

# State of the Rule of Law in Europe in 2022

Reports from National  
Human Rights Institutions

Portugal



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# Portugal

*Portuguese Ombudsman - Provedor de Justiça*

## Independence and effectiveness of the NHRI

### International accreditation status and SCA recommendations

The Portuguese NHRI was last reaccredited with A-status by the Sub-Committee on Accreditation in November 2017 (1).

At that occasion, the SCA welcomed the amendments to the institution's law that provided it with a broad mandate to promote and protect human rights. It also highlighted the institution's appointment as the National Preventive Mechanism (NPM) and National Monitoring Mechanism (NMM) under the UN Convention on the Rights of Persons with Disabilities.

With regards to the selection and appointment of the Provedor, the SCA acknowledged that the process is governed by Portuguese Parliament's Rules of Procedure but took the view process enshrined in the enabling law was not sufficiently broad and transparent. The SCA recommended the Provedor to advocate for the formalization of a clear, transparent and participatory selection and appointment process.

Moreover, the SCA encouraged the Portuguese NHRI to advocate for appropriate amendments to its law to provide for an independent and objective dismissal process for the deputies. As it stands, Article 16(1) of the legislation provides that the Provedor may, at any time, dismiss the deputies chosen, and is silent on the ground and process for such a dismissal.

### References

- (1) <https://ganhri.org/wp-content/uploads/2019/11/SCA-Report-November-2017-ENG.pdf>

### Regulatory framework

The Portuguese Ombudsman continues to function with a constitutional basis and with the same mandate that allows him to contribute to access to justice by handling complaints, therein providing legal assistance to individuals, and by participating in awareness-raising initiatives. Furthermore, The Ombudsman acts within a National Preventive Mechanism

against Torture and Ill-treatments under OPCAT. The Ombudsman also has competence to request for abstract constitutionality review. The mandate does not include the NHRI's engagement in strategic litigation before the courts.

The national regulatory framework applicable to the institution has not substantially changed since the 2021 ENNHRI Rule of Law Report. All guarantees of independence of the Ombudsman remain in force.

According to the Constitution (Article 23 (3)) and the legal Statute (Article 1 (1)), the Ombudsman is an independent State body elected by the Parliament. This means that the Ombudsman cannot receive instructions from any other body, institution or entity, including the Government. The practice confirms the complete respect, namely by public authorities, regarding the independence and integrity of the Ombudsman institution in the performance of its duties.

The Ombudsman's budget is part of the Parliament's budget and the Ombudsman reports its activities annually to the Parliament. However, even as for the relationship between the Ombudsman and the Parliament, it should be underlined that the Portuguese Ombudsman is not part of the legislative power – it is neither a parliamentary body, nor an ancillary body to the Parliament.

As far as the avoidance of conflict of interests is concerned, the Statute determines that the appointment as Ombudsman may only fall upon a citizen who, besides meeting the conditions required for being elected a Member of the Parliament, enjoys a well-established reputation of integrity and independence. Moreover, Article 11 of the Statute stipulates that the incumbent shall be subject to the same incompatibilities that apply to court of law judges in office (paragraph 1) and prohibits him/her from holding any position within the bodies of political parties or associations, as well as from engaging in any public political party activities (paragraph 2).

The Portuguese Ombudsman is also endowed with a set of other important personal, institutional, functional and organisational guarantees, provided for by the law and that cement and strengthen the independence and autonomy of the institution.

Hence, the choice of the Ombudsman falls on a person who fulfils the eligibility criteria to become a Member of Parliament and whose integrity and independence are widely acknowledged. The Ombudsman takes office before the President of Parliament.

The mandate of the Ombudsman is a 4-year mandate with the possibility of one re-election only for an equal period. The Ombudsman remains in office until replaced by its successor.

The Ombudsman is independent and can only be dismissed in the cases and due to the reasons expressly provided by law, which are: death or permanent physical incapacity; loss of eligibility requirements; supervening incompatibility; or voluntary resignation.

