



**PROVEDOR
DE JUSTIÇA**
Pelos Direitos dos Cidadãos

Ombudsman ORGANIC LAW

COUNCIL OF MINISTERS

Law-Decree n° 10/2014 of February 21

Law n° 10/2014 of August 4 proceeded with the approval of the Statute of the Ombudsman as a State body independent of and auxiliary to political power, elected by the National Assembly, whose essential attribution is the defense and promotion of citizens' rights, freedoms, guarantees and legitimate interests, ensuring, through informal means, the fairness, legality and regularity of the exercise of public powers.

This same law stipulates that the ombudsman name as many as two assistant ombudsmen, as well as the coordinator and aides that prove necessary to the carrying out of his or her functions.

It is incumbent upon the Government, pursuant to article 48 of Law n° 29/VI/2003 of August 4, to approve the organic law regulating the structural framework and staff of the Justice Ombudsman's Office.

As such, the Government intends to provide the legal instruments necessary for the effective exercise of the constitutional and legal powers attributed to the Ombudsman.

As such:

Under the terms of article 48 of Law n° 29/VI/2003 of August 4; and

Making use of the possibility granted by line *a)* of point 2 of article 204 of the Constitution, the Government hereby decrees the following:

CHAPTER I

General Provisions

Article 1

Object

The present decree regulates the organic structure of the Ombudsman's Office, as well as its scheme and staff establishment plan.

Article 2

Nature and purpose

1. The Ombudsman's Office is a legal entity governed by public law, endowed with administrative and financial autonomy.
2. The Ombudsman's Office has as its purpose to provide the technical and administrative support necessary to the carrying out of the attributions of the Justice Ombudsman defined in the respective statute.

Article 3

Competency of the Assistant Ombudsman

It is incumbent upon the assistant ombudsman to:

- a) Assist the Ombudsman in the performance of his or her functions;
- b) Substitute the Ombudsman, when so designated thereby, during his or her absences or impediments;
- c) Carry out any other functions delegated thereto by the Justice Ombudsman within the terms of the law.

CHAPTER II

Structure and scope of authority of services

Article 4

Services of the Ombudsman's Office

The Ombudsman's Office encompasses the following services:

- a) Support;
- b) The Directorate-General of Technical and Administrative Support Services; and
- c) Administrative Council.

Section I

Support

Article 5

Function and makeup of Support

1. The role of the Support Office is to assist the Ombudsman in the

exercising of his or her specific functions.

2. The Support Office is made up of coordinators and aides to the Ombudsman.

Article 6

Competencies of coordinators

The coordinators assist the Ombudsman, it being particularly incumbent upon them, as determined and oriented thereby, to:

- a)* Direct the activity of the aides;
- b)* Distribute cases and direct and accompany the respective proceedings thereon;
- c)* Establish the relations necessary for conducting the proceedings in the cases with Public Administration bodies and domestic, foreign and international counterpart entities;
- d)* Submit the final proposals for the resolution of the cases for approval;
- e)* Carry out the visits referred to in line *a)* of point 1 of article 23 of Law n° 29/VI/2003 of August 4, by way of a Ombudsman delegation;
- f)* Carry out any other functions defined in the law.

Article 7

Competencies of aides

The aides assist the Ombudsman, it being particularly incumbent upon them, as determined and oriented thereby, to:

- a)* Begin proceedings on cases opened based on complaints from citizens or on the Ombudsman's initiative;
- b)* Review the proof and other elements of the cases and elaborate proposals for the resolution thereof;
- c)* Elaborate draft recommendations, amends and other dispatches regarding the cases;
- d)* Elaborate the studies and opinions regarding requests for declarations of unconstitutionality.

- e) Accompany the carrying out of the visits referred to in line *a*) of point 1 of article 23 of Law n° 29/VI/2003 of August 4;
- f) Issue legal opinions, on the request of the Ombudsman, on issues of general character and related to the functioning of the Justice Ombudsman's Office;
- g) Carry out all other functions defined in the law.

Article 8

Guarantee of authority

1. While carrying out their functions, the coordinators shall be considered law enforcement officials.
2. While carrying out their functions, coordinators should proceed with the gathering of information or clarifications, examine cases or documents and inquire with anyone they deem appropriate.
3. Coordinators and aides have the right to be provided assistance from all authorities or the agents thereof for the fulfillment of the functions it is incumbent upon them to perform.

