

*The National Preventive Mechanism
and the educational centres*

Report of the visits carried out during the year 2015

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Index

Abstract	6
Initial considerations	7
Legal framework	9
Methodology	12-14
Global vision of the reality found in the educational centres	15
1. Characterisation of the young people	16
2. Facilities	21
2.1. Global appreciation	21
2.2. Conditions and organization of the infrastructures	22
2.2.1. Habitability conditions	22
2.2.2. Spaces intended for school and training activities	25
2.2.3. Dining area	26
2.2.4. Areas for leisure and sport activities	27
2.2.5. Administrative areas	28
2.2.6. Infirmary	28
2.2.7. Sanitary facilities	29
3. Administrative organisation	31
3.1. Individual process of the young people	31
3.2. Human resources	32
3.3. Articulation with external entities	35
3.3.1. Courts and Public Prosecutions	35

3.3.2. Articulation with the health units	36
3.3.3. Protocols	37
4. Functioning of the educational Centres	39
4.1. Internal rules	39
4.2. Education, training and teaching	40
4.3. Health: the specific problem of mental health	47
4.4. Food	53
4.5. Leisure and community activities	54
4.6. Disciplinary action	56
4.7. Security against fire and others risks	57
Brief analysis of the educational centres	61
1. <i>Bela Vista</i> Educational Centre	62
2. <i>Santo António</i> Educational Centre	63
3. Educational Centre of <i>Mondego</i>	64
4. <i>Olivaís</i> Educational Centre	65
5. Educational Centre <i>Navarro de Paiva</i>	66
6. Educational Centre <i>Padre António Oliveira</i>	67
Conclusions	68
Other Contents	72
1. Graphs	72
2. Tables	73
List of abbreviations	74
Annexes	75
Mental Health Questionnaire	76

Recommendations of the National Preventive Mechanism:	80
Recommendation addressed to the Minister of Justice	81
Recommendation addressed to the General Director of Reintegration and Prison Services	90
Recommendation addressed to the Minister of Health	100
Recommendation addressed to the President of the High Council of the Judiciary	105
Recommendation addressed to the Prosecutor General	108

Abstract

This special report presents the reality found by the National Preventive Mechanism (NPM) on its visits to the Portuguese educational centres for young people. Its object, previously defined, included the analysis of organizational conditions and infrastructures of the educational centres, the follow-up of the youths after their release and the therapeutic programs which are provided to them.

The evidences gathered during the visits and the information sent to the NPM were analysed in order to understand these establishments' operation. Following the conclusions draw, the NPM autonomously issued recommendations to various entities, thus strengthening the defense of the rights of young people and improving, concomitantly, the educational tutelary system.

Initial considerations

In the 80's, the General Assembly of the United Nations (UN) adopted the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. The States that have ratified this legal instrument are obligated to promote a decent treatment to the people that are deprived from their liberty, taking appropriate preventive and repressive measures. Although the course of History has indicated that the assumption of international obligations towards conditions which ensure respect for the dignity of those who are in prison was not enough. For this reason, and recognizing the necessity of consecrating additional measures to prevent acts of torture and alike, the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) was concluded. With the OPCAT it was determined the creation of autonomous and independent national bodies to conduct visits to places of detention on a regular basis, reinforcing the protection of the persons deprived or limited of their liberty.

The NPM function was assigned, in Portugal, to the Portuguese Ombudsman, through the Council of Ministers' Resolution No. 32/2012, May 20, in result of the ratification of the previously referred Optional Protocol by the Portuguese State held in December 2012. Therefore it is a responsibility to conduct visits, without previous notice, in order to verify the treatment to which those deprived from liberty are subjected. Equally, when the circumstances are worthy of repair that body can address recommendations to the competent authorities and propose modifications to the existing legal norms or the legal initiatives.

The beginning of the inspective activity took place with a visit to the Educational Centre of Bela Vista, in Lisbon, due to the feminine population transfer from the now closed Educational Centre of Santa Clara, in Vila do Conde,. The first concern of the NPM was, therefore, comprehending the universe of young individuals with ages between 12 and 21 years old that practiced acts qualified as crimes, given the particular situation of double vulnerability in which they are in (one that results from their age and other that derives from the deprivation of their liberty as a consequence of their conduct, despite the reeducative purpose).

The visit formerly mentioned had the aim to assess the adaptation of the space to the specificities of the young female students, since it was first intended to receive only young man. Despite the visit's purpose the NPM encountered in the course of the visit in the educational center for young people with notorious mental disorders, a situation that was analyzed and motivated, along with the recent modifications to the Educational Guardianship Law, the conduction of visits to all the educational centres, which came to occur during the year of 2015.

Legal framework

The Educational Guardianship Law (EGL), approved by the Law no. 166/99, of September 14th, consecrates the creation of therapeutic programs in the educational centres, as well as the existence of psychological assistance models to young individuals between the ages of 12 to 16 years old who have practiced acts qualified as crimes by the Law and are accomplishing educational measure (a measure that can be executed until 21 years of age, moment in which it's cessation is obligatory¹). Following the adjustment of this legal diploma, operated by the Law no. 4/2015, January 15th², the NPM determined the elaboration of a thematic report that illustrates the picture of today's reality that, in our days, subsists in the educational Centres in Portugal, with particular emphasis on the issue of mental health.

The educational centres are dependent of the social reinsertion services³ and aim, in the terms of the article 145^o. of EGL, «a) to the implementation of the liberty depriving educational measures; b) the implementation of the preventive measure of custody in educational Centre; c) internment for conduction of an expert evaluation regarding the individual personality when related to the social reintegration services; and d) to the execution of the detention», having as desideratum «the young people's education concerning the law and his insertion, in a dignified and responsible manner, in community life⁴».

These institutions work, jointly or alternatively, in open, semi-open and closed systems. In the open system, the young people reside in the educational centre, but the activities that comprehend the respective personal educational

¹ See article 1 and 5 of the EGL.

² Rectification statement No. 9/2015, March 3.

³ See article 144 of the EGL in conjunction with the provisions of the article 8 of the General and disciplinary statute of the educational centres (GDSEC) approved by Decree-Law No. 323-D/2000, December 20.

⁴ See article 13 No.1 of the Decree-Law No. 215/2012, September 28 which approved the structure of the General Directorate of Rehabilitation and Prison Services.

program take place in the exterior, also they are authorized to leave without monitoring and can spend vacation periods and weekends with authorized people⁵. The young people that carry out their internment in the educational centre, in a semi-open system, reside and attend the activities that are part of their personal educational project within the centre, but they may leave the building generally with proper monitoring⁶. The execution of the internment measure in an educational centre, in a closed system implies the permanence of the young people in its interior and their exits from the centre are always monitored and only destined «to the compliance of the legal obligation, to the fulfillment of health necessities or other motive equally ponderous and exceptional⁷».

The aforesaid modification to the EGL, which occurred on January 15, 2015, brought important modifications regarding the understanding of the educational tutelary legal regime that concern the execution of the internment measure; those indicated below should be emphasized:

- i) the consecutive sentence is applied under the terms of the criminal law, when applied more than one internment measure to the same young person even without one of them being fully completed⁸;
- ii) a maximum limit of total duration establishes the double of the most severe measure applied in case the applied internment measures' execution obeys to different systems ending whenever he/she reaches 21 years of age⁹;
- iii) Determines the extension of the formal requirement – age – for the institution of the internment measure in a closed system¹⁰;
- iv) The minimum limit of duration of the internment measure fulfilled on the open and semi-open systems goes from three to six months¹¹;

⁵ See article 167 of the EGL, along with article 13 of the GDSEC.

⁶ See article 168 of the EGL, along with article 14 of the GDSEC.

⁷ See article 169 No.1 of the EGL, along with article 15 of the GDSEC (the young person may be legally authorized to leave the school, for a limited time, without accompaniment after a proposal by the social reintegration services (see article 169 No. 2 of the EGL).

⁸ See article 8 No. 4 of the EGL.

⁹ See article 8 No. 7 of the EGL.

