



# PORTUGUESE OMBUDSMAN NATIONAL PREVENTIVE MECHANISM

REPORT TO THE PARLIAMENT 2015

Lisbon, 2016



This report regards the activity autonomously developed, in 2015, by the Ombudsman as the National Preventive Mechanism, under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

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Report to the Parliament – 2015**

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# *Table of Contents*

<b>1. The National Preventive Mechanism</b>	<b>8</b>
1.1. Introduction	8
1.2. The National Preventive Mechanism	8
1.3. The structure supporting the National Preventive Mechanism	9
1.3.1. The Advisory Council	9
1.3.2. The Steering Committee	10
1.3.3. The Visitors Team	10
1.3.4. The Administrative Support	11
1.4. Financial resources	11
<b>2. National Preventive Mechanism activities</b>	<b>14</b>
2.1. Visits to places of detention	14
2.2. Recommendations	74
2.3. Participation in initiatives and institutional diffusion	85
2.3.1. Participation in initiatives	85
2.3.2. Institutional diffusion	86
<b>3. Contents</b>	<b>88</b>
3.1. Graphics index	88
3.2. Visits to places of detention analytic index	88
3.3. Recommendations analytic index	97







# *1. The National Preventive Mechanism*

> Detail – Entrance National Preventive Mechanism's facilities

## 1. The National Preventive Mechanism

### 1.1. Introduction

On March 11<sup>th</sup>, 1989, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)(1) entered into force in the Portuguese legal system. This legal instrument had the aim to promote the adoption, by the States that ratified it, of preventive and repressive measures in order to respect the persons deprived of their liberty rights.(2) In time, further actions were needed in order to achieve the mentioned purpose. It was, so, provided the basis to develop an Optional Protocol to that Convention (OPCAT)(3), which determines the conduction of regular visits to places of detention to ensure that the persons who are there are being decently treated.

According to the OPCAT, the mentioned visits should be made by international organizations – such as the Subcommittee on Prevention of Torture (SPT) – and by independent national bodies. As a result, the commencement date of OPCAT in Portugal led to the designation of a National Preventive Mechanism (NPM) that, by Resolution of the Council of Ministers No. 32/2013, of May 20<sup>th</sup>(4), was assigned to the Ombudsman.

### 1.2. The National Preventive Mechanism

In addition to complaints-handling and his function as National Human Right Institution, the Ombudsman examines, *in loco*, places of detention in order to verify if persons deprived of liberty are being treated with dignity. As NPM, this State body carries out, in an autonomous and regular manner, visits to places of detention, such as prison facilities,

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(1) The CAT was adopted by General Assembly of United Nation resolution no.39/46, of December 10<sup>th</sup>, 1984.

(2) The Portuguese State signed the CAT on February 4<sup>th</sup>, 1985, and three years later it was approved for ratification by Parliament Resolution No. 11/88, of May 21<sup>st</sup>, and, sequently, by the Presidential Decree No. 57/88, July 20<sup>th</sup>. Its deposit with Secretary-General of United Nations was made on February 9<sup>th</sup>, 1989, and the respective notice published by the Ministry of Foreign Affairs, in the *Diário da República* [Portuguese Official Gazette] No. 128, 1<sup>st</sup> serie, of June 5<sup>th</sup>, 1989.

(3) The Portuguese State signed the OPCAT on February 14<sup>th</sup>, 2006, and it was approved by Parliament Resolution No. 143/2012, of December 13<sup>th</sup>. Its ratification occurred by Presidential Decree No. 167/2012, of December 13<sup>th</sup>, and its deposit with Secretary-General of United Nations was made on January 15<sup>th</sup>, 2013, according to the notice published by the Ministry of Foreign Affairs, in the *Diário da República* [Portuguese Official Gazette] No. 57, 1<sup>st</sup> serie, of May 21<sup>st</sup>, 2013.

(4) Published in the *Diário da República* [Portuguese Official Gazette] No. 96, 1<sup>st</sup> serie, of May 20<sup>th</sup>, 2013. It must be emphasised that this function was assigned to the Ombudsman according what it is established in no. 2 of article 1 of his Statue (Law No. 9/91, of April 9<sup>th</sup>, and its amendments).



educational centres, places of detention of police forces and hospital units with psychiatry internment.

The NPM visits are conducted without previous notice to verify the real conditions in which persons deprived of liberty are living in. In order to achieve this goal, NPM's visitors inquire, among others things, the living conditions, overcrowding and its effects, food quality and medical assistance. The precise definition of objectives to be checked at each visit is planned in advance, according to the type of place that NPM will visit and its specific problems.

After the visits, NPM can make recommendations to the competent authorities and «submit proposals and observations about current legislation or draft legislation on the matter»<sup>(5)</sup>.

In order to fulfill its functions, the NPM is assisted by a support structure (EMNP), created in the first year of the Portuguese NPM's exercise: 2014.<sup>(6)</sup>

### *1.3. The structure supporting the National Preventive Mechanism*

The creation of EMNP crystallizes the organic and functional autonomy of NPM activity. This support structure was regulated by internal Order No. 1/2014 (NPM), of April 29<sup>th</sup>.<sup>(7)</sup>

In order to better pursue its mission through a concatenation of multiples experiences and knowledges, the constitution of EMNP relies on the multidisciplinary participation of society. As it will be explained below, this support structure is composed by the Advisory Council, the Steering Committee and the Visitors Team, endowed likewise with a specific administrative support.

#### *1.3.1. The Advisory Council*

The NPM consultative body is the Advisory Council and it is comprised by 12 members, one of which is the Ombudsman, who presides. Six of them are appointed by the Parliamentary Committee on Constitutional Affairs, Rights, Freedoms and Guarantees, the High Council of the Judiciary, the High Council of the Public Prosecutor's Office,

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(5) Point 1 of mentioned Resolution of the Council of Ministers No. 32/2013.

(6) About the EMNP, it should be mentioned that, on April 8<sup>th</sup>, 2015, the Ombudsman was heard in the Parliamentary Committee on Constitutional Affairs, Rights, Freedoms and Guarantees, when he defended an amendment to its Organic Law. The proposal to achieve three members for his staff to only work in NPM was not, however, approved.

(7) This document can be consulted online, in the Portuguese version, on the following address: [http://www.provedor-jus.pt/site/public/archive/doc/EMNP\\_-\\_Regulamento.pdf](http://www.provedor-jus.pt/site/public/archive/doc/EMNP_-_Regulamento.pdf).

the Bar Association, the Medical Association and the Psychologists Association. Three of its members are personalities of recognised merit and two elements are representatives of civil society organizations with a relevant activity to NPM aim.

The constitution of the Advisory Council shows the plural approach that it is desirable to an organ that gives an opinion about annual activity plan and report, could also propose adjustments to EMNP's operation.

As it is regulated, the Advisory Council meets whenever convened by the president and, at least, twice a year, as it happened in 2015. The first meeting occurred on January 29<sup>th</sup> and its purpose was the conclusion of co-optation procedure of two civil society organization's representatives. As a result, Amnesty International and Portuguese Association for Victim Support had to be added to the Advisory Council. The second meeting was realized on June 17<sup>th</sup> and aimed the appreciation of NPM's annual report of 2014<sup>(8)</sup>, which had a unanimous opinion.

### *1.3.2. The Steering Committee*

The Steering Committee develops the annual activity plan and prepares the NPM visits planning, making a proposal about the definition of detention places that should be visited and their objects, which will be visited by the NPM team.

This coordination organ is composed by an Ombudsman's Cabinet member and the coordinators of the thematic units 5 (dedicated to security and justice's rights) and 6 (committed to questions about rights, freedoms and guarantees, health, education and constitutionality valuations). In the majority of the visits, one member of the Steering Committee is present.

### *1.3.3. The Visitors Team*

The Visitors Team is composed, primarily, by nine persons of the Ombudsman's staff who are specially appointed for that purpose due to their longer experience and technical and scientific knowledges.

As it was mentioned in the Annual Report of 2014<sup>(9)</sup>, NPM took steeps with the Advisory Council's members which are representatives of professional associations in order to concrete a list of experts to accompany NPM visitors.

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(8) In accordance with the subparagraph d), of article 7, of EMNP regulation.

(9) Cf. *Annual Report of National Preventive Mechanism 2014*, p. 11.

#### *1.3.4. The Administrative Support*

The Ombudsman affected a member of his staff to provide all administrative support to the specific and independent activity of NPM.

#### *1.4. Financial resources*

In contrast to 2014, in 2015 the NPM had its own financial resources, autonomously entered on the Ombudsman's budget.<sup>(10)</sup>

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(10) In 2015, the NPM's funds were € 32 000,00.





## *2. National Preventive Mechanism activities*

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### 2.1. Visits to places of detention

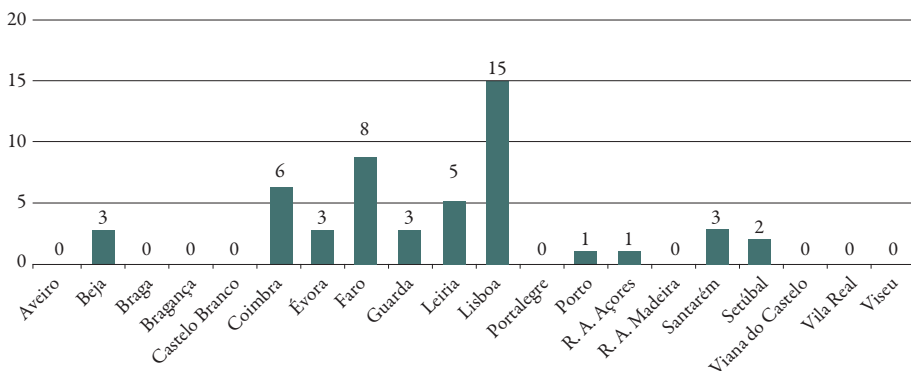
In 2015, the NPM made 50 visits to different places of detention<sup>(11)</sup>, one of which with the participation of the Ombudsman himself.

The teams of visitors were composed from two up to four persons.

The visits, made without previous notice, were preceded by a planning to cover the largest possible geographical area, especially in the central and southern part of the country. It was also taken into account the diversity of places of detention visited, including, among others, correctional facilities, places of detention of police forces, temporary installation centres for foreigners and educational centres for young people.

*Graph I*

Geographic distribution of visits made in 2015



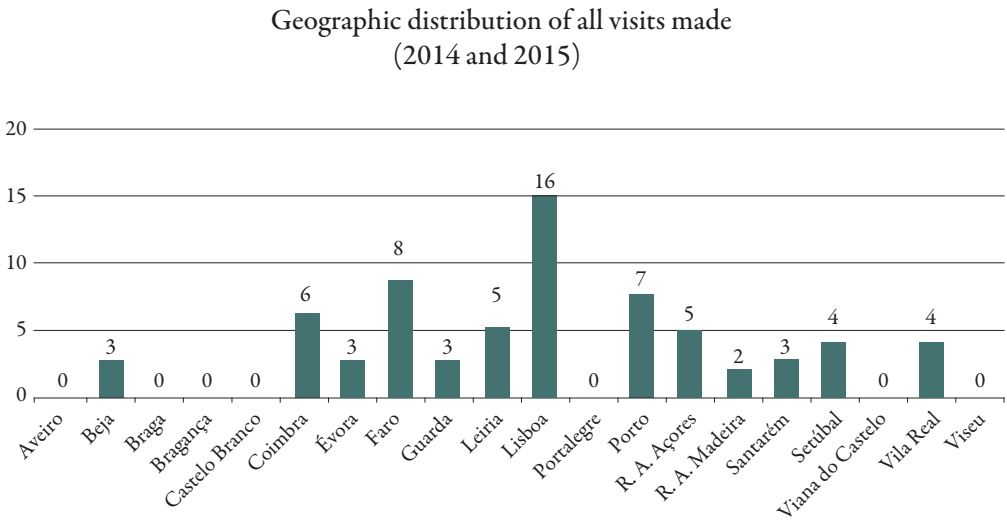
The analysis of the graphic above shows that Lisbon is the district with more visits (15 visits, equivalent to 30% of all visits made in 2015), predominance that is justified by the high concentration of places of detention. Eight visits were carried out in Faro, six in Coimbra and five in Leiria. With three visits each, NPM had gone to Beja, Évora, Guarda

(11) It is important to mention that, in the visit no. 28-2015, two places were visited, once the local previously defined to be visited uses the detention zone of the second one.



and Santarém. Setúbal two visits, and finally, Oporto and the Autonomous Region of Azores were visited once.

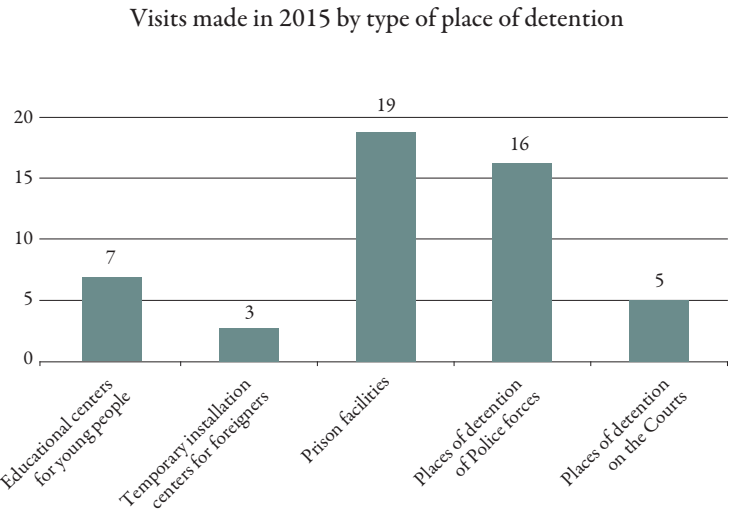
*Graph II*



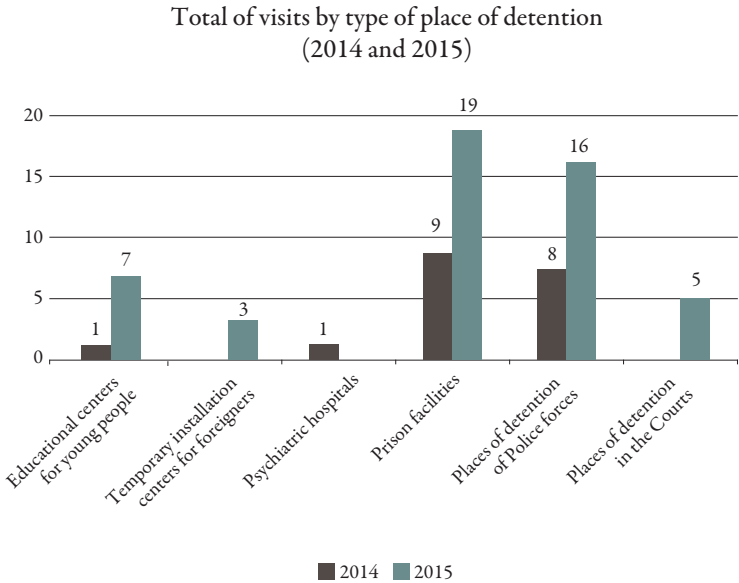
The graphic above reproduces the geographic distribution of all visits made since the beginning of NPM’s activity, dating back to July of 2014. Overall, it can be concluded that, although some districts have not yet been visited, the main areas of the country – that is, North, Central and South, as well as Autonomous Regions – have already been object of the inspection activity of the NPM.

The next graphic illustrates the inspection visits regarding the characterization of places of detention. Of the 50 visits, 19 (38%) were held in prisons, one of which was military. The places of detention of police forces were visited 16 times and the educational centres for young people were visited seven times. It is important to mention that, during 2015, NPM has given particular attention to educational centres. For this reason, NPM visited all the educational centres that exist in the national territory and, alongside these, there was a follow-up visit to determine whether one of the recommendations issued was or not accepted by the entity addressed. It should be noted, finally, that three visits were made to the centres of temporary accommodation of foreigners.

Graph III



Graph IV



As it can be seen in the graph above, prisons and police forces' places of detention are the locals with more visits since the beginning of NPM's activity. As it was mentioned before, the most intense treatment which was given in the year of 2015, to educational centres for young people justifies an increase of their number of visits. Reflecting the multiplicity of the types of places that are object of the activity of NPM, it was also visited courts and centres for temporary accommodation of foreigners, respectively, five and three times.

On the following pages, it is done a brief description of each NPM's visit, identifying its location, date and purpose.



**Visit no. 1-2015**

**Date:** 2015.01.29

**Location:** Tribunal Central de Instrução Criminal [Lisbon Central Court of Criminal Preparatory Enquiry] (Lisbon)

**Subject:** Food quality. Hygienic and safety conditions of the cells

In the morning of January 29<sup>th</sup>, it was held a visit to the Lisbon Central Court of Criminal Preparatory Enquiry.

The detention area, with 5 detention cells, has recently been object of conservation and cleaning works, because the building was not being used for some time. Every cell has the same area and natural and artificial lighting. Cells have doors with iron bars, their walls are half tiled and half painted and the floor is also tiled.

On the day of NPM's visit, the temperature was low, which permits to foresee that in the winter it will be colder, since there is no heating appliance.

There is only one video camera in the detention area. It was not possible to determine whether it works since the technician who views the images was not present. Both the building administrator and the security firm employee did not know whether the device was operating or not.

In what concerns food quality, it is determined that meals will be provided by the Public Security Police, given the bureaucratic difficulties upon contact with the social services of the Ministry of Finance. The menu is the same as the one of Public Security Police. Diets and meals at late hours can be served if necessary. It is possible to provide other meals from outside, at expenses of the detainee, which will be delivered to the police for security reasons. Detainees are provided with two meals: lunch at 12.30pm or 13.00pm and dinner at 20.00pm or 20.30pm. There is no supper.

Briefly, in face of the reality found in the detention area of the Lisbon Central Court of Criminal Preparatory Enquiry, it should be mentioned the lack of food proceedings,

although it can be justified by the recent change of facilities and the weak detention conditions, namely regarding infrastructures, security conditions and temperature of the cells.



**Visit no. 2-2015**

**Date:** 2015.01.30

**Location:** Centro de Instalação Temporária do Aeroporto de Lisboa [Temporary Installation Centre of the Lisbon's Airport] (Lisbon)

**Subject:** Food quality. Detainees' rights to consult with an attorney, to contact the defender by telephone and to communicate with a relative or with trusted person

On January 30<sup>th</sup>, during the morning period, it was carried out a visit to the Temporary Installation Centre of the Lisbon's Airport, intended to accommodate foreign citizens to whom it was refused the entry in Portuguese territory.

At the time of the visit, there were 15 foreign citizens allocated to the centre, distributed for its two wings, considering their legal situation (*v.g.*, asylum seekers and refusals of entry in the national territory).

The Immigration and Borders Service is responsible for the management of the visited space, with the contribution of a private security company, under the permanent supervision of a member of its staff.

According to the information given by the staff, every day are served five meals: breakfast, lunch, snack, dinner and a supper (given with dinner). The number of meals ordered is calculated every day, according to the occupancy rate. It was possible to see that there is not any kind of previous control of the quality of the meals. Those meals are distributed by a private company and they are identical to those served in airplanes. It is important to emphasize the possibility of having specific diet meal, justified by religious, health or personal reasons.

It was ascertained the typology of procedures used on communication with the outside. It was informed that every person has the right to a first call, free of charges, for 5 minutes maximum, made at the time entrance at the centre, to whom he/she wants to. After that the phone calls, paid by foreign citizens, are made from a phone booth that exists inside of each wing.

The foreign citizens can consult documentation with the contacts of the diplomatic authorities existing in Portugal, as well as of the entities, both public and private, with competencies on this matter.

Related to the contact with a lawyer it was possible to verify that persons accommodated in the visited facilities are informed about the phone number of the Portuguese Bar Association, located in Lisbon. It was also possible to verify the existence of a room,

located near the entrance, where the detainees can receive a lawyer. That happens mainly when they apply for asylum.



**Visit no. 3-2015**

**Date:** 2015.05.28

**Location:** Cadeia de Apoio da Horta [Horta's Prison Facility] (Autonomous Region of the Azores)

**Subject:** Presence of direction. Technical intervention

In the morning of May 28<sup>th</sup>, the Portuguese Ombudsman, as NPM, visited the Horta's Prison Facility, located on Faial's Island.

The visited institution supports the Angra do Heroísmo's Prison Facility and has 16 prison cells. At this day, 23 prisoners were present but there were two others prisoners allocated to this prison which were convicted to weekend detention.

It was found that the director made, in 2014, five visits to this prison facility with an average duration of five days each. In 2015, there was only one visit, which had occurred eight days ago. It should also be mentioned that, whenever he is in the prison, the director talks with everyone and with every single inmate.

In what concerns the technical intervention, there is not any registered visit in the last two years by the technicians of education services of the Angra do Heroísmo's Prison Facility.

At the end of the visit, the Ombudsman had the opportunity to recommend that it should be taken one of the following measures: having an annual attendance plan of the education service or being appointed someone (a staff member of the Horta's Prison Facility) for that task.<sup>(12)</sup>



**Visit no. 4-2015(S)**

**Date:** 2015.08.13

**Location:** Centro Educativo da Bela Vista [Bela Vista Educational Centre] (Lisbon)

**Subject:** Follow-up of the Recommendation no. 1/2015/MNP: Investigation of appropriate conditions to the implementation of the concept of «gender particularity»

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(12) Following this visit, the NPM made the Recommendation no. 3/2015/MNP. *Vide infra* point 2.2.

