



Newsletter 1 september - october 2016

This is the Portuguese Ombudsman's newsletter with a new image and new contents, presenting in it some of the activities developed by this body of State.

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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.

Within the timeframe, September-October, the Portuguese Ombudsman opened three procedures by its own initiative: *i)* concerning the events occurred in the military training actions of the 127th command course; *ii)* regarding the food portion value given to the imprison population; and, *iii)* respecting the way prisoners, in special security regime, receive their visits.

The Portuguese Ombudsman sent the Constitutional Court, a *request* to assess the legal rules application regarding the restrictive access to private security activity.

Of the several letters sent during this timeframe, it should be noted the *communication* addressed to the Secretary of State for Tax Affairs, concerning several issues of the IRS system.

The Portuguese Ombudsman sent a *recommendation* to the Minister of Labor, Solidarity and Social Security concerning the rights of citizens who are unemployed.



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

The Portuguese Ombudsman is visiting the Portuguese prisons to know specifically their characteristics and problems. The year 2016 is, 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).

The Portuguese Ombudsman as National Human Rights Institution

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: *International Day of Democracy* (September 15th), *International Day of Peace* (September 21st); *International Day of Older Persons* (October 1st), *World Mental Health Day* (October 10th), *International Day for the Eradication of Poverty* (October 17th).

The Portuguese Ombudsman as the National Preventive Mechanism

Special report on educational centres

The Portuguese Ombudsman, as the National Preventive Mechanism, published its first special report dedicated to young people in the tutelary system. Entitled *The National Preventive Mechanism and the Educational Centres - 2015 report*, this document reflects the reality found on the educational centers in Portugal. Some of the dimensions analyzed were, the physical and structural conditions, the organization and the assistance (follow-up, psychotherapeutic support) given to the young people after their departure. In order to improve the educational tutelary system and defend their rights, the National Preventive Mechanism issued five recommendations.



Advisory Council Meeting

On September 23rd took place, at this body of State headquarters, the 6th meeting of the Advisory Council to the National Preventive Mechanism, formed by representatives from the Committee on Constitutional Affairs, Rights, Freedoms and Guarantees, the Supreme Judicial Council and State Prosecution, Bar Association, Medical Association, Psychologists Association, the Amnesty International and the Portuguese Association for Victim Support, and also three personalities chosen by the Portuguese Ombudsman. Among the various subjects under discussion, was presented the annual report concerning last year's activities and other information related to the actions carried out by this independent body.

Meeting with the CPT

The National Preventive Mechanism met, on September 26th, with the European Committee for the Prevention of Torture (CPT). The Portuguese prison system was the main subject addressed within the activity developed by the National Preventive Mechanism. The CPT was in Portugal for two weeks, during which, they met with several national organizations and visited places where people are liberty deprived.

Visits

In September and October, the National Preventive Mechanism made 12 visits to temporary installation centers for foreigners, police stations, prisons and courts. Most of these visits took place in the metropolitan area of Lisbon, the districts of Portalegre, Oporto and Faro.

Conference interventions

International Conference "Challenges for Ombudsman Institutions with respect to mixed migratory flows"

The Portuguese Ombudsman, as President of the Iberoamerican Federation of Ombudsmen (FIO), participated in the International Conference "Challenges for Ombudsman Institutions with respect to mixed migratory flows", held on September 7th and 8th in Tirana, promoted by the Mediterranean Ombudsman Association, the Francophone Ombudsman Association, the Iberoamerican Federation of Ombudsmen and the International Ombudsman Institute.



The subjects discussed in the event were, the challenges placed by the migratory flows and the importance of all human rights institutions in the combat of stereotypes and hate speech against migrants. The Portuguese Ombudsman made the communication entitled *The role of the Ombudsman in the migration crisis*.

Habitat III program

The Portuguese Ombudsman, as President of the Iberoamerican Federation of Ombudsmen (FIO), participated on October 19th and 20th, in the 3rd United Nations Conference on Housing and Sustainable Urban Development (Habitat III Program),

which took place in Quito (Ecuador). This initiative – the first to be held following the approval of the United Nations *Agenda 2030* – aimed to promote the discussion on human rights and its



protection. The Portuguese Ombudsman joined the panel of *Human Rights Institutions* and the *New Urban Agenda*, and presented FIO and its work in this field.