¹⁰ See article 17 No. 4 b) of the EGL.

¹¹ See article 18 No.1 of the EGL.

- v) Proceeds to the extension of the participation of the parents or other people that constitute a reference to the young person regarding the implementation of every tutelary measures¹²;
- vi) Extends the to the execution of the internment measure in a closed regime the possibility of celebrating cooperation agreements with, non-profitable public entities¹³;
- vii) The concepts of «intensive supervision period» and «post-admission monitoring» are introduced. Regarding the first, the EGL consecrates the possibility of, by court decision, the execution of the internment measure to be integrated by an «intensive supervision period», which is intended to evaluate the skills acquired by the young people, as well as the way they reflect on their behavior¹⁴. Secondly, without the «intensive supervision period», the responsibility of the social reintegration services is to accompany the young person after the cessation of their internment measure in the educational centre¹⁵;
- viii) The internment measure on the weekends¹⁶ was revoked, with particular significance in the daily life of the educational centres, contributing to a greater stabilization of the day-to-day lives of the young people that are involved in internment measures.

¹² See article 22 No. 1 of the EGL.

¹³ See article 208 No. 1 of the EGL. Two paragraphs (3 and 4) have been added to this legal provision, establishing that even in close cooperation with the above entities, the responsibility for monitoring the execution of the internment measure is always borne by the social reintegration services that designate the director and, if the size of the school justifies it, a technical coordinator.

¹⁴ See article 158-A of the EGL. It should also be stressed that rules of conduct or obligations can be imposed on young people during this period of “intensive supervision”.

¹⁵ See article 158-B of the EGL. For this purpose, there is a possibility of setting up transitional residential units.

¹⁶ According to article 3 d) and e) of the 4/2015, January 15 which revoked article 145 e) and 148 of the EGL.

Methodology

With the thematic report that here is divulged we intend, as it was mentioned before, to comprehend the routine lived in our educational centres. To this end, the NPM visited, during the year of 2015, the six establishments that welcome young people that between the ages of 12 and 16 years practiced acts qualified as crime by the Law and are, therefore, serving a tutelary internment measure.

For the consistency of the information gathered, the object of the referred visits was defined in a unitary way and was consolidated in the analysis of several aspects, among which it is included the verification of the spatial and temporal confinement of the educational centres, overall regarding the educational component and the involvement of third parties (public and private) in the process of young people's social reintegration. It was aimed, likewise, to understand how the monitoring systems of the young people do work, especially after they leave the educational centre. The administrative organization – being related to the individual processes of the young people or referent to the recruitment procedures and subsequent preparation of the technicians who work at the educational centres – was another point to which NPM devoted its attention. The conditions of the infrastructures and the functioning of the educational centre have constituted, also, some of the other investigated matters, as do the therapeutic programs and the models of psychologic assistance that are provided to the young people in internment.

The visits to the educational centres took place in the second semester of the previous year, having occurred in the way indicated below: *i)* the Educational Centre *Navarro de Paiva* was visited on the September 16; *ii)* the Educational Centre *Padre António Vieira* was visited on the September 17; *iii)* the Educational Centre of *Mondego* was visited on the September 22; *iv)* the *Olivais* Educational Centre was

visited on the September 23; *v)* the *Santo António* Educational Centre was visited on the October 28; and *vi)* the *Bela Vista* Educational Centre was visited on the November 9.

Meanwhile, the NPM solicited information to the directions of the educational centres, particularly about the ages and gender of the young people, their educational credentials and the working human resources, as well as some documents that are relevant for the functioning of the alluded establishments (*v.g.* internal procedure, educational intervention project and personal educational project). The data sent at the time was object of appropriate statistic treatment, having, however, its reception date in account. It is important, therefore, to clarify at the outset that the dates to which the empirical elements refer in this report are diverse, nevertheless, they all belong to the year of 2015: *a)* *Bela Vista* Educational Centre – December 4; *b)* *Santo António* Educational Centre– November 16; *c)* Educational Centre of *Mondego* – September 30; *d)* *Olivais* Educational Centre – September 29; *e)* Educational Centre *Navarro de Paiva* – September 18; and *f)* Educational Centre *Padre António Vieira* – September 28.

It was, likewise, prepared a questionnaire¹⁷ concerning the young people with mental disorders, typology of the therapeutic programs of the educational centres and the other means of response to these problems, which was remitted to the referred establishments and the DGRPS (Directorate-General for Reintegration and Prison Services). The answers given were also worked and expressed in text and, in some cases, accompanied by graphic representations.

On the December 17 of 2015 a meeting took place at DGRPS, after which were doubts were clarified and further information was obtained about the educational centre thematic.

The structure of the present report is sub-divided into two parts. The first, of general matter, has as purpose to provide an overview of the educational centres, regarding, among others, the characterization of young people interned under

¹⁷ See annex in this report.

educational measure, the housing conditions of the spaces, formation provided, human resources of the institutions and medical assistance, both medication and nursing. This general overview is followed by a second part which is divided into six points, as many as the number of educational centres in Portugal. In the pages that comprise it, we present, individually, several information (*v.g.* a brief historic reference, occupation and measure execution regime) about each one of the educational centres.

This report presents, now and in the end, the main conclusions that can be extracted from the conditions observed *in loco* and the clarifications that were sent to the NPM, which led, when relevant, to the release of autonomous and detailed recommendations.

*Global vision of the reality found
in the educational centres*

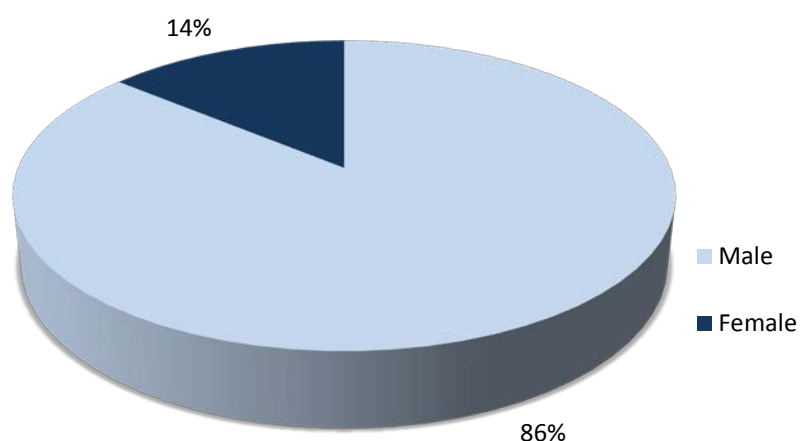
1. Characterisation of the young people

In the year of 2015, 150 young people¹⁸ were placed in an educational centre due to the fulfilment of an internment measure (140 young people) or a precautionary measure of custody (10 young people).

From the 150, 21 were of the feminine gender (the equivalent to 14%), as shown in the following graphic, distributed by two of the six educational centres: the *Navarro de Paiva* and the *Bela Vista* (the latter, merely, at a transitional title).

Graphic I

Characterization of young people interned by their gender



Regarding the duration of the tutelary internment measure applied, it should be noted that more than $\frac{1}{3}$ of the young people (51 young people, the equivalent

¹⁸ It should be emphasised in the number of young people who were interned in the Educational Centre of *Mondego* (24), two of them were absent without authorization.