Section II

Directorate-General of Technical and Administrative Support Services

Article 9

Competencies of the Directorate-General of Technical and Administrative Support Services

The Directorate-General of Technical and Administrative Support Services ensures technical and administrative support to the Ombudsman and to the Justice Ombudsman's Office in general, with it being particularly incumbent upon it to:

- a) Gather, process and disseminate documental and technical information;
- b) Coordinate and process the information system;
- c) Prepare and execute the budget;
- d) Carry out accounting operations;
- e) Orient and oversee the treasury;

- f) Carry out management and maintenance of installations, equipment and vehicles;
- g) Carry out provisioning of goods and acquisition of services;
- h) Manage human and material resources.

Article 10

Organization of the Directorate-General, of Technical and Administrative Support Services

1. The Directorate-General of Technical and Administrative Support Services includes the following services:
 - a) The Documentation and Information Technology Service;
 - b) The Information and Public Relations Service;
 - c) The Administrative Service.
2. The services referred to in the preceding point are directed by the Director-General and may be coordinated by whoever is designated thereby, with the express approval of the Ombudsman.
3. The Administrative Service includes the management of assets, accounting and finances, as well as that of staff, cases, general day-to-day duties and archives.

Article 11

Documentation and Information Technology Service

It is particularly incumbent upon the Documentation and Information Technology Service to:

- a) Define, organize and technically orient the scientific and technical documentation system;
- b) Schedule and coordinate the sale, acquisition and exchange of publications;
- c) Ensure the processing of bibliographical and documental data regarding all of the publications received at the Justice Ombudsman's Office and promote their dissemination, as well as keep files on legislation, jurisprudence and other legal documentation up to date;
- d) Guarantee the functioning of the library;

- e) Support all of the services of the Ombudsman's Office in matters of documentation;
- f) Execute the computerization plan of the Ombudsman's Office;
- g) Ensure the functioning of the information technology equipment adopted and guarantee the optimized use thereof;
- h) Detect new needs in terms of information technology equipment and make proposals for the acquisition thereof;
- i) Carry out the prospection, collection, processing and dissemination of quantitative informational elements;
- j) Plan and promote the publishing of publications.

Article 12

Information and Public Relations Service

It is particularly incumbent upon the Information and Public Relations Service to:

- a) Attend to citizens who seek out the Ombudsman's Office;
- b) Ensure informational services to complainants and to the public in general;
- c) Collect, analyze, process, file and disseminate the information produced by the media regarding the activities of the Ombudsman or the Ombudsman's Office and any other information of express interest in the pursuance of its attributions;
- d) Ensure contacts with media outlets, accompanying the preparation and dissemination of materials intended for publication;
- e) Provide support to media outlets along the terms defined by the Ombudsman;
- f) Organize and promote the dissemination of publications of interest to citizens;
- g) Whenever necessary, ensure the translation of documents and correspondence into foreign languages.

Article 13

Administrative Service

1. The Administrative Service ensures all functions of administrative, financial and patrimonial character through the functional areas referred to in point 3 of article 10.

2. It is incumbent upon the Director or Coordinator of the Administrative Service to execute all of the tasks expressly attributed thereto by law or that result from the normal performing of the duties thereof, and, especially, the following:

a) Head and coordinate the activity developed by those responsible for the functional areas;

b) Ensure the distribution of administrative and auxiliary personnel throughout the various different functional areas;

c) Sign service correspondence that does not require signing by a higher authority.

3. The Director or Coordinator of the Administrative Service is to be substituted, in his or her absences or impediments, by the sector official designated by the Ombudsman and, in the absence thereof, by the longest-employed official.

Article 14

Asset, accounting and finance management

It is particularly incumbent upon the Asset, accounting and finance management service to:

a) Carry out all accounting-related operations by the Ombudsman's Office;

b) Elaborate the annual budget proposal and execute the processing, bookkeeping, liquidation and payment of budget expenses;

c) Elaborate proposal for the transfer and division of funds to be carried out in the Ombudsman's Office budget;

d) Organize and keep the inventory of office equipment up to date;

e) Ensure the provision of the Ombudsman's Office services with resources, as well as organize public or limited tenders or direct agreements with suppliers for the acquisition of necessary materials and equipment;

f) Organize the managerial account pertaining to the previous year's

expenses;

g) Provide for, monitor and verify the security and tidiness of installations and equipment.

