criminalises sexual violence, for example, crimes against sexual freedom: Rape (article 164 of the Penal Code) and Sexual Assault (article 163).

The nature of these crimes is semi-public; criminal proceedings will only take place if the victim files a report.



<sup>1</sup> RCC Dublin Rape Crisis Centre

## First steps

It's your choice what you do next, but this information may help you in coming to a decision. The most important thing is to make sure that you are as safe as you can be. You can:

- contact the emergency services on 112
- contact your tour operator if you are travelling with one
- contact the British Consulate in Portugal. Consular staff will be polite, patient, sensitive and non-judgmental, and we can provide information on local police and medical procedures. Anything you tell us will be treated in confidence. We can contact your family or friends for you if you wish.

## Reporting the crime in Portugal

Rape and sexual assault are semi-public crimes in Portugal. This means they have to be reported to the police in order for them to be investigated. You have to do this in-country within 6 months of the incident.

If you have a tour operator, they may be able to arrange for someone to support you. If you do not have a tour operator and you would like assistance from the British Embassy, we will try to send a consular officer to support you.

The [Portuguese Association for Victim Support - APAV](#) may also be able to offer assistance. APAV provides qualified, free of charge and confidential support to victims of all types of crime and violence and will support you regardless of whether or not you decide to file a report.

If you choose to report the crime, try to do so as soon as possible, so forensic evidence can be retained. In most cases, a forensic examination is performed within 72 hours of the assault. Washing yourself or your clothes may make it difficult for the police to obtain forensic evidence.

If you change your clothes, think about taking those you were wearing to the police. You may also wish to preserve other evidence, such as condoms and toothbrushes. Keep everything in paper bags, not plastic.

You can report the crime to the following authorities in Portugal up to 6 months from the date of the incident, though it's better if you report the crime as soon as possible:

- the police (any of the three police forces: *Polícia de Segurança Pública*, *Guarda Nacional Republicana*, or *Polícia Judiciária*),
- the Court/Public Prosecutor,
- the National Institute of Legal Medicine and Forensic Sciences.

Female officers and officers who speak English may not always be available; this will depend on the resources of the police station.

There are Tourism Police stations in Lisbon, Cascais, Porto and Praia da Rocha, where they have police officers with language skills.

There is also a free telephone translation service (*Serviço de Tradução Telefónica-STT*) that can be contacted on 808 257 257 (from a Portuguese landline) and on +351 218 106 191 (from a mobile phone).



Reports of rape and sexual assault are investigated by the *Polícia Judiciária* (PJ) in Portugal. If you have made your report to another police force, they will take an initial statement and pass it on to the PJ. The PJ may then ask you for another, more detailed statement and/or they may arrange for you to give a statement before a judge.

This statement is called a statement for future recall (*Declarações para Memória Futura*). It can be used as evidence and avoids the need for you to return to Portugal for any future trial (see “Court Procedures” on page 9). A consular officer may be allowed to attend at the discretion of the police officer, but not in the capacity of a translator/interpreter.

### Police interview in Portugal – what to expect?

The type of questions that you will be asked include: the identity of the assailant; where and when the incident happened; what happened; the circumstances and whether there were any witnesses. Tell the police as much as you can remember and let them know if you think you’ve been drugged.

Any statement you give to the PJ will be read back to you by the interpreter. This is your opportunity to amend anything that is not correct or add further detail before you sign. Ask for a copy of the report (*Auto de Denúncia*), together with a translation into English, if it’s available. This document confirms that the report was made, the details of the crime and the date and place it occurred.

A copy of your statement will be sent to the public prosecutor with responsibility for the area where the incident took place. The prosecutor will examine the information you’ve provided and support the PJ during the course of the investigation.

After the initial reporting, you may be referred to or escorted to the nearest local hospital or the National Institute of Legal Medicine and Forensic Sciences. Where possible and if you want to, consular staff or staff from a local support organisation can accompany you.



**MINISTÉRIO PÚBLICO**  
PORTUGAL

### If you don’t want to report the crime in Portugal

It’s your choice on whether to report the crime. If you don’t report it, your case will not be investigated.

Regardless of whether or not you report the crime, you will still be able to get medical treatment. You should go to the nearest hospital, a local doctor, gynaecologist or health centre. You can ask for forensic evidence to be taken even if you do not wish to report the crime immediately. It’s important that this is done within 72 hours.

Health Centre



Hospitals which have a police station on their premises may automatically inform the police of the incident. The police may then approach you to encourage you to file a report. However, criminal proceedings will only ensue if you decide to report the incident. You can also withdraw your complaint at any time up to the start of the trial.

