

## Portugal 2025

**Information from: Office of the Portuguese Ombudsman  
(Provedor de Justiça)**

## Independence, effectiveness and establishment of NHRIs

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### International accreditation status and SCA recommendations

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The Provedor de Justicia of Portugal was last re-accredited with A-status by the Sub Committee on Accreditation (SCA) in [May 2024](#).

The SCA acknowledged the Institution's work and engagement in addressing its recommendations, identifying a few areas for improvement. Noting the considerable media coverage prior to the parliamentary hearing, which enables civil society and the wider public to give their input on candidates for Ombudsperson, the SCA encouraged the NHRI to advocate for amendments to its enabling law regarding the selection and appointment of the Provedor.

Moreover, acknowledging the work done by the NHRI in practice, the SCA encouraged the NHRI to further advocate for an explicit mandate to encourage ratification or accession to international human rights instruments. Finally, the SCA encouraged the NHRI to continue to ensure pluralism and diversity in its staff composition and to continue to develop and formalise cooperation with civil society.

### Follow-up to international and European actors' recommendations on NHRIs and relevant developments

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Since the reaccreditation took place only recently, there are no relevant updates to report.

Still, concerning the SCA recommendation on Cooperation with civil society, it should be noted that the NHRI has been developing constructive and systematic working relationships with civil society groups at different levels within its scope of action.

In 2024, regular dialogue was held with civil society organizations, particularly in areas of activity that deserved special attention from the Ombudsman.

Several meetings were conducted with civil society as part of the ongoing monitoring process on the restructuring of Portugal's border control system. It is worth highlighting the collaboration with a specific NGO that provides support to applicants for international protection and refugees in Portugal. This collaboration included meetings and visits to the reception centers managed by the organization.

Additionally, meetings were held with other CSOs representing migrant communities with the largest presence in the country, focusing on defending immigrants' rights and addressing issues related to reception and integration within the asylum system.

The NHRI consulted several CSOs working on the rights of persons with disabilities as part of its monitoring activities. These consultations informed the preparation of recent special reports, such as the report on assistive products. Another report is being concluded on public transport accessibility. This engagement provided a vital outreach mechanism to connect with this vulnerable group.

## **Regulatory framework**

Regulatory framework

The national regulatory framework applicable to the institution hasn't changed since January 2024. There is no need to strengthen it.

## **NHRI enabling and safe space**

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The relevant state authorities have good awareness of the NHRI's mandate, independence and role.

### **Access to information and to policy makers and policy making**

The [Ombudsman](#) grants several powers to access information, including: i) all authorities within the Ombudsman's scope of action are required to cooperate, providing any clarifications and information requested; ii) these entities must grant access to documents and procedures and allow inspections as requested by the Ombudsman; iii) the Ombudsman may set deadlines for urgent requests and order the presence of individuals in specific locations to ensure cooperation, under penalty of disobedience; v) the Ombudsman has the authority to summon any citizen to provide depositions, under penalty of

disobedience; vi) a minimum time frame of 10 days may be established for urgent requests; vii) the Ombudsman may summon any employee or representative of the addressed entities, through the competent hierarchical authority, to appear in person at the Ombudsman's office or any other designated location to provide the required cooperation; viii) the Ombudsman is granted access to all relevant premises with or without prior notice; ix) the Head of the Institution, the Deputies, the coordinators and all advisors working at the Office of the Ombudsman carry an official identity card with special clearance granting unfettered access to all mentioned premises. an official identity card with special clearance granting unfettered access to all mentioned premises.

The Ombudsman plays an active role in legislation and policymaking. This includes the competence to point out shortcomings in legislation, issue recommendations regarding its interpretation, amendment, or revocation, and propose the drafting of new laws ([legislative recommendations](#)). Such recommendations or suggestions shall be forwarded to the President of the Parliament, to the Prime Minister and to the Ministers directly involved and, should it be the case, to the Presidents of the Regional Legislative Assemblies and the Presidents of the Governments of the Autonomous Regions.

The Ombudsman may also be invited to participate in parliamentary committee sessions to address specific topics, such as draft legislation, reports on fundamental rights violations, or issues related to the malfunctioning of public services. Additionally, the Ombudsman may attend such sessions at her/his discretion. The Ombudsman's insights are highly valued and often taken into consideration.