On August 13<sup>th</sup>, during the morning period, a visit was carried out to the Educational Centre of Bela Vista, located in Lisbon, in order to follow-up on the Recommendation no. 1/2015/MNP. A conversation was held with the director and the facilities of the female residential unit were observed. Only three of the eight young persons who are currently in the centre were in the facilities, but a dialogue with these young people was held, discussing several issues, namely leisure time and the vocational training provided.

It had been recommended that measures should be taken in order to improve the housing conditions of the female population in the Bela Vista Educational Centre, namely: *i*) the residential unit's adaption to the possibility of overnight staying of young mothers with new-born children; *ii*) creating spaces for breastfeeding, introduction of nurseries and nappy changing facilities; *iii*) toilets' modifications; and, *iv*) possibility of concluding Protocols with the Ministry of Health in terms of standardized health care (*v.g.*, psychological assistance during preborn and after birth periods).

The educational centre's Director informed that it would be inconvenient to carry out major works, as young mothers will be moved to the Educational Centre of Navarro de Paiva, whose buildings are properly prepared. Regarding the toilet's modifications, the Centre's Director confirmed the need to adapt the facilities to young women, and he expected that this situation would be solved until the end of the year.

Concerning the access to healthcare services it was possible to perceive that contacts were made with public healthcare providers and the assistance provided was improved. Despite not having a designated family doctor, the young women are attended by the same doctor in the public health centre. Also the young women have access to family planning appointments in the Paediatric Hospital *D. Estefânia* and to psychotherapeutic support provided by a qualified staff member. The Centre started to have the support of a nurse and, from September onwards, a doctor will provide medical counselling once a month. On the other hand, it was confirmed by the director that it is sufficient to place a cot or a small bed (especially intended for infants) in the parent room and the needlessness of other spaces, in addition to the mother's bedroom.

Following the approval of the Decree-Law No. 117/2014, August 5<sup>th</sup>, the young women under care are now exempt of paying the patient contribution fee that is due when accessing public healthcare services.

There were concerns raised regarding the access to mental health care (insufficient response) and the inadequate conditions of the facilities.





**Visit no. 5-2015****Date:** 2015.09.16**Location:** Centro Educativo Navarro Paiva [Educational Centre Navarro Paiva] (Lisbon)**Subject:** Operating conditions. Spatial and temporal confinement, namely the personal educational projects and the involvement of public and private entities in the social reintegration of young persons. Therapeutic programs, in particular in the area of mental health, as well as psychological assistance models. Follow-up of young persons detained after their release. Infrastructure. Administrative organisation of processes of youths detained and recruitment processes and training of technical personnel

In the morning of September 16<sup>th</sup>, the NPM visited the Navarro de Paiva Educational Centre, in Lisbon.

The educational centre displays two residential buildings: the infrastructure for the boys (three floors) is divided into the welcoming unit (for newly arrived or in early stages of acquisition of skills) and the progression unit (for young people whose behavioural evolution suggests empowerment); the women's sector is located in a single location, due to the reduced number of young women institutionalized and given the lack of alternative space.

Despite the excellent conservation of the buildings, two aspects should be underlined: on one side there is no fire emergency plan and the alarm and alert mechanisms are not installed, and, on the other side, the fire extinguishers expiration date had been exceeded. Finally, it was concluded that the educational centre is not prepared for people with disabilities.

The young students are still below the minimum school leaving age, with the possibility of attending classes or professional training outside the Centre, in open or semi-open regime, depending on their progress and assessment.

All the young people have a family physician assigned, and they are all enrolled in the Operational Health Unit of Sete Rios. The program «Aparece» is also operating here, in the area of primary health care, improving the delivery of health services to adolescents aged 12 to 24 years.

Also, the family doctor goes to the centre on a monthly basis, attending young students who are prevented from leaving the facility.

From June 1<sup>st</sup>, 2015, the educational centre began to rely on the collaboration of a nurse three times a week (v.g., mornings). In addition, the educational centre develops an individual psychotherapeutic intervention for young people in need, after initial diagnostic evaluation.



**Visit no. 6-2015****Date:** 2015.09.17**Location:** Centro Educativo Padre António Oliveira [Educational Center Padre António Vieira] (Lisbon)**Subject:** Operating conditions. Spatial and temporal confinement, namely the personal educational projects and the involvement of public and private entities in the social reintegration of young persons. Therapeutic programs, in particular in the area of mental health, as well as psychological assistance models. Follow-up of young persons detained after their release. Infrastructure. Administrative organisation of processes of youths detained and recruitment processes and training of technical personnel

On September 17<sup>th</sup>, on the morning period, it was carried out a visit to the Educational Centre of Padre António Oliveira.

The educational centre hosts young men in closed detention regime. On the day of the visit 18 young people were held, eight in the Host Unit and 10 in Progression Unit.

The isolation space of the host unit has poor conditions, in terms of health and smell whose origin was not identified. This circumstance deserves particular attention because that room is used for specific situations of indiscipline or severe decompensation but also to receive, during the first hours, every young person who comes to the educational centre. The educational component also justifies a positive reference. In fact, the educational centre offers the possibility of certified training, being taught three different options: Operator of gardening, Operator of Wood and Furniture and Operator of Digital Print. There is no library and there were no books that can be used in an entertaining way by the young persons. Free time occupation is limited to the practice of sport, table games, television and electronic games.

The medical support is satisfactory, since all young people have a family doctor, which is the same professional which provides service in the Oeiras Healthcare facility.

It was verified a good administrative organisation, which is important to the educational centre operation.

Besides the age of the building, it should be noted that infrastructures are goods and, in a general way, there are acceptable hygienic and sanitary conditions. However, a remark should be made about the lack of security planning in case of fire or other disasters.



**Visit no. 7-2015**

**Date:** 2015.09.17

**Location:** Estabelecimento Prisional de Caxias [Caxias' Prison Facility] (Lisbon)

**Subject:** Detention conditions: lightning, ventilation, isolation against cold or heat. Criteria of the inmates' separation by sectors. Disciplinary procedures. Food quality

In the morning of September 17<sup>th</sup>, a visit was made to Caxias' Prison Facility.

At the time of the visitation, there were 505 prisoners allocated to the prison.

The prison is divided in two areas, North area and South area, which work in independent buildings and are distant from each other about three hundred meters. The North area has a capacity for 310 prisoners and South area 195 prisoners.

A visitation was made to the prison area, as well as to the different spaces of accommodation for the purpose of checking their habitability conditions. Good conditions were attested in the North area due to recent structural works, particularly on the third floor. There were ongoing works on the cells of second floor and, soon, were expected works on the ground floor covering, as well, in addition to accommodation, the food sector and the visiting room. The alarm system was operational at North area.

A cell that is designed to comply with disciplinary measure of compulsory stay in the accommodation, was restructured, so, it was observed very good habitability conditions. The disciplinary cells were also in good conditions.

The entire administrative area was also the object of profound works, being in good conditions of habitability and hygiene.

In the South area, there were detected, in the accommodation spaces, signs of infiltration, as well as poor insulation against cold and heat, boosted by the degradation of some windows.

With regard to distribution criteria of prisoners by accommodation space and by area, it was found that:

a) North area:

*i)* prisoners who require greater vigilance, either due the committed crime type, either due to their own characteristics;

*ii)* third floor right is intended to inactive and has a capacity for 90 prisoners;

*iii)* the left third floor is intended for workers or students and has capacity for 70 prisoners;

*iv)* the second floor, which allows housing 78 prisoners, was in works, so it has not been thought the criteria for distribution;

*v)* on the ground floor it is planned to build an admission zone and «transit» zone with capacity for 20 prisoners;

b) South area:

primary housing inmates, elderly people and persons with health problems; smokers prisoners, having capacity for 77 inmates;

*ii)* on the first floor from the right, which has a capacity of 74 inmates are housed prisoners non-smokers;

*iii)* on the right side of the ground floor, which has a capacity for 40 inmates are housed prisoners in serving a sentence for sex crimes;

*iv)* on the ground floor on the left are housed prisoners with health problems and workers inmates;

Beyond these broad criteria, there are taken into consideration other characteristics, such as, for example, nationality.

The kitchen was visited, having proceeded to the test meal. In this aspect, it should be noted the tiny amount of the food served, resulting in a manifest breach of its capitation. It was announced the intention of remodeling, in the short term, the space occupied by the kitchen, as well as the replacement of some of the existing equipment there. It was also reported the problem of capitation control.

In what regards the disciplinary proceedings, there were 13 disciplinary cases, which were consulted, without anything to criticize about the procedures observed.

It was maintained a private conversation with citizens in reclusion, being identified some problems, particularly about the food quality, as well as in relation to the timings of hot water availability.

To sum up, the South area of the prison of Caxias deserves repair of the habitability conditions, namely because it has some problems concerning ventilation and humidity of the cells.

It was mentioned that the prison's director should strength the monitorization of the performance of the food concessionaire company. It was also indicated that the direction should reassess the availability of hot water model to the prison population, not only in its frequency and duration, but also give the number of showers which are available.

On the positive side, it should be noted the excellent habitability of accommodation intervened in North area.



### **Visit no. 8-2015**

**Date:** 2015.09.18

**Location:** Estabelecimento Prisional de Monsanto [Monsanto's Prison Facility] (Lisbon)

**Subject:** Detention conditions: lightning, ventilation, isolation against cold or heat. Terms of occupation of inmates' leisure. Disciplinary procedures. Mental health support. Food quality

On September 18<sup>th</sup>, during the morning period, a visit was made to the Monsanto's Prison Facility.

The prison had, at the time, 65 prisoners.

It was made a visitation to the prison area, namely to the spaces of accommodation, which were in good conditions. The alarm system was working in all prison.

In the field of recreational activities, prisoners have a library, a gym, a paint room and a patio where they can practice collective sports. Given that this is a prison of maximum security, collective sports cannot, however, be practiced by more than eight inmates at the same time.

In terms of mental health support, it was reported a therapeutic individual plan determining the clinical needs of each inmate. There are daily psychology services between 09.00am and 05.00pm. The psychiatrist attends to the prison twice a week. It was recorded 30 inmates in regular psychiatric supervision. There is no waiting list to register for attendance by psychiatrist.

The isolation room had good hygiene and ventilation conditions.

After examining the procedures, no grounds for censure were found on the basis of the respect for the disciplinary procedure laid down in articles 110 et seq. of the Code of Execution of Criminal Sanctions and of Measures Involving Deprivation of Liberty.

The assessment of the alimentation sector has included a visitation to the kitchen. There are large spaces with good natural light, well equipped and in good conditions of hygiene and cleanliness. The analysis of the menu did not trigger any aspect worth of noting.

Therefore, no sound censuring-reasons were found or other signs of disregard for rights and dignity of prisoners.



### **Visit no. 9-2015**

**Date:** 2015.09.22

**Location:** Estabelecimento Prisional Militar [Militar Prison Facility] (Santarém)

**Subject:** Terms of professional occupation of inmates and their leisure. Detention conditions: lightning, ventilation, isolation against cold or heat. Disciplinary procedures. Food quality

In the morning of September 22<sup>nd</sup>, a visit was made to the Militar Prison Facility, in Tomar.

Since the beginning of the year, four disciplinary procedures were opened, all of them conducted by a judicial officer who, despite the fact of not having specific formation on

this area, has always played this role along his military career. The analysis of the above mentioned procedures didn't show any negative aspect to consider, once that they were correctly instructed. It has recently been placed in the unit a cadet officer, graduated in Law.

At the time of the visitation, there were 18 male prisoners, allocated to the prison. One of the prisoners was absent, due to hospitalization. None of them was in prison for the practice of military crime.

It was told by the directorate that the prison establishment does not have its own rules of procedure, but it is expected a superior decision about a project created one year ago. For that reason, and considering the need of having the necessary operating conditions, the directorate has defined, last April, some rules and security procedures which allow the daily life of prisoners. This document was inspired on the Code of Enforcement Prison Sentences, General Regulation on Prison Establishments, as well as on the PER (Permanent Execution Rules) of that military unit.

It was made a visitation to the prison area, namely to the spaces of accommodation. Good conditions of habitability were attested in all areas (preventive wing, convicted wing, graduates, female wing and the space reserved to General-Officers, these last two were never occupied).

At this point, it deserves reference the low level of occupation registered (one person per cell), as well as the fact of the cells located in on the ground 0, mainly those which are geographically oriented to North (convicted wing), have low natural light. That means that those spaces were, most likely, colder, with more humidity.

It is also important to mention that the prison does not have a central heating system. That circumstance does not have resolution by the entry of any kind of particular equipment, but only by the delivering of more clothes (*v.g.*, bed clothes and some other forms of isolating the cells' doors), mainly those who occupy the above mentioned spaces, which have a low level of occupation (two persons in a space prepared to receive six).

It is important to notice that the establishment doesn't have a certified cell. It was informed that its construction is already scheduled.

It was possible to verify the existence of six separation cells. Those cells do not have the legal measures or parameters (*v.g.*, support points suicide prevention, exposed electricity, common beds and lockers anchored in the ground and in the wall).

The kitchen was equally visited as well as the existing refectories, which were in good hygiene and wholesome conditions, as it was concluded. The meal was also proved.

Simultaneously it was verified, with the directorate, the work occupation conditions. Some difficulties were referred on this matter, in part dictated by the small dimension of the establishment, which means less internal offer (gardening and cleaning of the common spaces). The circumstance of prisoners maintaining their military condition, receiving their salaries, makes a difference in the evaluation of their situation by the Employment and Professional Institute.



Those difficulties are not solved with external offering, despite the efforts of the directorate near local communities and the Santarém Business Centre. This last one has already cooperated with the Torres Novas' prison establishment.

It was ascertained the leisure time occupation conditions. The prison has a reading room, a game room, a full equipped gymnasium, a courtyard for playground and for physical activities, promoted by an official with formation on this area (organization of a tournament, in partnership with the Torres Novas' prison establishment).

The prison population can also count with the possibility of having English lessons. These lessons are, however, organized, on voluntary and not systematic bases, by some personnel with experience in this area. There are also scheduled painting and sculpture lessons, which are given by a retired military, living in Tomar.

Related with the communication with the outside (phone calls), it was mentioned the application, as soon as possible, of the current regime in civilian prisons. It is important to emphasize the disproportionality of that regime in what concerns the predicted limitation, considering the number of prisoners and existents phones.

The reality found in the visitation to this prison facility left a positive impression. Nonetheless, it must be monitored the issue related to the protection from heat and cold, suggesting the adoption of procedures allowing the entering of particular acclimatization equipment. It is also important evaluate the evolution of the procedures used on communication with the outside. Finally, it is important to recommend the effective creation of a disciplinary cell, as well as the remodelling of the existing separation cells, in obedience to the legislation on this matter.



### **Visit no. 10-2015**

**Date:** 2015.09.22

**Location:** Instância Local de Tomar do Tribunal Judicial da Comarca de Santarém [Tomar Local Instance of the Santarém Judicial Court] (Santarém)

**Subject:** Detention conditions: lightning, ventilation, isolation against cold or heat. Food quality

On the morning of September 22<sup>nd</sup>, it was held a visit to Local Instance of Tomar of the Judicial Court of Santarém.

The detention area is composed with four detention cells and was object of conservation and cleaning works (painting and electricity). It is expected a period of three months for the completion of the same. Three cells have the same area and the fourth has a smaller area. Every cell has indirect natural and artificial lighting and doors with iron bars.

The information panel on the rights and duties of detainees only exists in one cell. Cells do not have concrete massive for sink, bed and the protection massive. Detainees do not stay overnight in these facilities, being conducted at the end of the day, to the prison or police facilities.

Sanitary facilities are external, have ceramics sink and toilet, a manual tap and a flow-meter not embedded in the wall.

The detention area is located on the ground floor and the entry is made directly from the street. In the hallway that leads to the cells there are two wooden doors with glass. There are seven windows, with direct access to the street and protected by a grid and outdoor bars. The detention area has no fire safety system.

The cleaning of cells is done daily, like the other court facilities.

The cells temperature is low and is expected to be very cold in winter, since there are no heating devices.

No detainee was present. The last four detainees were taken to the lawyers' living room due to lack of conditions of the cells, including the lack of space and the need to separate the detainees. Surveillance is carried out by the responsible officer in the detention area.

In what concerns food, it is provided by a restaurant and is ordered according to the needs.

Briefly, in face of the reality found in the detention area, should be mentioned the feeble detention conditions, including infrastructures, security conditions and cells temperature.



**Visit no. 11-2015**

**Date:** 2015.09.22

**Location:** Esquadra de Tomar da Polícia de Segurança Pública [Police Station of Tomar] (Santarém)

**Subject:** Detention conditions: lighting, insulation against cold or heat and ventilation. Detainees' rights to consult with an attorney, to contact by telephone the defender and to communicate with a relative or with trusted person. Food quality. Working conditions of the police officers

On September 22<sup>nd</sup>, during the morning period, a visit was conducted to the Tomar Police Station.

No detainee was present. The detention area, located in the ground floor, comprised a vestibule and two individual cells. Both detention cells were clean and complied with the regulatory standards, except for the presence of a plastic toilet brush.

The walls of the police station main lobby and of the detention area's vestibule displayed panels with information on the rights and duties of detainees in Portuguese, English, French and Spanish.

It was reported that detainees are always informed about their right to consult with an attorney and may use the station's land line for that purpose. Detainees are also given the opportunity to use the land line to inform a family member or a trusted person about their situation. There is a private room for detainees to meet with their attorney. Detainees are provided with three meals (breakfast, lunch and dinner) purchased at a nearby restaurant. In the rare cases where detainees stay overnight, a light supper may be supplied by relatives or friends.

The working conditions of 70 agents showed to be favourable. The building, a former hospital, was renovated five years ago and is well maintained and proper. It has extensive facilities that include a gym, a dining and recreation room and a meeting room with capacity for over 30 people. The agents' accommodations are quite suitable. Since there are no lifts or inside ramps, only the ground floor is accessible to persons living with disabilities.



**Visit no. 12-2015**

**Date:** 2015.09.22

**Location:** Estabelecimento Prisional da Guarda [Guarda's Prison Facility] (Guarda

**Subject:** Detention conditions: lightning, ventilation, isolation against cold and heat. Individual therapeutic planning for inmates with addictions. Food quality

In the afternoon of November 22<sup>nd</sup>, a visit was made to the Guarda's Prison Facility. At the time of the visitation, there were 208 prisoners allocated at the prison.

It was made a visitation to the prison area, namely to the spaces of accommodation and its habitability conditions. On this matter it is important to emphasize, negatively, the conditions of some spaces, with signals of humidity and infiltrations, as well as bad isolation against temperature changes, in some cases, with broken and old windows.

During the visitation, it was found that the nightcall system of some cells was not working. According to the directorate information, a problem in the electric system caused this situation. This problem will be solved, in a short term, with the proper intervention.

This prison establishment is located on a cold winter region. The central heating system works every day, from October to April, from 08.00am to 09:30am, from 12:00am to 02:00pm and from 05:30pm to 08:00pm. Simultaneously prisoners received more bed linen (4 blankets, 1 mantle and sheets).

The kitchen and the existing refectories were also visited and a meal was sampled. Concerning this last item, there is nothing to declare.

The directorate said that a remodeling of the kitchen area and also the acquisition of some new equipment was planned. Revealed by the directorate was, in abstract, some concern about the diet of the prisoners, namely the quantity of products per capita which should be given in each meal. This problem has an effect on the diversity and on the quality of the weekly menus presented by the firm responsible for this area.

It was equally verified the types of therapy programs for prisoners with addictions. The directorate pointed out the excellent relationship established with the Intervention on Addicted Behaviours and Dependencies (SICAD), located in Guarda city (in the prison establishment it's given psychological support, 3 times each week; in the SICAD it's given medical support, with the same frequency). This program involves 30 prisoners with psychologist support, 14 with medical care and other 14 with substitution treatments. Among the existing programmes, deserves to be pointed out the assistance given on the treatment of alcoholism, reaching to 21 prisoners. This programme results from a partnership established with the Guarda Recovered Alcoholics Association, formally supported by the intervention of the Coimbra Alcoholigy Centre.

A reserved conversation was held with the citizens in reclusion, which allowed to identify problems respecting alimentation, as well as the baths slots (it was alleged the existence of only one hour of hot water per day) and the number of showers existing on each floor (in one detention zone, for instance, there are only three shower facilities to 50 prisoners).

To sum up, in this prison establishment deserves attention the thermal insulation conditions and the degradation of some spaces caused by the humidity. There also must be monitorisation of the issues related with the surveillance of the company responsible for the food, especially the quantity of products per capita which should be given in each meal. At last, it was mentioned that the directorate must reevaluate the baths slots (frequency and duration), considering the number of showers existing on each floor.