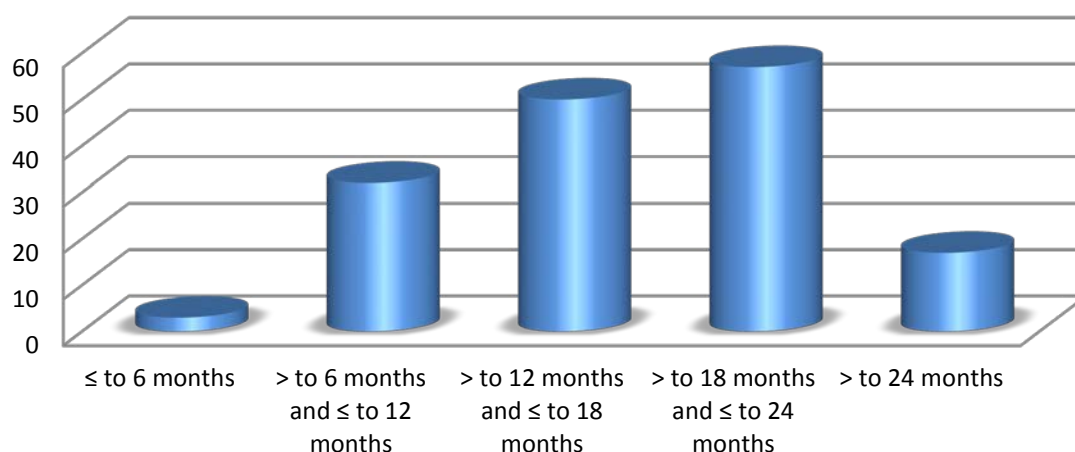
to 36,4%) are serving the measure for a period between 18 months and 24 months. There are, in turn, 45 young people (which, in relative terms, is the equivalent to 32,1%) who are serving an internment measure for more than 12 months and less or equal to 18 months. In contrast, it should be noted that only for three of the 140 young people interned was applied an interment measure with duration inferior or equal to six months (2,1%).

The extent of the precautionary measure of guard applied to 10 young people does not exceed, according to the obtained data, the six months.

In the following graphic, the distribution of the young people serving an interment measure in an educational centre is conducted according to the duration of that measure.

Graphic II

Distribution of the young people interned in the educational centres according to the duration of the measure that was applied to them



Regarding the 150 young people interned, as it is shown in the graphic III it is determined that 39 (26%) were 16 years old, followed by those who were 17 years old (33 young people, this is, 22%) and those who were 18 years old (25 young people, equivalent to 16,7%). On the contrary, the number of interned young people with 12 (the minimum age of application of the educational tutelary regime) and 13 is absent.

The data reflected in the graphic allows several readings. One of them concerns, first of all, the number of young people who are interned in an educational centre between the ages of 12 and 16 — age that the young person must have, at the time of the facts, for the application of a precautionary measure, without this anti-legal behaviour leading to criminal liability — which ascends to 75 out of the 150 young people (50%).

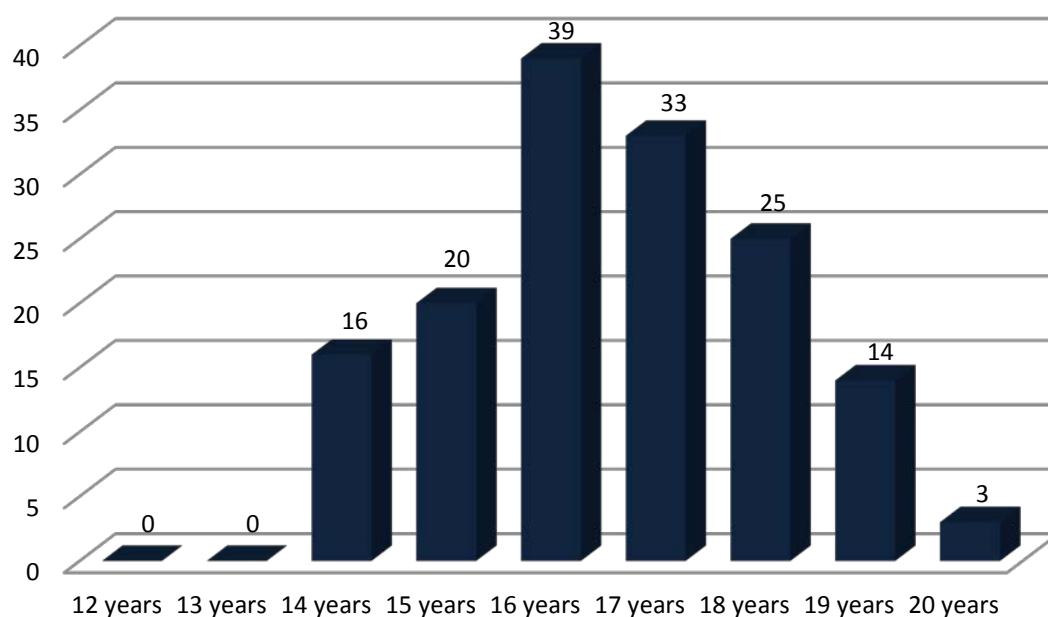
Another reflection can be made, considering the number of young people whose age is between the maximum limit for the application of the educational regime (16 years) and the civilian majority (18 years). In this case, there are 97 young people between the ages of 16 and 18 (64,7%).

A third conclusion can be extracted from the analysis of the presented data: the number of young people who have reached adulthood (18 years) but who are still interned in the educational centres (up to the age of 21): 42 young people, which is equivalent to 28%.

It should also be registered that are 114 (in relative terms, 76%) of the young people interned with 16 years of age (maximum limit so that their responsibility is suited to the education regime and, therefore, not in the penal) and 21 years (age in which, necessarily, the execution of the educational tutelary measure ceases).

Graphic III

Characterization of the young people interned according to their age



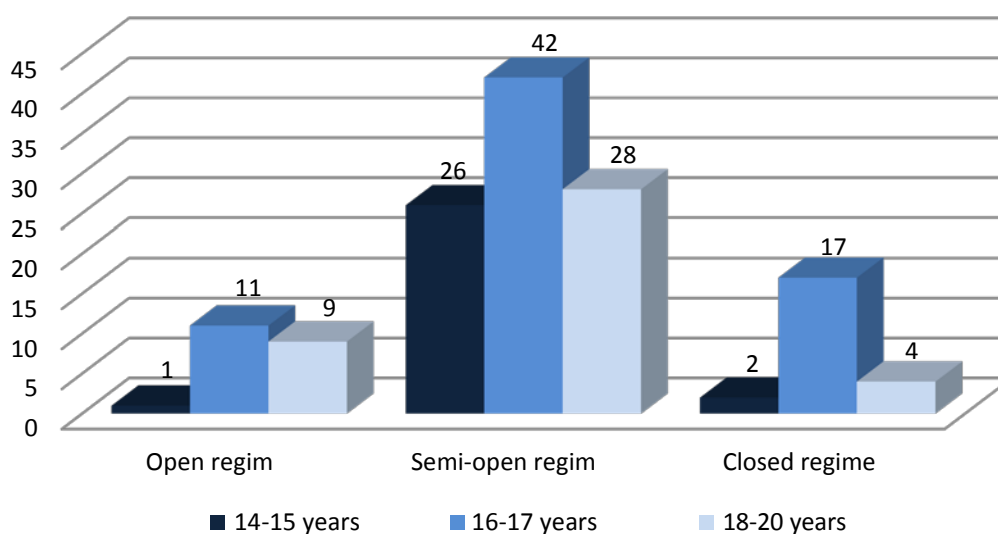
It should be noted that the majority regime for the execution of the internment measure is the semi-open (96 of the 140 young people, which represents 68,6%), as it can be observed in the graphic below. The remaining value is, very closely, distributed among the remaining regimes: 23 young people in the closed regime and 21 young people in the open system, representing 16,4% and 15% respectively.

Taking into account the distribution of the young people under the three regimes of execution of the internment measure according to their age, it is also concluded that, the most representative age group, in all the regimes, is the correspondent to the young persons with ages between 16 and 17 years old (70 young people distributed as follows: 11 in the open regime, 42 in the semi-open regime and 17 in the closed regime).

We can also verify that, in relative terms and under each execution regime, the young people whose ages are among the most representative age group (16-17 years), roughly, correspond to about half of all those who are serving a measure of the same regime (52,4% in the open regime and 43,8% in the semi-open regime), approaching the $\frac{3}{4}$ in the case of the execution of the internment measure in closed regime (73,9%).

Graphic IV

Characterization of the young people interned by the age group ratio and the execution regime of the tutelary internment measure*



* The 10 young people fulfilling a precautionary measure of guard are, therefore, not included in.