Lastly, the Ombudsman has the competence to initiate an [abstract review of constitutionality](#) and legality as well as review of unconstitutionally by omission before the Constitutional Court.

### **Adequate resources**

In terms of resources, the NHRI states it has adequate resources to carry out the full breath of its mandate.

### **Timely and reasoned responses to NHRI recommendations**

The enabling legislation of the Provedor de Justiça includes strong provisions to ensure that national authorities are required to cooperate with and respond to the requests of the NHRI. Further, it enshrines an obligation for addressees of the PDJ's recommendations to provide a reasoned and timely response. The Ombudsman may, at any time, by her/his own initiative, address the parliament, on the grounds that public administration authorities are failing to implement recommendations or refuse to cooperate with the Office of the Ombudsman.

Since 2022, no important changes have occurred.

### **Functional immunity / Measures to protect NHRI staff**

The NHRI's leadership and staff enjoy functional immunity and sufficient measures necessary to protect and support the NHRI, heads of institution and staff against threats and harassment and any other forms of intimidation (including SLAPP actions) in place.

The enabling legislation of the Provedor de Justiça provides strong safeguards for the NHRI's independence, including that the institution cannot receive instructions from other bodies, as well as guarantees of functional immunity for the Ombudsman.

There have been no threats, harassment or forms of intimidation to the leadership of the institution and staff.

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## **Human rights defenders and civil society space**

The NHRI does not report any laws and measures negatively impacting civil society and Human Rights Defenders nor has it found any evidence of transnational repression of human rights defenders.

Initiatives, frameworks, or policies for the protection of human rights defenders exist at the national level.

Portugal has a well-established democracy, and it is safe to affirm that the political context does not pose particular risks to the autonomy and security of NGOs operating in the country or to human rights defenders.

Human rights defenders are protected within the constitutional framework. Fundamental rights such as freedom of expression (Art. 37), freedom of association (Art. 46), the right to assemble and demonstrate (Art. 45), and the right to participate in public life (Art. 48) are enshrined as rights, freedoms, and guarantees in the Portuguese [Constitution](#).

Citizens have the right to form associations freely and without the requirement for any authorisation, on condition that such associations are not intended to

promote violence and their purposes are not contrary to the criminal law. Associations shall pursue their purposes freely and without interference from the public authorities, and may not be dissolved by the state or have their activities suspended other than in cases provided for by law and then only by judicial decision.

The State has acknowledged the crucial role of NGOs in the design, development, and implementation of policies aimed at promoting and protecting human rights.

This recognition is particularly evident in the significant role assigned to NGOs in the design of sector-specific national action plans, which outline concrete measures to fulfil the State's obligations under the Constitution, international agreements, and domestic law.

For instance, [Law no. 35/98, from July 18th](#), established the legal framework under which the Environmental NGOs operate. These NGOs are granted the right to participate in shaping policies and key legislative guidelines related to environmental matters (Article 6).

Similarly, the legal framework for Development NGOs is provided by [Law no. 66/98, of October 14th](#). This law ensures that Development NGOs have the right to participate in defining national policies.

Finally, another example, NGOs focused on the rights of persons with disabilities operate under [Decree-Law no. 106/2013, from July 30th](#). These NGOs are entitled to participate in defining policies and key legislative guidelines concerning the rehabilitation and integration of individuals with disabilities (Article 5).

## Activities of NHRIs to support civil society space and Human Rights Defenders

Activities of NHRIs to support civil society space and Human Rights Defenders  
The NHRI reports the organisation of joints meeting and roundtables as initiatives taken to promote civil society space and human rights defenders.

