

Measuring femicide in Portugal

Femicide

Femicide can be understood as the extreme end of a continuum of violence against women that happens in all European Union Member States ⁽¹⁾. There is no standard agreed definition of femicide among EU Member States or around the world. The lack of a uniform definition hampers the measurement of femicide, which becomes invisible among general homicide data ⁽²⁾. The general concept of femicide refers to the killing of a woman or girl because of her gender. The United Nations Vienna Declaration on Femicide ⁽³⁾ was the first to identify different types of femicide, including:

- murder of women as a result of intimate partner violence;
- torture and misogynistic slaying of women;
- killing of women and girls in the name of honour;
- targeted killing of women and girls in the context of armed conflict;
- dowry-related killing of women;
- killing of women and girls because of their sexual orientation and gender identity;
- killing of aboriginal and indigenous women and girls because of their gender;
- female infanticide and gender-based sex selection foeticide;
- genital mutilation-related deaths;
- accusations of witchcraft;
- other types of femicide connected with gangs, organised crime, drug dealers, human trafficking and the proliferation of small arms.

Femicide in Portugal

There is no definition of femicide in the Portuguese Criminal Code. However, this type of offence may fall under other provisions of Portuguese criminal law. The relevant articles for identifying femicide cases are, inter alia, Articles 152, 131, 132 and 133 ⁽⁴⁾.

Article 152 – Domestic violence aggravated by the result (death)

(1) Whoever inflicts physical or mental mistreatment, including physical punishment, deprivation of freedom and sexual offences, on a spouse or former spouse, or someone of the opposite or the same sex with whom the defendant maintains or has maintained a dating relationship or a similar relationship to that of spouses, even without cohabitation ... shall be punished with imprisonment for 2 to 5 years. ... (3) If the death of the victim results from the facts mentioned in (1), the perpetrator shall be punished with imprisonment for 3 to 10 years.

Article 131 – Homicide

Whoever kills another person shall be punished with imprisonment for 8 to 16 years.

Article 132 – Qualified homicide

(1) If the death occurs in circumstances that show special reprehensibility or perversity, the offender shall be punished with imprisonment for 12 to 25 years. (2) [The same sentence applies if] the death occurs in circumstances that are likely to indicate special reprehensibility or perversity ... among other things, the fact that the offender: ... (b) practised the act against a spouse, ex-spouse, person of another or same sex with whom the agent has or has maintained a dating relationship or a relationship similar to that of spouses, even without cohabitation, or against the parent of a common descendant in the first degree ...; (f) was motivated by ... sex ... or the victim's gender identity and sexual orientation.

Article 133 – Privileged homicide

Whoever kills another person dominated by an understandable violent emotion, compassion, despair or a reason of relevant social or moral value, which significantly diminishes their guilt, shall be punished with a prison sentence of 1 to 5 years.

About the study

Data collection systems vary widely across the EU Member States, as they draw on various sources. To improve the collection of administrative data on femicide, EIGE has been working to establish indicators that can harmonise data collection processes across Member States' jurisdictions.

EIGE has collected information from a wide variety of stakeholders through a questionnaire sent to official data providers and an online survey filled in by national experts. The ultimate goal is to identify a classification system of femicide with mutually agreed variables that can be used by all EU Member States.

Methodology for data collection

To address the lack of comparable data on violence against women, EIGE developed 13 indicators with uniform definitions of the multiple forms of intimate partner violence, femicide and rape ⁽⁵⁾. A detailed report regarding the methodology for the collection, reporting and validation of data, along with detailed metadata per country, has been published ⁽⁶⁾. Portugal did not populate EIGE's indicator 9: 'Women victims of intimate femicide (aged 18 and over) committed by a male intimate partner (aged 18 and over), as a share of the women victims of homicide aged 18 and over'; however, official data is now available from the Judicial Police ⁽⁷⁾. EIGE's Gender Statistics Database is available on the institute's website (https://eige.europa.eu/gender-statistics/dgs/browse/genvio/genvio_int).

⁽¹⁾ This factsheet includes data collected before the United Kingdom left the EU, so the reference to EU Member States includes the United Kingdom.

⁽²⁾ European Institute for Gender Equality (EIGE) (2017), *Glossary of definitions of rape, femicide and intimate partner violence*, EIGE, Vilnius.