**Visit no. 13-2015**

**Date:** 2015.09.22

**Location:** Centro Educativo do Mondego [Educational Center of Mondego] (Guarda)

**Subject:** Operating conditions. Spatial and temporal confinement, namely the personal educational projects and the involvement of public and private entities in the social reintegration of young persons. Therapeutic programs, in particular in the area of

mental health, as well as psychological assistance models. Follow-up of young persons detained after their release. Infrastructure. Administrative organisation of processes of youths detained and recruitment processes and training of technical personnel

On September 22<sup>nd</sup>, during the afternoon period, NPM held a visit to the Mondego Educational Centre, in Guarda.

At the time, there were 24 young persons present, but the institution can allocate 36 young males. Generally, the institutionalisation's measure has a duration of 18 months.

The building has five distinct areas: a residential, school and laundry area consisting of three units for the reception and progression (10, 12 and 14 beds) in semi-open regime, administrative and technical area, the carpentry workshop, the area of workshops and the kitchen.

There was no Emergency Plan concerning fire safety, although the direction of the educational centre has presented a document containing guidelines in case of emergency or increased risk of fire.

The educational centre has not psychology or psychiatry support. The medical care is provided by a local health unit. However, it is problematic the assistance to some medical specialty appointments, as, for instance, ophthalmology. The educational centre has a nursing professional present during 14 hours a week. There is not any kind of special program but it attempts to discuss some specific areas as sexual education.

The educational centre provides gardening courses, electricity and carpentry. And it also has good conditions to the sport activities.

In terms of relationship with the outside, the educational centre tries to tackle some of the geographic isolation that results from the fact that the centre's location is 15 kilometres far away from the city of Guarda. In particular, it is important the initiative to provide transport between the railway station and the institution. If people do not have money, even the train tickets will be paid by the educational centre.

A very positive point was the competent administrative organization that was found, which enables the rapid and effective resolution of problems arising from the interiority.

Nevertheless, the installation of an Educational Centre in predominantly rural and an isolated area (with advantages and disadvantages), facts that should lead to closer monitoring by the central services, in particular in what regards safety, health and the implementation of entertainment programs and crime prevention.



**Visit no. 14-2015****Date:** 2015.09.22**Location:** Posto Territorial de Celorico da Beira da Guarda Nacional Republicana [National Republican Guard Territorial Post of Celorico da Beira] (Guarda)**Subject:** Detention conditions: lightning, ventilation, isolation against cold or heat. Food quality. Working conditions of the guards

In the afternoon of September 22<sup>nd</sup>, a visit was conducted to the National Republican Guard Territorial Post of Celorico da Beira. No detainee was present.

The detention area, located in the ground floor, comprises a vestibule and two individual cells. Both detention cells were clean, fulfilling the regulatory standards. The conditions of lighting and ventilation are very satisfactory. Although the first cell appears to be slightly humid, additional blankets are provided to the detainee if requested. The calling device was functioning. It was reported that the existing cells are used on average four to five times a month and, in most cases, by request of the Immigration and Borders Service or by the Judiciary Police. Detainees do not stay overnight.

Meals are provided to the detainees, purchased at a local restaurant and they are allowed to take them in the guards' dining room, where there is a small table for that purpose.

Panels with information on the rights and duties of detainees in Portuguese, English, French and Spanish are displayed on the wall.

The building, a former prison, was renovated about approximately five years ago and is well maintained and proper. It has spacious facilities that include a dining room and an equipped kitchen. The agents' accommodations are suitable and sufficient. No female guards currently work at the post. However, there is a room with toilet and sanitary facilities that may be used by female guards ensuring adequate privacy conditions. Since there are no lifts or inside ramps, only the ground floor is accessible to persons living with disabilities.

**Visit no. 15-2015****Date:** 2015.09.22**Location:** Posto Territorial de Penacova da Guarda Nacional Republicana [National Republican Guard Territorial Post of Penacova] (Coimbra)**Subject:** Detention conditions: lightning, ventilation, isolation against cold or heat. Detainees' rights to consult with an attorney, contact by telephone with the defender and to communicate with a family member or a trusted person. Proceedings to ascertain whether detainees have persons under their responsibility (*v.g.*, minor, senior or person with disabilities). Protective measures



On September 22<sup>nd</sup>, during the evening period, a visit was conducted to the National Republican Guard Territorial Post of Penacova. No detainee was present.

The detention area, located in the first floor, comprises a vestibule and two individual cells. It was reported that the detention cells have not been used for more than one year. The cells were clean but the toilets showed some signs of rust, compatible with their non-use. The detention cells give the impression to be cold in winter. Additional blankets are provided to detainees if necessary. Standard regulations on lighting and ventilation are observed except for the fact that the windows in both cells do not meet the minimum height of 1,80 meters above the ground: the windows height above the floor is of approximately 40 cm. The calling device was functioning.

The walls of the main lobby and of the detention area's vestibule display panels with information on the rights and duties of detainees in Portuguese, English, French and Spanish. It was reported that detainees are always informed about their right to consult with an attorney and to inform a family member or a trusted person about their detention. They may use the station's land line or their own mobile phone. It was not possible to verify the detention's records since there was no detention in 2015 and the 2014 records book had been already filed.

As to the proceedings in place to ascertain whether detainees have someone's custody (*v.g.*, minor, senior or person with disabilities) and the protective measures that might be taken, there are no records of such case.



### **Visit no. 16-2015**

**Date:** 2015.09.22

**Location:** Esquadra de Coimbra da Polícia de Segurança Pública [Police Station of Coimbra] (Coimbra)

**Subject:** Detention conditions: lighting, insulation against cold or heat and ventilation. Detainees' rights to consult with an attorney, to contact by telephone the defender and to communicate with a relative or with trusted person. Working conditions of the police officers

On the night of September 22<sup>nd</sup>, a visit was made to the Coimbra Police Station.

In what concerns the staff working conditions, the absence of an adequate air conditioning system was pointed out as accountable for the particular difficulty in cooling down the building, especially in the south facade. It was further mentioned that the rooms arranged for the police interrogations were too small.

The four existing cells of the detention area have good physical conditions, adequate ventilation and artificial lightening. Although it was said that the blankets are always washed after each use, it was not possible to prove their hygiene conditions as they were found placed on the bed ready for use with no protective cover. The panel with the rights and duties of the detainees is displayed in a single wall, in the middle of the hall that gives access to the detention spaces.

Despite of the fact that the detentions procedures are usually executed by the police stations integrated in the District Police Command of Coimbra, the NPM representatives were informed that upon the arrival of the detainees some of these procedures are reinforced. In particular, it is assured that the right to contact by telephone with the defender and to communicate with family or trusted person is accomplished; if not, those conditions may be accomplished at that moment, in a dedicated room.

The reality found in the District Police Command of the Public Security Police in Coimbra was positive, particularly due to cleanliness and good conservation status of the facilities. Nevertheless, the absence of evidence of previous wash of the blankets is questionable. The lack of means to regulate the temperature of the building, which was said to be very hot in the summer, also deserves a negative appreciation. In what concerns the compliance with the rights of the detainees, it should be noted that the placement of the informational panel does not suits its intended purpose, as it cannot be read by the citizens accommodated on the first cells and is of very difficult assess to all other detainees.



**Visit no. 17-2015**

**Date:** 2015.09.22

**Location:** Posto Territorial de Condeixa-a-Nova da Guarda Nacional Republicana [National Republican Guard Territorial Post of Condeixa-a-Nova] (Coimbra)

**Subject:** Detention conditions: lightning, ventilation, isolation against cold or heat. Proceedings to ascertain whether detainees have persons under their responsibility (*v.g.*, minor, senior or person with disabilities). Food quality. Working conditions of the guards

On September 22<sup>nd</sup>, at night, it was executed a visit to the National Republican Guard Territorial Post of Condeixa-a-Nova.

The detention area has two active individual cells which recently were subject to conservation works.

In the antechamber is visible the panel with the information on the rights and duties of detainees in the Portuguese, Spanish, English and French. Both cells have natural and

artificial lighting, the latter properly protected by metal grid. The floor is ceramics and the walls are plain and painted in light colour. There are concrete massive for bed and iron sink, and there is another for toilet protection, all with rounded corners. There is a toilet bowl, with flowmeter embedded in the wall just being visible the power button. Safety plugs are exterior to the detention area. There is another sanitary outside the two cells. There is a calling device functioning in case of need of assistance. Doors are in iron plate, opening to the exterior, with a door viewer with sight glass of 180°, which allows a full view of the interior of the cell. Windows are protected with exterior bars and iron grid. Detainees are provided with bed linen that is removed at the end of the detention. Cleaning is done daily, never having need for disinfection.

It is always verified the situation whether detainees have persons under their responsibility (*v.g.*, minors), as well as the need of medications.

Food is made and provided by a restaurant. Detainees are provided with four meals (breakfast, lunch, snack and dinner) and they can be supplied by relatives or friends.

The working conditions of the 21 guards of the post showed to be favourable. On the ground floor, there is the Commander's office, the area of customer service, the room of victim support, with a toilet and a storage room, the bar and kitchen and a warehouse. On the 1<sup>st</sup> floor, there are the female and male rooms, equipped with beds and toilets with shower; the office of the forestry team, the meeting room, a storeroom of war material and the room for the traffic brigade. Only on the ground floor there are conditions of access and movement for people with reduced mobility. The facilities are in good condition and clean.

There is no fire detection system, yet the police station has seven extinguishers.

In short, the reality found in the National Republican Guard Territorial Post of Condeixa-a-Nova deserves a positive impression, namely its organisation, physical condition and cleanliness of the room. Although, it should be pointed out the lack of heating, especially in the coldest days of winter.



### **Visit no. 18-2015**

**Date:** 2015.09.23

**Location:** Estabelecimento Prisional de Coimbra [Coimbra's Prison Facility] (Coimbra)

**Subject:** Detention conditions: lightning, ventilation, isolation against cold or heat. Individual therapeutic planning for inmates with addictions. Food quality. Disciplinary procedures

In the morning of September 23<sup>rd</sup>, a visit was made to Coimbra's Prison Facility.

At the time of the visitation, there were 494 imprisoned. The average number of inmates has not suffered relevant variations within the past years.

The directorate pointed out that the older disciplinary cells were being subject to renovation works, hence temporarily deactivated. Notwithstanding, the four existing disciplinary cells, and the two isolation cells are still located in the basement of the main building. Moreover, there are works being performed at the wing H and at the former regional prison, the latter intending to accommodate inmates pertaining to the open regime or serving small sentences. The works are expected to be concluded within a year.

During the visitation to the detention area, reasonable conditions of habitability were attested, despite the differences between the various wings. The consequences of the overcrowding, most severely felt in wing F, are worsened by the structural concentration of the space and inherent difficulty to ascertain the most adequate distribution of the inmates. Furthermore, there are inadequate leisure rooms, aside from the halls of the wings. In particular, there were cells and dormitory-style cells identified only by the number of their occupants instead of by the name. The dusty atmosphere induces a perception of insufficient ventilation, even though it was attributed to the mentioned construction works in progress. In what concerns the cells reserved to carrying out concrete disciplinary measures, they were found to be in compliance with the applicable legal standards. Due to its lower level location however, these are expectedly cold, humid and somewhat sombre. The kitchen was equally visited and one meal was tasted, considered to be of sufficient quality.

With respect to the therapeutic planning, for the inmates suffering from addictions, it was found to be functioning regularly. In this context, the good cooperation established with the competent public service of the Ministry of Health and Intervention on Addicted Behaviours and Dependencies was emphasized by the directorate. Occasionally, there are interventions related to alcohol abuse, mostly dealt with by the institutions of the National Health Service.

Finally, a sample of disciplinary proceedings was analysed. The promptness of the proceedings justifies a positive mention.

To sum up, the requalification of the accommodation area should be encouraged, namely in order to guarantee the separation of the inmates according to best practices and, in general, to mitigate the negative effects of the overcrowding. It is of significant importance to ensure that the increment of the number of cells does not correspond to a raising capacity of the establishment. The adoption of more effective measures to prevent the adverse effects of the works in progress is desirable. It is also required the implementation of specific recreation areas for the inmates, as well as the definitive elimination of the identification of the cell's occupants by their prison number.



**Visit no. 19-2015****Date:** 2015.09.23**Location:** Tribunal Judicial da Comarca de Coimbra [Coimbra Judicial Court] (Coimbra)**Subject:** Detention conditions: lightning, ventilation, isolation against cold or heat. Food quality

On the morning of September 23<sup>rd</sup>, it was held a visit to Coimbra Judicial Court.

The old detention area has three cells, with no conditions of natural lighting and ventilation. With ceilings too low, cells are currently converted into a warehouse.

The detention area was located on the ground floor and the entrance of the detainees was made through the courtyard, which is separated from the road by a railing. Currently prison vehicles stay in the courtyard where the detainees await their hearing. Attempts are made to minimize the waiting time for detainees, in particular by promoting their arrival as they are being heard. Regarding surveillance, police reinforcements are requested whenever it is needed.

In what concerns food, meals are provided by Coimbra's Prison due to the geographical proximity of the same.

Sanitary facilities are public, equipped with barred windows.

Briefly, in light of this reality, it should be mentioned the absence of any physical conditions of detention.

**Visit no. 20-2015****Date:** 2015.09.23**Location:** Centro Educativo dos Olivais [Educational Centre of Olivais] (Coimbra)**Subject:** Operating conditions. Spatial and temporal confinement, namely the personal educational projects and the involvement of public and private entities in the social reintegration of young persons. Therapeutic programs, in particular in the area of mental health, as well as psychological assistance models. Follow-up of young persons detained after their release. Infrastructure. Administrative organisation of processes of youths detained and recruitment processes and training of technical personnel

On September 23<sup>rd</sup>, in the morning period, it was carried out a visit to the Educational Centre of Olivais, in Coimbra.

At the time of the visit, there were there 23 young persons, a number below its capacity: 34 young males. The majority of the institutionalised youngsters were from Lisbon and

there was not any foreigner. Generally, the institutionalisation's measure has a duration of 18 months.

The educational centre is housed in a multi-purpose building with around 15 years, with four floors and five services or main areas: administrative, residential, school, clinic and playful occupation. The facilities are in good condition and the building is ready to receive persons with disabilities and has sanitary facilities adapted for disabled guests. There is also appropriate firefighting equipment.

Medical assistance is supported by the local health unit, but the young persons have not family doctor. Child psychiatry and psychology appointments are realised in the educational centre. There also is nursing care, provided by a professional during four days a week.

It should be mentioned the efforts to integrate youngsters in some social activities, as their participation in the Young Parliament.

Two young persons were allocated to this educational centre because they had mental problems and there is no other adequate answer to them. It was discussed the creation of a specialised unit, with its own team, to monitoring young persons with mental disorders. During the visit it was also discussed some questions about the follow-up to the youth after their release. Being accomplished the measure, the follow-up can be an informal action.



### **Visit no. 21-2015**

**Date:** 2015.09.23

**Location:** Estabelecimento Prisional de Leiria [Leiria's Prison Facility] (Leiria)

**Subject:** Detention conditions: lightning, ventilation, isolation against cold or heat. Procedures for the separation of inmates. Conditions to implement the concept of «gender particularity»

In the afternoon of September 23<sup>nd</sup>, it was visited the Leiria's Prison Facility.

This facility, categorized as of high security and medium complexity management, held 164 inmates, for a total capacity of 110 vacancies, 97 in the main wing and 13 in the former feminine wing.

This establishment only serves for a male population, being almost identical the proportion of preventive and convicted prisoners.

The two wings, of different size and typology, were visited. The former feminine wing is essentially used for prisoners in transit, and for the fulfilment of weekend detention. As

observed in other facilities, quarters with this last purpose show the marks of the kind of occupation endured and the continuous rearrangement of the furniture.

In the main wing, there are three floors with entrance by the one at the top. Some dormitories and cells were visited in each floor. The cells and dormitories are equipped with sanitary facilities, the latter also with a shower. There are also, in the common areas, showers providing hot water. Whether in the accommodation spaces or in those of common use, the degradation of materials, exacerbated by existing overcrowding, was noticeable.

The nocturne call system was not functional, degraded wiring being visible.

As regards the realization of visits, no negative comments were collected from the prisoners heard. Prisoners are organised into four groups, each benefiting from a shift of an hour on a weekday afternoon, additionally having, alternately, an additional period at the weekend. Also on this account, the pernicious effects of weekend detention were felt, avoiding enlargement of visit availability then, preventing the allocation of human resources to the visits sector.

Visits by counsel take place in the same room used by the visiting judge or in another cabinet with adequate conditions.

As main conclusion, the structural difficulties of the building to provide good living conditions should be strongly noted, especially in a severe overcrowding situation. And the nocturne call system should also be rehabilitated.



### **Visit no. 22-2015**

**Date:** 2015.09.23

**Location:** Estabelecimento Prisional de Leiria para Jovens [Leiria's Young Prison Facility] (Leiria)

**Subject:** Terms of professional and scholar occupation of inmates, as well as their leisure. Detention conditions: lightning, ventilation, isolation against cold or heat. Criteria of the inmates' separation by sectors

On September 23<sup>rd</sup>, in the afternoon period, a visit was made to the prison establishment to young people in Leiria

The prison establishment receives, mainly, prisoners until 21 years old (202 inmates at the day of the visit). The multiplicity and dispersal of the accommodation buildings it is a characteristic of the establishment.

The majority of prison population (80%) goes to school and to professional training, in separate places, both with good conditions, as physics (ventilation, healthiness) as



techniques (equipment). The directorate had mentioned the high dropout rate registered in those activities.

The prisoners work in agriculture, as well as in the cleaning of the accommodation buildings. It is important to note the abandonment of the existing workshops, nowadays directed to the execution of maintenance work (*v.g.*, metalworking and sawmill).

Concerning leisure time occupation, it was verified the existence of several playgrounds, one per accommodation building. Rotationally the prisoners, organized by pavilion, go to a larger yard (playing field) and a gymnasium, located in the workshop area.

From the seven existing pavilions, two are closed for remodelling. When completed, that work will allow the shutdown of two other buildings, which are in advanced state of degradation.

Prisoners are divided in accordance to their legal status (preventive and convicted). Among the convicted prisoners the separation is made by penalties execution regimen (common regime and open regime).

About the mental care given, it was informed that a psychiatrist goes, twice a week (four hours in total), to the prison establishment. Also during the week (21 hours total) a psychologist gives his support to prisoners. In both cases the services are provided by a private firm. This aspect is important considering the existence of an expressive number of cases presenting special needs in this area.

It was mentioned the existence of the following intervention programs: road offences (12 prisoners), emotional stabilization and institutional integration (18), preventing suicide (permanent). It was also mentioned that the prison establishment will have two new programs: creating social patterns (12 prisoners) and preventing the relapse (28 prisoners). About the disciplinary aspect it was registered the delay in the instruction of the procedures. This circumstance was assumed by the direction. As told by the director of the prison establishment, measures were implemented in order to find a solution on this matter.

A private conversation was held with some prisoners. Some of them, who were accommodated in the pavilions with worst conditions, complained themselves about living conditions (water infiltrations and temperature isolation).

To sum up, the reality found in this prison establishment was satisfactory, however it is possible to improve in the following aspects: to close, as soon as possible, the pavilions with the worst living conditions, to recover from the delay in the instruction of disciplinary procedures and to adopt measures that will help reduce the rate of early school leavers, declared by the directorate.



**Visit no. 23-2015****Date:** 2015.09.23**Location:** Departamento de Investigação Criminal de Leiria da Polícia Judiciária [Leiria Investigation Department of the Criminal Police] (Leiria)**Subject:** Detention conditions: lighting, insulation against cold or heat and ventilation. Detention period. Proceedings to ascertain whether detainees have persons under their responsibility (*v.g.*, minors). Protective measures

On September 23<sup>rd</sup>, during the afternoon period, a visit was conducted to the Investigation Department of the Judiciary Police of Leiria. No detainee was present.

The detention area, located in the ground floor, comprises a vestibule and three individual cells. A video surveillance system is installed in the vestibule. According to the information provided, the entire building is cleaned daily, including the detention cells. Standard regulations on lighting and ventilation are complied with. Although the cells showed to be clean, some walls have words and drawings carved on the paint. Additional blankets are provided to the detainees if so requested. The cells have a calling device.

According to information given, since January 2015, around 75 detainees have been held in the facilities. Detainees are usually caught in the act of committing a criminal offense or detained in compliance with a court or a prosecutor order. It was reported that the detention time is, on average, of 12 to 18 hours. An exceptional case where the detention time exceeded 48 hours was flagged: it occurred around two or three years ago due to an unusually long detainee's hearing and was duly justified by a court order.

In the rare event that a detainee has someone under his/her responsibility (*v.g.*, minor, senior or person with disabilities), a family member or a friend normally offers support. When it does not happen, the social services are contacted through the 144 hotline (*Linha Nacional de Emergência Social*) and provide an adequate answer.

**Visit no. 24-2015****Date:** 2015.10.28**Location:** Centro Educativo de Santo António [Educational Centre of Santo António] (Oporto)**Subject:** Operating conditions. Spatial and temporal confinement, namely the personal educational projects and the involvement of public and private entities in the social reintegration of young persons. Therapeutic programs, in particular in the area of mental health, as well as psychological assistance models. Follow-up of young persons detained after their release. Infrastructure. Administrative organisation of processes of youths detained and recruitment processes and training of technical personnel

On October 28<sup>th</sup>, during the afternoon period, a visit was carried out to the Educational Centre of Santo António, in Oporto.