2. Facilities

2.1. Global appreciation

Almost all of the educational centres had adequate habitability conditions, particularly in the rooms that correspond to the bedrooms, toilets and common rooms. Although in many situations it was visible the oldness of the buildings, it was verified that the regular maintenance of the infrastructures is fulfilled, often promoted by the services themselves of each one of those establishments. See, for example, the case of the work developed at the *Olivais* Educational Centre, under the «Eco-Schools» program.

The hygiene and cleaning conditions of the feeding areas were, equally, verified, as well as the illumination, the ventilation and the conservation of the furniture and the equipment. The cleaning and storage tasks of the rooms and common areas of the residential unit are, in rule, carried out by the young people interned, with the support of the staff of the educational centre. In none of the cases has it been identified the phenomenon of overcrowding the educational centres¹⁹.

¹⁹ The article 6 of the EGL determines the criteria that presides the choice of the tutelary measure to apply to the young person, as well as the respective regime of its execution, giving priority to non-custodial measures. The idea of «ultima ratio» of the tutelary internment measure is already reflected in our jurisprudence. For example, according to the judgments of the Lisbon Court of Appeal of March 31, 2009 (11250/2008-5) and of January 21, 2011 (2581/09.4TQLSB.L1-5), available on www.dgsi.pt.

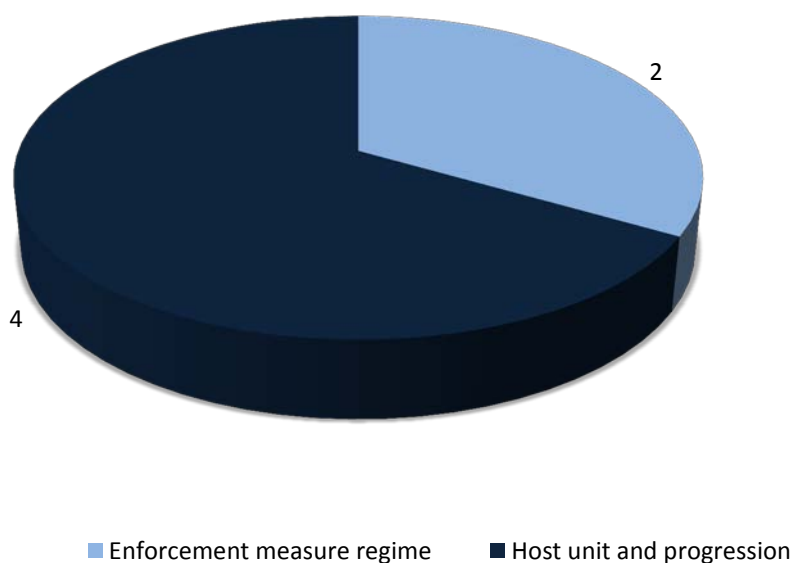
2.2. Conditions and organization of the infrastructures

2.2.1. Habitability conditions

All young people are integrated into residential units created by their respective educational centre, and are assigned to individual rooms adapted to the needs of internment. The divisions are equipped with cabinets or individualized spaces for storage of clothes and personal belongings.

Graphic V

Accommodation according to the acquired skills



The accommodation is organized not only according to the execution regime, but, also, according to the skills acquired by the young people and the progress shown in face to the proposed objectives. The reception process consists of four phases: the first two are integrated in the host unit - phase 1 («integration») and phase 2 («acquisition») — and the last two, which have a minimum duration of one third of the measure, are processed at the progression unit — phase 3 («consolidation») and phase 4 («autonomy») — and aim to promote the autonomy of the young people.

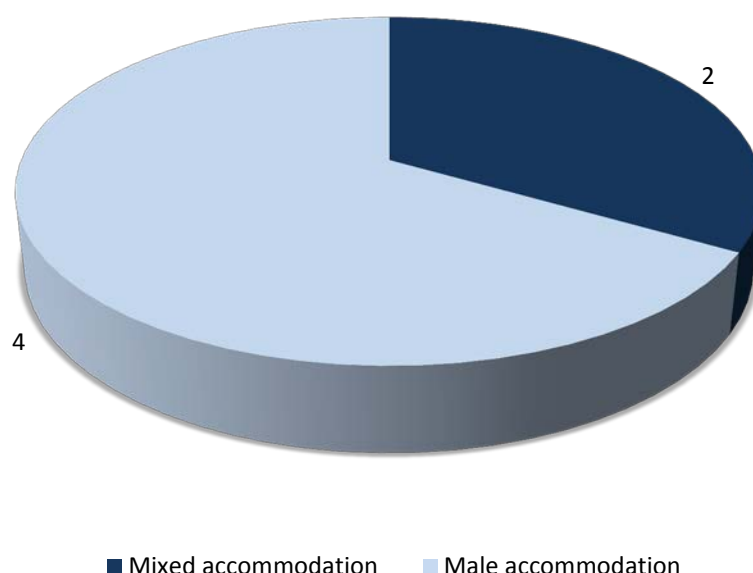
Only in two situations — in the Educational Centre of *Navarro de Paiva* and, in a way apparently transitory, in the Educational Centre of *Bela Vista* — the housing typology is mixed, as shown in the graphic below. In the case of the Educational Centre *Navarro de Paiva*, no special differentiating elements have been identified that could translate the «gender peculiarities» (v.g., logistics affects the daily needs themselves)²⁰. At the Educational Centre of *Bela Vista*, by its turn, and following the previous intervention of the NPM²¹, the commitment of the direction in proceeding to the gradual adaptation of the facilities destined for the young people was registered, beginning with the intervention carried out in the toilets, as well as with the acquisition of proper equipment for new-borns.

²⁰ It should be recalled that this situation deserved a special mention by the Office of the High Commissioner for Human Rights, during the week of dignity and justice for detainees, which was integrated on the celebration of the 60 years of the Universal Declaration of the Human Rights., there being concluded that the spaces and organizations aimed at young people in conflict with the law were first designed for boys. See, therefore, point 9.5 of the *Guide for the Legislative Reform of the Juvenile Justice*, published in May 2011, by UNICEF, available on <http://www.unicef.org/search/search.php?querysting=en=juvenile+justice+legislative+justice+reform+guide&hits=&type=&navigation=&Go.x=0&Go.y=0>.

²¹ See the Recommendation No. 1/NPM/2015, formulated by the NPM, concerning the improvement of the conditions of accommodation of the female population in that educational centre. See *Report to the Parliament 2015. National Preventive Mechanism*, p. 84-86, available at http://www.provedor-jus.pt/site/public/archive/doc/Rel_AR_Mecanismo_2015.pdf.

Graphic VI

Accommodation according to the gender



In the same way, the space conditions destined to the fulfilment of a precautionary isolation containment measure were analysed, having been considered that, in general, they are adequate. There are, however, two exceptions: that of the Educational Centre of Padre António Oliveira, which presents poor salubrity and deficient ventilation conditions, a circumstance that should receive particular attention since — as it was informed — that space is not only used to do front to the occasional situations of indiscipline or severe decompensation by the young people, but, also, to receive, during the first hours, each young person who arrives at the educational centre; and that of the Educational Centre of Bela Vista, in which the existence of an isolation room without sanitary toilets was identified²².

²² In this case, and considering the existence of an alternative division object of a recent intervention, it will be necessary to consider the relocation of the above-mentioned feature to another space.

2.2.2. Spaces intended for school and training activities

All educational centres have independently of their operating regime, their own spaces destined for the completion of scholar, educational or training activities.