⁽³⁾ UN Economic and Social Council (2012), *Vienna Declaration on Femicide*, UN, New York (https://www.unodc.org/documents/commissions/CCPCJ/CCPCJ_Sessions/CCPCJ_22/E-CN15-2013-NGO1/E-CN15-2013-NGO1_E.pdf).

⁽⁴⁾ For more information, see indicator 9 of the Gender Statistics Database (https://eige.europa.eu/gender-statistics/dgs/indicator/genvio_int_adm_ipv__ipv_indic_9/metadata) and the Portuguese Criminal Code (http://www.pgdlisboa.pt/leis/lei_mostra_articulado.php?nid=109&tabela=leis).

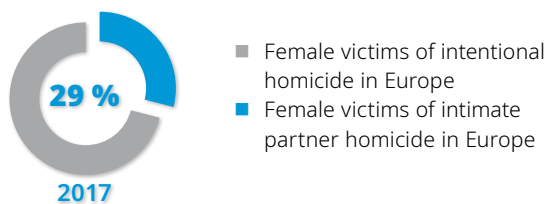
⁽⁵⁾ European Institute for Gender Equality (EIGE) (2017), *Terminology and Indicators for Data Collection: Rape, femicide and intimate partner violence*, EIGE, Vilnius.

⁽⁶⁾ European Institute for Gender Equality (EIGE) (2020), *Intimate Partner Violence: Data collection methodology*, EIGE, Vilnius.

⁽⁷⁾ Judicial Police (2020), *Intimate Partner Homicides – A study of the investigations in the Judicial Police*, Judicial Police, Lisbon (<https://www.policiajudiciaria.pt/homicidios-nas-relacoes-de-intimidade-estudo-dos-inqueritos-investigados-pela-policia-judiciaria-2014-2019/>).

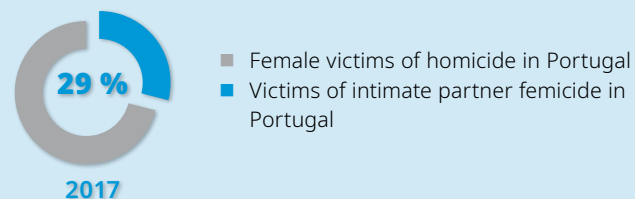
Intimate partner femicide in Europe

From a statistical perspective, and based on the International Classification of Crime for Statistical Purposes (ICCS), the UN Office on Drugs and Crime (UNODC) highlights that intentional homicide of female victims perpetrated by intimate partners or family members is the most prevalent form of femicide ⁽⁸⁾. UNODC estimates that, in Europe ⁽⁹⁾, about 29 % of female victims of homicide ⁽¹⁰⁾ are killed intentionally by an intimate partner.



Intimate partner femicide in Portugal

From a statistical perspective, the working definition that the European Institute for Gender Equality (EIGE) uses for femicide is 'killing of a woman by an intimate partner and the death of a woman as a consequence of a practice that is harmful to women. Intimate partner is understood as a former or current spouse or partner, whether or not the perpetrator shares or has shared the same residence with the victim'. In Portugal, most femicides would be covered by the articles of the Criminal Code identified above. According to data from the annual report on internal security from the Ministry of Home Affairs, in 2017 there were 34 female ⁽¹¹⁾ victims of homicide ⁽¹²⁾, of whom 29 % were victims of intimate partner femicide ($n = 10$) ⁽¹³⁾.



Female victims of homicide and intimate partner femicide in Portugal

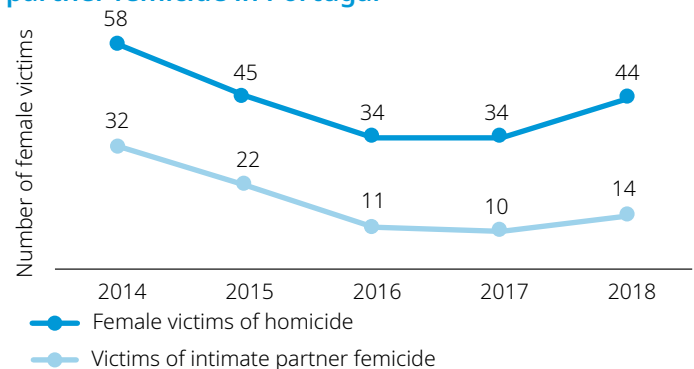
The official administrative data used in Figure 1 is collected by the Judicial Police ⁽¹³⁾.