At the time of the visit, the educational centre lodged 21 male youngsters (14 to 17 years old), four of them in open regime, 13 in semi-open regime and four in closed regime. The educational centre has three main buildings: residential (three units), administrative and the workshops. The residential units hosts the youngsters according to their level of skills acquisition and to the conditions laid down by the courts for the implementation of its decisions. Thereby, the young people in unit 1 are in open regime, in unit 2 in closed regime and in unit 3 in semi open regime.

The buildings of the educational centre have good maintenance and upkeep. Also, there is a fire emergency plan and the mechanisms of alert and alarm are in place, following an intervention that took place in 2005. Ramps and bathrooms for persons with reduced mobility are also available

The young persons are still below the minimum school leaving age, with the possibility of attending classes or professional training outside the educational centre, in open or semi-open regime, depending on their progress and assessment.

The youngsters have been assigned to a family physician from an Operational Health Unit. Their access to consultations is ensured whether they are scheduled or not, therefore allowing for the continuity of medical care.

Since June 1<sup>st</sup>, 2015, a nurse is working at the visited institution four times a week, during the morning time. At the same time, the educational centre provides individual psychotherapeutic interventions for those who need it, following an initial diagnostic evaluation, conducted by a psychologist in a space specially designed to that purpose. When necessary (that is the case of eleven youths) psychology and psychiatric consultations are available at a Hospital.

Parental participation is encouraged. Contacts are held, as a rule, on a weekly basis, in the recreation space. The schedule is flexible. Parents take part in the educational centre daily activities, especially in what concerns the Personal Education Project

The food is prepared within the institution, though in outsourcing regime. The kitchen and the cleanliness of utensils were checked. Each unit has a dining hall. The youngsters did not express any reservations as far as quantity and quality of food were concerned.

There was no notice of serious disciplinary problems, though sporadic cases were acknowledged. The disciplinary enforcement measures are those defined in the internal regulations. Units 1 and 2 have rooms appropriated for solitary confinement, which were checked.

As far as it concerns the healthy and dynamic framework in which the relationship between workers and the young persons takes place attention should be drawn, on one hand, to the reading habits among the youngsters. Almost all of them are part of the reading programs designed by the educational centre (*v.g.*, the «Furious Reading» project);

on the other hand, since they leave the educational centre, the youths are monitored, formally after three and six months, and informal contacts are kept also after that period.



**Visit no. 25-2015**

**Date:** 2015.11.09

**Location:** Centro Educativo da Bela Vista [Educational Centre of Bela Vista] (Lisbon)

**Subject:** Operating conditions. Spatial and temporal confinement, namely the personal educational projects and the involvement of public and private entities in the social reintegration of young persons. Therapeutic programs, in particular in the area of mental health, as well as psychological assistance models. Follow-up of young persons detained after their release. Infrastructure. Administrative organisation of processes of youths detained and recruitment processes and training of technical personnel

On November 9<sup>th</sup>, during the afternoon, it was carried out a visit to the Educational centre of Bela Vista, in Lisbon.

At the time of the visit, there were 20 young males in the educational centre, ten of these in open regime and another ten in semi-open regime, and nine girls (eight in institutionalization and one committed to a guarding measure).

The educational centre displays three residential units, with just one building ; each unit contains identical structure, with single rooms, centralized call device, sanitary facilities, school, cafeteria and technical room tutor. Traditionally thought only for the internment of children and young people of the male gender, the educational centre has received young female, since July 30<sup>th</sup>, 2014, as a result of the closure of the Educational Centre of Santa Clara, in Vila do Conde.

It should be noted that, in previous years, the Bela Vista's Educational Centre had received young female (nine in the year 2009 and six in the following year), always in a temporary framework. The commitment of the Board in order to proceed with the gradual adaptation of facilities for young people should be noted, regarding the level of the intervention, as well as the equipment acquisition for new-borns.

The residential units disposition are primarily organised through the implementation of relocation measures (*v.g.*, open, closed and semi-open regimes), even though the young may be inserted into a predetermined phase. The global infrastructure reveals good maintenance and it should be highlighted the recent arrangements that were taken both in male and female residential units, concerning the installation of alert and alarm mechanisms. Also, a new sector belonging to the male residential unit was renewed with capacity for nine male elements, currently unused. That being said, the transfer of young

persons staying in the residential unit on semi-open regime could be weighted. On a negative basis, it was noted the absence of a fire emergency plan, and it was verified that there are no ramps or toilets properly adapted to people with reduced mobility.

The educational centre provides instructive activities in the field of gardening, cooking and hairdresser activities, while still maintaining three young in frequency of secondary school level.

All young persons have a family doctor assigned and they report to the family health Unit of Mónicas. The daily responses accessibility to those who go there is a regular practice, although not formally established, allowing timely solutions. Also in the area of specialty consultations several improvements were recognized, regarding in particular the waiting periods.

From June 1<sup>st</sup>, 2015, the educational centre started to count with the collaboration of nurse personnel, four times a week. At the same time, the central services hired a doctor, in a monthly regime (Wednesdays). In mental health cases, the institution reports to the clinic of youth: five young people (four boys and a girl) are in therapeutic situation.

Contacts with the family are encouraged, and developed in a weekly basis. There is a flexible timetable, with the support of family members to the everyday life and, particularly, in the context of preparation of the individual educational project.

The food is internally made, in outsourcing regime; the suitability of the space for the preparation of meals and the cleaning of materials were checked. The dining areas are located in each of the residential units. Some of the young persons were interviewed, regarding the quantity and quality of food, and some repairs on the first aspect were made.

No serious disciplinary cases have been identified, although it was recognized the existence of situations with sporadic character. The measures adopted are inserted in the internal rules of procedure. Finally, the isolation room has no toilets: in view of the existence of possible alternatives, it should be considered transferring this room to the new sector. It was also appreciated the process of monitoring of youngsters after their exit, up to six months, as a result of the development of educational projects beyond the period of institutional permanence.



**Visit no. 26-2015**

**Date:** 2015.11.23

**Location:** Estabelecimento Prisional de Évora [Évora's Prison Facility] (Évora)

**Subject:** Detention conditions, namely the access to the shower room. Food quality. Terms of occupation of inmates' leisure

On November 23<sup>rd</sup>, during the morning period, a visit was made to the Prison of Évora. At the time of the visitation, there were 48 prisoners allocated to the prison.

A visitation was made to the prison area, as well as to the different spaces of accommodation for the purpose of checking their habitability conditions. Good conditions of habitability were attested, with particular emphasis on the part of the cells that allows some privacy in the use of toilets. In the course of the visit it was detected that the night-call system was inoperable. The four bathhouses were also visited and presented good conditions of health and ventilation. There are no limitations on the use of the bathhouses in terms of time and hot water availability. Recently, another heater was acquired.

It was equally visited the refectory which was in good conditions. The same thing, however, cannot be said about the kitchen, located outside in a container that has been adapted for this purpose. The hygienic conditions, health and ventilation were really bad. The cook did not wear gloves when handling food. One of the freezers was exposed to the sun, albeit indirectly, and the vertical freezer had very poor hygiene. Inside the freezer was detected food without appropriate packaging.

About 48% of inmates have a labour occupation, mainly in the cleaning service. Occupation activities are provided and they include the practice of table games, soccer, table tennis and gym. There is also a partnership with the local Red Cross and a national Foundation.

It was confirmed alcohol detox and recovery program. There is no record of prisoners with drug problems.

Thus, it was concluded that the reality found in the visit to the Prison of Évora deserves generally positive assessment, except for the kitchen conditions that need urgent intervention.



**Visit no. 27-2015**

**Date:** 2015.11.23

**Location:** Tribunal Judicial da Comarca de Évora [Évora Judicial Court] (Évora)

**Subject:** Detention conditions. Food quality

On November 23<sup>rd</sup>, in the morning period, the NPM visited the Judicial Court of Évora.

During the visit the conditions of the cells were verified, in terms of lighting, temperature, cleaning and ventilation, as well as meals' timetable and food quality.

The Judicial Court of Évora has two detention cells located on the ground floor of the building. There is a bathroom, with external access but located next door. So, the

detainees have to leave their cells to use it. It is clear that the space is prepared only to house detainees waiting for relatively short periods (a few hours at most) court proceedings. Detainees cannot spend the night in the cells. Therefore, the cells do not have any massive concrete (sink, bed and protection cubicle), except the masonry platform that serves as the seat only, but not as bed.

The cells have the same area and natural light which comes from iron bars forming the front wall of the space. These iron bars also enable that the surveillance of the detainees is made by direct observation. The ceiling height is quite high (around three meters).

The whole area of the cells had recent work and has great constructive conditions, as well as cleaning, ventilation and lighting conditions.

In the lobby, is affixed information on the rights and duties of the detainees. However, one gets the idea that, although formally complied with the obligation to display the information, the size of the characters and the selected location (although front to the cells, but outside) does not allow detainees to read the information.

The cleaning of cells is done daily, in the same way as the remaining plants of the court.

It is planned that meals are provided by a local restaurant, where they are ordered as needed. If necessary, diet can be ordered.

In short, the conditions found in the detention area of the Judicial Court of Évora are very satisfactory. Notwithstanding, it should be made a negative reference about the size of the letters of the rights panel and obligations of detainees.



### **Visit no. 28-2015**

**Date:** 2015.11.23

**Location:** Posto Territorial de Évora da Guarda Nacional Republicana [National Republican Guard Territorial Post of Évora] (Évora)

**Subject:** Detention conditions. Working conditions of the guards. Dialogue with the detainees, especially about the time of detention and the transport conditions

In the morning of November 23<sup>rd</sup>, it was visited the National Republican Guard Territorial Post of Évora.

Following informal conversation with the Chief Officer, it was concluded that the two previously existing cells are currently closed. Last year it was elaborated a project for the reactivation of one of the spaces, which is suspended in the face of lack of funding. Presently, the detainees are being sent to the Territorial Posts of Arraiolos (main location), Vendas Novas, Portel and Estremoz.



Concerning the working conditions of military personnel, it was concluded that there are 32 agents in office having appropriate quartering infrastructures, although without much practical use (12 beds in a room located right next to the post), since the vast majority of agents is from the municipality of Évora). The functioning of the agents' equipment was also verified, with the realization that the computer tools are recently installed. There were some constraints regarding the procedural management system.

The sanitary facilities are not prepared for persons with disabilities. The locker rooms are shared by the staff affected at the Territorial Post.

The cafeteria is closed, waiting for intervention next year. Anyway, there is an area duly prepared for meals, once the military agents bring food with them from home.

There were no detainees identified at the time of the visit; consequently, the investigation was focused in the specifics of transporting patients in compulsory inpatient. Despite the existence of three vehicles, patients are normally conducted to medical institutions in ambulances, in the context of a protocol concluded by the General Command with the health authorities. Notwithstanding the occurrence of a denial of service a situation (due of financial responsibilities), anomalies in the process were not reported, since the conditions under which the transportation should be carried out is defined by the warrants.

Following the information given by the Chief Officer, it was also visited the Territorial Post of Arraiolos, with the purpose of visiting the respective detention area.

There were two individual active cells. Both cells have natural and artificial lighting, and the latter is properly protected by wire netting. The floor is in cement and light coloured walls. The facilities are suitable. There is a device for emitting signal sound to call the military vigilant agent in case of need for assistance. The cells windows are protected with bars and have wire netting in the outside.

The detainee that arrives receives bed linen that is collected at the end of detention. The cleaning of the cells is done in a daily regime.

The declaration of rights and duties of the detainees is arguably visible from the chamber zone. The text is translated into Spanish, English and French. In addition to recognizing the reduced size of the characters, it was concluded that the wording of the text law was not updated (regarding Law No. 20/2013, of February 21<sup>st</sup>, redaction, in particular concerning subparagraph (b) of paragraph 3 of article 61 of the Criminal Procedure Code).



**Visit no. 29-2015**

**Date:** 2015.11.23

**Location:** Estabelecimento Prisional de Beja [Beja's Prison Facility] (Beja)

**Subject:** Mental health support. Spaces of collective accommodation. Food quality. Procedures of contact with outside world (*v.g.*, phone calls)

On November 23<sup>rd</sup>, in the afternoon period, a visit was made to the Prison Facility of Beja.

As previously determined, randomly selected dormitories in the detention area were visited. The living conditions were considered reasonable regarding lighting, ventilation, health and hygiene. Living conditions in double accommodation rooms were also assessed, with no remarkable differences concerning the above mentioned parameters measured.

The directorate pointed out that the water heating solution capacity ensured one daily hot bath for each inmate.

The leisure areas are adequately ventilated, with natural light and are equipped with table tennis, television, and a sufficient number of tables and chairs.

At the time of the visitation, there were 224 inmates, of a maximum formal capacity of 164 vacancies.

Questioned about the impact of mental health issues among the inmates and the appropriateness of the response offered by the prison facility, a small number of situations were reported. It was explained that 2/3 of the occupants suffering from mental health illness receives appropriate care in the Prison Hospital of Caxias (Lisbon) with no record of waiting lists. Supplementing these external resources, which include whenever deemed necessary, the psychiatric urgency service from the National Health Service's hospital facility in Beja, on site psychological support is available two days per week.

Following up on an inmate interview, the visitors' team asked to access to his clinical record, which was accomplished in the presence of the nurse responsible for the clinical services. It was observed that the medication refusal by the inmates is not registered. Registering the patient's medication refusal is considered an important quality and safety procedure, serving the purposes of error prevention and ensuring the inmates to be fully answerable for the adherence to the therapeutic prescribed.

Throughout the visit to the kitchen one meal was tasted and found to be of sufficient quality. With regard to the nourishment of the prisoners, it was explained by the directorate that the implementation of a parallel system to the supply of goods (cantina), reduced the number of complains, since it allows the access of the inmates to a wide variety of food items.

Finally, in what concerns the contacts with the outside, in particular by tele-phone, it was ascertain that there are no difficulties reported since the implementation of the new

rule, which reduces the use of the telephone to a time limit of five minutes per day and per inmate.

In conclusion, the assessed conditions were deemed adequate. Medication management procedures justify an amelioration recommendation, to include the registration of every refusal, ideally having the patient signing off on the refusal or, alternatively, two eyewitnesses.



**Visit no. 30-2015**

**Date:** 2015.11.23

**Location:** Tribunal Judicial da Comarca de Beja [Beja Judicial Court] (Beja)

**Subject:** Detention conditions. Food quality

In the afternoon of November 23<sup>rd</sup>, a visit was made to the Judicial Court of Beja.

The judicial court has two detention cells. From those, only one was functioning. The other one is used as a warehouse, because it is not necessary its use, considering the scheduling of judgements.

The detention cell in use is large, planted as a square, and does not have the minimum conditions, as legally required (*v.g.*, light accessible from inside, without sanitary facilities and bed). In fact, in that space there is only a wooden bench. The cell is separated from the corridor by a grilles door and wall.

At the time of the visit it was possible to find, in the corridor, some boxes and furniture (closets and chairs). In one of the walls there were pinned several paper sheets with the rights and duties of the detainees, easily accessible to whom may be occupying the cell. That information was written in Portuguese, English, French and Spanish.

The detention space presents good hygienic conditions. As told, it is daily cleaned.

The cell does not have a call system. That fault is filled by the continuous presence of some elements of prison guard, who are monitoring the prisoner. As told, the prison services assure the surveillance of the detainees and the police ensure the security of the court's facilities. This situation is not supervised by any person of the judicial court.

The bathroom is located in the corridor, without any of the security conditions legally required. The equipment is made of chinaware and it is placed near to a window which allows access to the street (although equipped with bars).

It was verified the existence of fire-fighting equipment in the corridor, near the cells (*v.g.*, detector on the ceiling and fire extinguisher on the wall).

It was not found any surveillance equipment (audio and video).

Concerning the food issues it was informed that, considering the proximity of the prison establishment, the detainees' meals are assured by the prison services.

To sum up, it is urgent the remodelling of the detention area, especially in order to improve the entry and staying conditions of the prisoners in the existing cells. At the moment it is also important to remove all the material stored in the corridor, near the detention cells.



**Visit no. 31-2015**

**Date:** 2015.11.23

**Location:** Esquadra de Beja da Polícia de Segurança Pública [Police Station of Beja] (Beja)

**Subject:** Detention conditions. Working conditions of the police officers. Dialogue with the detainees, especially about the time of detention and the transport conditions

On the afternoon of November 23<sup>rd</sup>, a visit was carried out to the Police Station of Beja.

At the time of the visit no citizen is arrested, so it was not possible to hear the detainees as planned.

The detention area has two active individual cells. Both cells were clean and complied with the regulatory standards, never having need for disinfection.

The access to the antechamber is made through a door with bars. In the antechamber it is visible the panel with the information on the rights and duties of detainees in the Portuguese, Spanish, English and French. In the antechamber there are some visible leaks too.

Both cells have natural and artificial lighting, the latter properly protected by metal grid. The floor is covered with ceramic materials and the walls are painted in light colour. There are concrete massive for bed and iron sink, and there is another for toilet protection, all with rounded corners. There is a toilet bowl, with flowmeter embedded in the wall just being visible the power button. There is a calling device functioning in case of need of assistance. Cells doors are in iron plate, opening to the exterior. Cell windows are protected with exterior bars and iron grid. Windows overlook the inner courtyard of the police station, where the safety plug is located.

It is delivered to the detainee disposable linens and blankets that are removed at the end of the detention.

Cleaning is done daily (five days a week), never having need for disinfection.

In case of overcrowding, detainees are transferred to the detention cells of the National Republican Guard.

Detainees are provided with two meals (lunch and dinner), similar to those of police officers.

The police station has 50 police officers and facilities are distributed between the ground floor and 1<sup>st</sup> floor of the building.

The entrance to the police station is made by the top floor, where are the waiting area and the public attendance office, the file room and the recognition room. In addition to the commander's office, the police station also includes the commander deputy's office, the cabinet of the Chief, the Commissioner's office, an office to the Retirees Association of Police, the communications room where it is installed the alarm central, two toilets, the duty officer room, a bedroom with bunk beds, a dressing room with a hot water shower. Facilities suffer from several leaks, mostly caused by the existence of a skylight on the terrace overlooking the inner courtyard of the police station.

There is a large temperature range, very cold in winter and too hot in summer.

Offices of victim support and assistance to the elderly are in the basement. Here it is made the monitoring of elderly people and various activities with elderly and children (school family program) are carried out. This department has eight employees working in shifts. There are two toilets, one female and one for public users. In the basement is also located the bar and the break room, both with multiple water infiltrations.

Officers were asked about possible complaints. In reply they mentioned the weather conditions, the lack of air conditioning and problems with computers and printers, problems already reported to the National Directorate.

In short, at the end of the visit of Beja's Police Station it is worth to point out the poor weather conditions and the indicated infiltrations in several rooms of the facilities, as well as the deficiencies in the operation of computer hardwares (printers).



**Visit no. 32-2015**

**Date:** 2015.11.23

**Location:** Esquadra de Faro da Polícia de Segurança Pública – Divisão do Aeroporto [Police Station of Faro – Airport Division] (Faro)

**Subject:** Detention conditions. Complaints procedures. Dialogue with the detainees, especially about the time of detention and the transport conditions

In the night of November 23<sup>rd</sup>, it was visited the Police Station of Faro –Airport Division.

In respect of the space dedicated to detention, there were two bedrooms, which were in good sanitary conditions, conservation and artificial light. It was detected a lack of cleanness of blankets and pillows which were available to use over the massif that is used

as a bed. It was said, although, that this is ensured that is cleaned after each use. The rights and duties information panel of the arrested persons is affixed in only one wall, by the end of the corridor which gives access to the individual detention spaces and it is not an easy access for the arrested person who occupies the bedroom located in the beginning of the corridor. The bedroom calling and communication system were not properly working.

Regarding the complaint procedures, it was mentioned by the professionals who were heard that the complaints' book is with the graduated, near the public desk, which is inside the airport installations and, if requested, it is given immediately.

The context observed in the Police Station of Faro – Airport Division deserved a positive comment, namely because of the cleanness and the good space conservation conditions. It deserves, however, a negative remark the lack of cleanness of the bed blankets and the inoperability of the cells' calling and communication system.



**Visit no. 33-2015**

**Date:** 2015.11.23

**Location:** Esquadra de Faro da Polícia de Segurança Pública [Police Station of Faro] (Faro)

**Subject:** Detention conditions. Registration procedures of detainees. Dialogue with detainees, especially about the time of detention and the transport conditions

On November 23<sup>rd</sup>, at night, it was carried out a visit to the Police Station of Faro. Three individual cells and one collective cell were identified. In case of overcrowding, the Chief Officer reports to the Tavira Police Station, or, alternatively, to the Faro Prison or to the detention space existing at the airport.

The cells have natural and artificial lighting, and the latter is properly protected by wire netting. The floor is in cement and light coloured walls. The supplies are appropriate. There is a device for emitting a signal sound to call the military vigilant agent in case of needing for assistance. The cells windows are protected with bars and have wire netting in the outside. The cleaning of the cells is done in a daily regime.

