

Mr President of the Assembly of the Republic

Ladies and Gentlemen,

Honourable Members of Parliament,

This is the second time that the Assembly of the Republic, by the qualified majority vote required by the Constitution, has decided to entrust me with the office of Ombudsman.

Such an expression of confidence is not to be thanked. It is to be honoured. And I believe that the best way to honour it begins right now by fulfilling an obligation: to identify here and now the guideline that will guide the exercise of my mandate over the next four years.

According to a perception that I believe is now widespread, the “Provedor de Justiça” (as it is named in Portuguese or Ombudsman as it is widely known) is seen as the informal element of the justice system, which, without decision-making powers (as the Constitution states), without costs or rules of procedure, does, in the field of relations between citizens and administrative authorities, exactly the same as the other agents of the justice system do. It resolves conflicts. It resolves disputes. It pacifies society.

This general perception is correct in two essential points: the Ombudsman also does this, in accordance with the functions attributed to him by article 23 of the Constitution; and, because of this, the Ombudsman, like the agents

of the justice system, enjoys total independence vis-à-vis the other powers of the State.

However, by staying there, this generalised perception overlooks a fundamental element that distinguishes the Ombudsman from all elements of the justice system.

The latter, by their very condition, do not choose what to do. They only act when they are asked to act. They only respond to what they are asked to do. They never decide beyond what they are asked to do. They never have their own course of action.

But the Provedor de Justiça is not in such a condition. It can act on his own accord; can decide beyond what is asked of; can answer what is not asked of; can lead the institution of which she or he is the holder so that it follows a certain course of action.

I understand this power - which the Ombudsman exercises without the cogent efficacy that is characteristic of other State institutions - to be more than a mere faculty. I understand it as a true duty; and a duty that is only fulfilled if the chosen course of action results in giving preference to those who effectively need more recourse to a state instance which is of universal, informal and free access. And these are the ones who, due to the special condition of vulnerability in which they find themselves, will be more exposed to the harmful consequences resulting from sedimented practices of bad administration or deficient and harmful action of the State.

I assume this duty to lead the institution during the next four years according to this great guiding line, thanks to the democratic legitimacy that the

election by the Assembly of the Republic grants me. I do so, recognising the risk that I may sometimes make mistakes and counting on the luck that I may sometimes get it right. But I do it serenely. The fact that every year I must report to Parliament on my actions will allow me to correct them if they deviate from the compass that guides them; and it will also allow me to fulfil the functions of assisting the political decision centres, contributing to the effective knowledge of the most vulnerable sectors of our society.

This is how I intend to act over the next four years.

Thank you very much.

Maria Lúcia Amaral

Lisbon, 12 December 2021