Article 15

Process Management

It is particularly incumbent upon the Process Management service to:

a) Organize, classify and ensure proceedings in the cases opened at the Ombudsman's Office;

b) Register the entry of all documents related to the cases referred to in the preceding line;

c) Ensure that all cases are given due attention until their resolution;

d) Organize and keep the case archive up to date;

e) Ensure all typing and printing work related to the cases;

f) Ensure the computer filing of all cases.

Article 16

Personnel, General Office and Archive Management

It is particularly incumbent upon the Personnel, General Office and Archive Management service to:

a) Carry out all acts necessary for the administration and management of staff;

b) Organize and keep the biographical and disciplinary records of the employees of the Ombudsman's Office services up to date;

c) Coordinate the activities of auxiliary staff;

d) Ensure the registration, proceedings and filing of general office matters;

e) Ensure reprography services;

f) Process the payment of staff salaries and all other allowances and social benefits.

Section III

Administrative Council

Article 17

Competencies of the Administrative Council

The Administrative Council is responsible for the financial management of the Ombudsman's Office, particularly:

- a) Issuing opinions on the annual budget and supplementary budgets;
- b) Issuing opinions on the legality of expenses, when the Justice Ombudsman so deems fit;
- c) Overseeing budget execution;
- d) Overseeing accounting, with the accounts thereof being its responsibility;
- e) Issuing an opinion on and submit the management account pertaining to the expenses effected up to December 31 of the preceding year to the Court of Accounts for review;
- f) Elaborating and approving the respective internal regulations.

Article 18

Makeup of the administrative council

1. The administrative council is made up of the following:
 - a) The Ombudsman, who chairs it;
 - b) The Assistant Ombudsman;
 - c) The director-general of Technical and Administrative Support services;
 - d) The coordinator of the Administrative service, when such post exists;
 - e) The official responsible for the management of Patrimony, Accounting and Finances.
2. The administrative council meets in ordinary sessions once every quarter, and in extraordinary sessions whenever convened by the Ombudsman.
3. Secretarial duties for the Administrative Council are carried out by

whoever is designated for this purpose by the Ombudsman.

CHAPTER III

Financial management

Article 19

Revenues of the Justice Ombudsman's Office

The following constitute the Ombudsman's Office's revenues:

- a) The funds allocated thereto in the State Budget;
- b) The balance from the preceding year's management account;
- c) Any other revenues that are attributed thereto by law, contract or otherwise.

Article 20

Financial Responsibilities of the Ombudsman's Office

The expenses to be carried out with the installation and operation of the Ombudsman's Office, as well as any others necessary to ensure the pursuance of its attributions, constitute the financial responsibilities thereof.

Article 21

Budget of the Ombudsman's Office

1. The revenues and expenses of the Ombudsman's Office are included in the annual budget, the allocations for which are entered into the National Assembly budget.
2. The proposal for the annual budget and for budget alterations is to be approved by the Justice Ombudsman.

Article 22

Authorization of expenditures

1. The Ombudsman has authorities identical to those of Cabinet Ministers for the purposes of authorization of expenditures.
2. The Ombudsman may delegate the authority referred to in the preceding point directly to the Assistant Ombudsman.

3. The Ombudsman may, through a dispatch, order the creation of a permanent fund to be used to meet responsibilities when urgent current expenses arise. Said fund may not exceed one-twelfth of the budget allocation.

4. Transactions in the permanent fund outlined in the preceding point are to be carried out by the Director-General of Technical and Administrative Support Services.

Article 23

Signing of documents

1. All documents related to the withdrawal of funds, receipts and payment shall mandatorily contain two signatures.

2. Without prejudice to the respective delegations, one of the signatures shall be that of the Ombudsman and the other that of the Director-General of Technical and Administrative Support Services.

CHAPTER IV

Staff structure and framework

Article 24

Staff

1. The Ombudsman's Office has the staff outlined in the table attached to the present decree, of which it is an integral part.

2. The Director-General of Technical and Administrative Support Services is appointed through service commission or recruited through a management contract under the same terms applicable in Public Administration.

3. Specialists, appointed by the Ombudsman under the terms established for the purpose by the legislation regarding the offices of members of Cabinet, may also provide their collaboration at the Ombudsman's Office.