EIGE has gathered data on homicide and intimate partner femicide for 2014 to 2018. Figure 1 includes data regarding female victims of homicide and intimate partner femicide. A growing trend can be observed from 2017 onwards.

Type of relationship between the victim and the perpetrator

The Judicial Police collects data on the type of intimate relationship between the victim and perpetrator according to the following classifications: (i) conjugal or divorced, (ii) de facto union (previous or current), (iii) sexual relationship (previous or current), (iv) extra-marital relationship (previous or current) and (v) dating relationship (previous or current).

Figure 1: Female victims of homicide and intimate partner femicide in Portugal



Source: Judicial Police.

Collecting administrative data on femicide



What is administrative data? Administrative data is collected for recording, organising and monitoring purposes ⁽¹⁴⁾. Administrative data on femicide can be obtained from different institutions, namely those that are involved in criminal investigations, prosecutions, the punishment of perpetrators and victim support – that is, institutions in the **police and justice sectors**. Administrative data might include information about the prevalence and types of femicide, the characteristics of the victim, the perpetrator and their relationship, the characteristics of and motive for the crime, and data about the criminal process.

⁽⁸⁾ UN Office on Drugs and Crime (UNODC) (2019), *Global Study on Homicide – Gender-related killing of women and girls*, UNODC, Vienna.

⁽⁹⁾ Data from UNODC includes European jurisdictions other than the EU Member States. There is no estimation of the percentage of female victims of homicide who were victims of intimate partner femicide limited to EU Member States.

⁽¹⁰⁾ The term 'homicide' is used when reporting UNODC data given that it is the term used in the original source (p. 17). The gender-related motivation is not recorded, because of the lack of a standardised definition. However, it is clear from the report that this data quantifies a significant share of all gender-related killings of women and girls.

⁽¹¹⁾ The term 'female' is used instead of 'woman', as it is not always possible to disaggregate data by the victim's age, meaning that the victim could be either a woman or a girl aged under 18 years.

⁽¹²⁾ The term 'homicide' is used given that the gender-related motivation for the intentional homicides is not recorded, and therefore it is not possible to classify all the killings as femicides.

⁽¹³⁾ Judicial Police (2020), *Intimate Partner Homicides – A study of the investigations in the Judicial Police*, Judicial Police, Lisbon (<https://www.policiajudiciaria.pt/homicidios-nas-relacoes-de-intimidade-estudo-dos-inqueritos-investigados-pela-policia-judiciaria-2014-2019/>).

⁽¹⁴⁾ UN Women (2020), *A synthesis of evidence on the collection and use of administrative data on violence against women*, UN Women, New York.

In order to help policymakers design effective policies to combat femicide, it is necessary to understand the nature and prevalence of the issue. The collection of comparable administrative data on femicide across Member States is key to gaining this understanding⁽¹⁵⁾. It is particularly important that the motive for the killing is established by the police or judiciary and that this is then translated into standardised statistical data. The ICCS is a standardised tool for obtaining comparable

administrative data. However, it lacks a gender-related motive variable. This means that the concept of femicide cannot be properly operationalised, which prevents the collection of data that fully captures the phenomenon. The collection of data on femicide would make the issue more visible, which would strengthen the political will to eradicate it. Administrative data on femicide also enables countries to monitor trends over time and evaluate the effectiveness of measures.

What administrative data on femicide is available in Portugal?

Definition of femicide and availability of data

Definition of femicide used for statistical purposes	No	
Collection of data on femicide	Yes, official data	Yes, non-official data

Four public institutions collect or analyse official data on femicide in Portugal: the Judicial Police⁽¹⁶⁾, the Ministry of Home Affairs⁽¹⁷⁾, the Directorate-General for Justice Policy (DGPJ)⁽¹⁸⁾ and the Retrospective Analysis of Domestic Violence Homicide Team⁽¹⁹⁾. Non-official data is collected by non-governmental

organisations, such as the Observatory of Murdered Women⁽²⁰⁾. Where data on femicide in this factsheet is drawn from these institutions, this is indicated by (a), (b), (c), (d) and (e), respectively. Other institutions and researchers also collect and analyse data on femicide in Portugal⁽²¹⁾.

