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6. Youth Work and Juvenile Justice Landscape in Portugal

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6.1. The Age of Criminal Responsibility

Portuguese juvenile justice is organised around a deliberate distinction between child protection, tutelary educational intervention and criminal responsibility. The core juvenile justice framework is the *Lei Tutelar Educativa* [Educational Guardianship Law] (LTE), which applies where a young person aged 12 to under 16 commits an act classified by criminal law as an offence and the need for education for the law is established. Measures under the LTE are not criminal penalties; their purpose is education for the law and the young person's dignified and responsible integration into community life. The Portuguese model is therefore educational and responsibility-oriented rather than primarily punitive.

This chapter examines the principal legal and institutional features of that model, focusing on diversion, non-institutional measures executed in the community, placement in Educational Centres and pathways from institutional intervention to reintegration. Here, community-based intervention refers to non-institutional tutelary educational measures carried out in ordinary community settings.

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Residential placements within the child-protection system operate under a separate legal framework and are not juvenile justice measures, although a young person subject to tutelary educational proceedings may simultaneously have protection needs. The criminal regime applicable from the age of 16 is considered only insofar as necessary to define the boundary of the LTE; prison-based interventions and post-penal treatment fall outside the scope of this chapter.

The analysis draws primarily on Portuguese legislation, the General and Disciplinary Regulation of Educational Centres, official juvenile justice materials, recent operational statistics and monitoring reports. Practice-oriented sources are used to clarify implementation, but individual institutions are not presented as case studies. Youth work is not a statutory tutelary measure in Portugal; its potential contribution is considered as a complementary approach, particularly in participation, relationship-based intervention, non-formal learning and community reintegration.

6.2. Legal Framework and Institutional Architecture

Under the Penal Code, persons under 16 are not criminally responsible. The LTE applies where a young person was aged 12 to under 16 at the time of the act, committed conduct classified by law as a criminal offence, and a need for education for the law is established and remains present when the decision is taken. Children under 12 are outside the tutelary educational jurisdiction and, where their circumstances reveal danger or protection needs, may fall within the child-protection system (Código Penal, 1995; Lei n.º 147/99, 1999; Lei n.º 166/99, 1999).

Criminal responsibility begins at 16. Persons aged 16 and 17 remain minors under civil law until the age of 18, but offences committed from the age of 16 fall within the criminal justice system rather than the tutelary educational jurisdiction. Persons aged 16 to under 21 may fall within the special criminal regime established by Decreto-Lei n.º 401/82, which allows greater attention to age, personality and prospects of social reintegration without creating a separate juvenile criminal justice system. Conversely, reaching 16 does not terminate an LTE measure imposed for an act committed before that age: execution may continue until the young person reaches 21, when it must cease (Código Civil, 1966; Código Penal, 1995; Decreto-Lei n.º 401/82, 1982; Lei n.º 166/99, 1999).

The LTE establishes a graduated set of tutelary educational measures. Eight are non-institutional: admonition; deprivation of the right to drive a moped or obtain a permit; reparation to the victim; economic contributions or tasks for the benefit of

the community; rules of conduct; obligations; attendance of formative programmes; and educational supervision. Placement in an Educational Centre is the sole institutional measure. The court must prefer an adequate and sufficient response that interferes as little as possible with the young person's autonomy, is capable of securing their adherence and remains proportionate to the seriousness of the act and the identified educational need (Lei n.º 166/99, 1999).

The process combines judicial decision-making with specialised technical assessment. During the inquiry, led by the Public Prosecutor, social reintegration services may assess the young person's family and socio-educational circumstances, personal and behavioural characteristics, risk and protective factors and specific intervention needs. Structured risk-and-needs assessment informs case management and the intensity of intervention but does not replace the legal test of whether a tutelary educational measure is necessary. The court determines the measure, while social reintegration services play a central role in implementing and monitoring educational supervision and institutional placement and may support other non-institutional measures (Direção-Geral de Reinserção e Serviços Prisionais [DGRSP], 2023b).