International conference “Our prisons: what present and what future?”

The Portuguese Ombudsman was represented at the International Conference “Our Prisons: what present and what future?” promoted by the Bar Association, on October 21st in the General Council Noble Room. The subjects discussed were

related to the prison system and, in particular, with the rights of prisoners. This initiative included the participation of relevant national figures in the justice area and also a member of the European Committee for the Prevention of Torture and



Inhuman or Degrading Treatment or Punishment, a representative of the Embassy of the Netherlands and Professor Loïc Wacquant. This body of State presented the communication entitled *The Portuguese Ombudsman and the prison reality*.



International cooperation activities

Angola

The Portuguese Ombudsman took part in the project entitled *Functioning, Communication Strategy and Expansion of the Angola's Ombudsman Institution*, promoted by the Angolan Ombudsman and the United Nations Development Program (UNDP). The project main goals were: *i)* to give to the Angolan Ombudsman's services the technical criteria and positive experiences regarding the institutional promotion and communication; *ii)* to promote the relationship between civil society organizations and State institutions through a seminar to share knowledge and experience.



In the project's first part, this body of State was represented in the working group, formed by elements from the Angolan Ombudsman and UNDP. There were several meetings held with the central services, local authorities and the Angolan Ombudsman's representatives in Cunene, Cabinda and Huambo.

The project ended in Luanda, on September 29th and 30th, with the workshop entitled *Transversality of the Ombudsman's Role versus Pragmatism - The decisive power*. This meeting brought together representatives of various transnational regions, under the scope of the Community of Portuguese Language Countries. At this event were present the Angolan Ombudsman, the Cape Verde Ombudsman and the Portuguese Ombudsman.



The Portuguese Ombudsman made the communication *The Portuguese Ombudsman: mission, powers and challenges* and also chaired a seminar panel, involving the Namibian Ombudsman and President of the International Ombudsman Institute and the Kenyan Ombudsman.



FIO's childhood and youth network meeting

The Portuguese Ombudsman was represented at the Seminar *Los Derechos de los Niños, Niñas y Jóvenes – Métodos y Orientaciones para su Aplicación en la Práctica*, promoted by the Iberoamerican Federation of Ombudsmen (FIO), on September 26th and 28th, in the city of Lima (Peru), with the support of GIZ - Deutsche Gesellschaft für Internationale Zusammenarbeit, UNICEF, the European Union and the German Institute for Human Rights.



This event goal, attended by representatives of national and regional human rights defenders in the Iberoamerican area, was to promote a set of specific technical instruments regarding children's rights.

On September 29th, an ordinary meeting was held at the headquarters of the Peruvian Ombudsman.

Mozambique

The Portuguese Ombudsman received, on October 4th, a delegation of judges from the Courts of the Republic of Mozambique, within a training action promoted by the INA - Directorate General for the Qualification of Public Servants. During this visit, the Portuguese Ombudsman had the opportunity to make known to the magistrates the activity of this body of State, namely the work carried out in the promotion and defense of the human rights.



Macao

As part of its international cooperation activities, on October 7th, the Portuguese Ombudsman received a delegation of magistrates and auditors from the *Centro de Formação Jurídica e Judiciária da Região Administrativa Especial de Macau (CFJJ)*. This visit, was part of the 5th training course of





the CFJJ and was carried out in collaboration with the Center for Judicial Studies (CEJ), aimed to raise awareness for the Portuguese Ombudsman's activity and share experiences and practices in promoting and defending the human rights.

FIO's Rector Council Meeting and with Human Rights Interamerican Court

The Portuguese Ombudsman, as President of the Iberoamerican Federation of Ombudsmen (FIO), participated in the FIO's Rector Council meeting with the Interamerican Court of Human Rights (ICHR), held in San José, Costa Rica, on October 15th to 18th. It was established a memorandum of collaboration between the institutions, in order to strengthen the role of the Ombudsmen in monitoring the implementation of judicial decisions issued by the ICHR.