The detainee that arrives receives bed linen that is collected at the end of detention. The declaration of rights and duties of the detainees is arguably visible from the chamber zone. The text is translated into Spanish, English and French. In addition to recognizing the reduced size of the characters, it was concluded that the wording of the text law was not updated (regarding Law No. 20/2013, of February 21<sup>st</sup>, redaction, in particular concerning subparagraph (b) of paragraph 3 of article 61 of the Criminal Procedure Code).

The procedure of registration of detainees was appreciated, which do not contend with the police intervention about patient transportation warrants to health establishments. The goods retained at the time of arrests are always identified.

There were no detainees identified at the time of the visit. Thus, the investigation was focused in the patient transportation specifications in compulsory inpatient. It was concluded that the police does not have appropriate vehicles for this particular role, which can jeopardize the citizens' guarantees eventually conducted to hospital facilities. In consequence, the patients should be transported in ambulances, in the context of future protocols concluded with the competent authorities.



**Visit no. 34-2015**

**Date:** 2015.11.23

**Location:** Centro de Instalação Temporária do Aeroporto de Faro [Temporary Installation Centre of the Faro Airport] (Faro)

**Subject:** Detention conditions. Food quality. Procedures of contact with the outside world, especially with lawyers, embassies and consulates

On November 23<sup>rd</sup>, at night, a visit was made to the Temporary Installation Centre of the Faro Airport.

The detention area was visited and consists of two symmetrical areas, one male and the other female, with a capacity of six detainees each. Each area has a living and dining room, two dormitories and a toilet.

The living and dining room is located at the entrance, is wide, has natural light and is furnished with tables and chairs for detainees. It has television, only with four national channels. The living room opens into a yard that can be accessed within the opening hours. There is a corridor, with natural light, starting in the living/dining room which gives access to dormitories.

Each dormitory has three beds and three bedside tables and it only has artificial light.

Each toilet has a shower with hot water, a stainless steel sink and a toilet.

The female area also has a room with natural light, furnished with a cot. Lodgement is cleaned daily.

In the day of the visit there were three foreign detainees who had been transferred from Lisbon (asylum seekers) and another four citizens detained for apprehension of fake documents. For nearly three years this institution is used for the transfer of detainees from Lisbon.



Each detainee is entitled to a personal hygiene set and a pair of disposable bed sheets, which are changed after 6 days, and blankets.

In what concerns food is provided by an external company. Three daily meals are served (breakfast, lunch and dinner). There is a set of specifications where you can check the components of the day meal. Diet meals are provided when necessary.

Detainees are entitled to contact a lawyer or an embassy. To the detainee it is given a card with € 5,00 for potential contacts in the phone booth.

At the end of the visit, some detainees were listened and they complained about the lack of foreign channels on television and the absence of a small evening meal (supper).

In short, the reality found in the Temporary Installation Centre of the Faro Airport deserves a positive impression, namely by its organisations, conditions of detention and cleanliness of the facility. It is only to point out the complaints from detainees about the lack of foreign channels on television and the absence of an evening meal (supper).



**Visit no. 35-2015**

**Date:** 2015.11.24

**Location:** Estabelecimento Prisional de Faro [Faro's Prison Facility] (Faro)

**Subject:** Detention conditions, namely the access to the shower room. Terms of occupation of inmates' leisure. Individual therapeutic planning for inmates with addictions. Procedures of contact with the outside world (*v.g.*, phone calls)

In the morning of November 24<sup>th</sup>, a visit was made to the Prison Facility of Faro.

The physical space was assessed regarding the living conditions of the inmates. The main accommodation sector presented a dusty atmosphere, probably caused by the construction work to renovate cell doors, executed by the inmates as part of a prison establishment initiative. Nonetheless, good parameters of maintenance and ventilation were attested in the cells. The larger dormitories had the worse hygienic conditions (one dormitory, for instance, accommodated 18 inmates).

The dormitory occupied by the inmates serving weekend detention sentences was overcrowded. The prison directorate referred it as a problem of serious concern. This shared accommodation, located outside the main building, was equipped with 36 beds in 40 m<sup>2</sup>, and a dining table in a small adjacent room featuring 13 m<sup>2</sup>. The natural light and ventilation conditions are poor.

It was not possible to visit the showers, as they remained occupied throughout the duration of the visit. Nonetheless, it was referred by one of the guards interviewed that

the showers had been renovated over a year ago and there were no limitations to hot water access during the day.

At the time of the visit, there were 186 inmates, of a maximum formal capacity of 102, including those serving weekend detention sentences.

Some of the inmates standing on the galleries and inner courtyards showed visible signs of mental health disease. The director confirmed a significant number of mental health illness among the inmate population, arguing that the lack of physical space makes it impossible to guarantee their appropriate separation and the provision of specialized assistance deemed necessary to address some of the more complex cases.

During an interview with a foreign inmate, the lack of support given by the prison concerning hygienic products and the deficient laundry conditions were mentioned. Questioned about these aspects, the director explained that the inmate received regular consular support from his country consulate and that there was a washing machine reserved for inmates use.

With respect to the occupational programs, it was found that 62% of the inmates are engaged in work, training or educational activities. In addition, there are different possible leisure events available, such as training with a physical education teacher four times per week, play football, volleyball, chess, yoga or boot camp activities. Cable television is also available in the leisure room.

Regarding the therapeutic planning for the inmates suffering from addictions, the cooperation established with the competent public service of the Ministry of Health and the Intervention on Addicted Behaviours and Dependencies was found to be functioning regularly, with 15 inmates involved. Moreover, there are specific interventions related to alcohol abuse. Supplementing these external resources, on site psychological support is available five hours per week. There are tobacco cessation methods sessions, mostly upheld by the institutions of the National Health Service (Algarve's Regional Health Administration).

Regarding the right to contact with the outside it was ascertain that there are no difficulties reported since the implementation of the new rule, which reduces the use of the telephone to a time limit of five minutes per day and per inmate. However, the legal solution was criticized by the directorate who considers it to be disproportionate and harmful for the detainees.

In conclusion, the conditions were deemed to be generally adequate. The adoption of suitable and specialized assistance to the inmates suffering from a mental health condition should however be emphasized.



**Visit no. 36-2015****Date:** 2015.11.24**Location:** Estabelecimento Prisional de Olhão [Olhão's Prison Facility] (Faro)**Subject:** Detention conditions. Terms of occupation of inmates' leisure. medical and nursing assistance

On the morning of November 24<sup>th</sup>, it was carried out a visit to the Prison Facility of Olhão.

Despite having capacity for 51 inmates, on the day of the visit this prison had 61 detainees. Another one was in the prison hospital.

With regard to labour activity, it was found that there were 13 detainees with cleaning activities and four inmates who are serving their sentence with contact with the outside world are working to external entities. According to what was heard during the visit, the collaboration with the Municipality of Olhão – one of the entities to whom works a prisoner – has been very positive. There are three inmates that serve their sentence in the open regime but inside the prison who sporadically executes activities in the construction industry, in particular painting buildings and bricklayer's workshop. It is also expected that another inmate, that is handicapped, will have occupation in the Municipality of Vila Real de Santo António. There are four inmates who are self-employed as artisans and artists such as painters, duly authorized by the Director. In short, more than half the prison population has occupation.

In addition to the work activities it is necessary to bear in mind the leisure time and the voluntary activities in prison. Thus, the delegation of Olhão of the Portuguese Red Cross is responsible for training the inmates skills and also for sporting activities, psychological support and employee training. The VANEUS Association, which is a religious organization, supports their mutual assistance. It also developed the project «Chess for Life» with the help of a psychologist, which aims to prepare the inmates for making decisions. It is given a motion picture course. The Association ACASO develops, every three months, a citizenship training program. There are also various sports activities, whether table games (ping-pong, chess and checkers) or gym, and even a training program on values and ethics in sport, organised by the Portuguese Football Federation.

The prison also signed a protocol with the Olhão's Municipal Library so that books and CDs are available monthly, and newspapers and magazines, on a weekly basis.

Furthermore, with the exception of inmates who are in open external regime and those who attend bricklayer's workshop (which are 16), all the other inmates attend school with one exception: those who have cleaning activities only have formation after finishing their tasks. Portuguese language classes are taught (for foreigners) and there are also lessons of English, botany and plantation. Integrated formations are also given following

the protocol with the Vocational Training Centre for the Sector of Justice (CPJ). The prison population can still attend the General Directorate's own programs aimed at sex offenders.

Medical assistance is provided through outsourcing, with the presence of the doctor in the prison three hours per week, spreaded over three days for week. Nursing support, also through outsourcing, enables nurses to be in the prison for 25 hours each week. The professionals come from the Red Cross Delegation or the Faro Hospital. In this case, the professional connection to Faro health facility also facilitates the access of prisoners to Specialty Appointment services and the Emergency Department. Dental consultations are held on the premises of the Faro prison facility, every two weeks. Psychiatric consultations are carried out by the Technical Team of Specialized Treatment of Integrated Response Centre of Olhão. For cases of tuberculosis or when it is being given methadone, inmates have to go to the Olhão Health Centre. Moreover, Prison Hospital or Faro Hospital can be addressed.

Finally, a visit was made to the prison area, having been covered the accommodation spaces on sectors of A and B and common areas. There were ordinary cells, disciplinary cells and dormitories and other spaces, such as reading room, library, gym, barber shop, patio, living room, and bar. The kitchen and the dining room were also visited.

The conditions of existing facilities are amazingly adequate, in terms of painting, cleaning and hygiene. The property appears to have regular restoration and conservation works, which makes the space nice and very clean. Also because of this, the environment in prison seemed quiet, although disciplined.

The impression caused by the prison facility was indeed positive. On the whole, the state of the installations is pleasant and the general atmosphere seemed calm and harmonious. Certainly the facilities contribute to that fact, but the main factor will probably be the degree of occupation of prisoners, both at a school and a professional level.



**Visit no. 37-2015**

**Date:** 2015.11.24

**Location:** Esquadra de Olhão da Polícia de Segurança Pública [Police Station of Olhão] (Faro)

**Subject:** Detention conditions. Procedures of contact with Prosecutor's Office. Dialogue with the detainees, especially about the time of detention and the transport condition

In the morning of November 24<sup>th</sup>, a visit was made to the Police Station of Olhão.

Received by the Commander, the NPM's visitors were informed of the existence of two detention cells. Any of them is used for, at least, one year. According to the given information, above mentioned the spaces does not observe the legislation on this matter (*v.g.*, there is a window giving direct access to the outside). Because of that, the detainees go to other police stations: Faro and Tavira. It is also predicted the use of the police facilities existing in the International Airport of Faro.

For this reason, and due to the inexistence of any people conducted to the police station to make a first register of the detention, it was not possible to hold a conversation with detainees. The building of the police station is property of the Olhão's City Hall. It is quite old, without any kind of restoration works. The Commander criticized the poor conservation status and the mismatch of the facilities, not only in what concerns the public attendance, but also to the support that should be given to the professionals who work in that space. In fact, there is not a girls' dormitory. In the men's dormitory, full of old closets, it is possible to see several infiltration signs.

In what concerns the communication with the Public Prosecution services, it was told that there is nothing to point out, negatively.

It is also important to notice that the police station does not have proper access to disabled persons. According to the information given by the Commander, it was requested, months ago, the creation of those conditions.

It deserves to be pointed out the transportation conditions of persons who have to be forcibly committed to mental hospitals. In the visited police station, there are used «ordinary vehicles» (police cars without any particular sign) with the inconveniences related with the mismatch of that type of cars and with the fact that the police officers didn't have specific formation on this matter.

To sum up it is considered urgent the realization of construction works in order to ensure the relocation of the detention cells, eventually to an area far from the street that has an inner courtyard. With the same importance it should be created, as soon as possible, an access to disabled persons.



**Visit no. 38-2015**

**Date:** 2015.11.24

**Location:** Estabelecimento Prisional de Silves [Silves' Prison Facility] (Faro)

**Subject:** Detention conditions. Terms of occupation of inmates' leisure. Disciplinary procedures. Medical and nursing assistance

On November 24th, during the afternoon period, a visit was made to the Prison Facility of Silves.

The prison had, at the time of the visitation, 77 prisoners.

A visitation was made to the prison area, as well as to the different spaces of accommodation for the purpose of checking their habitability conditions. There was observed good conditions of hygiene and cleanliness of the accommodation. Although, in a larger dormitory (which housed 12 persons), the hygienic conditions were not so good. A strong smell of sewage and humidity emanated. The bathhouses of the B wing had good conditions of hygiene and health. Controversially it is registered the fact that on this wing, there are empty cells in good condition, designed to inmates in transit or to occupation in the case of overbooking.

Almost all of the inmates are involved in training activities, work or school. In addition, occupation activities are provided, including the presence of a physical education teacher, five hours a week, practicing football, volleyball and table games. There is a partnership with the local Red Cross, which promotes several activities, such as yoga, film cycles and also lectures on the promotion of citizenship and employability and awareness raising in health (body hygiene, first aid and basic life support). There is also access to cable television services.

After examining the last ten procedures, no grounds for censure were found on the basis of the respect for the disciplinary procedure laid down in articles 110 et seq. of the Code of Execution of Criminal Sanctions and of Measures Involving Deprivation of Liberty.

During the visit to the prison area, some inmates were observed with visible signs of a mental health condition, having been confirmed by the direction a significant prevalence of psychiatric disorders associated with the difficulty in ensuring the provision of specific assistance they require, particularly for lack appropriate separation conditions.

The medical-psychiatric support is provided by the Prison Hospital in Lisbon, and, in urgent cases, prisoners are assisted by the Hospital of Faro. Psychology services are non-existent, with only a psychologist of the local Red Cross once a week, exclusively on the voluntary, provides support group. Medical services are provided by a general practitioner, 12 hours per month, distributed twice a week. The nursing service is provided by five nurses, being contracted 27 hours per week. It was noted that, fortnightly, are transported to Faro's Prison Facility five prisoners for dental consultation.

It was confirmed proper operation of therapeutic programs for inmates with addictions, who attend a program in the Integrated Response Centre of Faro. It is also available therapy for inmates with alcohol dependence.

The reality found in the Prison Facility of Silves deserves generally positive assessment. However, it is necessary following the diligences that will allow inmates with mental illness benefit from expert assistance.

**Visit no. 39-2015**

**Date:** 2015.11.24

**Location:** Posto Territorial de Silves da Guarda Nacional Republicana [National Republican Guard Territorial Post of Silves] (Faro)

**Subject:** Detention conditions. Procedures of contact with Prosecutor's Office. Working conditions of the guards. Dialogue with the detainees, especially about the time of detention and the transport conditions

In the afternoon of November 24<sup>th</sup>, it was held a visit to the National Republican Guard Territorial Post of Silves.

The detention area has one active individual cell which was subject to conservation works in October of 2010. The cell has natural and artificial lighting, the latter properly protected by metal grid. The floor is covered with ceramic materials and the walls are painted in light colour. There are a concrete massive for bed and iron sink, and there is another for toilet protection, all with rounded corners. There is a toilet bowl, with flow-meter embedded in the wall just being visible the power button. The safety plug is exterior to the detention area. There is a calling device functioning in case of need of assistance. The cell door is in iron plate, opening to the exterior, with a door viewer with sight glass of 180.º, which allows a full view of the interior of the cell. The cell window is protected with exterior bars and iron grid. Cleaning is done daily, never having need for disinfection.

It is delivered to the detainee disposable linens and blankets that are removed at the end of the detention.

In the antechamber it is visible the panel with the information on the rights and duties of detainees in Portuguese, Spanish, English and French. In this location it is also placed a surveillance camera.

Regarding the contact with the Public Prosecution Services, it was referred by the military present a total availability of these services and the contact is made directly with the Commander's Office.

The single cell of this post is empty most of the year. The most common crimes are the crimes of resistance and coercion of employees and injuries.

The working conditions of 27 guards of this post are reasonable.

The entrance to the post is made by the top floor, where are located the public attendance office, two investigation offices where recognition can be done, the Post Commander's office, the Deputy's office, the secretary of the post and the Victim Support room. This floor has two toilets for users of the post, one of which is prepared and equipped for persons with reduced mobility. In the attendance of Victim Support is a guard trained to attendance for domestic violence, always carried out in private. Downstairs there are the male and female bedrooms, dressing rooms and toilets (with showers). The TV room has a bar and a dining area where it is possible to cook.



In case of compulsory detention, patients are transported by ambulance requested from the emergency number (112) and are always accompanied by a guard or two, if necessary. The registration of this transport (transportation under the Mental Health Act) is carried out separately from the registration of the other detainees (criminal detention).

It was mentioned by the military present that the post needs effectives. As for the computer system, it was noted that it is sufficient, although sometimes there are some difficulties in entering data (for example, in cases of domestic violence). As for the hardware, it supplies the needs of the visited institution, but there is an insufficient number of available printers, in particular a device that allows colour printing.

The post also has horse stables for cavalry reinforcement (three or four horses in the summer) and a room in which operates a gym for the guards.

In the day of the visit there were no detainees in the Post.

In short, the reality found in the National Republican Guard Territorial Post of Silves deserves a positive impression in particular by the organisation, the conditions of detention and cleanliness of the facility. It is noteworthy that it was referred the need for effectives and computer equipment (a printer).



### **Visit no. 40-2015**

**Date:** 2015.12.18

**Location:** Estabelecimento Prisional junto da Polícia Judiciária [Prison Facility near the Criminal Police] (Lisbon)

**Subject:** Conditions of the admission zone. Individual therapeutic planning for inmates with addictions. Terms of occupation of inmates

On December 18<sup>th</sup>, during the morning, a visit was conducted to the Prison Facility net to the Criminal Police, in Lisbon.

At the time of the visitation there were 140 prisoners.

It was made a visitation to the dormitory for citizens detained by the Criminal Police in what concerns to their living conditions. This dormitory has capacity for 10 inmates. There were observed reasonable conditions of ventilation and sanitation, although, poor conditions of hygiene and cleanliness.

The admission dormitory, with capacity for eight inmates, had bad conditions of hygiene and health. Although the ventilation was reasonable, a nauseating smell of urine from the toilets was felt. It was referred that this results exclusively from the lack of cleaning of the space, by their users.

It was also observed that people who are deprived of their liberty because of sexual crimes are separated from the remaining prison population.

It was confirmed the operation of therapeutic programs for individuals with dependencies. In addition to individuals programs, there are others, namely about emotional stability and health.

There are occupancy leisure activities, which include the practice of football, volleyball, basketball, board games, theatre group and music group. It must be underlined that there is a partnership with the local Red Cross, which includes debates on a free theme. The Municipality of Lisbon organises a weekly reading session. Fortnightly two teachers of Secondary School organise a film screening and promote the practice of badminton and table tennis. Nevertheless, there is no gymnasium. The direction put a bicycle and an indoor rowing machine in a corridor with generous dimension. The use of which is subject to regulation.

It should be noted, in the same way, the support given by the visitors group Catholics of the Conference of St. Vincent de Paul, who, in addition to psychological support, offer material basic necessities to prisoners. Also, as part of volunteering, it was noted that, once a week, two volunteers minister Portuguese courses, for foreigners, and English. The reality found in the visit to the Prison Facility next to Department of Judiciary Police deserves a repair regarding the hygiene conditions of the admission dormitory (situation that should be object of a rapid intervention, essentially in what concerns to

The sanitary facilities and furniture, in order to provide minimum conditions of dignity).



**Visit no. 41-2015**

**Date:** 2015.12.18

**Location:** Estabelecimento Prisional de Alcoentre [Alcoentre's Prison Facility] (Lisbon)

**Subject:** Food quality. Protecting procedures and its operating conditions

On December 18<sup>th</sup>, in the morning period, it was carried out a visit to the Prison Facility of Alcoentre.

The prison of Alcoentre dates from 1944 and it is located in an extensive agricultural property, taking its name from the village nearby. The prison only houses male inmates.

Food is prepared within the prison, though in outsourcing regime. Notwithstanding, a prison worker monitors the preparation of meals. The visit took place at lunch time. The lunch consisted of vegetable soup, «alheira» (a traditional sausage produced in the

North of Portugal), rice, chips and fried egg. Diet consisted of grilled chicken steak and rice. There was salad and bread. For dessert there was custard. Food was tasted and had good quality and presentation, both main and side dishes. On a daily basis, the food is tasted by the Director, the Chief of Guards and the Deputy Director. Moreover, there was compliance with the specifications.

On the procedures followed whenever inmate safeguard measures become necessary, it was informed that separation takes place for no more than 30 days. Usually, safeguard measures become necessary because of prisoners debts, serious conflict or due to the nature of the crimes committed (*v.g.*, sexual crimes). In extreme situations, a request is made to the Directorate-General to the prisoner can be transfer to another prison.

Separation occurs in a different building, built two years ago and with excellent infra-structures. This pavilion has two quarters: a separation area comprising 10 individual cells (and one dormitory, which is not used); a disciplinary area comprising seven cells. Both areas have toilets and showers and their own yard.



**Visit no. 42-2015**

**Date:** 2015.12.18

**Location:** Posto Territorial de Caldas da Rainha da Guarda Nacional Republicana [National Republican Guard Territorial Post of Caldas da Rainha] (Leiria)

**Subject:** Detention conditions. Procedures of detainee transportation

On the morning of December 18<sup>th</sup>, it was held a visit to the National Republican Guard Territorial Post of Caldas da Rainha.