6.3. Diversion and Non-Institutional Measures

6.3.1. Suspension of proceedings and the conduct plan

Diversion operates during the inquiry stage under the responsibility of the Public Prosecutor. Where no tutelary educational measure is required, the inquiry may be closed without opening the judicial phase. Where a measure is considered necessary and the act corresponds to an offence punishable by a maximum prison term not exceeding five years, the Public Prosecutor may instead suspend proceedings on the basis of a conduct plan, provided that the young person agrees, has not previously been subject to a tutelary measure and demonstrates willingness to avoid further offending. The conduct plan is therefore a consensual diversionary instrument, not a tutelary measure imposed by a court (Lei n.º 166/99, 1999).

The statutory content of the conduct plan is illustrative rather than exhaustive, allowing the Public Prosecutor to adapt it to the young person's educational needs within the limits of the LTE. It may include an apology, material or symbolic reparation, educational or vocational goals, constructive use of leisure time, economic contributions or community tasks, and restrictions concerning particular

places or peer groups. It is not equivalent to the catalogue of court-ordered tutelary educational measures and cannot include placement in an Educational Centre. Where it incorporates forms of reparation or community tasks analogous to LTE measures, the corresponding statutory limits apply. Suspension may last for no more than one year. The young person must be heard and must consent; parents, the legal representative or the person with custody is also heard, and social reintegration or mediation services may assist in preparing the plan. Successful completion closes the inquiry; non-compliance causes proceedings to continue (Lei n.º 166/99, 1999).

6.3.2. Measures imposed by the court

Once the case enters the judicial phase, only the court may impose a tutelary educational measure. Several non-institutional measures combine accountability with education while preserving ordinary community ties. Obligations may include school or vocational-training attendance, psycho-pedagogical guidance, participation in youth clubs or associations, or treatment where appropriate. Formative programmes may address leisure, vocational guidance, personal and social skills, sexual education, road safety or sport. Parents or other significant persons may participate in execution whenever this is possible and consistent with the educational purpose of the measure (Lei n.º 166/99, 1999).

Tasks for the benefit of the community involve an activity for a public body or private non-profit organisation, for a maximum of 60 hours and within three months. Where practical arrangements are entrusted to social reintegration services, they identify a suitable beneficiary organisation and activity, taking account of the young person's profile and, where appropriate, the nature of the facts, and liaise with a designated supervisor. The LTE does not generally require the activity to correspond directly to the offence; such a connection is specifically required where an activity constitutes reparation to the victim. No consistent jurisprudential rule requiring that correspondence was identified in the published sources reviewed for this chapter. The educational value of the measure therefore depends on meaningful supervision and participation rather than attendance alone (DGRSP, 2023d; Lei n.º 166/99, 1999).

Reparation to the victim follows a more direct restorative logic. Where it takes the form of an activity connected with the harm caused, the victim's consent is required, and the activity may not exceed 12 hours distributed over a maximum of four weeks. It must also respect schooling, rest periods and other activities relevant to the young person's development (Lei n.º 166/99, 1999).

The 2025 operational data show that economic contributions and community tasks remain a significant, though not dominant, response. DGRSP received 267 new requests for their execution, representing 12.14% of all requests in the tutelary educational execution area and an increase of 1.91% over 2024. On 31 December 2025, 90 such measures were in execution, corresponding to 5.85% of the total and an increase of 13.92%. In DGRSP's full table the category ranks fourth because prosecutorial suspensions are also counted; among court-ordered categories alone, it is the third most frequent (DGRSP, 2026).

6.3.3. Educational supervision as a community-based measure

Educational supervision is the most intensive non-institutional measure and provides a clear example of the community dimension of Portuguese juvenile justice. It is based on a Personal Educational Project prepared by social reintegration services with the participation of the young person and their parents or legal representative and approved by the court. The project translates the areas fixed judicially into objectives, actions and a level of supervision tailored to identified risks, protective factors and intervention needs. The measure lasts from three months to two years and may be combined with rules of conduct, obligations or formative programmes (DGRSP, 2023a; Lei n.º 166/99, 1999).