People's Republic of China

On October 24th, the Portuguese Ombudsman received a delegation from the People's Republic of China, headed by the Chief Inspector of the Inspector's Office of the Central Commission for Discipline Inspection of the Communist Party of China at the Central Foreign Affairs Office. At this meeting, both institutions made their presentation, in order to strengthen cooperation, exchange knowledge and experiences.



ENNHRI's General Assembly

The Portuguese Ombudsman was represented on October 27th and 28th at the General Assembly of the European Network of National Human Rights Institutions (ENNHRI), which took place in Zagreb, Croatia. The first day was dedicated to the European Network of National Human Rights Institutions meeting, and the second day consisted of a seminar dedicated to the activity developed by the Institutions to fight terrorism.



Portuguese Ombudsman participations

2016 Judicial year opening

The Portuguese Ombudsman participated, on September 1st, in the 2016 Judicial Year Opening, at the Supreme Court. There, were present several public personalities mainly from the Justice area. The problems and challenges presented to the judicial power were the main subjects in the statements made by the Bar Association President, the State Prosecutor, the President of the Supreme Court, the Minister of Justice and the President of the Republic.

Conference on Lobbying

The Portuguese Ombudsman took part, on September 14th, in the *Conference on Lobbying*, promoted by the Ad Hoc Commission on Transparency Strengthening in Public Functions at the Portuguese Parliament, in Lisbon.

Tribute to António Arnaut

The Portuguese Ombudsman went, on September 15th, to the homage made to the Health National System (HNS) founder, António Arnaut, occurred under the 37th anniversary of the HNS, in Coimbra.

Tribute to José de Azeredo Perdigão

The Portuguese Ombudsman took part, on September 19th, in the 120th birthday celebration of José de Azeredo Perdigão, PhD. held at the Calouste Gulbenkian Foundation, in Lisbon.

Taking office ceremony of the President of the Court of Auditors

The Portuguese Ombudsman participated, on September 3rd, in the taking office ceremony of the President of the Court of Auditors, Vítor Manuel da Silva Caldeira, occurred at the Palácio de Belém, in Lisbon.

5th October Commemorations

The Portuguese Ombudsman took part of the October 5th celebrations, Portugal's Republic memorial date.



Homage to the Attorneys-general and Fiscales Generales

The Portuguese Ombudsman had, on October 11th, a dinner in honor of the Attorneys-General and *Fiscales Generales*, offered by the Portuguese State Prosecutor, on the occasion of the 24th General Assembly Iberoamerican Associations Public Prosecutors and the 14th Meeting State Prosecutors of the Community of Portuguese Language Countries, at the Palácio Foz, in Lisbon.

20th anniversary commemoration of the Community of Portuguese Language Countries

The Portuguese Ombudsman took part, on October 12th, in the Commemorative Seminar of the Community of Portuguese Language Countries 20th anniversary, at the Portuguese Parliament's Senate Room, in Lisbon.

14th Attorneys General Meeting of the Community of Portuguese Language Countries

The Portuguese Ombudsman participated, on October 13th, in the Official Opening Ceremony of the 14th Attorneys General Meeting of the Community of Portuguese Language Countries, in Lisbon.

China's great conferences cycle

The Portuguese Ombudsman took part, on the 26th October, in the 4th China's great conferences cycle, under the subject *The Statute and Macao' Role in the Sino-Portuguese relations*, organized by the Peoples's Republic of China Embassy and by the Diplomatic Institute in representation of the Ministry of Foreign Affairs of Portugal, in Lisbon.

Courts library

The Portuguese Ombudsman went, on October 26th, to the *Courts Library exhibit inauguration – 180 years of evocative memory*, under the commemorations of the Parliament Library 180th anniversary, in Lisbon.

Colloquium on the Civil Code

The Portuguese Ombudsman took part, on October 27th, in the *Colloquium on the Civil Code – 50th anniversary celebration*, promoted by the Supreme Court, in Lisbon.



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

Recent publications

- Visit report to the Monsanto prison
- Visit report to the Funchal prison
- Article *Razões de uma razão (XVIII)*
- *The National Preventive Mechanism and the Educational Centres - 2015 report*

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