The Ombudsman is not civil nor criminally liable for the recommendations, remarks or opinions issued in the course of his/her functions. The Ombudsman cannot be arrested nor detained without prior authorisation of Parliament, except for crimes punishable with prison of more than three years and when caught committing the offense (*flagrante delicto*). If criminal proceedings are brought against the Ombudsman, Parliament will decide on the suspension of the mandate, except in the cases referred to above. While imprisoned the mandate is automatically suspended.

The Ombudsman enjoys all honours, rights, guarantees and privileges (*e.g.*, category and remuneration) equivalent to those of Minister of Government. He/she cannot be prejudiced with regard to his/her previous employment situation, career and social security benefits. The time in office counts for pension rights.

The Ombudsman carries a special identification card issued by Parliament which allows access to all services of the central, regional and local administration as well as to civil and military services under its supervision. The Ombudsman, alongside the deputy Ombudsman and the members of the Ombudsman Office are deemed public authorities under the law, also for criminal purposes. All authorities of the state must provide the necessary support and assistance to the good performance of the Ombudsman's functions.

Without prejudice to the above, in the course of 2021, the Government adopted a new Act on the Ombudsman's Office (cf. Decree-Law n° 80/2021, of 6th of October). The new legislation aims to bring up to date the structure of the supporting services to the Ombudsman and better ensure compliance with the Paris Principles.

The increased recourse to the Ombudsman in the last decades, the attribution of a new competence as the head of the national preventive mechanism against torture and ill-treatments, as well as its accreditation as the national human rights institution have all contributed to put in evidence the insufficiencies and unbalances of the pre-existing supporting structures and the outdatedness of the applicable normative framework. Furthermore, the pre-existing organisational model was deemed excessively rigid to respond both to the new acquired competences and the changes meanwhile introduced in labour law, precluding also the renovation and revitalization of the institution and its services.

In this light, the new Act on the Ombudsman's Office formalizes the existence of three new departments that add up to the existing complaints unit (which is also re-structured). The new departments have specific competences in the fields of prevention against torture, international relations and development of studies and projects. Each department will be headed by a separate coordinator. The complaints unit will furthermore include a specialised triage unit entrusted with the task of filtering complaints before they are handled by the dedicated team. Additionally, some changes were introduced with regard to the organisation of the supporting administrative services.

### **References**

- Portuguese Constitution: <https://www.provedor-jus.pt/quem-somos/legislacao-base/constituicao-da-republica-portuguesa-extratos/>
- Statute on the Portuguese Ombudsman: <https://www.provedor-jus.pt/quem-somos/legislacao-base/estatuto-do-provedor-de-justica/>
- Resolution of the Council of Ministers no. 32/2013: [https://www.provedor-jus.pt/documentos/Resolucao\\_Conselho\\_de\\_Ministros.pdf](https://www.provedor-jus.pt/documentos/Resolucao_Conselho_de_Ministros.pdf)
- New Act on the Ombudsman's Office: <https://www.provedor-jus.pt/quem-somos/legislacao-base/lei-organica-da-provedoria-de-justica/>

### **Enabling and safe space**

The relevant state authorities have good awareness of the NHRIs' mandate, independence and role of the NHRI. The practice confirms the complete respect, namely by public authorities, regarding the independence and integrity of the Ombudsman institution in the performance of its duties.

Pursuant to Article 29 of the Statute on the Ombudsman all authorities subject to his/her supervision must cooperate with him/her, providing all clarifications and information requested. Said entities must provide access to documents and procedures and perform inspections as per the Ombudsman request. This duty does not compromise legal regimes on state secrecy and determined by the need to ensure the protection of public interests.

The Ombudsman may fix a deadline for urgent requests, and may order the presence of individuals in certain places to fulfil the duty of cooperation, under the penalty of disobedience. Also, the Ombudsman may order any citizen to make depositions, under the penalty of disobedience.

The addressees of the NHRI's recommendations are legally obliged to provide a timely and reasoned reply.