Execution combines monitoring with developmental work aimed at social integration and pro-social attitudes and skills. Practice may address engagement with the measure, recognition of the need for change, problem-solving, emotional and behavioural self-regulation, positive social bonds, family relationships and the development of an educational or vocational project. Family, school, training and community resources can therefore be mobilised around the young person without institutional placement.

6.4. Educational Measures and Work Engagement

Placement in an Educational Centre is a measure of last resort and the only institutional tutelary educational measure. It may be executed under an open, semi-open or closed regime according to the statutory criteria and the young person's educational needs. Open and semi-open placement normally lasts from three months to two years; closed placement has a minimum duration of six months and may, in the most serious cases defined by law, extend to three years. Across all regimes, intervention is educational and reintegrative: the young person remains a

subject of rights and duties, and daily life should approximate ordinary social life as far as the measure permits (Decreto-Lei n.º 323-D/2000, 2000; Lei n.º 166/99, 1999).

Each Educational Centre operates through phased educational intervention, and each resident has a Personal Educational Project specifying individual objectives, stages, timeframes and means of implementation. Practice structures progression from initial integration towards greater autonomy and assigns a tutor or case manager to monitor progress. Intervention addresses factors associated with offending alongside education, health, family relationships and social integration. Activities may include schooling, vocational training, personal and social skills, daily living skills, socio-cultural and sports activities, psychological support, health education and specialised programmes where indicated (DGRSP, 2023c).

Education, vocational training and employment must be distinguished. Young people remain subject to compulsory schooling under the general education framework, while the general minimum age for admission to employment is 16. The regulation expressly recognises the possibility of authorised external work for residents aged over 16. In open regimes, schooling, training, work and other activities may take place outside the centre where suitable opportunities exist; in semi-open regimes, external participation may be authorised where compatible with the Personal Educational Project and the stage of execution. In closed regimes, formative and leisure activities take place within the centre, while community participation in those activities should be encouraged where possible (Código do Trabalho, 2009; Decreto-Lei n.º 323-D/2000, 2000; Lei n.º 85/2009, 2009).

Participation is built into institutional intervention but does not amount to an unrestricted right to refuse the educational programme. Young people take part in preparing and evaluating their Personal Educational Project, while parents or legal representatives are heard regarding its preparation and implementation. Vocational choices should reflect the young person's interests and, where possible, include a choice between training options or access to external provision. The Educational Centre and competent social reintegration services identify suitable education, training and, where applicable, employment pathways in coordination with schools, training providers, employers and other services. The aim is to connect individual motivation and skills with realistic opportunities, taking account of the applicable regime, available provision and progress during placement (Decreto-Lei n.º 323-D/2000, 2000; DGRSP, 2023c).

Financial management is also treated as part of the educational process. Young people may receive pocket money, study or training grants and income from

authorised work; for placements lasting more than six months, a reserve fund is maintained partly to support social and occupational reintegration after release. Managing these resources is intended to foster responsibility, saving habits and autonomy (Decreto-Lei n.º 323-D/2000, 2000).

The regulation also contains safeguards relevant to reintegration. The centre must maintain the young person's identification and relevant social documentation and return it on release. School and professional certificates must not indicate that the young person was subject to a tutelary educational measure, reducing the risk of institutional stigma in subsequent education, training or employment (Decreto-Lei n.º 323-D/2000, 2000).

6.5. Youth Work in the Context of Post Penal Care

The 2015 amendment to the LTE strengthened transition arrangements by introducing intensive supervision and post-placement follow-up. By judicial decision, the final phase of an institutional measure may include intensive supervision designed to assess, in a community context, the young person's capacity to apply the integrative competencies developed during placement. It lasts from three months to one year and may not exceed half of the total duration of the institutional measure. Social reintegration services assess the case and propose the appropriate duration. Supervision takes place in the young person's ordinary living environment or, where appropriate and available, in an autonomy house (Decreto-Lei n.º 42/2018, 2018; Lei n.º 4/2015, 2015; Lei n.º 166/99, 1999).