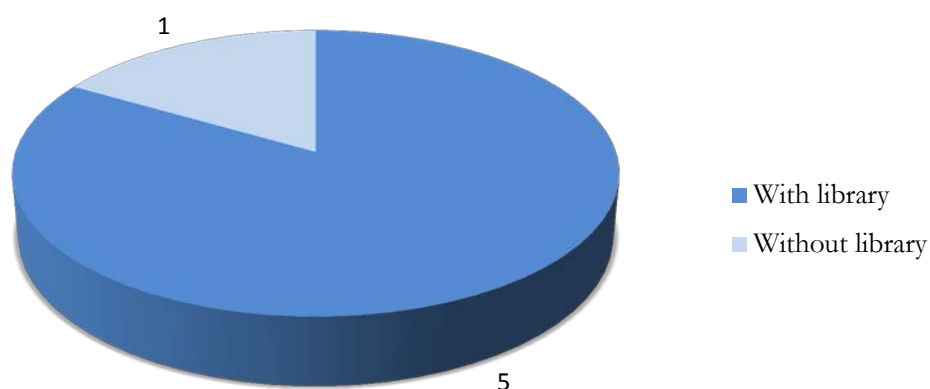
The features of the classrooms — namely their dimensions, lighting and ventilation — revealed to be suitable for their purpose, being equally adapted to the number of students enrolled and autonomous according to the courses taught there. The materials available to young people interned allow the pursuit of their personal educational projects. In three of the educational centres (*Mondego, Padre António Oliveira* and *Olivaís*) it was possible to verify that some of the classrooms are properly equipped for the teaching of Information and Communication Technologies. The spaces destined to the IT's were also ample and well equipped, although, in some situations, the equipment was comprehensibly outdated. The use and access to computers is done in a restricted way, at a pre-defined time, or as a way of rewarding the behaviour of the young person.

In what concerns the execution of labour or formative activities, these also take place within the educational centres themselves, haven been identified, in four of them, areas of mechanics created for the realization of carpentry, joinery or metal work (as is the case of the Educational Centres of *Padre António Oliveira, Mondego, Olivaís* and *Santo António*).

As shown in the graphic VI, it was only verified the non-existence of a library in one situation: being the case of the Educational Centre *Padre António Oliveira*. It should be emphasized that the spaces for consultation of books it has reveal, as a rule, to be provided with few resources or working in areas that are not being used only for that purpose.

Graphic VII

Existence of a library

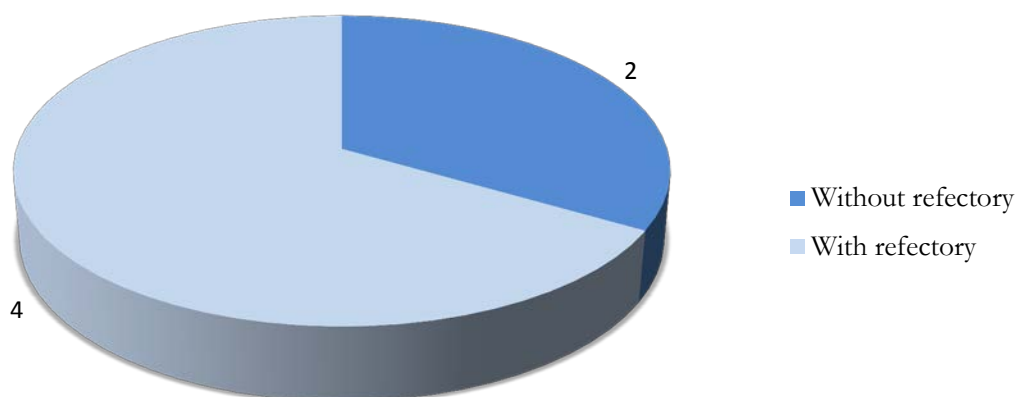


2.2.3. Dining area

Meals are taken, as a rule, in spaces integrated in the residential units of each one of the educational centres, with favourable conditions to the conviviality and socialization between the young people. Note, however, that in two situations there was no identified space for the Dining Hall: one at the *Olivaís* Educational Centre and the other at the Educational Centre of *Navarro de Paiva*, namely at the Reception Unit belonging to the masculine gender. In both cases, the leisure room is used for this purpose, adapting to that finality.

Graphic VIII

Existence of refectory



2.2.4. Areas for leisure and sport activities

All the educational centres have leisure areas that encourage the conviviality and socialization among the young people and to the contact with their family members, usually located in each one of the residential units. Only in the Olivais Educational Centre and in the Educational Centre of Navarro de Paiva there is no separation, as it was mentioned before, between the dining area and the leisure area, destined, first of all, to the fraternization among the young people.

The practice of sports is performed in outdoor and indoor venues, highlighting the wide diversity of spaces available to the young people. Note, however, that the educational centres with mixed accommodation (Educational Centre of *Navarro de Paiva* and Educational Centre of *Bela Vista*) do not have sports facilities in exclusive regime of utilization by the female population, being this

situation worthy of repair due to the existence of a recreational park and some identified access constraints.

2.2.5. Administrative areas

According to the provisions mentioned in the article No. 131 of the General Disciplinary Statute of the Educational Centres the educational centre is composed by two departments: the technical-pedagogical sector and the administrative sector. The latter, whose direction is the responsibility of the director of the establishment or its sub-director, having for that purpose delegation of competences, has as mission the development of the organizational functions and management of resources regarding the educational centre. The space destined to the administrative services is, therefore, divided into the necessary sections for the management of human, financial and material resources²³.

The administrative zones of the educational centres — where, as a rule, the individual files of the young people are kept — are not worthy of any repair, either for their material conditions, or for the equipment used, which, by rule, are adequate to the reality of each one of those establishments.

2.2.6. Infirmary

Since June 2015, the General Direction of Reinsertion and Prison Services has started to grant the collaboration, more than one day per week (three to four times a week), of a nursing professional in all of the educational centres.

The residential units are served by a single office, with the exception of the Educational Centre of Mondego, where there are two. This place is where the clinical files of the young people are stored, which contain their clinical information

²³ See article 138 of the GDSEC.

that accompanies them in case of transfer to another educational Centre²⁴. It is also where the medication is stored, and the existence of safety conditions and the conditioning of the appropriated utensils and products, as well as the lighting and ventilation, has been verified.

2.2.7. Sanitary facilities

The sanitary facilities of the educational centres largely present an adequate maintenance and lighting, and, as has been said, the cleaning tasks are performed by the young people. As a rule, the residential units have common toilets (in number of two) equipped with shower, whose use is subject to a rotation regime and according to a pre-defined schedule. There were no identified problems regarding the temperature of the water, which is due to the existence of a boiler in the educational centres.

Nevertheless, it should be noted that in the male residential unit of the Bela Vista Educational Centre in semi-open regime, and in the reception unit located on the first floor of the Educational Centre Padre *António Oliveira*, the sanitary facilities do not have good ventilation conditions.

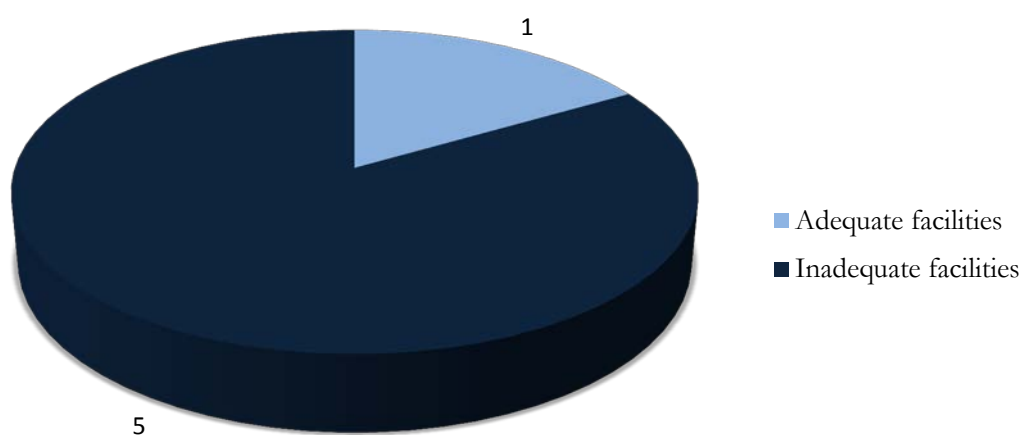
At the Educational Centre of *Navarro de Paiva*, by its turn and has it has been pointed out, the toilets are not adapted to the female population.