The relationship of the institution with civil society may be carried out on several levels:

1. Institutional relationships - the Advisory Board of the National Prevention Mechanism includes two members representing NGOs, namely the Portuguese Association for Victim Support and the Jesuit Refugee Service;
2. Ongoing engagement - the Ombudsman regularly meets with groups of citizens, associations, and other civil society structures;

3. Complainant relationship - Civil society actors, including NGOs, frequently exercise their constitutional right to submit complaints to the Ombudsman. These complaints often highlight concerns about actions or omissions by public authorities that are perceived as illegal, unjust, or in violation of fundamental and human rights.
4. Collaborations for human rights studies: The NHRI collaborates with civil society organizations and other stakeholders to produce studies and gather data on human rights issues. For example, in 2024, several civil society organizations specializing in the rights of persons with disabilities were consulted to contribute to special reports on [assistive products](#) and public transport accessibility (to be published). This collaboration not only facilitated outreach to a vulnerable group but also ensured their input was reflected in the Ombudsman's work, which will be publicized in the reports.
5. Participation in civil society events: The Ombudsman actively participates in events and initiatives organized by civil society and NGOs, often delivering interventions and contributing to discussion.

Whenever necessary, NGOs and human rights defenders can exercise their constitutional right to file complaints with the Ombudsman, allowing them to raise concerns about actions or omissions by public authorities that they perceive as unlawful, unjust, or breaches of the fundamental and human rights of human rights defenders.

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## Functioning of justice systems

Based on the NHRI's human rights monitoring and reporting, significant challenges affecting access to justice and/or effective judicial protection can be identified in terms of delays court proceedings.

Although it does not have significant statistical relevance within the set of complaints handled by the Ombudsman, the Institution monitors the issue of judicial delays due to the administrative judicial system, with special consideration given to the broad protection, at both the national and international levels, to the right to obtain a judicial decision within a reasonable time.

1. The Ombudsman identifies as particularly concerning situations where the Administration's lack of action leads to an intense recourse to the courts, creating further strain on the system.

In this context, there was an exponential [increase](#) in 2024 in the number of judicial proceedings, of an urgent procedural nature, filed by foreign citizens to compel the Administration to decide on pending residence permit requests beyond the legal deadline.

It was observed that recourse to judicial proceedings in this matter, through an urgent procedural mechanism, put additional pressure on the already overburdened administrative jurisdiction and also on the new administrative entity (AIMA) responsible for processing the documentation of foreign citizens, given the weight of the accumulated backlog. The need for AIMA to prioritize cases with judicial rulings ends up disrupting the chronological order of processing pending cases, leaving even more vulnerable those migrants without regularized documentation who lack the means to resort to judicial proceedings.

2. The Ombudsman also [intervened](#) regarding the protection of personal data within the judicial system. The analysis of complaints revealed that requests for the concealment of data related to insolvency cases, published on the electronic portal of the Portuguese judicial system (Portal Citius), were not being adequately addressed.

Under Portuguese law, the publication of such data should cease once the cases are archived and have already been used for statistical purposes. In this context, the Ombudsman found that the entity to which citizens directed their data concealment requests—the managing entity of Portal Citius — did not clarify that it was not the competent authority to decide on the concealment nor did it forward such requests to the responsible entities. Additionally, it disseminated an incorrect interpretation of the law (claiming that there was a mandatory 10-year data publication period).

The Ombudsman [recommended](#) the adoption of adequate practices to ensure the right to informational self-determination and the right to be forgotten, thereby helping affected citizens resume their economic and social lives. This recommendation was addressed to the Minister of Justice who promptly acknowledged and implemented it.

### **Follow-up and implementation by state authorities of European Courts' judgments**

There has been some progress regarding the number of implemented cases by Portugal. In 2023, the number of implemented cases was 503 and now is [537](#) (this number includes all judgments and decisions from the European Court of Human Rights, including friendly settlements, concerning which the Council of

Europe's Committee of Ministers has decided that all necessary follow-up measures have been taken).

On 6 December 2024, Portugal had [19 pending cases](#) in the ECHR (and 16 in the previous year).

The average time leading judgments have been pending implementation was [5 years and 9 months](#) (compared to 5 years and 1 month in 2023).

### **Referral to judgments of European Courts**

The judgments of European Courts are referred to in the activity and Annual Reports to the Parliament of the Ombudsman ([Annual Report](#)) and [NPM](#).

For instance, the case Petrescu v. Portugal was invoked, at the end of 2023, regarding the situation of exposure to extreme temperatures affecting a significant portion of the incarcerated population, aiming for greater proactivity and planning by the Prison Administration. The situation was monitored and given public visibility in the respective [Annual Report](#) of the Ombudsperson, published in 2024.

