



Newsletter 5/2017 September – October

This is the Portuguese Ombudsman's newsletter in which it's presented its activities in September and October.

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The Portuguese Ombudsman traditional activity

Within the Portuguese Ombudsman traditional activity, substantiated by procedures that come from citizen's complaints, stands out the following.

The Portuguese Ombudsman drew the attention of the Government to the lack of regularization problems of the social security taxpayers' current accounts

The Portuguese Ombudsman drew the attention of the Secretary of State for Social Security to provide social security information system with means to regularize the current account of all taxpayers and simplified access to the extract.

This body of State has received several complaints to report the difficulties and constraints in the control and regularization of their contributory situations.

The Portuguese Ombudsman intervened to improve the social security information system and allow a permanent updating of all taxpayers current accounts.



The Portuguese Ombudsman asked the Government to regulate the unemployment possibility in the RPSC and adopt legislative measures to ensure equal treatment in the access to early retirement pensions as a result of long-term unemployment

The Portuguese Ombudsman received a number of complaints highlighting the situation of inequality in which civil servants covered by the Convergence Social Protection Scheme (RPSC) – teachers employed in public education and teachers in higher education establishments, and cooperative, as well as non-higher private and cooperative education, also covered by the RPSC, which were recognized the right to social protection in unemployment and who, after the period of subsidized unemployment – were not allowed to accede to any age flexibility scheme of access to the old-age pension and, in particular, to early retirement provided by the Retirement Statute Article 37-A.

The Portuguese Ombudsman asked the Secretary of State for Social Security to adopt the appropriate legislative measures to solve the problems raised, in accordance with the principles of equality, social equity, unity, the primacy of public responsibility and the regimes convergence.

Position taken concerning the 2017 internal mobility competition complaints

The Portuguese Ombudsman received a wide range of complaints from teachers on the results of the internal mobility competition. It's contested the Directorate-General for School Administration (DGAE)' decision of not tender all the schedules previously indicated by the schools, but only the full timetables, giving rise to the incomplete hours fulfillment only at the first recruitment reservation.

The complainants claim that this situation resulted in the disrespect for the competition placement based on graduation.

The Government announced next to the union organizations the intention to anticipate the opening of the internal competition for next year, followed by a new internal mobility competition, reflecting the recognition by the Educational Administration of the inadequacy of the results of the competition.

The Portuguese Ombudsman addressed to the Secretary of State for Fiscal Affairs calling the attention for IRS issues

The Portuguese Ombudsman addressed to the Secretary of State for Fiscal Affairs calling the attention for some new issues and underlining once again for other IRS claimants as a result of the analysis of contentious citizens' complaints.



This body of State listed some issues already addressed in a previous communication, such as; deduction of educational expenses, housing and income earned in previous years.

The Portuguese Ombudsman also listed a number of new issues: specific deductions for holders of maintenance allowances depending on whether they receive category A incomes (dependent work) or pensions (category H); for category B income earners (self-employed); and the restriction to residents only of the tax benefit in only 50% of the balance of realized capital gains.

The Portuguese Ombudsman asked the Constitutional Court the successive abstract inspection

The Portuguese Ombudsman asked the Constitutional Court to declare unconstitutional the rules that alter the system of monthly life grants.

The request for successive abstract review of the constitutionality formulated by this body of State refers to the rules contained in paragraphs 7 and 8 of article 9 of Law no. 52-A/2005, of October 10th, as amended by Law no. 64-B/2011, of December 30th, and, consequently, of paragraphs 9 and 10 of that article, for breach of the principle of the protection of trust, inferred from article 2 of the Constitution of the Portuguese Republic.

The Portuguese Ombudsman as National Human Rights Institution

Commemorative dates

The Portuguese Ombudsman highlighted through messages two evocative dates: the [International Day of Older Persons](#) (October 1st) and the [European and World Day against the Death Penalty](#) (October 10th).

The Portuguese Ombudsman promoting and defending the elderly citizens rights

The Portuguese Ombudsman designed and carried out a set of advertising spots for the dissemination of some of the fundamental rights of elderly citizens, contributing to the effective accomplishment of these rights and promoting an active participation of those citizens in community life ([advertising spot 0](#), [advertising spot I](#), [advertising spot II](#) e [advertising spot III](#))

Other messages from the Portuguese Ombudsman

On September 18th the Portuguese Ombudsman, in a [message](#) published on the institutional website and Facebook page, the moral rehabilitation of the soldier [João Ferreira Almeida](#).



The Portuguese Ombudsman, on October 16th, expressed its deepest regret for the fire tragedy, through a *message* in the institutional website.