We will still be able to assist you. This includes accompanying you for medical treatment where possible, helping you make arrangements to contact your insurance company and your family, travel back to the UK and providing you with information on support organisations in the UK. We can also provide you with contacts of English-speaking medical facilities, lawyers and translators.

It’s possible to report the crime to police in the UK but it’s for the Portuguese police to decide whether to investigate. UK police forces cannot investigate crimes committed overseas. The Portuguese police can request assistance from the UK police, but this can be a very lengthy process and there’s no guarantee of a positive outcome to enquiries.

## The medical examination

You can go to any hospital or health centre to get advice and assistance if you have been raped or sexually assaulted. You will be seen by an A&E doctor and a qualified forensic examiner.

The hospital doctor will take blood and urine samples to test for pregnancy and sexually transmitted infections (STIs), HIV and hepatitis. You will also have a smear test and you will be given prophylactic medication.

If a forensic examiner is not available, you may need to wait until one arrives or go to another hospital. The forensic examiner will ask some questions, take details of the assault and may take photographic evidence. The forensic examiner will also take blood and/or urine samples for toxicological testing, and mouth swabs for DNA testing. There may also be an internal examination. Consular staff can accompany you to the hospital should you so wish and where possible.

## Treatment

The hospital doctor will give you advice on “Post-Exposure Prophylaxis (PEP)” medication, a treatment that may prevent infection by HIV. This medication needs to be taken within 72 of the incident for it to be effective, and continued for a period of 28 days. If you did not have a medical exam in Portugal or you did not get the medication, you may be able to commence treatment on your return to the UK. Ask your GP about this as soon as possible. More information on risks is available on the NHS website: [www.nhs.uk/conditions/sexually-transmitted-infections-stis/](http://www.nhs.uk/conditions/sexually-transmitted-infections-stis/)

You may also be given emergency contraception. If not, you can buy this from the chemist in Portugal without a prescription. It needs to be taken within 72 hours of the incident for it to be effective. If you have taken medication whilst in Portugal, keep the label or make a note of the name of the medication and let your GP know on return.

State hospital treatment and tests are normally free-of-charge in the case of rape and sexual assault. However, emergency medical treatment is also covered by your European/Global Health Insurance Card (EHIC/GHIC). If you do not have a card, you can get a Provisional Replacement Certificate by calling the NHS on +44 191 283 3909.

**When you return home to the UK**, you may want to let your GP or a Sexual Assault Referral Centre know what has happened so you can talk about the experience and seek further support and advice. If you believe you may be at risk of having contracted a sexually transmitted infection (STI), you should ask your GP to test you, even if you have been tested in Portugal. Read our advice on returning to the UK after rape and sexual assault abroad (on [www.gov.uk](http://www.gov.uk)).

## Court procedures

There are four stages of the **court proceedings in Portugal**:

### 1. Inquiry/Investigation (*inquérito*)

Once you report a crime and confirm you want to press charges, an inquiry is launched. This is the first stage of the criminal investigation carried out by the Judiciary Police in collaboration with the Public Prosecutor.

The police investigation may last from a few weeks to several months, depending on the complexity of the case.

At the end of this phase, the Public Prosecutor will either file the case (*arquivamento*) if there is insufficient evidence or the perpetrator cannot be identified; or formally charge the suspect (*acusação*).

### 2. Examination (*instrução*) – this stage is optional and only takes place at the request of the victim or the suspect if they do not agree with the decision of the Public Prosecutor at the end of the inquiry stage.

### 3. The trial (*juízo*) – the hearing is public and takes place in a courtroom before a panel of 3 judges (there is normally no jury in Portugal). The aim is to decide if there’s enough evidence to convict the defendant. If you receive a notification to attend the trial to give evidence as a witness, plan your trip in advance. Contact consular staff or the local support organisation APAV, who can advise you and accompany you where possible.

If you don’t attend the trial after having been notified to do so, criminal proceedings may be delayed. If you can’t attend, you must inform the court as soon as possible justifying why you are unable to attend. Depending on the circumstances and available resources, the court may consider taking your statement via videoconferencing facilities.

If you do travel to Portugal for the trial, you may apply for the reimbursement of any reasonable travel and accommodation expenses. APAV can help you with this application.

During the hearing, the judge may agree to the defendant leaving the court room while you give your statement, or to holding a closed hearing which is barred to members of the public. If you have applied for the minimum compensation, the court may also rule on your entitlement to this.