Regarding the adaptation of sanitary facilities for people with reduced mobility, we only find them in one educational centre: the *Santo António* (see the graphic below).

²⁴ See, for this purpose, article No. 57 of the GDSEC.

Graphic IX

Adequacy of the sanitary facilities for persons with reduced mobility



3. Administrative organization

3.1. Individual files of the young people

The stay of a young person in an educational centre determines the organization of the individual file that accompanies him during the fulfilment of the measure that has been applied to him²⁵. Thence, there is only one file for each young individual, but in the case of being applied to the young person concomitantly an educational measure and a criminal measure, there are two files involving the young boy/girl, which are joined²⁶.

The individual processes maintain a standard structure, in accordance with the directives from the central services, and of which they are part: a) The evolution of their educational process (containing the certificates of academic and professional qualifications) and the legal situation; b) The register of disciplinary measures; c) The evaluation registration of the authorized exits; d) The annotation of unauthorized exits; e) A current account with the youngsters earnings and expenses; f) The elements of identification of the bank account of the young person; g) The annotations of the objects and personal belongings delivered at the entrance; and h) a copy of the personal documents of the young person.

It should be noted that, with regard to the management of a young person's bank account, «where the sums relating to the reserve fund and others not intended for immediate expenditure²⁷» are to be deposited, no procedures have been identified which, at the outset, merit repair.

The access to the information contained in the individual folder is reserved, being, therefore, limited to a set of entities and persons duly authorized²⁸.

²⁵ See No. 1 and No. 2 of the article 132 of the EGL and No. 1 and No. 2 of the article 24 of the GDSEC.

²⁶ See No. 3 of the article 24 of the GDSEC.

²⁷ See No. 1 of the article 68 of the GDSEC.

²⁸ See No. 3 of the article 24 of the GDSEC.

In addition to the individual folder, the young person also holds a clinical process, usually organized by the nursing professionals, which can after the cessation of the internment measure be remitted to the attending physician, provided that it is requested by the young person or its legal representative²⁹.

3.2. Human resources

The composition of the educational centres is, according to article 126 of the General Disciplinary Statute of the Educational Centres, constituted by the director³⁰ and the pedagogical council³¹.

The organization of the educational centres privileges mostly the specialization of the technical-pedagogical sector, which is divided into two teams, reinforcing the model of continuous labour with the requirement of permanence of the senior technicians and the managers or coordinators on an exclusive basis, underlining the formation and the performance method of the professionals as models of the identification of the young people.

Firstly, it should be noted that, without exception, all the educational centres have a technical direction which is ensured by an element with adequate technical or academic qualification (mostly, in the field of psychology), being their functions fulfilled on a full-time basis. It must be also emphasized the special aptness and motivation identified in the elements that integrate the technical boards of the educational centres, a circumstance that promotes positive interpersonal dynamics with the young people.

²⁹ See No. 5 of the article 57 of the GDSEC.

³⁰ See article 127 of the GDSEC combined with the No. 2 of the article 13 of the Decree-law No. 215/2012, of September 28.

³¹ See articles 128 to 130 of the GDSEC.

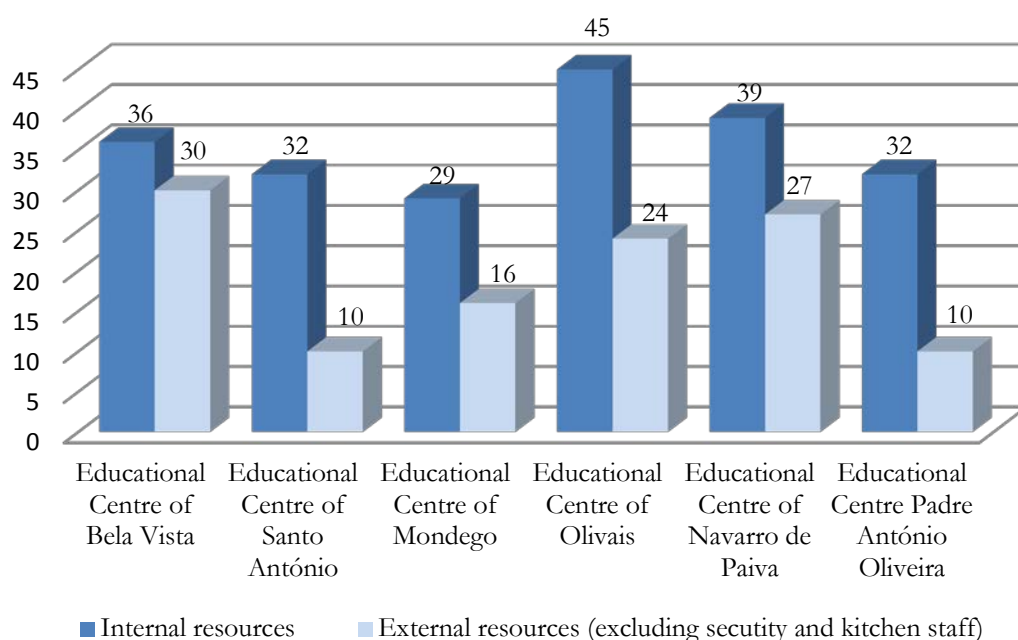
The personnel map of each one of the institutions visited revealed to be diversified according to the educational goals proposed, being considerable the number of external collaborators, who, as a rule, participates in the execution of the educational projects of the referred institutions. In fact, the EGL states that "«ife in schools must promote social ties, contact with family and friends and the collaboration and participation of public or private entities in the educational process and social reintegration»³².

It should be noted, however, that the Educational Centre of *Mondego* does not have the collaboration of a psychologist.

The graphic that is presented below shows the distribution of the human resources by each educational centre.

Graphic X

Distribution of the human resources by educational centre



Although no difficulties have been identified regarding the allocation of higher-level human resources, it has been found that, in a systematic way, the recruitment and

³² See No.2 of the article 159 of the EGL. See also No.1 of article 38 of the GDSEC.

selection of specialized staff, such as professional social reintegration technicians, is slow. These constraints have been hindering the adequate and necessary allocation of human resources, which are required to ensure, on a rotating basis, the continuous daily presence of young people. The difficulties arising from the extension of working periods were also particularly acute. There is a positive appreciation for the fact that, in most educational centers, regular and specific training is provided, which is complemented by the central services.

In the context of a work meeting held with the GDRPS, the organization of a tender procedure (already completed) was transmitted for the public contracting of 28 professional social reinsertion technicians. This amount will be added to the admission of another 36 professionals, to reinforce the teams that will carry out on the ground the intensive supervision model and the composition of the two future residential units.

Regarding the duration of the work, the GDRPS conveyed that the proposal to create the special career of a Professional Social Rehabilitation Technician would be in line with the various difficulties inherent in the general careers (v.g. age limit, gender specificities, psychological aptitude, physical requirements) have hampered the full performance of the functions assigned to the field.

The following chart outlines the quantitative relation that, in each educational center, is established between the technicians of social reintegration and the young people who are fulfilling their educational tutelary measure.

Table I

Educational centre technicians*

Instituição	TSRS	TPRS	Vacancies**
<i>Bela Vista</i> Educational Centre	8	16	29
Educational Centre of <i>Santo António</i>	3	16	21
Educational Centre of <i>Mondego</i>	6	23	24

Olivais Educational Centre	6	25	23
Educational Centre <i>Navarro de Paiva</i>	5	21	33
Educational Centre <i>Padre António Oliveira</i>	4	14	18
TSRS – High-level social reintegration technicians TPRS – Professional social reintegration technicians			

* The following data does not mention the directors and coordinators of each educational center.

** on the date that the educational center received the requested documentation.

Regarding the duration of the work, the DGRPS communicated that the proposition to create a special career of a Professional Technician of Social Reinforcement is being equated, since the several difficulties inherent to the contract regime of general careers (*v.g.*, age limit, gender specificities, psychological aptitude, physical requirements) have been hampering the full performance of the functions assigned in the field.

