

Exercise of the Right of Petition

**Law no. 43/90 of 10 August 1990,
as amended by Law no. 6/93 of 1 March 1993,
Law no. 15/2003 of 4 June 2003,
Law no. 45/2007 of 24 August 2007
and Law no. 51/2017 of 13 July 2017
(Declaration of Rectification no. 23/2017 of 5 September 2017)**

In accordance with Articles 52, 164(d), 168(b) and 169(3) of the Constitution the Assembly of the Republic hereby decrees the following:

CHAPTER I General Provisions

Article 1 Scope

1 – The present Law regulates and guarantees the exercise of the right of petition, with a view to defending citizens' rights, the Constitution, the law or the general interest by means of the submission of petitions, representations, protests or complaints to the entities that exercise sovereignty or any public authority except the courts.

2 – The following shall be regulated by special legislation:

- a) Challenges against administrative acts made by protest or by hierarchical appeal;
- b) The right of complaint to the Ombudsman and to the Media Regulatory Entity;
- c) The right of residents' organisations to petition local authorities;
- d) The collective right of petition of full-time military and militarised personnel on active service.

Article 2 Definitions

1 – In general, "petition" shall mean the submission of a request or a proposal to an entity that exercises sovereignty or to any public authority, with a view to its taking, adopting or proposing certain measures.

2 – "Representation" shall mean an exposé intended to display an opinion contrary to that expressed by any entity, or to call a public authority's attention to a certain situation or act, with a view to the revision thereof, or to the weighing up of its effects.

3 – "Protest" shall mean the lodging of a challenge against an act before the organ, public servant or agent who or which made or engaged in it, or before his or its hierarchical superior.

4 – "Complaint" shall mean the denunciation of any unconstitutionality or illegality, or of the irregular operation of any department or service, with a view to the taking of measures against those responsible.

5 – Petitions, representations, protests and complaints shall be termed "collective" when submitted by a number of persons acting by means of a single instrument, and "for and on behalf of a collective entity" when submitted by a legal person representing its members.

6 – Whenever the present Law just employs the term "petition", the latter shall be taken to apply to all the formats referred to in the present Article.

Article 3 Cumulation

The right of petition may be cumulated with other means of defending rights and interests which are provided for by the Constitution and the law, and its exercise may not be limited or restricted by any entity that exercises sovereignty or by any public authority.

Article 4 Holders

1 – The right of petition, as an instrument for democratic participation in politics, pertains to Portuguese citizens, without prejudice to the possession of the same legal capacity by citizens of other states which grant it to Portuguese citizens under equal and reciprocal terms and conditions, namely within the scope of the European Union and the Community of Portuguese-Speaking Countries.

2 – Foreigners and stateless persons who reside in Portugal shall always possess the right of petition for the purpose of defending those of their rights and interests which are protected by law.

3 – The right of petition shall be exercised either individually or collectively.

4 – Any legally constituted legal person also possesses the right of petition.

Article 5 Universal and free nature

The right to submit petitions shall be universal and free of charge, and may in no case whatsoever imply the payment of any tax or fee.

Article 6 Freedom of petition

1 – No public or private entity may prohibit or in any way impede or hamper the exercise of the right of petition, particularly the free collection of signatures and the practice of the other necessary acts.

2 – The provisions of the previous paragraph shall not prejudice the ability to verify the authenticity of the subscribers' signatures and identity details, in full or by sampling.

3 – Petitioners must indicate their full name and the number of their identity card or citizen's card, or, if they are not bearers thereof, of any other valid identity document, in which case they shall expressly mention the document in question.

Article 7 Guarantees

1 – No one may be prejudiced, privileged or deprived of any right as a result of the exercise of the right of petition.

2 – The provisions of the previous paragraph shall not exclude a petitioner's criminal, disciplinary or civil liability if the exercise of the right of petition results in illegitimate harm to an interest that is protected by law.

Article 8
Duty to study and communicate

1 – Exercise of the right of petition shall oblige the entity to which petitions, representations, protests or complaints are directed to receive and study them, as well as to communicate the decisions that are taken.

2 – Mistakes in the choice of the format of the right of petition from among those referred to in Article 2 shall not justify a refusal to consider a petition by the entity to which it is directed.

3 – Petitioners shall indicate a single address for the purpose of the communications provided for in the present Law.

4 – When the right of petition is exercised collectively, communications and notifications which are made in accordance with the previous paragraph shall be deemed valid for all the petitioners.

CHAPTER II
Form and procedural details

Article 9
Form

1 – Exercise of the right of petition shall not be subject to any given form or specific process.

2 – However, petitions, representations, protests and complaints shall be made in writing, may be in the Braille language, and shall be duly signed by the holders of the right of petition, or by others at their request if the holders do not know how, or are unable, to sign.