Pursuant to Article 38 of the Statute on the Ombudsman, recommendations are addressed and notified to the bodies competent to remedy the illegality or injustice at stake. Complainants are also informed.

The entities addressed by the recommendations must state their position within 60 days from the reception of the recommendation. Non-fulfilment of the recommendations must be duly justified. If recommendations are not attended and whenever the Ombudsman does not receive due cooperation, him/her may address the hierarchical superior or the Ministry responsible for the subject-matter. In cases of municipalities, the Ombudsman can address the local assembly.

If the public administration does not attend to the Ombudsman's recommendations, him/her can address the Parliament. In general, recommendations and remarks by the Ombudsman are well received and followed by their addressees.

According to the Statute of the Ombudsman the heads and staff of the Portuguese Ombudsman are considered public authorities and all other authorities must cooperate with them to ensure the performance of their duties.

The Portuguese Ombudsman confirms that there are no systematic threats, forms of harassment or intimidation to the Ombudsman heads and staff. The independence and integrity of the Ombudsman institution in the performance of its duties is generally respected.

### **References**

- Statute on the Portuguese Ombudsman: <https://www.provedor-jus.pt/quem-somos/legislacao-base/estatuto-do-provedor-de-justica/>

### **Developments relevant for the independent and effective fulfilment of the NHRIs' mandate**

In 2021, the Government adopted a new Act on the Ombudsman's Office (cf. Decree-Law n° 80/2021, of 6th of October) to reform the structure of the supporting services to the Ombudsman and better ensure compliance with the Paris Principles. The new Act formalizes the existence of three new departments that add up to the existing complaints unit (which is also re-structured). The new departments have specific competences in the fields of prevention against torture, international relations and development of studies and projects.

## Human rights defenders and civil society space

### Laws and practices negatively impacting on civil society space and/or on human rights defenders' activities

There have not been any significant changes with regard to the information provided in the 2021 Rule of Law Report. As stated in ENNHRI 2020 Rule of Law Report, the availability of public and private funding and the reduced diversity of funding sources represents a very important challenge for NGOs and this issue still needs to be addressed by the authorities.

All restrictions on rights and freedoms imposed in the course of 2021 were due to the pandemic and resulted from general measures imposed on the population as a whole, not targeting specifically human rights defenders nor civil society organisations.

- The Rule of Law Index 2021 showed that in this regard Portugal scored: Freedom of expression - 80%
- Freedom of association - 86%
- Civic participation - 76%

### References

- WJP Rule of Law Index 2021, <https://worldjusticeproject.org/rule-of-law-index/country/2021/Portugal/Fundamental%20Rights/>

## Checks and balances

Guarantees and safeguards described in the previous ENNHRI Rule of Law Reports remain in place. The Portuguese Constitutional system provides a strong and serious regime of checks and balances between the several sovereign branches. It is worth mentioning, though, that the issue regarding checks and balances mechanism in Portugal identified in the previous ENNHRI Rule of Law Report remain still valid, meaning that while the Ombudsman's mandate is generally performed without any obstacles, in Portugal there is still no focal point in Parliament which would allow for a swift follow-up on the Ombudsman recommendations to Parliament.

In this chapter it is also worth highlighting, that Rule of Law Index 2021 figures for Portugal are as follows:

- Limits by legislature - 83%
- Limits by Judiciary - 75%
- Independent Auditing - 76%

- Non-governmental checks - 80%
- Lawful transition of power – 91%

### References

- The Portuguese National Constitution - <https://www.provedor-jus.pt/provedora-de-justica-requer-fiscalizacao-da-constitucionalidade-de-normas-da-lei-eleitoral-dos-orgaos-das-autarquias-locais/>
- Caderno da Pandemia – The Portuguese Ombudsman’s study on rule of law issues during the pandemic - <https://www.provedor-jus.pt/documentos/cadernos-da-pandemia-estado-de-direito/>
- Ombudsman’s request to the Constitutional Court - <https://www.provedor-jus.pt/provedora-de-justica-requer-fiscalizacao-da-constitucionalidade-de-normas-da-lei-eleitoral-dos-orgaos-das-autarquias-locais/>
- Constitutional Court ruling (Decision no. 247/2021) - <http://www.tribunalconstitucional.pt/tc/acordaos/20210247.html>
- WJP Rule of Law Index 2021 - <https://worldjusticeproject.org/rule-of-law-index/country/2021/Portugal/Fundamental%20Rights/>