3.3. Articulation with external entities

3.3.1. Courts and Public Prosecutions

The young person who is fulfilling a restrictive measure of his freedom in an educational centre preserves in his legal sphere the rights and duties compatible with this particular situation³³. Amongst the range of rights that assist the young person it is found the preservation of contact with the outside. In some of these cases, such contacts consisted on the execution of visits by judicial magistrates and prosecutors of the Public Prosecutor's Office³⁴. It was assessed, in all educational centres, the exercise of the right of the young people to contact, by any mean, the judicial

³³ See articles No. 2 and 4 of the GDSEC and No. 1 and No. 2 of the article 171 of the EGL.

³⁴ See paragraph j), No. 3, of the article 173 of the EGL and No. 1 of the article 47 of the GDSEC.

magistrate with jurisdiction in the case, the magistrate of the Public Prosecutor's Office and their defender, safeguarding the privacy of the communications.

The referred right of the young person finds a correlative obligation by the referred entities, according to the provisions in paragraph h), no. 2, of article 39 and f), no. 1, of article 40, both of the Educational Guardianship Law (EGL) During the visits, it was communicated that, in general, there are contacts made by the courts and the Public Prosecutor's Office, although these are not always carried out with the desired attendance. The articulation is often made by interlocutors whom are responsible for establishing and maintaining contact with the directions of educational centres, particularly, in order to clarify doubts regarding the compliance with the tutelary measures. It should be mentioned, however, that in the Educational Centre of *Navarro de Paiva* and the *Olivais* Educational Centre, the collected data allowed the conclusion of the absence of regular in-person visits by the judicial magistrates and magistrates of the Public Prosecutor's Office.

3.3.2. Articulation with the health units

The educational centres revealed to maintain a good articulation with the health units in their respective area of residence, enabling the young people to be treated in a timely manner (in the last instance, through external consultation) and even, in some cases, as a priority, even without previous scheduling.

In addition, after receiving the young person and within a maximum of eight days, the educational centre provides for its registration along with the competent health unit, in order to obtain the user card of the National Health System. The scheduling of consults, complementary diagnostic tests, treatments and other prescribed medical actions is provided by the members of the technical team. In this particular point, it should be mentioned that the special collaboration existing between the Educational Centre of *Navarro de Paiva* and the Health Operating Unit

of Sete Rios, regarding the special project «*Aparece*», which allows the young people's requests to be preceded by a reasonably deadline .

Regarding the Educational Centres of *Mondego* and *Olivaís*, it was concluded that the minors who were institutionalized did not have an assigned family doctor³⁵ and, in the first case, particular difficulties were identified in ensuring specialist medical appointments.

Table II

Collaboration with the Health Units

Instituição	FD	PS	SC
<i>Bela Vista</i> Educational Centre	✗	✗	✓
<i>Santo António</i> Educational Centre	✓	✓	✓
Educational Centre of <i>Mondego</i>	✗	✗	✗
<i>Olivaís</i> Educational Centre	✗	✗	✓
Educational Centre <i>Navarro de Paiva</i>	✓	✓	✓
Educational Centre <i>Padre António Oliveira</i>	✓	✗	✓

FD – Family Doctor

PS – Priority Service

SC – Specialty Consultations

✓ - exist

✗ - do not exist

3.3.3. Protocols

The daily life of the educational centres is, generally, conducted by the participation of public and private entities, which contribute for the institutional experience of the young people to approach the community life in a easier way. From small painting activities or the visual arrangement of the buildings³⁶ to the

³⁵ This is due to the generalized shortage of doctors and to the reorganization of the health services in the geographical area.

³⁶ As it was observed at the *Bela Vista* Educational Centre.

complete remodelling of the respective game parks³⁷, it is possible to say that it is relatively consensual the accomplishment generosity's gestures coming from the civil society.

Still, two reflections may be made on the subject at hand. The first is related to the difficulty that the educational centres in closed regime have in establishing an operational network outside. If, on the one hand, such circumstance is revealed comprehensible facing the added security that the regime imposes, on the other hand, there are no reasons to foresee the existence of constraints on the part of the direction of the educational centres in order to establish articulation procedures with specific entities, having as purpose the continuation of the personal educational project of the minor, especially in the area of health, education and sports and cultural animation. With the exception of the Educational Centre of Navarro de Paiva³⁸, the concerted action is not an object of collaboration through the celebration of protocols with other partners, being health a paradigmatic case, since the scheduling of medical appointments or the prioritization of the service to the young people will justify a particular and more formalized treatment, notwithstanding the flexibility that frequently is found.

The second reflection is related to the special sensitivity with which the moment of departure and the consequent self-governing imply for the young person. It is, therefore, very important, by the central services, the celebration of protocols with some of the entities that enable professional alternatives and an effective reintegration into the community. It should be noted that, in this regard, the implementation of the «Johnson» Project at the Educational Centre *Padre António Oliveira*, destined to young people with the internment coming from the *Amadora-Sintra* area, who are monitored after leaving.

³⁷ It is the case of the Educational Centre *Padre António Oliveira*.

³⁸ This Educational Centre intervenes in the project «*Aparece*», in articulation with the health unit of the residential area.

4. Functioning of the educational centres

4.1. Internal rules

In the terms of the provisions of the article 163 of the Educational Guardianship Law, in conjunction with the article 18 of the GDSEC, it is obligatory to have an internal regulation in each one of the educational centres.

In the scope of the visits that were made, it was verified that all establishments fulfil the referred obligation, having, in this way, a set of norms that discipline the organization and the functioning of the educational centre, thus promoting a peaceful coexistence among all those who share that space and also allowing the execution of the educational intervention project.

From the documentation analysis provided by the educational centres results the existence of a standardized model and approved by the central services, which includes the following matters: *a)* schedules and operating regimes; *b)* reception, accommodation and exit of the students; *c)* unauthorized exits; *d)* exercise of the right of visits; *e)* award of prizes to students; *f)* contacts with the defender and other communications with the exterior; *g)* supply of clothing, footwear and articles of personal hygiene, as well as the safekeeping and delivery of personal objects and valuables; *h)* maintenance of personal objects by the student; *i)* rules for the contact of young people with the direction; *j)* food, hygiene and safety; *k)* use of spaces; and *l)* exercise of the right of complaint.

According to the legal provision³⁹ that determines that the director of the educational centre is in charge of the internal disclosure of the internal regulations, it was verified that the young people kept a copy of the internal regulation in their bedrooms. It was also aspired that, at the time of entrance in the educational centre, the minor, the parents, the legal representative or who detains the guard of fact (when present) are informed of the respective operating rules, as set out in the

³⁹ See article No.19, 2 of the GDSEC.

internal regulations, with a focus on the explanation of the existence of rights and duties of both, contained in the «Guide of Rights and Duties».

It was, also, verified that in all the educational centres there is a reclamations book with the respective procedure dully predicted and implemented.

4.2. Education, formation and teaching

In accordance with article 162 of the Educational Guardianship Law:

«Each centre presents its own educational intervention project that should allow the phased and progressive programming of the intervention, differentiating the objectives to be achieved in each phase and the respective system of positive and negative reinforcements, within the limits set by the general regulation and in harmony with the internal regulations.»⁴⁰

The referred project presents, in this way, as a basilar instrument in the organisation of the educational intervention that is executed in an educational centre.

From the analysis of the six educational intervention projects can be extracted the systematization and the uniformity of lines of action anchored in four key principles: *i)* the responsibility of the minor; *ii)* the internment as an opportunity for change; *iii)* the systemic model; and *iv)* the relation as the engine of change.

The (re)education of the young person to the right constitutes the finality that presides over the application of the tutelary educational measures. It is pretended that the young person can understand and internalize the fundamental legal principles and rules, structures of the community in which they are inserted, and that nurture their personal development, guided by the values of freedom and responsibility.

⁴⁰See, also, the article 17 of the GDSEC.

At the same time, the implementation of the personal educational project focuses on the young person and on the idea that he/she is a subject of rights⁴¹ and duties and must be elaborated «taking into account the regime and duration of the measure, as well as its particular motivations, educational needs and social reintegration⁴²».