During intensive supervision, social reintegration services prepare and implement a Social Reintegration Plan with the young person and, where appropriate, their parents, other significant persons or the social-protection body designated by the court. The plan structures the transition to community life and may include obligations concerning education, vocational training, employment, residence and other areas relevant to reintegration. DGRSP monitors implementation and reports to the court every three months. Serious or repeated non-compliance may result in return to the Educational Centre for the remaining period of the measure (Lei n.º 166/99, 1999).

Autonomy houses provide a structured residential setting for young people who need additional support during the transition from placement to ordinary community life. They may be managed by social reintegration services, social security bodies or non-profit organisations under formal cooperation arrangements, while supervision remains with the competent social reintegration services. They are

therefore distinct from residential care within the child-protection system and are specifically linked to the execution of intensive supervision under the LTE (Decreto-Lei n.º 42/2018, 2018; Lei n.º 166/99, 1999).

Where intensive supervision is not ordered, the LTE nevertheless provides for post-placement follow-up. The Educational Centre must notify social reintegration services at least three months before the expected end of placement. Those services accompany the return to the community, assess the conditions for integration in the young person's ordinary environment and, where necessary, may propose the initiation of a child-protection process. Public and non-profit organisations may contribute to education, training, mentoring and social inclusion through formal or coordinated arrangements, but the legal framework does not establish a universal entitlement to employment placement for every young person leaving an Educational Centre. At system level, the LTE also requires the Ministry of Justice to report annually to Parliament on post-placement trajectories and recidivism and, where possible, on outcomes following non-institutional measures (Lei n.º 166/99, 1999).

6.6. Current Challenges

Recent data indicate sustained demand across the tutelary educational system. In 2025, DGRSP received 7,047 requests for technical reports and related advisory work, 0.89% more than in 2024, and 2,199 requests for the execution of measures or diversion arrangements, an increase of 3.43%. At year-end, 1,538 measures or arrangements were in execution, 6.29% more than one year earlier, including 156 institutional measures in Educational Centres (DGRSP, 2026). These figures underline the need to maintain sufficient capacity across both community and institutional intervention.

Monitoring of Educational Centres has drawn attention to shortages of specialised staff, inadequate mental-health responses and the need for earlier, coordinated and intersectoral intervention (Comissão de Acompanhamento e Fiscalização dos Centros Educativos, 2025). These constraints can weaken the educational purpose of the LTE when mental-health care, family work, training and community support are fragmented or unavailable.

A further challenge is converting institutional learning into sustainable community pathways. Access to education, vocational training and employment depends on local provision, regime conditions and cooperation with external services. Formal transition mechanisms are therefore most effective when goals are defined early,

family and community resources are engaged throughout the measure, and support is connected to realistic opportunities before the young person leaves the structured institutional environment.

6.7. Conclusions

Portuguese juvenile justice places educational purpose, proportionality and minimum intervention at the centre of its response to offending by young people within the LTE age jurisdiction. It provides a graduated continuum from diversion and non-institutional measures to Educational Centre placement, while reserving institutional intervention for cases in which less restrictive responses are insufficient. The system also includes formal mechanisms for individual planning, family participation and transition back to the community. Although criminal responsibility begins at 16, the criminal and tutelary educational systems remain legally distinct. Measures imposed under the LTE for acts committed before the age of 16 may continue to be executed beyond that threshold but must cease when the young person reaches the age of 21.

Within this framework, youth work can complement, rather than replace, statutory juvenile justice functions. Relational and participatory methods can strengthen engagement with conduct plans and Personal Educational Projects; non-formal learning can reinforce personal and social skills, problem-solving and civic responsibility; and mentoring can provide continuity across changes of setting. Its contribution may be particularly valuable during transition, when formal supervision is decreasing but stable relationships and practical links to education, training, employment and community life remain important.

Future development should focus on clearly defined cooperation between youth-work providers and statutory services, with agreed roles, safeguarding standards, professional training, appropriate information-sharing and evaluation. Particular attention is needed to continuity of support, trauma-informed and culturally responsive practice, family and community engagement, and outcomes in education, employment, well-being and reoffending. In this way, youth work can reinforce the developmental and community dimensions already embedded in the Portuguese juvenile justice model and help translate its legal commitment to reintegration into sustained social inclusion.

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