	Institution (a) Judicial Police	Institution (b) Ministry of Home Affairs	Institution (c) DGPJ	Institution (d) Retrospective Analysis of Domestic Violence Homicide Team	Non-governmental organisation (e) Observatory of Murdered Women
Type of data collection	Official	Official	Official	Official	Non-official
Sources of data	Police crime investigations	Police crime investigations	First instance judicial decisions	Information from ministries, police, health sector, Commission for Citizenship and Gender Equality, judicial decisions, interviews with family members and other sources	Media reports
Stage at which the homicide is established as a femicide	Not established	Not established	Not established	Not established	During the data analysis
Stage at which the homicide is registered as a femicide	Not registered	Not registered	Not registered	Not registered	During the data analysis
Regularity of data collection	Annual	Annual	Occasional	Occasional	Continuous
Availability of data to the public	Data publicly available	Data publicly available	Data publicly available	Data publicly available	Data publicly available

⁽¹⁵⁾ It is important to note that data and statistics should be produced, developed and disseminated in compliance with the principles in the *European Statistics Code of Practice*: Eurostat (2018), *European Statistics Code of Practice*, Publications Office of the European Union, Luxembourg (<https://ec.europa.eu/eurostat/documents/4031688/8971242/KS-02-18-142-EN-N.pdf/e7f85f07-91db-4312-8118-f729c75878c7?t=1528447068000>).

⁽¹⁶⁾ Judicial Police (2020), *Intimate Partner Homicides – A study of the investigations in the Judicial Police*, Judicial Police, Lisbon (<https://www.policiajudiciaria.pt/homicidios-nas-relacoes-de-intimidade-estudo-dos-inqueritos-investigados-pela-policia-judiciaria-2014-2019/>).

⁽¹⁷⁾ Ministry of Home Affairs (2020), *Relatório Anual de Segurança Interna 2019*, Ministry of Home Affairs, Lisbon (<https://www.portugal.gov.pt/download-ficheiros/ficheiro.aspx?v=%3D%3DBQAAAB%2BLCAAAAAAABAAzNDA0sAAAQJ%2BIeAUAAA%3D>).

⁽¹⁸⁾ DGPJ (2020), *Destaque estatístico anual – 2019*, DGPJ, Lisbon (https://estatisticas.justica.gov.pt/sites/siej/pt-pt/Destaques/20201124_D72_HomicidiosConjugais_2007-2019.pdf). See also: https://estatisticas.justica.gov.pt/sites/siej/en-us/pages/violencia_domestica.aspx

⁽¹⁹⁾ <https://earhvd.sg.mai.gov.pt/Pages/default.aspx>

⁽²⁰⁾ <http://www.umarfeminismos.org/>

⁽²¹⁾ For example, da Agra, C., Quintas, J., de Sousa, P. A. B. and Leite, A. L. (2015), *Conjugal Homicide: Judicial decision assessment study* [in Portuguese], Comissão para a Cidadania e Igualdade de Género, Lisbon and the Observatorio Nacional de Violencia e Genero, Universidades Nova Lisboa (<http://onvg.fcsh.unl.pt/>).

Official and non-official sources inform administrative data collection in Portugal. Official administrative data on the total number of female victims of homicide and intimate partner femicide is available for 2014 to 2019 ^(a) ^(b) ^(c) ^(d). Non-official data on femicide has been collected by the Observatory of Murdered Women since 2004 ^(e). The latest official data from the Judicial Police

shows that, between 2014 and 2019, there were 111 victims of intimate partner femicide. The Observatory of Murdered Women reports, for the same period, 132 intimate partner femicides and 36 women murdered in other contexts. According to the same source, specifically in 2019, there were 23 intimate partner femicides and 26 attempted intimate partner femicides.