It was visited the detention area which has two active individual cells that were subject to conservation works in the 90's. In the antechamber it is visible the panel with the information on the rights and duties of detainees in Portuguese, Spanish, English and French. Both cells have natural and artificial lighting, the latter properly protected by metal grid. The floor is cement and the walls are painted in light colour. There are concrete massive for bed and iron sink, and there is another for toilet protection, all with rounded corners. There is a toilet bowl, with flowmeter embedded in the wall being only visible the power button. Safety plugs are exterior to the detention area. There is a calling device functioning in case of need of assistance. Doors are in iron plate, opening to the exterior, with a door viewer with sight glass of 180°, which allows a full view of the interior of the cell. Windows are protected with exterior bars and iron grid. Cleaning is done daily.

Detainees are provided with bed linen that is removed at the end of the detention.

With regard to transport conditions, the station has a parking lot and four cars, recent renovated. It also has a garage for the car maintenance.

The transport of detainees with mental disorders is usually done in vehicles of National Republican Guard. The ambulance transport can be made as a result of an express order or on the initiative of National Republican Guard. Whenever it is needed an ambulance to transport a detainee with mental disorders, it is requested to firefighters. In these cases, the detainee is always accompanied by a guard. Transportation is registered and there are different registers for criminal detention and transportation under the Mental Health Act.

When asked about vehicle safety conditions, there were no complaints by the military who have confirmed the regular maintenance of the vehicle fleet.

In short, the reality found in the National Republican Guard Territorial Post of Caldas da Rainha deserves a positive impression, namely its conditions of detention and cleanliness of the facility. However it can be anticipated a very cold environment in winter days.



**Visit no. 43-2015**

**Date:** 2015.12.18

**Location:** Zona de detenção da Diretoria de Lisboa e Vale do Tejo da Polícia Judiciária [Detention zone of the Lisbon and Tagus Valley Directorate of Criminal Police] (Lisbon)

**Subject:** Detention conditions. Dialogue with the detainees, especially about their rights to consult with an attorney, contact by telephone with the defender and to communicate with a family member or a trusted person

In the afternoon of December 18<sup>th</sup>, a visit was made to the Detention zone of the Lisbon and Tagus Valley Directorate of Criminal Police.

Received by the deputy director, the NPM's visitors were informed about the inexistence of a detention area, once that the Criminal Police use the adjoining prison establishment facilities. If the detainee is a woman, she goes to the Prison Facility of Tires. It was also informed that in cases when the police investigators have to, temporarily, leave the detainees, these last ones remain, with permanent surveillance, near the partners of the standby police service, in the facilities reserved to them.

A visit to those installations, located in the new head office, was made. It seems to be adequate to the announced goal considering, not only the detainees' safety (surveillance at sight), but also the temporary and exceptional nature of its use.

It was not possible to hold a conversation with detainees once that, at the time of the visit, the persons registered as such were out of the facilities, in judicial proceedings.

To sum up, the reality found in the Detention zone of the Lisbon and Tagus Valley Directorate of Criminal Police is, globally, positive. There is nothing to register negatively, considering the main goals of the visit that was made.



**Visit no. 44-2015**

**Date:** 2015.12.18

**Location:** Estabelecimento Prisional de Vale de Judeus [Vale de Judeus' Prison Facility] (Lisbon)

**Subject:** Food quality. Protecting procedures and its operating conditions

On December 18<sup>th</sup>, in the afternoon period, it was carried out a visit to the Prison Facility of Vale de Judeus.

Food is prepared within the prison compound, though in outsourcing regime. The chief of prison guards exerts some control over food preparation. The food is weighed whenever necessary to ensure compliance with specifications. On the day of the visit, the lunch consisted of vegetable soup, ribs and chickpea stew (a traditional dish). Diet consisted of grilled chicken steak and rice. For dessert there was custard. Food was tasted and had good quality and presentation, though rather low on salt. On a daily basis, the food is tasted by the Director of the Prison. Moreover, there was compliance with the specifications.

On a conversation held on the subject of food, some apprehension was detected concerning the lowering capitation resulting from the recent contract specifications put out to tender, that will regulate meals from next year. In short, that might mean a cut down on food for each meal, with negative effects on the levels of satisfaction of the prison population.

On the procedures followed whenever inmate safeguard measures become necessary, to the NPM it was told that the prison disciplinary quarters are put to use. The quarters have suitable conditions and are divided in two areas: eight disciplinary cells and eight separation cells (although one of these was temporarily out of use). All cells have toilets and shower, besides a concrete slab and fixed marble shelves. Each area has two courtyards. In terms of safety, the guards have expressed dissatisfaction at the alleged insufficiency of surveillance cameras in the courtyards. These procedures do not exclude the possibility of requesting the Prisons Directorate-General that the prisoner be transferred to another prison.

In short, the various situations that request prisoners' protection appear to be properly planned and taken into consideration. Besides that, the disciplinary quarters used for that purpose have appropriate conditions.



**Visit no. 45-2015**

**Date:** 2015.12.18

**Location:** Estabelecimento Prisional de Caldas da Rainha [Caldas da Rainha's Prison Facility] (Leiria)

**Subject:** Terms of occupation of inmates' leisure. Professional occupation programs. Admission zone

On December 18<sup>th</sup>, in the afternoon, it was visited the Prison of Caldas da Rainha. Both leisure and working time occupation were verified, as well as the welcoming units' conditions. Regarding the first issue, it was noted that the direction assigns cleaning work to 19 inmates, all of whom are paid through funds made available by the State budget. On the other hand, a new job was created to the person responsible for the establishment's canteen, which was recently reorganized in accordance with the rules in force, with tariff pricing and diversified product offering. The set of 20 inmates identified above is installed in a single division, whose conditions of ventilation and lightening are poor.

It was found that 13 inmates are working outside, within the framework of protocols concluded by the direction with the entities concerned. The first elements are housed in autonomous residences located next to the prison buildings, in a daily surveillance regime carried out by the reeducation technicians.

Additionally, it must be noted the creation of 18 new jobs. The space occupied (previous lounge) will be duly equipped by the company responsible and the work will be done to the piece and delivered in a weekly basis. According to the director, the project in question was already developed in the prisons of Linhó, Santa Cruz do Bispo and Tires, and the payment will be processed by the latter. Detainees were selected through criteria of seniority in the inscription's program.

Concerning the leisure time occupation, it was noted that the conviviality among inmates continues to take place in the multiuse space of the cafeteria, but also used for other purposes (*v.g.*, classes, training actions, computers). It is in this space that code classes are taken for inmates who do not have legal clearance to drive.

The space for the cult is situated in the parlour (lessons are also taken there), and, at the moment, there are inmates who profess Catholic, Muslim and Evangelical religion. In addition to the sports practice in the two existing patios, several other recreational

activities like boot camp, creative writing, poetry, choral, Swedish Championships and chess are practiced. There is a library (notoriously small), which provides books reading, under protocol signed with the municipality. The accession of the inmates of this project is quite satisfactory.

Finally, with regard to reception conditions, it was concluded that, at the time of admission, the inmates are received by the graduated service of the lobby and led to his room. Subsequently, the inmates are conducted to the rehabilitation technicians and clinical services.

Overall, it was recognized the effort undertaken by the prison's direction in order to improve the leisure occupation and the reception of inmates conditions. Also positive it is the establishment of 18 new working vacancies. On a negative plan, it should be mentioned the disabled accommodation conditions of the inmates in the working section; therefore, it must be consider the alternative use of a cell unit currently available in the second floor.



**Visit no. 46-2015**

**Date:** 2015.12.22

**Location:** Estabelecimento Prisional de Lisboa [Lisbon's Prison Facility] (Lisbon)

**Subject:** Detention conditions of the cells in the basement, including disciplinary cells. Detention and safety conditions of the admission zone. Criteria of the inmates' separation by sectors

On the morning of December 22<sup>nd</sup>, a visit was conducted to the Lisbon's Prison Facility. Upon arrival, a meeting was held with the prison's director who explained the standards normally used to separate the inmates by the six sections of the main building: section «A» is a common detention unit for preventive and convicted inmates; cells located in section «B» are mostly occupied by convicted inmates waiting transfer to other establishments; section «C» is primarily occupied by preventive and convicted inmates with less addictive behaviours; section «D» comprises the admission and accommodates mainly younger inmates and inmates serving short-term sentences; section «E» accommodates mostly preventive inmates and recently sentenced inmates waiting their relocation in other sections of the establishment; the basement of section «F» accommodates inmates convicted for crimes against sexual self-determination in individual cells with their own showers and the upper floors accommodate inmates that might pose a greater security risk (drug trafficking, organised crime, international networks and high profile cases). The director referred that section «G», outside the main building, functions as



a free-drug unit and operates as therapeutic community for inmates committed to overcome their drug and alcohol addictions. Section «H» accommodates inmates that work in the prison (there are other working inmates lodged in different sections) providing maintenance services, cleaning services, laundry and typography services. This prevents such inmates from circulating in the main building's area.

In respect to the detention conditions, the accommodation areas located in the basement of the main building were visited (sections «A» to «F»).

All cells of section «A» basement are occupied by two inmates and have windows that allow ventilation and natural light. Artificial light is centrally switched off at 22:00. It was observed that the calling system does not work. The cells appear to be cold and damp. Privacy when using the toilet in the cells is not sufficiently safeguarded: the toilet is separated from the cell area by a partition of about 1 meter height.

The cells located in section «B» basement have the same conditions of those located in section «A» but with less sun light due to the geographical orientation.

The disciplinary area, in the basement of the section «C», was empty at the time of the visit since during the holiday season the enforcement of disciplinary sanction is not initiated. The cells of the disciplinary area have poor natural lighting. The toilets – squat type – presented poor cleaning conditions. In one of the cells, the hand basin water tap was significantly damaged. The common areas of section «C» are monitored by video surveillance and the calling system was functioning when tested. In general, the disciplinary cells are cold, show significant signs of humidity and present poor cleaning conditions.

The admission sector is located in the basement of section «D», composed of double occupancy cells. The calling system is not operational. In one of the visited cells, one glass was lacking in the window. In another cell, there was no lamp, which means that during the night the inmates cannot use artificial lighting (the director explained that often the inmates break the lamps themselves and added that the carpentry workshop is developing a wood protection for the light bulbs).

The pavement of the cells is in poor condition. Some toilets (squat type) were in poor cleaning conditions. The calling system is not functioning. One of the inmates referred that in one occasion he needed assistance during the night and knocked on the door of his cell in order to draw attention of the prison guards, but no one answered. The cells show signs of humidity and have the characteristic smell of a damp atmosphere. Security conditions are the same as in other sections. The admission sector is located in section

«D» that also accommodates younger inmates and inmates serving short-term sentences. The basement of section «E» has the worst living conditions, with severely degraded pavement, high humidity and saltpetre on the walls as well as an unpleasant smell. In one of the cells the toilet was malfunctioning and water was constantly running from the toilet tank. In another cell, the sink was clogged. In section «E» each cell is occupied by three inmates.

The basement of section «F» presents the better conditions. Due to a more favourable solar orientation, the cells show no significant humidity, are warmer and brighter. The cells have functioning lamp switches and the light is centrally switched off at 22:00pm.

In general terms, the interviewed inmates complained about the cold and explained that the two blankets provided to each inmate are insufficient during the winter period.

One note on the fact that in many cells cords are used for drying clothes, which may raise some concern in terms of safety.



**Visit no. 47-2015**

**Date:** 2015.12.22

**Location:** Estabelecimento Prisional do Montijo [Montijo's Prison Facility] (Setúbal)

**Subject:** Detention conditions. Overcrowding's consequences. Access to sanitary facilities and shower room

On December 23<sup>rd</sup>, in the morning period, it was carried out a visit to the Prison Facility of Montijo.

For a capacity of 140 places, 182 persons were present (30% of overcrowding), of which only 20 (11%) were in remand detention. The comparatively low occupancy and the changes in the characteristics of the juridical situation of the population (previously with a higher proportion of preventive inmates) were attributed to the reform of the judiciary system. The increase in the proportion of sentenced persons allowed a greater investment in education, in collaboration with a local school, now operating two middle school classes. 70 persons were currently attending those classes.

Concerning labour occupation, 80 persons were doing cleaning functions, 30 persons in a component assembly workshop and others five were in a coffee machines repair's workshop. Two of them were working outside of the facility, in the framework of a cooperation protocol established with the Municipality of Barreiro. The workshop of coffee machines repair was installed by their maker, which also trained and properly certified the workers.

A joint project, with the Professional School of Montijo, was reported to be in preparation, leading to the setup of two different workshops, one of gardening and floriculture and, the other, of air conditioning and freeze. In addition to the theoretical training, the project includes the completion of traineeships in a professional environment, foreseeing the creation, in each case, of six new jobs. Although the protocol is already authorized and the expenditure due by the penitentiary system provided, the actual implementation of the project has been delayed in the central services of the General Directorate of Prisons.

Notwithstanding the very comprehensive coverage of the population, in what concerns occupation, the huge proportion of those in cleaning activities should be noted. The impossibility of accumulation of school attendance and labour occupation was also a target for criticism, as a cause of income reduction.

Another project, for the installation in two apartments of a structure serving as outward home, was reported, in cooperation with the local municipality, the local *Santa Casa da Misericórdia* (catholic charity) and the catholic visiting support group to this facility.

In other aspects, difficulties in accessing the gym were reported, due to high demand and short availability. A need for renewal of phone handsets was also underlined.

Several accommodation quarters were visited, currently showing more favourable conditions than in previous visits, with higher population. Thus, smaller dormitories had three or four persons living in space that came to be used by nine. In turn, the largest dormitories, now with seven or eight persons came to house 15. The situation now experienced and observed seemed significantly better.

The deterioration of accommodation spaces, however, persisted, uniformly seen in terms of ventilation, with no closing windows, and of the electrical system, ripped, with plugs defective and connections made by bare wire. The proper reception of digital terrestrial television was lacking the connection of individual sets to the general system. Lighting conditions were scarce, after dusk limited to a single fluorescent lamp on a central location. The nocturne call system was not operational.

Especially on the first floor, pronounced infiltrations of water were visible, with significant deterioration of the walls and compromising the salubriousness of the premises. The kitchen, lacking a deep renovation, was also visited. Pest control operations were underway at the time of the visit, traps for rodents being visible. The fire extinguisher, whose maintenance was not done regularly, laid in a sheltered place, hindering a quick access in case of need. Lunch served on the day of the visit seemed appropriate, in quantity and quality.



**Visit no. 48-2015**

**Date:** 2015.12.22

**Location:** Comando Metropolitano de Lisboa da Polícia de Segurança Pública [Police Station of Lisbon Metropolitan Command] (Lisbon)

**Subject:** Procedures to provide adequate security for the detainees. Detainees' rights to consult with an attorney, to contact by telephone the defender and to communicate with a relative or with trusted person

On December 22<sup>nd</sup>, in the morning, a visit was made to the Police Station of Lisbon Metropolitan Command.

Following a meeting held with the officer responsible for the detainee's registrations section, it was assured that the validation of the detainee's rights to communicate with family or trusted person and to consult with an attorney is always accomplished, even though the detentions procedures fell within the obligations of the police stations integrated in the District Police Command. The procedure includes the consultation of the «Personal Detainee Booklet». Whenever necessary, there is a telephone reserved for detainee's use, which is available on a table in the police officers' room.

The records of the latest detentions were consulted, confirming information on two recent contacts from the detainees with their lawyers.

The visit included following the route used transport detainees from the detention cars to the detention area and subsequently to accommodation rooms. This route did not pose any particular security concerns.



**Visit no. 49-2015**

**Date:** 2015.12.22

**Location:** Esquadra do Montijo da Esquadra da Polícia de Segurança Pública [Police Station of Montijo] (Setúbal)

**Subject:** Detention conditions: lighting, insulation against cold or heat and ventilation. Detainees' rights to consult with an attorney, to contact by telephone the defender and to communicate with a relative or with trusted person. Working conditions of the police officers

In the afternoon of December 23<sup>rd</sup>, it was carried out a visit to the Police Station of Montijo.

The visitors were received and accompanied by the senior graduate present.

The police station has two individual cells with concrete floors and smooth plaster walls and ceilings. Each one has a window, set at the proper height, protected by metal grill and exterior net, providing adequate ventilation. No signs of moisture or infiltration were observed. The cells have a single source of artificial lighting, situated above the door and with a metallic protection, only accessible from the outside and operated therein. Tap water was available.

As suspected from the filling of the access corridor with file folders, it was stated that these cells are not used since the presence in the facilities of detainees not exceeding, in

general terms, an hour or two. This statement was confirmed by the consultation of the relevant records.

Every detainee is informed of his/her rights through the notification made, which reproduces the regulatory framework. These rights are still visible in posters placed in the lobby of the police station, next to the reception desk and in the waiting room, adjacent to this. This information is available in several languages (Portuguese, English, French and Spanish).

The observation of the registry showed the rarity of the telephone's use to contact a lawyer, family or another person of trust, presumably by the limited duration of most arrests. For this contact, the police station facilities its own phone.

The facilities used for the staff by its staying overnight or merely rest seem appropriate and in good conditions. No complaints were received in this regard.



**Visit no. 50-2015**

**Date:** 2015.12.30

**Location:** Centro de Instalação Temporária do Aeroporto de Lisboa [Temporary Installation Centre of the Lisbon Airport] (Lisbon)

**Subject:** Living conditions of foreign citizens who staying in the detention centre for periods longer than eight days

In the morning of December 30<sup>th</sup>, it was carried out a visit to the Temporary Installation Centre of the Lisbon Airport to host foreigner citizens which saw their entrance in our country denied.

This institution is located at the airport building and access to users and other visitors is only possible by its interior. So that controls and administrative formalities make difficult the circulation of persons and goods.

The detention centre's population is still composed, mostly, by nationals of African countries, no change of the dominant nationalities being noticed, namely by result of the incoming flows recently experienced in Europe. However, in more recent times, an increased number of asylum applications have been observed. There are indications that the decision to seek asylum has already been taken from the start of the trip and with sufficient awareness of the Portuguese legal framework on asylum. The most relevant origin points are Dakar (Senegal), Accra (Ghana) and Morocco. This situation has a great relevance for the detention centre's actual conditions as it generates longer periods of stay and increase the occupancy rate. For this reason, there has been the need to move detainees to Oporto and Faro. The appropriate solution referred was the opening of a new detention

unit in southern Portugal, already planned. For that reason, consideration should be given to hear the board of the Foreigners and Borders Service on this matter.

Another fact worth mentioning is the increasing number of refusal of admission at the border, which could be explained for three reasons: the expansion of air routes from Africa, the return to Portugal of many Brazilian citizens who had been immigrants here before and, at last, the economic situation of Angola, generating new flow entries in Portugal of citizens from that country. This increase in the number of refusal of admission at the border generates the impossibility of ensuring physical separation between these persons and those who are subjected to a removal or expulsion of the national territory process. This is a risk situation, to the extent that persons in an expulsion process were often convicted of crimes.

There have been no cases of unaccompanied children. However, some problematic cases happened, of children and youngsters accompanied by an adult who does not hold parental responsibilities.

Contacts with lawyers and other visitors are made easy in terms of schedule, but may suffer delays if the dedicated facilities are already occupied. In any case, it was referred the existence of lengthy registration procedures imposed by aviation authorities to enter the premises.

32 persons were present at the centre: 19 men, 11 women and two children (a boy and a girl).

In the wing intended to asylum seekers, the male occupation was of 100% (14 persons) and the female 56% (nine persons), the latter also with the presence, referred above, of two children.

Of the 21 adults, 13 had been admitted in November, the earliest one on the 7<sup>th</sup> day of this month.

In the other wing, the male occupation was around 42% (5 persons to 12 vacancies) and the female was 25% (4 persons to 16 vacancies).

Several persons, housed in both wings, from different nationalities and with diverse legal status, were heard by the visiting team. Nothing unusual was reported about the settlement or the subsequent treatment. Asylum seekers mentioned, however, the low temperature of the bath water, which was confirmed as being mild. Some small spots on the skin were attributed to the soap delivered by the visited institution.

In what concerns healthcare, the lack of medical personnel at the airport was reported. Thus, any health events are first screened by the airport nursing staff and then, if necessary, patients are referred to the hospital.

There is a good coordination with the Directorate-General of Health, namely with the Health Authority. During the recent Ebola's epidemic, the absence of a resident doctor led to frequent travel that could have been avoided. It is also important to note that the housed population often suffers from acute episodes of malaria. After a failed attempt to

obtain the cooperation of the clinical services of the Portuguese Air Transport, the celebration of a protocol with a medical NGO is now being envisaged. Sometimes there are cases of persons undertaking substitution therapy, good cooperation with the competent Portuguese services being reported, providing the needed supply of methadone.