### Trust amongst citizens and between citizens and the public administration

The OECD index of trust in government indicates that in Portugal there is a high level of trust in the functioning of public institutions (61,5%).

### References

- OECD index of trust - <https://data.oecd.org/gga/trust-in-government.htm>

### NHRIs as part of the system of checks and balances

The Portuguese Ombudsman has the competence to request a constitutionality review of laws – either enacted by the Parliament or by the Government. Moreover, the Ombudsman has also the competence to make recommendations to the Parliament. The Ombudsman has significant powers of investigation to examine matters falling within its scope of competence.

With regard to 2021, the Portuguese Ombudsman had two important interventions on rule of law issues.

Firstly, in February 2021, the Ombudsman referred to the Constitutional Court a set of rules governing municipal elections, considering that they breached the fundamental right of citizens to take part in political life and public affairs of the country as protected by the

national Constitution, notably, Articles 48(1) and 239(4) thereof. The Ombudsman considered that a change introduced in 2020 in the law governing municipal elections, notably concerning the requirements applicable to the lists of candidates, indirectly precluded groups of citizens from presenting candidates simultaneously to the municipal assembly, the city council and more than one parish assembly within a given municipality, therefore breaching said fundamental rights. The request concerned participation by ordinary citizens in the electoral process.

The Constitutional Court agreed with the Ombudsman and delivered its ruling in April 2021 – which was an extraordinarily swift decision, considering the norms to be unconstitutional by a majority decision including two dissenting opinions (Decision no. 247/2021). Also, Parliament had meanwhile initiated a legislative process to amend the law.

Secondly, throughout 2021, the Ombudsman concluded a dedicated study on rule of law issues during the pandemic, where she highlighted the need to adopt new legislation on sanitary emergencies which is missing in Portugal. The initiative resulted in the establishment of a working group determined by the Government, entrusted with the task of preparing such legislation. Such group was presided by a retired judge and included a representative of the Attorney-General's Office and a member of the Ombudsman's Cabinet. The group delivered a draft bill to the Executive in November 2021, which due to the dissolution of Parliament has not yet been object of parliamentary discussion.

## Functioning of the justice system

The Portuguese Ombudsman cannot intervene with regard to courts or the Public Prosecution Service in order to scrutinize, monitor or influence the way in which judicial cases are decided. The Ombudsman powers of inspection and monitoring can only be exercised with regard to administrative dimensions of the activity of courts – especially, cases of judicial delay – and do not extend to the content or merits of judicial decisions.

Therefore, complaints submitted to the Ombudsman dealing with judicial acts are usually dismissed for lack of competence.

In any case, in 2021, the Ombudsman has received approximately 234 complaints dealing with judicial delays and 71 on access to justice issues. These complaints amount to 18% of the total number of complaints on justice matters (in a total number of 1566).

Rule of Law Index 2021 figures for Portugal on Civil Justice are as follows:

- Accessibility and affordability - 71%
- Absence of discrimination – 72%
- Absence of corruption – 77%

- No improper government influence - 76%
- No unreasonable delay - 46%
- Effective enforcement - 54%

Rule of Law Index 2021 figures for Portugal on Criminal Justice:

- Effectiveness of criminal investigation - 49%
- Effectiveness and timing of criminal adjudication – 44%
- Effectiveness of correctional system – 49%
- Impartiality of criminal system – 46%
- Absence of corruption – 78%
- No improper government influence – 84%
- Due process and rights of accused – 64%

### **References**

- WJP Rule of Law Index 2021 - <https://worldjusticeproject.org/rule-of-law-index/country/2021/Portugal/Fundamental%20Rights/>

## **Media freedom, pluralism and safety of journalists**

The situation in Portugal and the Portuguese Ombudsman’s activities regarding the area of media freedom, pluralism and safety of journalists remains the same as it was described in the previous ENNHRI Rule of Law Reports.

