



Newsletter 2 november - december 2016

This is the Portuguese Ombudsman's newsletter in which presents its activities in November and December.

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The Portuguese Ombudsman traditional activity

The development of the Portuguese Ombudsman traditional activity is mainly substantiated by procedures that comes from citizen's complaints or are open by its own initiative, instructed and analyzed every day.

Contributory scheme for self-employed workers

Of the several *suggestions* made in this timeframe, one is on the application of the contributory scheme for self-employed workers sent to the Secretary of State for Social Security and the to the Board of Directors of the Institute of Social Security, IP. Another letter was sent *requesting information* about the IRS reimbursements delays, to the IRS Director of Services, to know its current situation.

Municipal regulations on swimming pools

The Portuguese Ombudsman has received a complaint concerning the use, in municipal regulations, of concepts relating hygienic conditions to access swimming pools, which are likely to discriminate persons with an increased health risk, namely persons with HIV/AIDS. This body of State has verified that a considerable number



of municipal regulations have been imposing a medical statement. After proper instruction of the procedure was considered that there are *municipal regulations using concepts discriminating people with aggravated health risk.*

Teachers qualification on teaching English - Recommendation 5/B/2016

The Portuguese Ombudsman addressed to the Minister of Education the *recommendation 5/B /2016*, referring the lack of regulation of a legal norm concerning teaching English on Elementary Education.

Medical boards and workers with long-term illness - Recommendation 4 /A/2016

The Portuguese Ombudsman addressed the *recommendation 4/A/2016* to the Secretary of State Assistant and of Education, stating that measures should be taken to reinstate, as quickly as possible, the medical boards meetings to make sickness checks in the regional offices.

Lisbon Municipal Master Plan - Recommendation 5/A/2016

The Portuguese Ombudsman analyzed the rules of the Lisbon Municipal Master Plan applicable to the riverside area and to the parking, in the context of a complaint concerning the Museum of Art, Architecture and Technology project. In the assessment made, the Portuguese Ombudsman, detected illegalities in the norms of the Lisbon Municipal Master Plan, which were pointed out in the *recommendation 5/A/2016* to the Mayor of Lisbon.

Recruitment and hiring in non-public education system

The Portuguese Ombudsman, having in mind the complaints from teachers and specialized technicians of higher education public schools, *informed* the Secretary of State of Education of the questions considered important to the legislative revision process of the Decree 132/2012, of June 27th.

Motorway concessionaire responsibility- Recommendation 6/A/2016

The Portuguese Ombudsman has received a complaint against a motorway concessionaire because it failed to repair the damages resulting from a car accident caused by an obstacle. After analyzing the procedure, this body of State issued the *recommendation 6/A/2016*.



Request for constitutional review

The Portuguese Ombudsman asked the Constitutional Court to *review the constitutionality* of rules relating the accumulation of benefits for permanent incapacity caused by accidents at work or by occupational diseases, (Article 41 (1) (b)), 3 and 4, of Decree 503/99, of November 20th, in the drafting of Law 11/2014, of March 6th).

The Portuguese Ombudsman, prisons and the 21st century: visits diary

The Portuguese Ombudsman continues to visit the Portuguese prisons to know specifically their characteristics and problems. The year 2016 was, therefore, marked by the development of the *project The Portuguese Ombudsman, prisons and the 21st century: visits diary*. The community can monitor these visits throughout the reports available in the institutional website.

The prisons visited, are: *Lisbon prison* (January 19th), *Tires prison* (February 4th), *Vale de Judeus prison* (February 23rd), *Coimbra prison* (April 18th), *Ponta Delgada prison* (May 4th), *Monsanto prison* (June 27th) and *Funchal prison* (July 19th) and the *Leiria Special Prison* (September 16th).

The Portuguese Ombudsman as National Human Rights Institution

Commemorative dates

As National Human Rights Institution, the Portuguese Ombudsman points out, through various initiatives and messages available on its institutional website, some evocative dates. Within this newsletter' timeframe were celebrated the following dates: *Universal Children's Day* (November 20th), *International Day for the Elimination of Violence against Women* (November 26th) *International Day for the Abolition of Slavery* (December 2nd), *International Day of Persons with Disabilities* (December 3rd), *Human Rights Day* (December 10th) e *International Migrants Day* (December 18th).

Other messages from the Portuguese Ombudsman

The Portuguese Ombudsman, in the institutional website, on December 20th, reiterated its vehement repudiation for the practice of offensive human rights behavior.



Visit of the United Nations Special Rapporteurs on Human Rights to Safe Drinking Water and Sanitation and on Adequate Housing

The Portuguese Ombudsman received the Special Rapporteurs on Human Rights to Safe Drinking Water and Sanitation, Léo Heller, and on the Right to Adequate Housing, Leilani Farha.

This visit was carried out as part of an invitation addressed by the



Portuguese State to the Human Rights Council and to know the Ombudsman's activity in the promotion and defense of human rights.

The Portuguese Ombudsman as the National Preventive Mechanism

Visits

In *November* and *December*, the *National Preventive Mechanism* made 34 visits to police forces detention places, prisons, courts and a hospital psychiatric unit. These visits were made without previous notice and took place in the North and Center of Portugal.

External Training Activity

A member from the Visitors Team of the Portuguese National Preventive Mechanism, participated in the Workshop «Framework Decisions on Detention as Opportunities and Challenges for the Prevention of Ill-Treatment: The Role of Courts and National Prevention Mechanisms» which was held at the House of the European Union, in Vienna, on the 16th and 17th November 2016. The event was co-organised by the Ludwig Boltzmann Institute of Human Rights and the Academy of European Law.