In the past, the fact that the food served in the centre was identical to that provided to airlines was criticized, because, being an feasible solution for those who remained only for one to two days, it would be clearly unsuitable to ensure a healthy diet for a period of 60 days. During this visit, it was found a new supply contract that has been made with a proper company, with regular food, even if the transportation of the meals must still be done by a company accredited to move around the premises. The opinion heard was favourable, except for a few complaints about the low salt content. It was observed, but not experimented, for lack of a sample, the meal served at lunch. The meal consisted of a vegetable soup, served in a suitable container for maintaining the temperature, a loaf of bread, a piece of fruit and, as main dish, rice with pork. Clearly marked were the veggie alternatives (rice and vegetables) and specific to Muslims (beef with spaghetti). Meals for children were adapted to the respective ages. The meals looked good and had suitable temperature conditions.

Leisure activities available are only reading newspapers, some (few) table games and a single television *per* wing. This may motivate difficulties in the choice of a channel with a spoken language understood by all. In the wing of the asylum seekers it was obvious the complete segregation by gender: the women on their lodgement and the men in the living room.

## *2.2. Recommendations*

### **Recommendation no. 1/2015/MNP**

#### **Visit no. 1-2014**

**Entity addressed:** Director of the Educational Centre of Bela Vista

**Date:** 2015.04.07

**Subject:** Educational Centre. Housing conditions of young mothers. Fitting-out of facilities. Medical assistance

### **I**

Under the provision contained in subparagraph (b), article 19, of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, I recommend that measures should be taken in order to improve the



detention conditions of the female population in the Educational Centre of Bela Vista, namely:

- i) The residential unit's adaption to the possibility of overnight staying of young mothers with new-born descendants;
- ii) Creating spaces for breastfeeding, introduction of nurseries and nappy changing facilities;
- iii) Toilets' adjustments;
- iv) Possibility of concluding Protocols with the Ministry of Health in terms of uniformed health care (*v.g.*, psychological assistance during preborn and after birth periods).

## II

The specificity question of gender deserved special mention by the United Nations High Commissioner Office for Human Rights, during the week of the dignity and justice for detainees, in celebration of 60 years of the Universal Declaration of Human Rights<sup>(13)</sup>, concluding that spaces and organisations belonging to the juvenile delinquency were, in general, designed for young males.

It can be said that the educational guardianship model has been applied in a predominantly male perspective, which is to some extent linked to the assertion that the number of young females in the system represents only about one-fifth<sup>(14)</sup> of the total.

However, it should be taken account of the specific features resulting from the physical, emotional and intellectual development of male and female populations, which generate several personal and particular needs of growth by imposing appropriate responses by the system.

Thus, it is essential that the intervention model to be taken would consider the gender issues, by creating personal spaces adapted to the feminine universe's integrated and harmonious development.

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(13) Cf. Paragraph 9.5. of the UNICEF's *Juvenile Justice Reform Guide*, May 2011, available in [http://www.unicef.org/search/search.php?querystring\\_en=juvenile+justice+legislative+justice+reform+guide&hits=&-type=&navigation=&Go.x=0&Go.y=0](http://www.unicef.org/search/search.php?querystring_en=juvenile+justice+legislative+justice+reform+guide&hits=&-type=&navigation=&Go.x=0&Go.y=0).

(14) Cf. the parliamentary hearing no. 83-CACDLG-XII of the Commission for Constitutional Affairs, Rights, Freedoms and Guarantees, about the Educational Centres Report, 2012, available in [http://media.parlamento.pt/vid-eos-canal/XII/SL2/02\\_com/01\\_cacdlg/20130522cacdlg.wmv](http://media.parlamento.pt/vid-eos-canal/XII/SL2/02_com/01_cacdlg/20130522cacdlg.wmv)

### III

The position described above follows the visit made on the August 27<sup>th</sup>, 2014 by the NPM<sup>(15)</sup>. In accordance with the preventive character of the NPM<sup>(16)</sup>, the object of this diligence was gauging the appropriate conditions to the concept of gender specificity implementation, to the extent that the Bela Vista Educational Centre had received, on the July 30<sup>th</sup>, 2014, a total of thirteen young female as a result of closure of the Santa Clara Educational Centre, in Vila do Conde, and being traditionally thought to the internment of children and young people of the male gender.

In organisational terms, three accommodation spaces were identified (each one presenting individual rooms): the male population stayed in two residential areas while the young newcomers have been integrated in the remaining area.

Taking into consideration the hiatus since the arrival of the female population, there weren't, however, any differentiating elements susceptible to translate the gender peculiarities (*v.g.*, the daily needs own logistics).

I gather that, on this date<sup>(17)</sup>, eleven persons of the female gender, still remain institutionalized blurring the transitory nature of the female population accommodation. Also according to what it was established, the Navarro de Paiva Educational Centre is not endowed with an adequate capacity to the incorporation of all the young people from Vila do Conde.

Therefore, I conclude that the Bela Vista Educational Centre is not fully prepared to respond to the specific requirements from the incorporation of female young people. This assertion is thickened by the imminent birth of three children in context of detention.



#### **Recommendation no. 2/2015/MNP**

**Visit no. 18-2014**

**Entity addressed:** Regional Police Commander in Madeira

**Date:** 2015.06.12

**Subject:** Police Force. Detainees' rights information. Facilities' condition. Patients' transportation

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(15) In Portugal, the quality of National Preventive Mechanism has been attributed to the Ombudsman, through the Council of Ministers Resolution no. 32/2013, May 20.

(16) The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which intend to establish a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment, was ratified by Portugal in 2012, through the Decree of the President of the Republic no. 167/2012, of December 13<sup>th</sup>.

(17) This information was confirmed by phone on the March 20<sup>th</sup>, 2015.

## I

Under the provision contained in subparagraph (b), article 19, of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, I recommend that measures should be taken in order to improve the detention conditions of the Regional Police Command in Madeira, in terms of both physical spaces as the procedures adopted, namely:

- i)* The positioning of the declaration model of rights and duties of the detainees, in order to be relocated at the detention spaces. The version of the text should include recent amendments to the Code of Criminal Procedure;
- ii)* Installation's conditions improvement, particularly of the light spots existing in the cells, by strengthening the metal grid protection;
- iii)* Regarding the patient's transportation (compulsory inpatient), the vehicles' characteristics should be evaluated, in order to consider their adaptation.

## II

The position described above follows the visit made on the 26<sup>th</sup> November, 2014 by the NPM<sup>(18)</sup>. In accordance with the preventive character of the NPM<sup>(19)</sup>, the object of this diligence was gauging the compulsory inpatient procedures carried out by the Regional Police Command, as well as the agents' working conditions (particularly the displaced elements), and the existing conditions of detention spaces, in terms of lighting, insulation against cold/heat and ventilation.

At the organisational level, a total of three holding cells were identified, located on the ground floor of the building, not interacting with the areas open to the public.

Each cell is prepared to receive one detainee, with satisfactory natural lighting and airing conditions. Any of the detention spaces involves artificial light coming from a bright spot, based in the wall connected to the anteroom, above the door. Despite this, it was concluded that the luminous point existent in each cell was not protected by a metal grid and could be easily used by the detainee.

The panels with the rights and duties of the detainees are prominently displayed in the graduated room, in five languages besides Portuguese, in a space with no exposition for their intended purpose. As previously said, it is necessary to consider the respective publicity in other parts of the station (*v.g.*, cell zone and in the lobby of the station entrance

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(18) In Portugal, the quality of National Preventive Mechanism has been attributed to the Ombudsman, through the Council of Ministers Resolution no. 32/2013, May 20<sup>th</sup>.

(19) The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which intend to establish a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment, was ratified by Portugal in 2012, through the Decree of the President of the Republic no. 167/2012, of December 13<sup>th</sup>.

In addition to recognizing the reduced size of the characters, it was concluded that the wording of the paragraph b) of number 3 of article 61 of the Criminal Procedure Code precept was not updated, in the light of the new wording introduced by Law no. 20/2013, of February 21<sup>st</sup>.

With regard to compulsory inpatient, I was informed that there is no confusion with the detention procedure. The detainee status is not conferred to the citizens who are conducted to the hospital units: to the latter only the status of patient is conferred. Also, the judicial warrants compliance for conducting the patient it is not registered in the book of detainees.

Still, it was said that the police force does not have appropriate transportation vehicles for this kind of task. By not being suitable to comply with the nature of the efforts undertaken in this matter, the lack of transport conditions could jeopardize the citizens' guarantees eventually conducted to hospital facilities.

Finally, I would like to stress that the reality found in the Regional Police Command of Madeira deserved a positive impression and I am convinced that the personal commitment carried out by the command board will allow the strengthening of the citizens' rights safeguards.



**Recommendation no. 3/2015/MNP**

**Visit no. 3-2015**

**Entity addressed:** General Director of Reintegration and Prison Services

**Date:** 2015.06.12

**Subject:** Prison facility. Human resources. Technical support

**I**

Under the provision contained in subparagraph (b), article 19, of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, I recommend that, alternatively, one of the following measures should be taken:

- i)* Approval and implementation of a technical support's assistance plan to the Prison Facility of Horta;
- ii)* Urgent technical affectation that locally performs the functions of technical of re-education.

## II

This recommendation results of the visit that I made to the Prison Facility of Horta, during which I had the opportunity to hold private conversations with thirteen persons deprived of their liberty who expressed this desire (of a total population of twenty-three people), as well with the responsible for surveillance.

In fact, last May 28<sup>th</sup>, I, as National Preventive Mechanism<sup>(20)</sup>, personally the Prison Facility of Horta, a support's establishment located in Faial, Autonomous Region of the Azores. I was accompanied by a member of the Steering Committee.

According to the NPM's preventive function<sup>(21)</sup> and the specific nature of the visited establishment, it was my purpose to analyse how it is given the support to the inmates, especially by the direction and by the technical services.

As I mentioned, I had the opportunity to dialogue with the chief of the prison guards, I visited the installations and I heard, in private conversations, the thirteen prisoners who wanted to talk to me.

At the organizational level, but not only in this one, I verified that the daily routine of this prison facility – which is a small detention place – is linked to the dynamic that is determined by the main establishment, the Prison of Angra do Heroísmo, where the direction and the technical services are installed.

I noted, from the outset, that there is a certain feeling of detachment between the inmates as well as between the guards.

This idea does not result from the physical absence of director, which has marked regular presence in the prison of Horta. In 2014, he made five visits for periods of five working days, and also in the current year, he made a visit, being expected another one soon.

In each visit, according to what was told, the director personally contacted with all the inmates.

On the contrary, the intervention of Education Services, based in prison of Angra do Heroísmo, has not the indication of any visit made in the last two years.

In short, and specifically about the visit's object – the direction's presence and the technical support in the prison of Horta –, it was clear that the intervention of Education Services' technicians was non-existent.

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(20) In Portugal, the quality of National Preventive Mechanism has been attributed to the Ombudsman, through the Council of Ministers Resolution no. 32/2013, May 20<sup>th</sup>.

(21) The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which intend to establish a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment, was ratified by Portugal in 2012, through the Decree of the President of the Republic no. 167/2012, of December 13<sup>th</sup>.

It can be concluded, therefore, that the reality found in the prison of Horta indicates some abandonment – not by the direction and the functions that he performs – but especially by the technical intervention.

The fact that new facilities have been recently opened for the prison located in Angra do Heroísmo, significantly increasing its capacity, necessarily required that this place rests a bigger number of prisoners.

This circumstance will tend, if it remains the same technical resources, to provide even greater remoteness to the prison of Horta and consequently a decrease in the scant support that should be provided to those serving a imprisonment that aimed the purpose of his/her social reintegration.

This is the immediate appreciation that I do of my visit to the Prison Facility of Horta, being convicted that your personal commitment on improving the mentioned aspects will allow to strengthen the prisoners' rights and, thereby, to fulfill the juridic purposes to the sanctions of imprisonment.



**Recommendation no. 4/2015/MNP**

**Visit no. 11-2014**

**Entity addressed:** Chairman of the Board of the Hospital *Magalhães Lemos, E.P.E.*

**Date:** 2015.06.30

**Subject:** Psychiatric Hospital. Containment measures. Containment therapy. Isolation rooms

**I**

Under the provision contained in subparagraph (b), article 19, of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, I recommend that the following measures should be taken:

a) Consolidation of the guidelines for the use of containment measures in accordance with the guidelines of the General Director of Health, as well as with the internal procedure<sup>(22)</sup>;

b) Implementation of an independent record of restraints, as foreseen in the model attached to the internal procedure;

c) Identification of the different therapeutic solutions that should be considered chemical constraints and, therefore, subject to the applicable procedures and guarantees;

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(22) Pro.026.html, about physical restrictions and/or chemistry/isolation, approved on June 5<sup>th</sup>, 2013.

d) Use of the «isolation rooms» in strict observance of the applicable requirements of exceptionality and emergency.

## II

This position has its origin in the visit held to the Hospital *Magalhães Lemos, E.P.E.* by a team of the National Preventive Mechanism (NPM)<sup>(23)</sup>, in the past November 7<sup>th</sup> of the year 2014.

In accordance with the scope of intervention of the NPM<sup>(24)</sup>, several organisational aspects and practices in use for users subject to internment were assessed under the compulsive Act of Mental Health<sup>(25)</sup>, namely in which regards use of constraints and medication protocols in place when no physician is present. The physical space for newly admitted patients was also assessed, with the purpose of analysing the conditions of privacy there.

On the onset of this visit, a meeting was held with the clinical director, which provided several clarifications on the characterisation of the hospital and practices relating to involuntary admissions. The particular gravity of this measure seemed properly recognised by clinical professionals who collaboratively work to replace it with involuntary outpatient treatment, whenever the conditions allow.

In particular regarding the use of restraints on patients at risk of inflicting injury to themselves or others, the grasp on aspects covered by formal parameterization was considered to be a barely enough. As this is one aspect that involves high potential for violation of the rights of patients, we call for consolidation and robust awareness in accordance with best practice of international and national guidelines, in particular those emanating from the General Direction of Health and the internal procedure of the institution.

The absence of an autonomous specific record, to identify and characterise the restraints used made it difficult, on the day of the visit, to obtain data (quantitative and qualitative) on the use of restraints. These were later collected and shared. This is an opportunity for improvement, identified by the NPM, for the implementation of a specific record, independent and cumulative with the clinical process of patients, as now recommended.

Notwithstanding the mentioned need to strengthen the guidelines on the use of restraints in patients, the practice in Hospital *Magalhães Lemos, E.P.E.*, such as described

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(23) In Portugal, the quality of National Preventive Mechanism has been attributed to the Ombudsman, through the Council of Ministers Resolution no. 32/2013, May 20<sup>th</sup>.

(24) The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which intend to establish a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment, was ratified by Portugal in 2012, through the Decree of the President of the Republic no. 167/2012, of December 13<sup>th</sup>.

(25) Law No. 36/98, of July 24<sup>th</sup>, as amended by law No. 101/99, of July 26<sup>th</sup>.



by clinical and nursing professionals contacted, shows that there is a culture of respect for the dignity and rights of the patients, limiting its use essentially with motives of security to the patient and third parties.

As for the prescription and administration of medication in the absence of the physician (designated SOS medication), this follows a protocol authorisation, evident in the patient's clinical process. The administration of tranquilizer medication, in this context, is not necessarily perceived or qualified by professionals as a measure of restraint.

If it is admissible the use of protocols for administration of certain drugs, the rule is not universally valid for all medicine. There is a need to distinguish different situations (*v.g.*, antipsychotics, sedatives, tranquilizers) in order to ensure prescription and administration according to best practices and guarantees that medication constitutes a chemical constraint is understood to be a constraint by all professionals. The clear definition of the drugs which, associated with other conditions, corresponds to a constraint would strengthen, in my opinion, the guarantees of the patients, and also the safety and liability of the professionals who manage them, especially if they are not physicians.

After the visit of the facilities for newly admitted patients (intensive intervention service), a general assessment concluded that they presented good hygiene conditions, lighting and overall good maintenance conditions. The privacy is sufficiently ensured, both in the wards and the bathrooms.

During the visit, two patients were in the «isolation room». One of the patient's situation was particularly unsettling, by how disproportionate this grievous constraint measure seemed, considering the apparently unaggressive behaviour. According to the staff, this is a measure used due to the lack of alternative to ensure proper surveillance (the patient will require permanent monitoring, and, temporarily, there were not enough technicians), this was expected to be overcome in a short period of time, and absolutely prevented from future.

The day, in which the visit occurred, the two «isolation rooms» had been occupied for more than twenty four hours. The patients confined there have limited visual contact with the outside by means of a small acrylic rectangle on the metal door of the room, which abuts the corridor where you can't always find a health care professional. Patients are, however observed regularly, in particular through the surveillance cameras, which transmit the image to the nursing room.

Also found to be disturbing, in what regards the treatment conditions and the respect of the dignity of patients, was the unmitigated noise that one of the patients constantly emitted by beating, with a regular rhythm, with his heel in the metallic door of the room

It was an especially distressing situation, since the patient occupying the adjoining room, also in isolation, suffered from a psychotic disorder which made him believe that he was in a war zone. From a therapeutic perspective this was referred not be a suitable solution. The justification offered, invoked the limitations of the physical spaces and an

alternative area of the hospital would be activated for isolation, to prevent this. Anyway, the recommendation to intensify efforts to minimize the use of isolation and, where necessary, its use for the shortest period of time possible, can prevent most of the adverse effects which are produced inevitably by the insufficient soundproofing of the accommodations. In short, the assessment was positive, especially regarding the policy for minimising the impact of the involuntary treatment situations, the underlying culture of respect for the rights and privacy of patients and good maintenance state of the areas visited.

Opportunities for improvement have been identified regarding the strengthening and the application of the policy on the use of restraints, the creation of an independent record on the use of restraints, including and clarifying the concept of chemical restraint. Lastly I recommend reducing the use of isolation and the shortening the length of this measure to the minimum possible to further strengthen the rights and dignity of the patients in Hospital *Magalhães Lemos*.



**Recommendation no. 5/2015/MNP**

**Visits no. 14-2014; 16-2014; 3-2015**

**Entity addressed:** General Director of Reintegration and Prison Services

**Date:** 2015.07.15

**Subject:** Prison facilities. Autonomous Region of the Azores. Social reintegration. Housing conditions

## I

Under the provision contained in subparagraph (b), article 19, of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, I recommend that the following measures should be taken:

a) Being conducted a detailed study, within 120 days, on the Azorean's prisoners held in all Portuguese prisons, taking into consideration namely:

- i) The total number of such prisoners;
- ii) Their legal and criminal status;
- iii) Their island of origin and family.

b) The social reinsertion of prisoners in Azorean's prisons takes into account not only the availability in the existent infrastructures but also the fact that many prisoners are most likely to be housed in establishments outside of their island of origin. These considerations are relevant whether in situations of parole or when granting of long/short exit permits.

c) An action plan is outlined concerning the improvement of detention conditions in Ponta Delgada Prison (EPPDL), namely in what concerns the separation of prisoners according to the nature of their offences and the strengthening of their individualized treatment.

This recommendation follows the visits that I made to all prison facilities in the Autonomous Region of the Azores in November 13<sup>th</sup> and 14<sup>th</sup>, 2014, and in May 28<sup>th</sup>, 2015, and takes into account the knowledge accumulated by the Portuguese Ombudsman, as shown in the reports on prisons and on other visits.

The situation in the EPPDL is well documented. The efforts that the director and guards have done over the years to provide for its proper operation are well known. Nonetheless, the overcrowding (180%, in 2014) and the types of accommodation (dormitories) pose enormous challenges to a democratic state based on the rule of law, namely in what regards the execution of the imprisonment penalty, the discharge of the prison system duties, in order to provide for prisoners reinsertion in society, the protection of juridical goods and the defence of society.

During my visit I could attest prisoners serving a free days imprisonment sentence are lodged in cells located in the former women's wing. The prisoners under an open prison regime within a secure perimeter are lodged in a former carpentry; there also live those who have been indicted or already sentenced due to child abuse charges. Young adults are also placed there. This prison facility structure and overcrowding do not allow the separation of first offenders and habitual delinquents nor of preventive from sentenced prisoners.

The economic and financial crisis and the opening of the new prison in Angra do Heroísmo, which has been designed as a central prison, and the prison facility in Horta, Faial Island add to the complexity of the situation.

Reconciling a careful and timely resource allocation with the objectives and requirements of the time served in imprisonment penalty or depriving liberty penalties must take into account the archipelagic reality of the Azores, demanding not only that prisoners are allocated in accordance with the available prison facilities, taking into account their legal and criminal status and their family support, but also bringing together local, regional and national administration so that a proper social reinsertion takes place.

Though human and material resources are scarce, I believe that to continuously verify the existing conditions in the EPPDL the full knowledge of the status of prisoners coming from the Azores is necessary.

That is why the above mentioned recommendations have been made.

## 2.3. *Participation in initiatives and institutional diffusion*

### 2.3.1. *Participation in initiatives*

Monitoring the conditions of persons deprived of their liberty demands a vast set of specific knowledges. The training of the NPM's members constitutes thus a priority strategic axis for a better identification of the conducts that are offensive to the human rights. In this regard, the conception, organization and participation in training activities have the aim to provide – not only in a preliminary phase but also on a continued basis visitors with the proper tools to fulfill OPCAT's goals and to exchange of experience and know-how among stakeholders.