Rule of Law Index 2021 for Portugal in the subject of freedom of expression is estimated at 80%.

## **Corruption**

In March 2021, after significant public debate and consultation, the Government adopted the National Strategy on the Fight against Corruption 2020—2024 (Resolution of the Council of Ministers no. 37/2021, of 6<sup>th</sup> of April).

Following this initiative, Decree-Law no. 109-E/2021, of 9<sup>th</sup> of December, created the National Mechanism on the Fight against Corruption (with the nature of an independent regulator) and established the national regime on the prevention of corruption. The new legislation aims at creating a hard law regime on the implementation of anti-corruption programmes such as prevention and risk plans, codes of conduct, formation programmes, among others. The lack of adoption of said instruments by public and private entities is subject to the application of financial penalties. Changes to the procedures adopted by the public administration are also introduced.

Also at this level, it should be noted that the Portuguese Ombudsman sits as an observer in the Network of European Integrity and Whistleblowing Authorities (NEIWA), which aims to ensure assistance and exchange of good practices with regard to the implementation of Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law. The latter Directive has been implemented in the Portuguese legal order through Law no. 93/2021, of 20<sup>th</sup> December, which will enter into force 180 days after publication (counting thus from 20 December 2021).

Rule of Law Index 2021 for Portugal:

- In the executive branch - 65%
- In the judiciary - 87%
- In the police/military - 86%
- In the legislature - 49%

Judicial statistics identify 62 crimes of corruption registered by the police in Portugal in 2020, and 98 judicial convictions. It is worth noting that the Portuguese Ombudsman does not intervene in corruption cases, as this is a matter of a criminal responsibility.

Transparency international has ranked Portugal in 32<sup>th</sup> place on the corruption perception index throughout the world, and has called attention to the fact that the new National Strategy against corruption does not extend to the Executive nor the Central Bank.

### *References*

- Resolution of the Council of Ministers no. 37/2021, of 6<sup>th</sup> of April: <https://dre.pt/dre/detalhe/resolucao-conselho-ministros/37-2021-160893669>
- Law: <https://dre.pt/dre/detalhe/lei/93-2021-176147929>; <https://eur-lex.europa.eu/legal-content/en/NIM/?uri=CELEX:32019L1937>
- WJP Rule of Law Index 2021: <https://worldjusticeproject.org/rule-of-law-index/country/2021/Portugal/Fundamental%20Rights/>
- Judicial Statistics: <https://estatisticas.justica.gov.pt/sites/siej/pt-pt/Paginas/Corrupcao.aspx>
- Transparency International: <https://www.transparency.org/en/cpi/2021/index/prt>

## Impact of measures taken in response to COVID-19 on the national rule of law environment

### Most significant impacts of measures taken in response to the COVID-19 outbreak on the rule of law and human rights protection

In 2021, the state of emergency was in force in Portugal from the beginning of the year until the end of April.

From the 1<sup>st</sup> of May onwards the Government issued several different restrictive measures on the basis of ordinary legislation (notably the Public Health Act and the Civil Protection Act) and on the basis of different administrative emergency situations ("calamity", "alert" and "contingency").

During the state of emergency several fundamental rights have been suspended, notably: (i) free movement and fixation in national territory; (ii) private property and economic and social initiative; (iii) worker's rights; (iv) right to travel internationally; (v) freedom of reunion and demonstration; (vi) freedom of religion; (vii) right to resistance (the right to civil disobedience provided by the Article 21 of the national constitution); (viii) freedom to teach and learn; (ix) data protection; (x) right to health in its negative dimension and (xi) right to freely develop one's personality.