3 – The right of petition may be exercised by post or by telegraph, telex, fax, electronic mail or other means of telecommunication.

4 – The entities that exercise sovereignty, the self-government organs of the Autonomous Regions and local authority organs, and the departments of the Public Administration where the delivery of instruments involved in the exercise of the right of petition occurs, shall organise systems for receiving petitions electronically.

5 – The entity to which a petition is directed shall invite the petitioner to complete the written text that has been submitted when:

- a) The petitioner is not correctly identified or the petition does not include details of his or its domicile;
- b) The text is unintelligible, or does not specify the object of the petition.

6 – For the purposes of the previous paragraph, the entity to which the petition is directed shall set a time limit of not more than twenty days, with the warning that failure to overcome the indicated shortcomings will cause the petition to be automatically archived.

7 – In the case of a collective petition, or one which is submitted for and on behalf of a collective entity, the complete details of one of the signatories shall suffice.

Article 10
Submission in Portuguese territory

1 – As a rule, petitions must be submitted at the departments or services of the entities to which they are directed.

2 – When the interested parties reside or find themselves in the respective area, petitions that are directed to the central organs of public entities may be submitted at the departments or services of the respective local organs.

3 – *(Revoked.)*

4 – Petitions that are submitted in accordance with the previous paragraphs shall be sent by registered post to the organs to which they are directed within twenty-four hours of their delivery, together with mention of the latter's date.

Article 11
Submission abroad

1 – Petitions may also be submitted at the departments or services of Portugal's diplomatic and consular offices in the country in which the interested parties find themselves or reside.

2 – The diplomatic or consular offices shall send the requests to the entities to which they are directed, in accordance with paragraph (4) of the previous Article.

Article 12
Immediate denial

A petition shall immediately be denied when it is manifest that:

- a) Its goal is illegal;
- b) It seeks the reconsideration of court decisions, or of administrative acts which are not subject to appeal;
- c) It seeks the reconsideration by the same entity of cases that have already been considered following exercise of the right of petition, save only if new grounds for consideration are invoked or have occurred.

2 - A petition shall also immediately be denied if:

- a) It was submitted anonymously and studying it has not made it possible to identify the person or persons it came from;
- b) It is groundless.

Article 13
Procedural details

1 – In the absence of the immediate denial referred to in the previous Article, the entity that receives a petition shall take a decision in relation to the content thereof as soon as is compatible with the complexity of its subject matter.

2 – If that entity deems that it is not competent to consider the matter which forms the object of a petition, it shall send it to the entity that does, and shall inform the petitioner of that fact.

3 – In order to evaluate the grounds invoked in a petition, the competent entity may take the fact-finding measures that prove necessary and, depending on the case in question, may either take the appropriate steps required to satisfy the goal, or archive the proceedings.

Article 14
Computerised control and publicising of procedural details

The entities that exercise sovereignty, the self-government organs of the Autonomous Regions and local authority organs, and the departments of the Public Administration where the delivery of instruments involved in the exercise of the right of petition occurs, shall organise computerised systems for controlling petitions, and for publicising the steps they have taken, on the respective websites.

Article 15
Organisational framework

Without prejudice to the special provisions applicable to the Assembly of the Republic, entities that exercise sovereignty, the self-government organs of the Autonomous Regions and local authority organs, and the departments of the Public Administration where the delivery of instruments involved in the exercise of the right of petition most frequently occurs, shall organise appropriate schemes for receiving, treating and deciding upon the petitions they receive.

Article 16
Renunciation

1 – Petitioners may at any time desist from their petitions, by submitting a written request to that end to the entity which received the petition in question, or to the entity which is studying it.

2 – When there are various petitioners, such a request must be signed by all of them.

3 – The entity with the competence to study the petition shall decide whether it should accept the request, declare the petition terminated and archive it, or whether, in the light of its subject matter, it warrants pursuit in defence of the public interest.

CHAPTER III
Petitions directed to the Assembly of the Republic

Article 17
Procedural details of petitions directed to the Assembly of the Republic

1 – Petitions that are directed to the Assembly of the Republic shall be addressed to the President of the Assembly of the Republic and shall be considered by the committees with competence for the matter in question, or by a committee which is specially formed for the purpose and which may consult the former, and by the Plenary in the cases provided for in Article 24.

2 – Any citizen who possesses the right of petition in accordance with Article 4 and submits the identity details provided for in Article 6(3) may be a petitioner in the form of an initial subscriber, or by adding his name to a pending petition within a time limit of thirty days counting from the date of its admission, by making a written declaration to the competent parliamentary committee in which he accepts the terms of the petition and the goal set out therein.

3 – Addition counts as subscription for all legal purposes and shall obligatorily be communicated to the first subscriber.

4 – Petitions shall be registered and numbered by the competent departments or services.