On April 29<sup>th</sup>, 2015, two members of the Steering Committee were present at a meeting held in Vienna, in the framework of the project «Strengthening the follow-up on NPM recommendations in the EU: strategic development, current practices and the way forward»<sup>(26)</sup>, organized by the Ludwig Boltzmann Institute of Human Rights, of Vienna, and the Human Rights Implementation Centre of the University of Bristol. This meeting continued the work initiated in 2014, in workshops held in Bristol and Vienna<sup>(27)</sup>, gathering more than 50 entities, including, besides NPMs, the European Committee for the Prevention of Torture, the SPT and the European Union Agency for Fundamental Rights. Representatives of NGOs, such as the Association for the Prevention of Torture and other experts have participated as well. The main aim of this meeting was the discussion of preliminary conclusions about the follow-up of recommendations by national preventive mechanisms in the European Union, notably through the diagnosis of the current situation and the consideration of strategies and ways that can be adopted.

Within the NPM, the training of visitors was strengthened with a training project called «meetings at the coffee break». This project was materialized in two initiatives, promoting the reflection and the exchange of experiences between the NPM's structure members. The first of them, inspired by the RESILAND project, was about the behaviors and tools to integrate the perspective of children in the NPM's actions and it was held on October 27<sup>th</sup>. The second meeting, in its turn, was held on December 17<sup>th</sup> during which the SPT remarks about the NPM report 2014 were discussed.

Alongside these activities, the Ombudsman, as NPM, delivered, on November 27<sup>th</sup>, a conference entitled «Uma outra faceta do Provedor de Justiça: o Mecanismo Nacional de Prevenção» [Another facet of the Ombudsman: the National Preventive Mechanism], in

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(26) This project is co-financed by the European Union, the Council of Europe and the Norway Ministry of Foreign Affairs.

(27) Cf. *NPM Report 2014*, pp. 34-36.

the framework of the workshop *Sistema Prisional Execução de Penas – Direitos Humanos* [Prisons – Penalty enforcement Human Rights], organized by the Human Rights Commission of the Portuguese Bar Association, in Lisbon. This participation managed to show to a qualified audience the NPM performance and capabilities, not only in its inspective action (visits), but also towards the exercise of its power to make recommendations and follow-up monitoring.

### *2.3.2. Institutional diffusion*

The NPM aims to verify that persons who are deprived of their liberty are being treated decently. Thus, it is important that all those who are restricted in their freedom – whether this restriction is founded on a criminal sentence, a tutelary measure or as an effect of danger due to mental disorder – being aware of the existence of an organization that checks on the spot their living conditions, therefore asserting the respect for their fundamental rights. Moreover: also those who work in prisons, educational centres or in other places in which liberty can be restricted must also be aware of the rights of persons who held there and of the NPM's activity.

Following the work carried out in 2014, the NPM established, in January 2015, a separate set of pages on the institutional website of the Ombudsman. It is therefore a page that provides information on the functions, structure and activity of the NPM, in particular on the visits made and the appropriate statistical analysis. Given that the creation of this body is new and innovative in the national legal framework (its genesis goes back only to 2013), it is particularly important to provide the community and citizens with information on the NPM, ensuring, this way, the spreading of the awareness about its mission.

Informative posters and leaflets, those for exhibition and these for distribution at places of deprivation of liberty, were made and delivered. Its content emphasized the NPM's functions and contacts.

On June 26<sup>th</sup>, 2015, the NPM celebrated the International Day in Support of Victims of Torture, through a message posted on the institutional website<sup>(28)</sup> and an interview to the public television network (RTP). With these initiatives the NPM joined to the SPT with a public evocation of that date.

Finally, it should be noted that at the end of 2015 the English version of the NPM content at the institutional webpage has been made publicly available, therefore widening the possibility for that information to be known to a wider universe of persons and organizations.

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(28) This message is available here: <http://www.provedor-jus.pt/?idc=35&idi=15648>.





### *3. Contents*

> Detail – railing of the balcony of the Portuguese Ombudsman's building

### 3. Contents

#### 3.1. Graphics index

<i>Graph I</i> – Geographic distribution of visits made in 2015	14
<i>Graph II</i> – Geographic distribution of all visits made (2014 and 2015)	15
<i>Graph III</i> – Visits made in 2015 by type of place of detention	16
<i>Graph IV</i> – Total of visits by type of place of detention (2014 and 2015)	16

#### 3.2. Visits to places of detention analytic index

Location of detention	Visit no. Date Page no.	Subject
Cadeia de Apoio da Horta [Horta's Prison Facility] (Autonomous Region of the Azores)	<b>3-2015</b> 2015.05.28 Page 19	Presence of direction. Technical intervention
Centro de Instalação Temporária do Aeroporto de Faro [Temporary Installation Centre of the Faro Airport] (Faro)	<b>34-2015</b> 2015.11.23 Page 53	Detention conditions. Food quality. Procedures of contact with the outside world, especially with lawyers, embassies and consulates
Centro de Instalação Temporária do Aeroporto de Lisboa [Temporary Installation Centre of the Lisbon Airport] (Lisbon)	<b>2-2015</b> 2015.01.30 Page 18	Food quality. Detainees' rights to consult with an attorney, to contact by telephone the defender and to communicate with a relative or with trusted person



Location of detention	Visit no.	Subject
	Date	
	Page no.	
Centro de Instalação Temporária do Aeroporto de Lisboa [Temporary Installation Centre of the Lisbon Airport] (Lisbon)	<b>50-2015</b> 2015.12.30 Page 72	Living conditions of foreign citizens who staying in the detention centre for periods longer than eight days
Centro Educativo da Bela Vista [Educational Center of Bela Vista] (Lisbon)	<b>4-2015(S)</b> 2015.08.13 Page 19	Follow-up of the Recommendation no. 1/2015/MNP: Investigation of appropriate conditions to the implementation of the concept of «gender particularity»
Centro Educativo da Bela Vista [Educational Centre of Bela Vista] (Lisbon)	<b>25-2015</b> 2015.11.09 Page 43	Operating conditions. Spatial and temporal confinement, namely the personal educational projects and the involvement of public and private entities in the social reintegration of young persons. Therapeutic programs, in particular in the area of mental health, as well as psychological assistance models. Follow-up of young persons detained after their release. Infrastructure. Administrative organisation of processes of youths detained and recruitment processes and training of technical personnel
Centro Educativo de Santo António [Educational Center of Santo António] (Oporto)	<b>24-2015</b> 2015.10.28 Page 41	Operating conditions. Spatial and temporal confinement, namely the personal educational projects and the involvement of public and private entities in the social reintegration of young persons. Therapeutic programs, in particular in the area of mental health, as well as psychological assistance models. Follow-up of young persons detained after their release. Infrastructure. Administrative organisation of processes of youths detained and recruitment processes and training of technical personnel
Centro Educativo do Mondego [Educational Center of Mondego] (Guarda)	<b>13-2015</b> 2015.09.22 Page 30	Operating conditions. Spatial and temporal confinement, namely the personal educational projects and the involvement of public and private entities in the social reintegration of young persons. Therapeutic programs, in particular in the area of mental health, as well as psychological assistance models. Follow-up of young persons detained after their release. Infrastructure. Administrative organisation of processes of youths detained and recruitment processes and training of technical personnel

Location of detention	Visit no.	Subject
	Date	
	Page no.	
Centro Educativo dos Olivais [Educational Center of Olivais] (Coimbra)	<b>20-2015</b> 2015.09.23 Page 37	Operating conditions. Spatial and temporal confinement, namely the personal educational projects and the involvement of public and private entities in the social reintegration of young persons. Therapeutic programs, in particular in the area of mental health, as well as psychological assistance models. Follow-up of young persons detained after their release. Infrastructure. Administrative organisation of processes of youths detained and recruitment processes and training of technical personnel
Centro Educativo Navarro Paiva [Educational Center Navarro Paiva] (Lisbon)	<b>5-2015</b> 2015.09.16 Page 21	Operating conditions. Spatial and temporal confinement, namely the personal educational projects and the involvement of public and private entities in the social reintegration of young persons. Therapeutic programs, in particular in the area of mental health, as well as psychological assistance models. Follow-up of young persons detained after their release. Infrastructure. Administrative organisation of processes of youths detained and recruitment processes and training of technical personnel
Centro Educativo Padre António Oliveira [Educational Center Padre António Vieira] (Lisbon)	<b>6-2015</b> 2015.09.17 Page 22	Operating conditions. Spatial and temporal confinement, namely the personal educational projects and the involvement of public and private entities in the social reintegration of young persons. Therapeutic programs, in particular in the area of mental health, as well as psychological assistance models. Follow-up of young persons detained after their release. Infrastructure. Administrative organisation of processes of youths detained and recruitment processes and training of technical personnel
Comando Metropolitano de Lisboa da Polícia de Segurança Pública [Police Station of Lisbon Metropolitan Command] (Lisbon)	<b>48-2015</b> 2015.12.22 Page 70	Procedures to provide adequate security for the detainees. Detainees' rights to consult with an attorney, to contact by telephone the defender and to communicate with a relative or with trusted person

Location of detention	Visit no.	Subject
	Date	
	Page no.	
Departamento de Investigação Criminal de Leiria da Polícia Judiciária [Leiria Investigation Department of the Criminal Police] (Leiria)	<b>23-2015</b> 2015.09.23 Page 41	Detention conditions: lighting, insulation against cold or heat and ventilation. Detention period. Proceedings to ascertain whether detainees have persons under their responsibility ( <i>v.g.</i> , minors). Protective measures
Esquadra de Beja da Polícia de Segurança Pública [Police Station of Beja] (Beja)	<b>31-2015</b> 2015.11.23 Page 50	Detention conditions. Working conditions of the police officers. Dialogue with the detainees, especially about the time of detention and the transport conditions
Esquadra de Coimbra da Polícia de Segurança Pública [Police Station of Coimbra] (Coimbra)	<b>16-2015</b> 2015.09.22 Page 33	Detention conditions: lighting, insulation against cold or heat and ventilation. Detainees' rights to consult with an attorney, to contact by telephone the defender and to communicate with a relative or with trusted person. Working conditions of the police officers
Esquadra de Faro da Polícia de Segurança Pública – Divisão do Aeroporto [Police Station of Faro – Airport Division] (Faro)	<b>32-2015</b> 2015.11.23 Page 51	Detention conditions. Complaints procedures. Dialogue with the detainees, especially about the time of detention and the transport conditions
Esquadra de Faro da Polícia de Segurança Pública [Police Station of Faro] (Faro)	<b>33-2015</b> 2015.11.23 Page 52	Detention conditions. Registration procedures of detainees. Dialogue with detainees, especially about the time of detention and the transport conditions
Esquadra de Olhão da Polícia de Segurança Pública [Police Station of Olhão] (Faro)	<b>37-2015</b> 2015.11.24 Page 57	Detention conditions. Procedures of contact with Prosecutor's Office. Dialogue with the detainees, especially about the time of detention and the transport condition

Location of detention	Visit no.	Subject
	Date	
	Page no.	
Esquadra de Tomar da Polícia de Segurança Pública [Police Station of Tomar] (Santarém)	<b>11-2015</b> 2015.09.22 Page 28	Detention conditions: lighting, insulation against cold or heat and ventilation. Detainees' rights to consult with an attorney, to contact by telephone the defender and to communicate with a relative or with trusted person. Food quality. Working conditions of the police officers
Esquadra do Montijo da Esquadra da Polícia de Segurança Pública [Police Station of Montijo] (Setúbal)	<b>49-2015</b> 2015.12.22 Page 71	Detention conditions: lighting, insulation against cold or heat and ventilation. Detainees' rights to consult with an attorney, to contact by telephone the defender and to communicate with a relative or with trusted person. Working conditions of the police officers
Estabelecimento Prisional da Guarda [Guarda's Prison Facility] (Guarda)	<b>12-2015</b> 2015.09.22 Page 27	Detention conditions: lightning, ventilation, isolation against cold and heat. Individual therapeutic planning for inmates with addictions. Food quality
Estabelecimento Prisional de Alcoentre [Alcoentre's Prison Facility] (Lisbon)	<b>41-2015</b> 2015.12.18 Page 62	Food quality. Protecting procedures and its operating conditions
Estabelecimento Prisional de Beja [Beja's Prison Facility] (Beja)	<b>29-2015</b> 2015.11.23 Page 48	Mental health support. Spaces of collective accommodation. Food quality. Procedures of contact with outside world ( <i>v.g.</i> , phone calls)
Estabelecimento Prisional de Caldas da Rainha [Caldas da Rainha's Prison Facility] (Leiria)	<b>45-2015</b> 2015.12.18 Page 66	Terms of occupation of inmates' leisure. Professional occupation programs. Admission zone
Estabelecimento Prisional de Caxias [Caxias' Prison Facility] (Lisbon)	<b>7-2015</b> 2015.09.17 Page 23	Detention conditions: lightning, ventilation, isolation against cold or heat. Criteria of the inmates' separation by sectors. Disciplinary procedures. Food quality

Location of detention	Visit no.	Subject
	Date	
	Page no.	
Estabelecimento Prisional de Coimbra [Coimbra's Prison Facility] (Coimbra)	<b>18-2015</b> 2015.09.23 Page 35	Detention conditions: lightning, ventilation, isolation against cold or heat. Individual therapeutic planning for inmates with addictions. Food quality. Disciplinary procedures
Estabelecimento Prisional de Évora [Évora's Prison Facility] (Évora)	<b>26-2015</b> 2015.11.23 Page 44	Detention conditions, namely the access to the shower room. Food quality. Terms of occupation of inmates' leisure
Estabelecimento Prisional de Faro [Faro's Prison Facility] (Faro)	<b>35-2015</b> 2015.11.24 Page 54	Detention conditions, namely the access to the shower room. Terms of occupation of inmates' leisure. Individual therapeutic planning for inmates with addictions. Procedures of contact with the outside world ( <i>v.g.</i> , phone calls)
Estabelecimento Prisional de Leiria [Leiria's Prison Facility] (Leiria)	<b>21-2015</b> 2015.09.23 Page 38	Detention conditions: lightning, ventilation, isolation against cold or heat. Procedures for the separation of inmates. Conditions to implement the concept of «gender particularity»
Estabelecimento Prisional de Leiria para Jovens [Leiria's Young Prison Facility] (Leiria)	<b>22-2015</b> 2015.09.23 Page 39	Terms of professional and scholar occupation of inmates, as well as their leisure. Detention conditions: lightning, ventilation, isolation against cold or heat. Criteria of the inmates' separation by sectors
Estabelecimento Prisional de Lisboa [Lisbon's Prison Facility] (Lisbon)	<b>46-2015</b> 2015.12.22 Page 67	Detention conditions of the cells in the basement, including disciplinary cells. Detention and safety conditions of the admission zone. Criteria of the inmates' separation by sectors
Estabelecimento Prisional de Monsanto [Monsanto's Prison Facility] (Lisbon)	<b>8-2015</b> 2015.09.18 Page 24	Detention conditions: lightning, ventilation, isolation against cold or heat. Terms of occupation of inmates' leisure. Disciplinary procedures. Mental health support. Food quality

Location of detention	Visit no.	Subject
	Date	
	Page no.	
Estabelecimento Prisional de Olhão [Olhão's Prison Facility] (Faro)	<b>36-2015</b> 2015.11.24 Page 56	Detention conditions. Terms of occupation of inmates' leisure. Medical and nursing assistance
Estabelecimento Prisional de Silves [Silves' Prison Facility] (Faro)	<b>38-2015</b> 2015.11.24 Page 58	Detention conditions. Terms of occupation of inmates' leisure. Disciplinary procedures. Medical and nursing assistance
Estabelecimento Prisional de Vale de Judeus [Vale de Judeus' Prison Facility] (Lisbon)	<b>44-2015</b> 2015.12.18 Page 65	Food quality. Protecting procedures and its operating conditions
Estabelecimento Prisional do Montijo [Montijo's Prison Facility] (Setúbal)	<b>47-2015</b> 2015.12.22 Page 69	Detention conditions. Overcrowding's consequences. Access to sanitary facilities and shower room
Estabelecimento Prisional junto da Polícia Judiciária [Prison Facility near the Criminal Police] (Lisbon)	<b>40-2015</b> 2015.12.18 Page 61	Conditions of the admission zone. Individual therapeutic planning for inmates with addictions. Terms of occupation of inmates
Estabelecimento Prisional Militar [Militar Prison Facility] (Santarém)	<b>9-2015</b> 2015.09.22 Page 25	Terms of professional occupation of inmates and their leisure. Detention conditions: lightning, ventilation, isolation against cold or heat. Disciplinary procedures. Food quality
Instância Local de Tomar do Tribunal Judicial da Comarca de Santarém [Tomar Local Instance of the Santarém Judicial Court] (Santarém)	<b>10-2015</b> 2015.09.22 Page 27	Detention conditions: lightning, ventilation, isolation against cold or heat. Food quality

Location of detention	Visit no.	Subject
	Date	
	Page no.	
Posto Territorial de Caldas da Rainha da Guarda Nacional Republicana [National Republican Guard Territorial Post of Caldas da Rainha] (Leiria)	<b>42-2015</b> 2015.12.18 Page 63	Detention conditions. Procedures of detainee transportation
Posto Territorial de Celorico da Beira da Guarda Nacional Republicana [National Republican Guard Territorial Post of Celorico da Beira] (Guarda)	<b>14-2015</b> 2015.09.22 Page 32	Detention conditions: lightning, ventilation, isolation against cold or heat. Food quality. Working conditions of the guards
Posto Territorial de Condeixa-a-Nova da Guarda Nacional Republicana [National Republican Guard Territorial Post of Condeixa-a-Nova] (Coimbra)	<b>17-2015</b> 2015.09.22 Page 34	Detention conditions: lightning, ventilation, isolation against cold or heat. Proceedings to ascertain whether detainees have persons under their responsibility ( <i>v.g.</i> , minor, senior or person with disabilities). Food quality. Working conditions of the guards
Posto Territorial de Évora da Guarda Nacional Republicana [National Republican Guard Territorial Post of Évora] (Évora)	<b>28-2015</b> 2015.11.23 Page 46	Detention conditions. Working conditions of the guards. Dialogue with the detainees, especially about the time of detention and the transport conditions
Posto Territorial de Penacova da Guarda Nacional Republicana [National Republican Guard Territorial Post of Penacova] (Coimbra)	<b>15-2015</b> 2015.09.22 Page 32	Detention conditions: lightning, ventilation, isolation against cold or heat. Detainees' rights to consult with an attorney, contact by telephone with the defender and to communicate with a family member or a trusted person. Proceedings to ascertain whether detainees have persons under their responsibility ( <i>v.g.</i> , minor, senior or person with disabilities). Protective measures



Location of detention	Visit no.	Subject
	Date	
	Page no.	
Posto Territorial de Silves da Guarda Nacional Republicana [National Republican Guard Territorial Post of Silves] (Faro)	<b>39-2015</b> 2015.11.24 Page 60	Detention conditions. Procedures of contact with Prosecutor's Office. Working conditions of the guards. Dialogue with the detainees, especially about the time of detention and the transport conditions
Tribunal Central de Instrução Criminal [Lisbon Central Court of Criminal Preparatory Enquiry] (Lisbon)	<b>1-2015</b> 2015.01.29 Page 17	Food quality. Hygienic and safety conditions of the cells
Tribunal Judicial da Comarca de Beja [Beja Judicial Court] (Beja)	<b>30-2015</b> 2015.11.23 Page 49	Detention conditions. Food quality
Tribunal Judicial da Comarca de Coimbra [Coimbra Judicial Court] (Coimbra)	<b>19-2015</b> 2015.09.23 Page 37	Detention conditions: lightning, ventilation, isolation against cold or heat. Food quality
Tribunal Judicial da Comarca de Évora [Évora Judicial Court] (Évora)	<b>27-2015</b> 2015.11.23 Page 45	Detention conditions. Food quality
Zona de detenção da Diretoria de Lisboa e Vale do Tejo da Polícia Judiciária [Detention zone of the Lisbon and Tagus Valley Directorate of Criminal Police] (Lisbon)	<b>43-2015</b> 2015.12.18 Page 64	Detention conditions. Dialogue with the detainees, especially about their rights to consult with an attorney, contact by telephone with the defender and to communicate with a family member or a trusted person

### 3.3. Recommendations analytic index

Recommendation no.		
Visit no.	Subject	Entity addressed
Page		
<b>1/2015/MNP</b> <b>1-2014</b> Page 74	Educational Centre. Housing conditions of young mothers. Fitting-out of facilities. Medical assistance	Director of the Educational Centre of Bela Vista
<b>2/2015/MNP</b> <b>18-2014</b> Page 76	Police forces. Public Security Police. Information about	Commander of Regional Command of Autonomous Region of Madeira
<b>3/2015/MNP</b> <b>3-2015</b> Page 78	Prison facility. Human resources. Technical support	General Director of Reintegration and Prison Services
<b>4/2015/MNP</b> <b>11-2014</b> Page 80	Psychiatric Hospital. Containment measures. Containment therapy. Isolation rooms	Chairman of the Board of Hospital <i>Magalhães Lemos, E.P.E.</i>
<b>5/2015/MNP</b> <b>14-2014,</b> <b>16-2014,</b> <b>3-2015</b> Page 83	Prison facilities. Autonomous region of the Azores. Social reintegration. Housing conditions	General Director of Reintegration and Prison Services

