



Chapter 8

Intimate Partner Violence in Portugal: Reflections on the Last Three Decades


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ABSTRACT

This chapter presents the main characteristics of intimate partner violence perpetrated in Portugal, discussing policy, legal, and academic advances in the last three decades. Although relevant steps have been taken concerning victims' rights, with children and women benefiting from policies, legislation, mechanisms, and resources, domestic violence and partner homicide rates are still high, suggesting that measures and strategies to prevent and combat this have not been effective. Future directions are discussed regarding cultural, social, and scientific issues.

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INTRODUCTION

In the last five decades, Portugal has been facing profound social and political transformations (Azambuja et al., 2013; Marques, 2021). The fascist dictatorship led by António de Oliveira Salazar for almost 50 years was particularly harmful to vulnerable social groups, such as women, who were not considered full citizens until 1974, when democracy was instituted. Based on the principle of family preservation, the New State deprived women of certain rights concerning their public life, consigning them to the domestic context, where they should meet their duties, mainly as mothers and wives. Having supported the notion of *female nature* (Chokova, 2013), Salazar's regime emphasized the ideal of women's subordination, which contributed to the legitimization of gender-based discrimination and violence that persists.

Despite the 1976 Constitution recognizing women's liberties and guarantees, and even though Portugal ratified the Convention on the Elimination of All Forms of Discrimination Against Women (United Nations, 1979) in 1980, only in the 1990s did legal and political measures gain prominence in the field of preventing and combating violence against women (Lisboa et al., 2020; Neves & Brasil, 2018). Even though Article 153 of the 1982 Penal Code had already contemplated the maltreatment of partners as a crime in the Portuguese legal system ("Abuse or overload of minors and subordinates or between spouses"), only in 1991 (Law no. 61/91, 13 August) did legislation strengthen the mechanisms for legally protecting women victims of domestic violence. In 2000, the crime became public (Law no. 7/2000, 27 May), which means investigation and prosecution do not depend on the victims' complaints, and in 2007, domestic violence was considered autonomous under Article 152 of the Portuguese Penal Code (Law no. 59/2007) (Duarte, 2012). Following the Law, manifestations of physical, psychological, and sexual violence, including rape, are criminalized, and penalties for domestic violence aggressors range from one to five years of imprisonment. Protective measures for victims are mostly taken in the framework of criminal proceedings.

In 2013, Portugal became the first member state of the Council of Europe to ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) (Council of Europe, 2011), affirming the commitment taken since the creation of the First National Plan against Domestic Violence (1999–2002)¹. In 2018, a new governmental approach towards gender equality was taken with the National Strategy for Equality and Non-Discrimination 2018–2030², encompassing three action plans that echo the commitments taken in the Istanbul Convention and the Sustainable Development Goals developed by the United Nations in 2015.

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