5 – Once it has received a petition, the competent parliamentary committee shall take note of the petition's object, shall decide whether to admit it on the basis of a memorandum on its admissibility, and shall obligatorily appoint a Member of the Assembly of the Republic to act as rapporteur in the case of petitions subscribed by more than one hundred citizens.

6 – The committee shall namely consider:

- a) Whether any of the causes provided for by law which would lead to its immediate denial exists;
- b) Whether the requisites as to form mentioned in Article 9 are fulfilled;
- c) Which entities should immediately be asked for information;
- d) What steps are deemed appropriate and are to be included in the conclusions of the report, which, in admissible cases, shall be approved on the basis of the memorandum on the petition's admissibility.

7 – The petitioner shall immediately be notified of the decision referred to in the previous paragraph.

8 – Whenever petitions display manifestly identical objects and goals, acting upon his own initiative or at the request of any parliamentary committee, the President of the Assembly of the Republic may order that they be combined into a single procedural case file.

9 – The competent parliamentary committee must consider and decide upon petitions within a time limit of sixty days counting from the date on which they are admitted, not counting periods in which the Assembly of the Republic's proceedings are suspended.

10 – In the event of the case provided for in Article 9(5), the time limit laid down in the previous paragraph shall only commence on the date on which the shortcomings in question are overcome.

11 – Once the study of a petition is complete, a final report containing the steps deemed appropriate in accordance with Article 19 shall be sent to the President of the Assembly of the Republic.

Article 18 **Computerised register**

1 – In such a way to ensure that petitions which are sent to it are appropriately managed and publicised, the Assembly of the Republic shall organise a computerised registration system for receiving, and handling the procedural details of, petitions, and shall keep it up to date.

2 – The Assembly of the Republic shall provide an electronic platform in order to receive petitions and collect signatures by Internet, which platform shall contain a declaration of acceptance of the terms and conditions of its use by petitioners, and shall set out the time limits for collecting signatures.

3 – The existence of this platform shall not prejudice the cumulative or alternative collection of signatures on paper or by means of other electronic platforms that ensure fulfilment of the legal requirements.

4 – The Assembly of the Republic shall verify the validity of the electronic mail addresses that shall obligatorily be given by the subscribers who use the electronic platform.

5 – The Assembly of the Republic may ask the competent departments and services of the Public Administration to use sampling to conduct an administrative verification of the authenticity of the identity details of the subscribers of petitions.

6 – The Assembly of the Republic shall provide complete information on the petitions that are submitted, including their full text and the respective procedural details.

Article 19 **Effects**

1 – The committee’s study of each petition and the items accompanying it may namely result in:

- a) Their consideration by the Plenary of the Assembly of the Republic, in accordance with Article 24;
- b) Their referral, in the form of a copy of the originals, to the entity with competence for the matter in question, for consideration and for such decision as is appropriate for that entity to take in the case in question;
- c) The drawing up of the legislative measure that proves warranted, for subsequent subscription by any Member of the Assembly of the Republic or parliamentary group;
- d) Their communication, via the Prime Minister, to the minister with competence for the matter in question, for the purpose of a possible legislative or administrative measure;
- e) Their communication, via the legal channels, to any other authority with competence for the matter in question, with a view to the taking of any measure that would lead to the solution of the problem raised in the petition;
- f) Assuming there are indications that penal action should be taken, their referral to the Attorney General;
- g) Assuming there are indications that a police investigation is warranted, their referral to the Judicial Police;
- h) Their referral to the Ombudsman, for the purposes of the provisions of Article 23 of the Constitution;
- i) An initiative to conduct a parliamentary inquiry;
- j) The petitioner being informed of rights of which he has proved himself unaware, of paths which he might pursue, or of stances which he might take, in order to secure recognition of a right, protection of an interest, or reparation for a loss;
- l) Clarifications being given to the petitioners, or to the general public, concerning any action which the state and other public entities have taken in relation to the management of public affairs and which the petition has questioned or placed in doubt;
- m) The petition being archived, and the petitioner or petitioners being informed accordingly.

2 – The steps provided for in subparagraphs b), d), e), f), g), h), j) and l) of the previous paragraph shall be taken by the President of the Assembly of the Republic, at the request of and upon a proposal from the committee.

Article 20 **Committee powers**

1 – During the study of, and the procedure in relation to, a petition, the parliamentary committee may hear the petitioners, ask any citizens to testify, and request and obtain information and documents from other entities that exercise sovereignty or from any public or private entities, without prejudice to the law governing state secrets, the confidentiality of legal proceedings, or professional confidentiality, and may ask the Public Administration to take the steps that prove necessary.

2 – The parliamentary committee may decide to hear the head of a Public Administration department or service which is targeted in a petition.