The public debate on the proportionality of some measures imposed by the Government in response to the pandemic continued. Discussions have been most acute on measures adopted throughout the periods not covered by the state of emergency.

Several complaints on Covid-19 measures have reached the Ombudsman's Office, although less than in 2020. Complaints dealt either with delays in implementation or with insufficient and incorrect application of those measures. Most cases dealt with measures adopted by the Executive to support companies who have suspended or reduced their activity due to the pandemic (e.g., lay-off measures; support to the recovery of economic activities; and support to workers). Another set of complaints dealt with the subsidy applicable in cases of prophylactic confinement due to Covid-19. Compensation measures for support to families and children put in isolation or home-schooled also gave rise to several complaints. Lastly, subsidies due to health workers were also the object of several procedures.

In this context, the Portuguese Ombudsman has taken public action on the grant of the support to families' subsidy due to parents working from home having to take care of children under the age of 12 subjected to distance learning, in particular independent workers.

Additionally, the Ombudsman asked the Government to solve the situation of several undertakings waiting for the payment of the subsidy to the recovery of economic activity due to the delays in the articulation between the Social Security Institute and the Tax Administration. The Ombudsman has also acted before the Social Security Institute with regard to delays on payment of support measures to dependent and independent workers. Several meetings were held with between social security services and the teams of Ombudsman's Office in order to understand the difficulties at stake, point solutions and overcome delays.

Lastly, in the course of 2021 the Portuguese Ombudsman's Office concluded three sectorial studies (designated as "*Cadernos da Pandemia*" on issues raised by the pandemic: (i) the situation of the homeless; (ii) the implications of the pandemic in education; and (iii) the impact of the pandemic at the level of the rule of law. The first two "*cadernos*" are essentially empirical studies aiming at understanding the concrete consequences of the pandemic on, one hand, the life of the homeless and the response by public and private entities, and on the other hand, on children's right to education. The third study offers a comprehensive analysis of the legal basis for the adoption of exceptional measures to fight the pandemic under the Portuguese constitutional framework, and has motivated the creation of a dedicated working group referred to above entrusted with the task of preparing a new bill on sanitary emergencies still lacking in Portugal.

The pandemic has brought along new problems and has aggravated and made more visible pre-existent ones. The unbalance of powers between the Executive and the Legislator, noted specially by the Ombudsman in the rule of law booklet ("*caderno da pandemia: Estado de Direito*"), potentiated by the state of emergency and similar regimes, may have important consequences in the future at the level of the political and constitutional legal order.

In any case, it is still soon to anticipate the nature and range of consequences of the pandemic in Portugal and the measures adopted to fight it. Without prejudice, four notes can be left in this respect, thus far:

1. It is anticipated that **teleworking** becomes a more frequent and normal method of working in Portugal. New legislation on the issue has been adopted although it is soon to assess its full implications (Law no. 83/2021, of 6<sup>th</sup> December).
2. The pandemic has had significant consequences in the **health system**, felt particularly at the level of primary care.

In 2021, 55% of the total of 726 complaints regarding the national health service were directly related to COVID-19. On medical care beyond COVID-19, the number

of complaints regarding the articulation between primary health care units and hospitals remained the same as in 2020, with a slight reduction comparing to the period before the pandemic (i.e., 2019). Complaints regarding medical care in hospitals were reduced to half the figure recorded in 2020 (65 this year, 32 in 2021). Occasionally, postponement of scheduled consultations for follow-up of pathologies and/or surgeries were the issue. The effects of the pandemic were especially noticeable at the level of access to primary health care, with a significant increase in complaints (64% compared to 2020). Complainants often invoked problems of communication and contact with health centres, absence of a family doctor and the lack of in person consultations.

3. A new regime on **multipurpose medical certificates** has meanwhile been adopted but it continues to involve difficulties in its application.