The Workshop was attended by representatives of National Prevention Mechanisms, judges and prosecutors from various European Union countries, members of the European Committee for the Prevention of Torture and members of the European Commission as well as and civil society institutions, namely the APT - Association for the Prevention of Torture, an international non-governmental human rights organization, and the Fair Trials International, an organization dedicated to the promotion of the fundamental human right to a fair trial. The purpose of the



initiative was the joint reflection on forms of cooperation between NPMs and the judiciary in order to prevent torture and ill-treatment.

Internal Training Activity

The National Prevention Mechanism team participated in the training project *Coffee Meetings*, in two moments: the first, in November 10th, entitled «Torture Prevention: 10 Years of Implementation of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment»; the second, in December 21st, about the «Reflections on the collaboration between the MNP's and the judiciary power in the prevention of torture and abuse».

Conference interventions

Conference «The Portuguese Ombudsman and the 40 years of the Constitution»

The Portuguese Ombudsman joined to the commemorations of the 40th anniversary of the Constitution of the Portuguese Republic, promoting the conference «The Portuguese Ombudsman and 40 years of the Constitution» on November 15th in the Portuguese Parliament. In this event, took part the President of the Parliament, the Portuguese Ombudsman and José Gomes Canotilho, PhD.



International Congress of the Iberoamerican Ombudsman Federation

The Portuguese Ombudsman and President of the Iberoamerican Federation of Ombudsmen (FIO) participated in the International Congress of this institution, under the theme *Pobreza, Dignidad y Derechos Humanos*, held on November 23th in Santa Cruz de Tenerife, Spain.



The congress subject was discussed in three round tables entitled: *El Rol de las Instituciones Ombudsman y de las Instituciones de Derechos Humanos en la consecución del objetivo 1 de lá agenda 2030 de las Naciones Unidas: “poner fin a la pobreza en todas sus formas y en todo el mundo”*; *El Rol de las Instituciones Ombudsman en la concretización del objetivo 11 de la Agenda 2030: garantía de acceso a una vivienda adecuada en ciudades inclusivas y seguras*; e *Romper el ciclo de la pobreza: proporcionar una educación inclusiva y garantizar la igualdad de oportunidades y una formación profesional de calidad*.



The Portuguese Ombudsman and President of FIO made two interventions, at the opening and closing sessions of the event. It was also presented the FIO 2016 report, devoted to the theme of poverty.

The summary of this event was recorded on [video](#).

International cooperation activities

21st General Assembly of FIO and thematic networks meetings

The 21st General Assembly of FIO was held on November 24th in Santa Cruz de Tenerife. At this meeting, presided by the Portuguese Ombudsman, several issues were discussed about the activity carried out towards the promotion and defense of the human rights in the iberoamerican space.





On November 28th were also held the four thematic network meetings: the Communicator's network (ComFIO), Women's rights network, Childhood and Youth network and Migrants and Human Rights Trafficking network.

Mozambique

The Portuguese Ombudsman received the Mozambican Ombudsman on November 18th. As part of the cooperation between these two institutions, a training activity was held between November 22nd and 25th to deepen the knowledge and exchange experiences. In this activity participated two advisors of the Ombudsman of Mozambique institution to observe the work developed by the Portuguese institution in the several dimensions, mainly the citizens' complaints and promoting and defending their fundamental rights.



Portuguese Ombudsman participations

Tribute to Joaquim de Sousa Ribeiro

On November 8th, the Portuguese Ombudsman took part in the ceremony to unveil a plaque in honor of the former President of the Constitutional Court, Joaquim de Sousa Ribeiro.

40th anniversary of the Constitution of the Portuguese Republic commemorative seminar

On November 15th, the Portuguese Ombudsman participated in the 40th anniversary of the Constitution of the Portuguese Republic commemorative seminar, promoted by the *Associação Portuguesa de Direito Constitucional* in cooperation with the *Instituto de Ciências Jurídico-Políticas* of the *Faculdade de Direito da Universidade de Lisboa* and the *Instituto Jurídico da Faculdade de Direito da Universidade Coimbra*.



Dinner to honor the Kings of Spain

The Portuguese Ombudsman was present, on November 28th, at the dinner to honor the Kings of Spain, offered by the President of the Republic, in the *Paço Ducal* in Guimarães.

Welcome Solemn Session to the Kings of Spain

On November 30th, the Portuguese Ombudsman took part in the Welcome Solemn Session to the Kings of Spain, at the invitation of the President of the Parliament, at the Portuguese Parliament.

Dinner to honor the President of the Czech Republic

On December 14th, the Portuguese Ombudsman was present at the dinner to honor the President of the Czech Republic, Milos Zeman, hosted by the President of the Republic, at the Ajuda National Palace.

Taking office ceremony of the President of the Supreme Administrative Court

On December 23rd, the Portuguese Ombudsman took part in the taking office ceremony of the President of the Supreme Administrative Court, Judge Vítor Manuel Gonçalves Gomes, which took place in the Noble Hall of the Supreme Administrative Court in Lisbon.

Other activities

Social networks

On November 11th, was created the Portuguese Ombudsman official page on the social network [Facebook](#).

Interviews

On November 17th, the Portuguese Ombudsman gave an [interview](#) to the journalist Maria Flor Pedroso on *Antena 1*.

On December 15th, the Portuguese Ombudsman was interviewed in the 360° program at RTP3.



Recent publications

- Article *Razões de uma razão (XX)*
- *Visit report to the Leiria Special Prison*
- Article *Razões de uma razão (XIX)*

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Children's hotline 800 206 656

Senior citizen hotline 800 203 531

People with disabilities hotline 800 208 462

Portuguese Ombudsman Facebook Page



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