3 – Once the committee has studied the issue raised by the petitioner, and upon a proposal by the rapporteur, the committee may ask the competent entities to take a position on the matter.

4 – Compliance with requests made by the parliamentary committee in accordance with the present Article shall take priority over any other Public Administration services and shall occur within a time limit of at most twenty days.

5 – Requests provided for in the present Article shall make reference to the present Law and shall include a transcription of both the previous paragraph and Article 23.

Article 21

Hearing petitioners

1 – Whenever a petition is subscribed by more than one thousand citizens, the petitioners shall obligatorily be heard before the parliamentary committee or a delegation thereof, during the study and procedural phase.

2 – The parliamentary committee may also decide to hold such a hearing for duly substantiated reasons of merit, with special regard to the interests at stake, their social, economic or cultural importance, and the gravity of the situation which forms the object of the petition.

3 – The provisions of the previous paragraphs shall not prejudice the steps the rapporteur deems appropriate in order to obtain further information and prepare his report, including by contacting the petitioners.

Article 22

Conciliatory steps

1 – Once the procedures provided for in Articles 20 and 21 have been concluded and on condition that there are due grounds for doing so, the parliamentary committee may also take conciliatory steps.

2 – In the event that such conciliatory steps are taken, the committee chairman shall invite the entity in question to possibly correct the situation or repair the effects which gave rise to the petition.

Article 23

Sanctions

1 – An unjustified failure to appear, a refusal to testify, or a failure to comply with the steps provided for in Article 20(1) shall constitute the crime of disobedience, without prejudice to the applicable disciplinary proceedings.

2 – One consequence of an unjustified failure to appear by the petitioners may be the archiving of the petition process in accordance with Article 16(3), whereupon the provisions of the previous paragraph shall not apply to them.

Article 24

Consideration by the Plenary

1 – Petitions shall be considered in Plenary whenever one of the following conditions is fulfilled:

- a) They are subscribed by more than four thousand citizens;

- b) A duly substantiated report and opinion in favour of their consideration in Plenary has been drawn up, with special regard to the scope of the interests at stake, their social, economic or cultural importance and the gravity of the situation which forms the object of the petition.

2 – Petitions which, in accordance with the previous paragraph, fulfil the conditions for consideration in Plenary shall be sent to the President of the Assembly of the Republic to be scheduled, together with the duly substantiated reports and any accompanying items.

3 – Petitions shall be scheduled for the Plenary within a time limit of at most thirty days after they are sent to the President of the Assembly of the Republic in accordance with the previous paragraph, not counting periods in which the Assembly of the Republic's proceedings are suspended or those in which no plenary sittings are convened for a period of more than a week.

4 – Without prejudice to the provisions of the following paragraphs, the subject matter of petitions shall not be put to the vote.

5 – The competent committee may attach a draft resolution to its report, which resolution shall be debated and put to the vote when the Plenary considers the petition.

6 – Any Member of the Assembly of the Republic may also submit an initiative with the petition as its basis, and if the Member who submits it so requests, the said initiative shall be debated and put to the vote in accordance with the previous paragraph.

7 – If the initiative referred to in the previous paragraph and the petition are scheduled for different times, the petition shall be called to the Plenary by mandate for joint consideration.

8 – Whenever a Plenary debate with the same subject matter as a pending petition that fulfils the conditions laid down in paragraph (1) above is scheduled, the petition shall also be called to the Plenary by mandate, on condition that the petitioner agrees thereto.

9 – Whatever happens shall be communicated to the petition's first signatory, who shall be sent a copy of the issue of the *Journal of the Assembly of the Republic* containing the text of the debate, any related proposal that was made, and the result of the respective voting.

Article 25 **Petitions do not lapse**

Petitions that are not considered during the legislature in which they are submitted do not require renewal in the following legislature.

Article 26 **Publication**

1 – The following petitions shall be published in full in the Journal of the Assembly of the Republic:

- a) Those signed by at least one thousand citizens;
- b) Those whose publication has been ordered by the President of the Assembly of the Republic, in accordance with the committee decision.

2 – The reports concerning the petitions referred to in the previous paragraph shall also be published.

3 – The Plenary shall be informed of the essence of the petitions that are received, and of the measures which are taken in relation to them, at least twice in each legislative session.

Article 27
Controlling results

1 – At the initiative of the petitioners or of any Member of the Assembly of the Republic, the parliamentary committee may at any time decide to determine the state of progress, or the results, of the steps which have been taken as a result of the consideration of a petition.

2 – The approved report in relation to each case may give rise to new steps, and shall in any case be communicated to the petitioner and disclosed on the Internet.

CHAPTER IV
Final provision

Article 28
Complementary regulations

Within the scope of the respective constitutional competences, the organs and authorities encompassed by the present Law must draw up norms and other measures which will tend to ensure that it is effectively complied with.