● Official data available ● Non-official data available ○ No data available

Data availability	2014 ^(a) ^(b) ^(c) ^(e)	2015 ^(a) ^(b) ^(c) ^(e)	2016 ^(a) ^(b) ^(c) ^(e)	2017 ^(a) ^(b) ^(c) ^(e)	2018 ^(a) ^(b) ^(c) ^(d) ^(e)	2019 ^(a) ^(b) ^(c) ^(d) ^(e)
Female victims of homicide	●	●	●	●	●	●
Victims of intimate partner femicide	●	●	●	●	●	●

Official and non-official sources collect data on intimate partner femicide, but also on other types of femicide, such as family-related femicide, child femicide, prostitution-related femicide, robbery-related femicide and femicide in the context of sexual violence. For example, data from the Observatory of

Murdered Women in 2019 identified one femicide of a girl by a family member and two femicides in the context of sexual violence. The Retrospective Analysis of Domestic Violence Homicide Team also analyses family-related femicides, such as those resulting from domestic violence.

Types of femicide	
Intimate partner femicide ^(a) ^(b) ^(c) ^(d) ^(e)	●
Family-related femicide ^(d) ^(e)	●
Child femicide ^(e)	●
Prostitution-related femicide ^(e)	●
Robbery-related femicide ^(e)	●
Other types of femicide ^(e)	●
	Femicide in the context of sexual violence ^(e) ; all forms of femicide ^(e)

Characteristics of the victim and the perpetrator	Victim	Perpetrator
Age ^(a) ^(b) ^(e)	●	●
Sex ^(a) ^(b) ^(c) ^(d) ^(e)	●	●
Gender identity ^(e)	●	●
Sexual orientation ^(e)	●	●
Nationality ^(a) ^(e)	●	●
Education ^(e)	●	●
Occupation ^(e) ^(e)	●	●
Applied for protection order ^(e)	●	n/a
Active protection order ^(e)	n/a	●
Socioeconomic profile ^(e)	●	○
Recidivist status ^(a) ^(d)	n/a	●
Alcohol/drug abuse ^(e)	○	●
Victim-perpetrator relationship ^(a) ^(b) ^(c) ^(d) ^(e)	●	●
Other ^(a) ^(c) ^(e)	● Children ^(e) ^(e) ; civil status ^(e) ; profession ^(e) and cohabitation with perpetrator ^(e)	● Children and cohabitation with victim ^(e) ; profession ^(e) ; sentence for the femicides ^(e) ; type of homicide committed ^(e)

Motive for femicide		Contextual variables	
Context of sexual violence ^(e)	●	Method of killing ^(a) ^(b) ^(d) ^(e)	●
Prior intimate partner violence ^(a) ^(d) ^(e)	●	Location ^(a) ^(d) ^(e)	●
Prior harassment and/or stalking by the perpetrator ^(a) ^(d) ^(e)	●	Suicide of the perpetrator ^(a) ^(e)	●
Prior genital mutilation ^(e)	●	Killing of children ^(d) ^(e)	●
Prior complaints or requests for protection measures ^(a) ^(d) ^(e)	●	Killing of other persons in the family ^(d) ^(e)	●
Recent separation ^(a) ^(d) ^(e)	●	Children present ^(d) ^(e)	●
'Shame or dishonour' brought on the family ^(e)	●	Other killings in connection with the femicide ^(d) ^(e)	●
Dowry-related problems ^(e)	●	Other ^(a) ^(e)	●
		Monthly breakdown, time of the day ^(a) ^(e)	
Refusal to enter into an arranged marriage ^(e)	●	Investigating femicide	
Political role / feminism / activism of the woman who was killed ^(e)	●	Protocol for investigating femicide case	●
Context of prostitution / pornography ^(e)	●	Analysing femicide	
Human trafficking context ^(e)	●	Homicide reviews / domestic homicide reviews ^(d)	●
Targeted killing of a woman in an armed conflict ^(e)	●	Analysis of court cases ^(f) ^(d)	●
Sexual orientation and gender identity ^(e)	●	Administrative data from police ^(a) ^(d)	●
Disfigurement of the body ^(e)	●	Administrative data on cause of death ^(d)	●
Other – prior femicide attempts ^(a) ^(d) ^(e)	●	Media information ^(e)	●
		Other ^(d)	●
		Interviews with family and relatives ^(d)	●

NB: n/a, not applicable.