In the NPM Report, several references are made to the case law of the European Court of Human Rights. It is mentioned, for example, that the convictions of the Portuguese State by the same Court, in cases brought by persons experiencing incarceration, were based on the inadequate material conditions of the prison system.

In November 2024, the Department for the Execution of Judgments of the Council of Europe [visited](#) Portugal to discuss the process of implementing judgments, with a focus on cooperation and the challenges associated with enforcing certain Portuguese cases. As part of this visit, the Ombudsman was one of the entities consulted, particularly in light of its mandate as the NHRI and NPM.

### **Follow-up on justice systems recommendations from European actors**

Regarding the measures adopted to follow up on the recommendations related to justice systems in the European Commission's 2024 EU Rule of Law Report, efforts have been intensified to ensure the availability of adequate human resources within the justice system, particularly concerning judicial clerks. As part of these efforts, [570 judicial clerks have been hired](#) to strengthen court offices nationwide.

In 2023, the Supreme Council of the Judiciary established a working group, consisting of judges and a prosecutor from the Public Prosecutor's Office, with the mandate to identify the main challenges delaying complex criminal proceedings and to propose amendments to the Code of Criminal Procedure aimed at promoting a faster, more effective, and accessible criminal justice

system.

This working group [recently presented its conclusions](#) on the challenges and solutions for handling highly complex criminal cases. The final report will be submitted to the Minister of Justice, parliamentary groups, and the President of the Assembly of the Republic, contributing to a broader discussion on the modernization of criminal justice.

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## Other challenges to the rule of law and human rights

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### Corruption

Regarding the measures adopted to follow up on the recommendations issued in the 2024 EU Rule of Law Report, the [State Budget Law for 2024](#) includes initiatives aimed at strengthening the fight against corruption under the National Anti-Corruption Strategy.

This includes enhancing cooperation between sectoral administrative inspections and criminal police bodies specialized in preventing and combating fraud that undermines the financial interests of the State, namely through bolstering resources for investigative bodies.

Additionally, a working group is expected to be established to draft a proposal for the National Anti-Corruption Strategy for 2025-2028.

The State Budget Law for 2024 allocated €2.55 million to the National Anti-Corruption Mechanism, representing an increase compared to the €2.1 million allocated for 2023. On June 20, the Council of Ministers approved an [Anti-Corruption Agenda](#), a set of 32 measures developed by the Ministry of Justice. The primary goal of these measures is to increase the effectiveness of the justice system in the prevention, repression, and prosecution of corruption.

The restructuring and enhancement of resources for the National Anti-Corruption Mechanism are [planned](#), specifically through a redefinition of its internal structure and governance model and overcoming challenges in recruitment for its staffing framework.

## Other persisting structural human rights issues

The Office of the Ombudsman submitted a [report](#) in April 2024 as part of Portugal's fourth cycle of the UPR process, highlighting its main human rights concerns based on the Institution's activities.

Regarding the persisting structural issues that impact the national rule of law environment, the institution identified the following:

- **Implementation of the law** – The failure to transform formally established legislative solutions into real, effectively present realities constitutes a systemic problem within the context of administrative activity. Divergences are detectable in almost all areas, between what is enshrined in the law and what occurs. It should be noted that such divergences are not limited to legal issues concerning non-compliance between the actions of the Administration and the applicable legal regimes or the lack of approval of regulatory instruments for the law. The problem takes the shape of a systemic anomaly, resulting from the clash between the world of the legislator and the world of administrative practices, as if they were two parallel realities, albeit coexisting. For more on the subject, see the 2023 Ombudsperson [Annual Report](#).
- **Transition to Digital in Public Administration** – The new forms of attendance in public services characteristic of the digital age allow, in many cases, greater efficiency and speed. However, as observed in the NHRI [Report on the Public Attendance Services](#), the use of digital tools presents specific challenges, not always ensuring citizens effective ease of access to public services or effective resolution of the issues that lead them to seek the Administration. Particular concern arises from the existence of services or features that are only accessible online, making it essential to ensure that citizens who engage with public administration exclusively through non-digital means are not discriminated.