4. The number of specialists appointed under the terms of the preceding point may not exceed three.

Article 25

Coordinators and aides

1. The coordinators and aides are recruited, by free choice of the Justice Ombudsman, from among citizens who have completed courses of higher study of at least the level of bachelor in appropriate areas, and are hired on service commission.
2. The service commission referred to in the preceding point shall end:
 - a) Automatically, sixty days after the swearing in of the new Ombudsman, who may, at this time, terminate it;
 - b) By order of the Ombudsman, at any time;
 - c) On the request of the individual commissioned, with minimum prior notice of 30 days.
3. In the case outlined in line b) of the preceding point, compensation equal to the gross loss in income incurred shall be due for two months, without prejudice to other allowance legally due.
4. The appointment to which the present article refers is always to be understood to be made in the urgent interest of service and does not, in and of itself, confer a legally binding link to public administration.
5. When magistrates or employees are chosen, the appointees may opt to maintain the remunerative status of their post of origin, with the time of service provided carrying out the functions of coordinator and aide to be considered, for all intents and purposes, as having been served there. Furthermore, the holders of said posts cannot be jeopardized with regards to any of their rights, namely concerning promotion and progression in their respective careers, social or other benefits, for not having carried out activities therein.
6. The public employees regime is to be applied to coordinators and aides except for the purposes of opposition to entrance exams.

Article 26

Remuneration of coordinators and aides

1. The post of coordinator is treated as equivalent to that of Director-General for remunerative purposes, without prejudice to the option for remuneration of the post of origin.
2. The monthly base remuneration for the aides appointed under the terms of article 25 corresponds to that of Level IV managerial official in the public employment general regime, without prejudice to the option

for remuneration of the post of origin.

Article 27

Personnel statute

1. The general regime in effect for public administration is applied to the staff of the Ombudsman's Office in all that is not specifically regulated in the present decree and in the Ombudsman's Statute.
2. The carrying out of functions as coordinator or aide suspends the deadline for the presentation of reports or sitting of exams for the higher learning faculty member career or for the scientific research career.
3. For the purposes of entering public service, the carrying out of functions as coordinator or aide suspends the beginning of the respective internship.
4. The provision contained in the preceding point is applicable only to recruiting processes in which the number of vacancies to be filled is enough for all of the candidates admitted to the internship.
5. The regime outlined for personnel carrying out identical duties in ministerial offices is applicable to the drivers and administrative assistants working for the Ombudsman's office.
6. The application of the prolonged full-time regime defined in the following article to the personnel working in the Directorate-General of Technical and Administrative Support Services may be authorized, by decision of the Ombudsman, in accordance with the needs of the service.
7. The regime outlined in the preceding point does not apply to the managerial staff, justice workers and drivers and administrative assistants working in the Ombudsman's office.

Article 28

Social Security deductions

Social Security payments are deducted from the remuneration of the Ombudsman's Office staff under the same terms as public employees and other State agents.

Article 29

Identity Cards

The Ombudsman shall issue a dispatch approving the models of the identity cards to be used by coordinators and aides, as well as those to be used by the rest of the staff employed at the Justice Ombudsman's Office.

Article 30

Requisition and placement

1. The requisition and placement of employees and agents to carry out functions at the Ombudsman's Office is carried out under the terms of general law.

2. In cases in which aide positions are being filled, the authorization of the Cabinet Minister upon whom the respective public service of origin depends is not required, without prejudice to consultations with other entities, when legally demandable.

CHAPTER V

Final provisions

Article 31

Subsidiary regime

In all that is not specifically regulated in the present decree, the special personnel framework regime or the general law in effect in Public Administration is applicable.

Article 32

Entry into force

The present decree enters into force the day following that of its publication.

Approved in the Council of Ministers meeting of January 30, 2014.

José Maria Pereira Neves - José Carlos Lopes Correia

Signed into law on January 30, 2014. To be published.

The President of the Republic, JORGE CARLOS DE ALMEIDA
FONSECA

ANNEX

Table of staff of the Justice Ombudsman's Office referred to in article 24, point 1 of the Justice Ombudsman's Office organic structure regulations.

Post	Number of positions
Justice Ombudsman	1
Assistant Ombudsman	2
Coordinator	2
Aide	3
Director-General	1
Office Director	1
Technical staff	10
Operational support staff	4
Ombudsman's secretary	2

The Prime Minister, *José Maria Pereira Neves*