Medical multipurpose certificates allow for access to certain social benefits. Before the pandemic, a few complaints about excessive delays in granting such certificates were received in the Ombudsman's Office (36 during 2019). After careful investigation, the Ombudsman concluded for the existence of a systemic and general issue. For this reason, in 2020, a recommendation was addressed to the Government, proposing the modification of the legal regime, allowing greater agility and speeding the response. With the pandemic, medical boards were suspended, as they were composed of public health doctors, fundamental elements in the follow-up of confirmed and suspected cases of COVID-19. Subsequently, this activity was partially resumed, with limited results. Therefore, a second recommendation was addressed to the Government, proposing emergency measures, particularly the automatic extension of certificates in revalidation and the creation of a simplified procedure for newly diagnosed cancer patients. These proposals were accepted, notably through Law no. 14/2021, of 6th of April. The application of the bill has however raised doubts, for example regarding patients treated in private medical services, the maximum age of the diagnosis and the need to request an evaluation under the normal regime. These issues were signalled to the Government. The Ombudsman continued to receive several complaints on this matter throughout 2020 (254 cases) and 2021 (300 cases).

Lastly, **financial support measures** adopted throughout the pandemic may end up having unfair consequences in the future. For instance, the exceptional financial support measures due to families may have a negative impact on the **contributive career** of its beneficiaries notably in terms of calculation of the amount of immediate subsidies (such as unemployment, sickness, parenthood) as well as

mediate subsidies (pensions). The Ombudsman has called attention of the Government to the need to adjust the legal regime.

## References

- Please refer to previous ENNHRI 2021 Rule of Law Report - <https://ennhri.org/rule-of-law-report-2021/>

See also Ombudsman's Requests here:

- <https://www.provedor-jus.pt/covid-19-provedora-de-justica-sugere-ao-governo-solucoes-para-pais-em-teletrabalho-com-dependentes-ou-filhos-menores-a-estudar-em-casa/>
- <https://www.provedor-jus.pt/documentos/Of%C3%ADcio%20insist%C3%AAncia.%20Exclus%C3%B5es.%20Apoios%20Covid.%20SESS.pdf> ;
- <https://www.provedor-jus.pt/apoios-covid-19-provedora-de-justica-renova-alerta-para-exclusoes-injustificadas-de-protecao-social/>
- <https://www.provedor-jus.pt/covid-19-provedora-de-justica-alerta-o-governo-para-atrasos-na-atribuicao-de-apoios-as-empresas/>
- <https://www.provedor-jus.pt/covid-19-provedora-de-justica-insiste-junto-da-seguranca-social-para-que-sejam-pagos-os-apoios-extraordinarios-as-empresas/>
- Cadernos da Pandemia: <https://www.provedor-jus.pt/atividade/publicacoes/>
- Covid legislation has been compiled in an online section of the official journal: <https://dre.pt/legislacao-covid-19-areas-tematicas#1>
- Law no. 83/2021, of 6<sup>th</sup> of December - new legal regime on teleworking: <https://files.dre.pt/1s/2021/12/23500/0000200009.pdf>
- Law no. 14/2021, of 6<sup>th</sup> of April – new transitional regime for medical certificates for cancer patients: <https://dre.pt/dre/detalhe/lei/14-2021-160893668>

## Most important challenges due to COVID-19 for the NHRI's functioning

According to national legislation on the state of emergency the Ombudsman keeps working in permanent session. In compliance with rules and recommendations and in order to limit social contacts, full time teleworking was progressively introduced for the Ombudsman staff since March 2020. The staff was granted access to computers and phone lines, and regardless of minor IT difficulties, it has generally been coping well with

the current arrangements. Only a limited task force - composed of the Ombudsperson, two members of Cabinet, the two Deputy Ombudsmen, department coordinator, a public relations collaborator and two members of accounting and staff departments - kept working from the headquarters.

Visiting activities of the National Preventive Mechanism have been taking place in person. Also, on-site visits following the submission of a complaint are allowed.