Investigating femicide

A government resolution (Resolution of the Council of Ministers No 139/2019 of 19 August) describes a new protocol to be implemented to deal with domestic violence cases in general. Regarding investigation, the resolution refers to the creation of a handbook that will improve procedures for protecting and supporting the victim, for acquiring and preserving evidence, for clarifying the procedural status of the perpetrator, and for triggering the relevant family and child proceedings. This government resolution also provides for the improvement, harmonisation and continuous updating of official data on violence against women and domestic violence, namely through (i) the creation of a list of relevant data and indicators, with a view to adapting and harmonising collection mechanisms and information systems, (ii) the interoperability and centralisation of that data and (iii) the creation of a portal to promote access to and the dissemination of that data.

The DGPJ collects data related to first instance court cases and the sentences issued for homicide and intimate partner homicide. In 2019, there were 23 judicial decisions relating to intimate partner homicide, with 74 % of them involving male perpetrators. The most common type of homicide was attempted qualified homicide (48 %), followed by privileged homicide (30 %), homicide (13 %) and attempted homicide (9 %) (see p. 1 of this factsheet for the relevant Criminal Code articles).

Analysing femicide

The Retrospective Analysis of Domestic Violence Homicide Team was created in 2016 and is responsible for the retrospective analysis of selected cases of domestic violence homicides. This team analyses about three to four cases annually and highlights what failed in each case so that recommendations can be made. Some of the recommendations include the need to increase relevant training for professionals, the need to monitor risk assessments (with or without a criminal report), the need to initiate interventions with the victim and the perpetrator in order to implement a joint and complementary strategy, the need to revise the legal statutory definition of 'victim', the need to ensure that the locations of shelters are kept secret and the need to ensure the implementation of a safety plan for victims (<https://earhvd.sg.mai.gov.pt/Pages/default.aspx>).

Key findings

- Portugal does not have a legal definition of femicide. However, someone who commits femicide may be liable for homicide, qualified homicide, privileged homicide or domestic violence aggravated by the result (death).
- In Portugal, there are protocols addressing the importance of data collection on femicide.
- There are five main institutions that collect or analyse data for the identification of femicide. Data on intimate partner femicide and other types of femicide is available.
- Administrative data on femicide has been collected since 2004; however, for this study the data for 2014 to 2019 has been used, in line with EIGE's data collection. Available data includes information about the characteristics of the victim and the perpetrator, contextual variables, and motive.
- Femicide is analysed on the basis of official and non-official sources, such as domestic homicide reviews, data from police, data from court cases, established causes of death, media information and interviews with victims' family and relatives.

Recommendations

The collection of accurate and comparable data on femicide by the police and justice sectors across Member States helps to increase knowledge and improve responses to prevent femicide⁽²²⁾. It is therefore important to:

- develop a femicide definition for statistical data collection, in order to reflect the specific circumstances relating to the killing of women;
- implement a process of continuous data collection;
- establish comprehensive data collection, adding variables that are important for detecting key aspects of femicide, such as those describing the context and the circumstances of the killing, the gender-related motivation, and the victim and perpetrator characteristics, in order to

systematise and harmonise the collection of data for statistical use;

- cross-reference the variables of the victim and those of the perpetrator, and analyse them using an intersectional approach;
- ensure that the gender dimension of homicide data is made visible.

Recommendations for data collection on femicide in Portugal

To populate EIGE's indicator on femicide (indicator 9) and to improve understanding of intimate partner femicide, the number of victims of intimate partner femicide should be specified separately from the total number of female victims of homicide in official publications⁽²³⁾.

This factsheet is based on information from EIGE's study 'Advancing administrative data collection on intimate partner violence and gender-related killings of women' (2021) and has been prepared by the Alternative and Response Women's Association (UMAR). For more information, visit <https://eige.europa.eu/gender-based-violence/femicide>.

⁽²²⁾ European Institute for Gender Equality (EIGE) (2018), *Recommendations to improve data collection on intimate partner violence by the police and justice sectors – Portugal*, EIGE, Vilnius; European Institute for Gender Equality (EIGE) (2017), *Recommendations for the EU to improve data collection on violence against women*, EIGE, Vilnius; European Institute for Gender Equality (EIGE) (2021), *EIGE's indicators on intimate partner violence, rape and femicide: Recommendations to improve data quality, availability and comparability*, EIGE, Vilnius.

⁽²³⁾ Indicator 9 of the Gender Statistics Database (https://eige.europa.eu/gender-statistics/dgs/indicator/genvio_int_adm_ipv_ipv_indic_9/metadata).

European Institute for Gender Equality

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