### 4. Appeals (*recurso*) – if you don’t agree with the court decision, you can appeal through a lawyer. The defendant can also appeal.



## Support organisations in Portugal

It's your choice to let people know. If you are ready to talk about what has happened to you, the following organisations may be able to help.

### **Associação Portuguesa de Apoio à Vítima (APAV) – Victim Support**

APAV has a network of victim support offices in Portugal and English-speaking staff who can support victims (male and female, tourists and residents) and guide them through some aspects of the judicial process. They also provide emotional and psychological support, and can help with claims for compensation.

Website: <http://www.infovitas.pt>

National Free Helpline in Portugal: 116 006 (weekdays, 09:00–19:00)

or +351 21 358 79 00 E-mail: [apav.sede@apav.pt](mailto:apav.sede@apav.pt)

### **Associação de Mulheres Contra a Violência (AMCV) – Association of Women Against Violence**

AMCV gives support to women and children victims of violence, providing information and liaising with the local authorities and accompanying the victims as required guaranteeing their rights. They have a Rape Crisis Centre in Lisbon.

Website: <http://www.amcv.org.pt> Telephone: +351 213 802 165

E-mail: [ca@amcv.org.pt](mailto:ca@amcv.org.pt)

### **União de Mulheres Alternativa e Resposta (UMAR) – Union of Women Alternative and Response**

UMAR is an NGO that gives support to women who have been victims of psychological and/or physical abuse; it provides them with psychological stability, skills and tools to prepare them to live their lives with dignity, assurance, independence and self-sufficiency.

Website: <http://www.umarfeminismos.org>

Telephone: +351 218 873 005 National Free Helpline: 800 202 148

E-mail: [umar.sede@sapo.pt](mailto:umar.sede@sapo.pt)

### **“Quebrar o Silêncio” – Break the Silence**

Supports male survivors of rape and sexual violence.

Website: [www.quebrarosilencio.pt](http://www.quebrarosilencio.pt) Helpline: +351 910 846 589

E-mail: [apoio@quebrarosilencio.pt](mailto:apoio@quebrarosilencio.pt)

## Support organisations in the UK

### **Rape Crisis England and Wales**

+44 808 802 9999 to (the helpline operates 1200-1430 and 1900-2130 UK time, 365 days a year. Website: [www.rapecrisis.org.uk](http://www.rapecrisis.org.uk)

Email: [info@rapecrisis.org.uk](mailto:info@rapecrisis.org.uk)

### **Rape Crisis Scotland**

National Helpline: +44 141 331 2715 (1800-0000 UK time)

Website: [www.rapecrisisscotland.org.uk](http://www.rapecrisisscotland.org.uk)

Email: [support@rapecrisisscotland.org.uk](mailto:support@rapecrisisscotland.org.uk)

Rape Crisis England & Wales and Rape Crisis Scotland are the national umbrella organisations for rape crisis centres in Great Britain.

**Glasgow and Clyde Rape Crisis's (GCRC)** Live Online Support service is designed to help British victims overseas.

Freephone 0808 800 0014; +44 141 552 3201 (0900-1800 UK time)

National rape and sexual assault helpline: 08088 01 03

Website: <https://www.glasgowclyderapecrisis.org.uk>

E-mail: [info@rapecrisiscentre-glasgow.co.uk](mailto:info@rapecrisiscentre-glasgow.co.uk)

### **Nexus Northern Ireland**

Helpline: +44 028 9032 6803 (Monday 0900-1930, Tuesday 0900-2030, Wednesday 0900-2030, Thursday 0900-1600, Friday 0900-1500 UK time). Website: [www.nexusni.org](http://www.nexusni.org) Email: [info@nexusni.org](mailto:info@nexusni.org)

### **Survivors UK**

Survivors UK supports and provides resources for men who have experienced any form of sexual violence. Their national webchat service for men and their families, partners and friends is open seven days a week and can be accessed through their website.

Whatsapp: 07491 816064; Tel: +44 203 5983898

Website: [www.survivorsuk.org](http://www.survivorsuk.org) Email: [info@survivorsuk.org](mailto:info@survivorsuk.org)

### **Samaritans**

Samaritans offer a safe place for you to talk any time you like, in your own way, about whatever's getting to you. They listen to you and help you talk through your concerns, worries and troubles. Tel: 116 123 (UK) and +44 (0)330 0945 717 (overseas)

Website: [www.samaritans.org](http://www.samaritans.org) Email: [jo@samaritans.org](mailto:jo@samaritans.org)