The Portuguese Ombudsman as the National Preventive Mechanism

The National Preventive Mechanism released the second special report – *Relatório especial sobre os centros de instalação temporária de cidadãos estrangeiros* – which reflects the reality found in the visits made without prior notice in the second half of 2016 to temporary accommodation centers or similar spaces existing in Portugal (near the airports of Faro, Lisbon and Oporto, as well as the Housing Unit of Santo António). The temporary installation centers or similar spaces are establishments where irregular foreign nationals or asylum seekers are accommodated.

Following this report was issued two recommendations: to the Minister of Internal Affairs (*Recommendation 17*), and to the National Director of the Immigration and Borders Service Public Security Police (*Recommendation 18*).

Ibero-American Federation of Ombudsman (FIO)

This body of State participated in the seminar *Instituciones de Ombudsman como Mecanismos Nacionales de Prevención*, from September 19th to 21st, in the Panama City. This event had as its main goal the technical appreciation of the work already developed and sharing best practices towards an increasing effectiveness of the National Preventive Mechanisms.

This initiative was implemented under the protocol signed by the Ibero-American Federation of Ombudsman, the Association for the Prevention of Torture and the German Cooperation Agency ProFIO (GIZ), whose purpose is to carry out actions to ensure the effective functioning of the Ombudsman institutions of the Ibero-American space that are also National Preventive Mechanisms.

International cooperation activities

International Ombudsman Institute

On September 5th, the Portuguese Ombudsman received in a hearing the President of the International Ombudsman for Europe and *Síndic* of Catalonia.





Spain



The Portuguese Ombudsman received, on September 20th and 21st, the *Defensor del Pueblo* of Spain.

The visit goal was to learn about the activity carried out by the Portuguese Ombudsman and to exchange experiences on the promotion and defense of migrants' rights and the Portuguese asylum system, therefor deepening bilateral cooperation.

Azerbaijan

On September 16th, the Portuguese Ombudsman received in a hearing a delegation from the Commissioner for Human Rights of the Republic of Azerbaijan (Ombudsman), under the project's scope' *Twinning – Support to the Strengthening of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan*.

From October 16th to 20th this delegation made several visits to Portuguese entities to know their best practices.

The experience and knowledge exchange between this institutions focused on the activity developed by the Portuguese Ombudsman in the human rights promotion and defense and, in particular, complaints treatment procedure and the specialized telephone lines (Children, the Elderly Citizen and Persons with Disabilities).



Morocco

The Portuguese Ombudsman received in October 24th to 26th, a delegation from the *Médiateur* of the Kingdom of Morocco. The purpose of this visit was to share the Portuguese best practices in promoting and protecting citizens' rights, in particular with regard to the handling of complaints and statistics, use of new technologies, annual report development, and institutional cooperation with citizens and public entities.





ACNUR

The Portuguese Ombudsman received in October 26th the Regional Representative for Southern Europe of the United Nations High Commissioner for Refugees and a



representative from the Portuguese Refugees Council. This visit goal was to monitor foreign citizens applicants' conditions for international protection in the temporary installation centers.

Portuguese Ombudsman participations

The Portuguese Ombudsman participated in the 36th session of the Human Rights Council

This body of State participated in the 36th session of the Human Rights Council, which occurred between September 11th and 29th, in Geneva.

In this occasion a communication was made following the report presented by the United Nations Special Rapporteur on Human Rights to Safe Drinking Water and Sanitation, received by the Portuguese Ombudsman on December 6th 2016.

The Portuguese Ombudsman participated in the dinner in honor of the President of the Republic of Côte d'Ivoire

The Portuguese Ombudsman, on September 12th, participated in the dinner in honor of the President of the Republic of Côte d'Ivoire and Madam *Dominique Folloroux-Ouattara* at the *Palácio Nacional da Ajuda*.

The Portuguese Ombudsman participated in the Refugees Portuguese Council 26th anniversary commemoration

On September 20th, this body of State participated in the Refugees Portuguese Council 26th anniversary commemoration, at Bobadela, Loures.

The Portuguese Ombudsman participated in the German Unity Day

The Portuguese Ombudsman, on October 3rd, took part of the German Unity Day reception, in Lisbon.



THE PORTUGUESE OMBUDSMAN
In the defense of citizen's rights.

The Portuguese Ombudsman participated in the conference «Crianças mais seguras»

On October 12th, this body of State participated in the conference «Crianças mais seguras», promoted by the *Associação para Promoção da Segurança Infantil*, at Hotel Real Palácio, in Lisbon.

The Portuguese Ombudsman participated in the Day of Nova Law School

On October 18th, the Portuguese Ombudsman participated in the Day of Nova Law School, in which made the *Oração de Sapiência*, in Lisbon.

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[Portuguese Ombudsman Facebook Page](#)



O PROVEDOR DE JUSTIÇA

Na defesa do Cidadão: perceber para prover.