The design of the personal educational project aimed at the (re) education of the young person - and its consequent social reintegration - must reflect the influence that he receives from his family and the social environment in which he is inserted, which justifies that «parents, the legal representative or the detaining person in custody of the pupil shall be heard in connection with the preparation, modification and implementation of the personal educational project»⁴³.

In all the cases considered the participation of the family members in the elaboration of the educational project of the minor was identified, highlighting, at this point, the action instigated by the Educational Centres of *Santo António, Olivaís* and *Mondego*.

The personal educational project constitutes an essential instrument for planning the intervention of the State, the community and the family in the pursuit of the purpose of educating the minors for the right and for promoting their community insertion. With the active participation of the young person in its elaboration, and bound to what is determined in the judicial decision, this project should establish, in precise and concrete terms, the method in which the educational tutelary intervention will be developed, namely through the fixation of objectives to achieve during the execution of the measure, as well as the means and resources required to its concretization.

⁴¹ See article No. 17 of the GDSEC.

⁴² See article No. 164, 1 of the EGL.

⁴³ Article No. 21, 3 of the GDSEC and also the article No. 7 c) and article 51. The participation of the people mentioned above is essential for the effective realization and development of the personal educational project of each young person.

The duly analysed personal educational projects showed what was already foreseen by law in the article 164 of the EGL, therefore allowing the youngsters and the centre itself to accompany and evaluate their evolution.

Moreover, it's only fair to bring to this matter the tutoring, which is based on an interview made by the senior technician of social reinsertion⁴⁴, designated tutor of the young learner, and takes place every 15 days (at least). Tutoring is revealed to be an important tool to accompany the journey of the minor that is interned, advising him when necessary and preparing him for the moment when he leaves the educational centre, returning to his familiar and social context.

The development of the personal educational project can — in the sense of promoting its reintegration both jointly or alternatively, at educational, formative and professional levels — counts with the collaboration of several existent community structures, such as educational institutions, the Institute of Employment and Professional Training and Formative Centres.

In a complementary plan to the tutoring, the technicians organize counselling meetings, covering aspects transverse to the personal educational project tending to the modification of the delinquent behaviour in a group context.

In this context, there are several programs for the satisfaction of specific educational needs associated with delinquent⁴⁵ behaviour, carried out by educational centres - with emphasis on the multidisciplinary shown by the *Santo António* Educational Centre - and the following can be highlighted: *i)* «GPS25 - Generating Social Pathways» - intervention in delinquent behaviour, with a view to achieving a social position in line with current social norms; *ii)* «ERECC - Strategies of Emotional Regulation and Control of Cholera» - group intervention that aims to

⁴⁴ To which is attributed the daily life of a particular residential unit (v.g., reception, progression or other).

⁴⁵ The choice and development of specific programs underlie the following aspects: *a)* the needs diagnosed in the youth; *b)* specific lack of potentials for altering delinquent behavior; *c)* promotion of the personal and social skills underlying the education needs of the young person to the right; *d)* promotion of competences that stimulate the adoption of a healthy lifestyle and facilitate the autonomy; And, finally, *e)* promotion of school and professional skills that facilitate the (re) insertion and social autonomy of the young person.

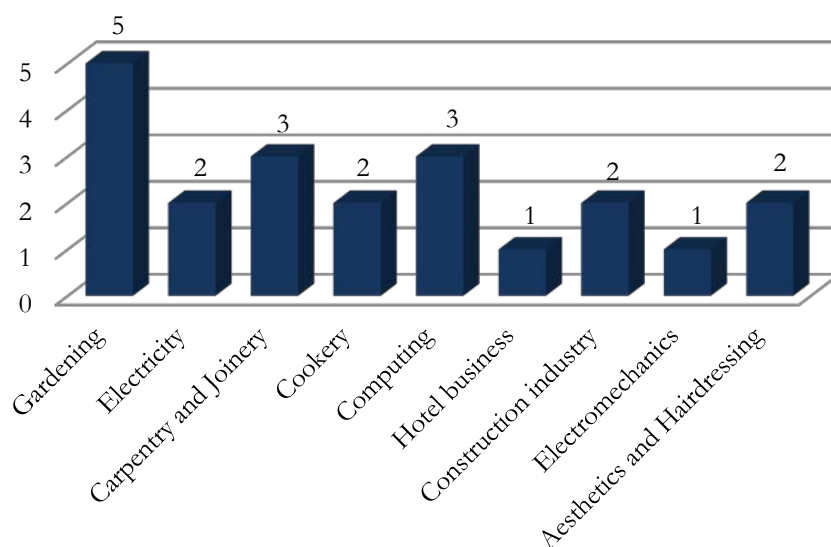
help reduce the activation of cholera in aggressive young people, leading to a posture of self-control; *iii*) «ERC - Stimulating Cognitive Resources» - development of cognitive skills, with influence in the domains of language, psychomotricity, perception and decoding, memory and reasoning; *iv*) «Artways - Educational Policies and Training against Violence and Juvenile Delinquency» - group intervention aimed at acquiring behavioural skills and preventing violence.

All the educational centres promote a formative action of dual certification (B2 and B3), basic training and technological training, through the Adult Education and Training (EFA) courses and Certified Modular Training, according to the National Qualifications Catalogue⁴⁶. According to the information provided by the DGRPS, in the sequence of a protocol recently celebrated with the National Agency for Qualification and Professional Education, any young person who starts a formative course during the course of completion of an internment measure, can terminate it even after his exit.

Graphic XI

Training courses available at the educational centres

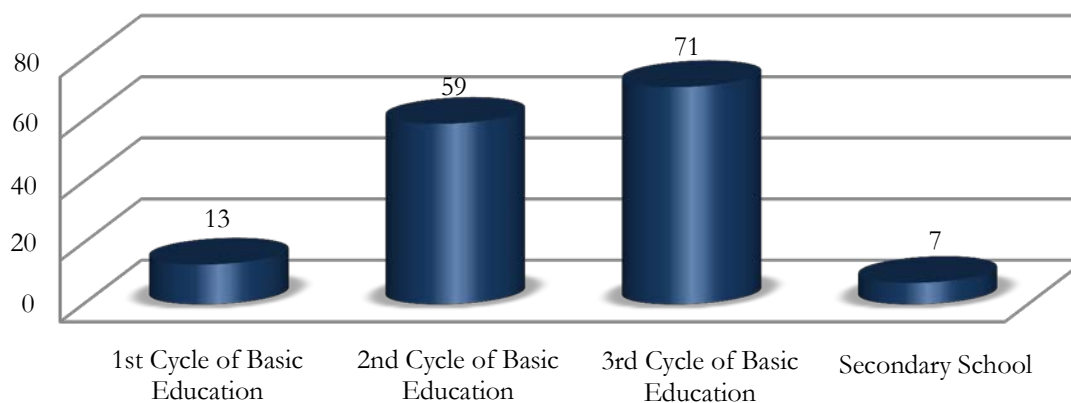
⁴⁶ According to the information provided by the National Agency for Qualification and Professional Education, which can be consulted at <http://www.catalogo.anqep.gov.pt>, the National Qualification Catalogue is «a dynamic instrument for the strategic management of national qualifications not of higher level; regulation of the training offer of dual certification and promotion of the effectiveness of public funding.» The training modalities are regulated by the Decree No. 230/2008, of March 7.



Among the courses taught by the educational centres, as shown in the chart above, there is an offer of a gardening course, identified in five cases, and, as a rule, practiced outside the establishment. There are also as modular training in the areas of computing (three situations) and carpentry and joinery (three situations).

Graphic XII

Characterization of the young people according to their school attendance



The graphic representation above displays the school attendance by the young people who are interned in educational centres taking into consideration the cycle of studies that they have or attend.⁴⁷ From its reading it is evident that almost 50% (71) has or frequents the 3rd cycle of studies, followed by those who, under the referred conditions, are in the 2nd cycle of studies (59).

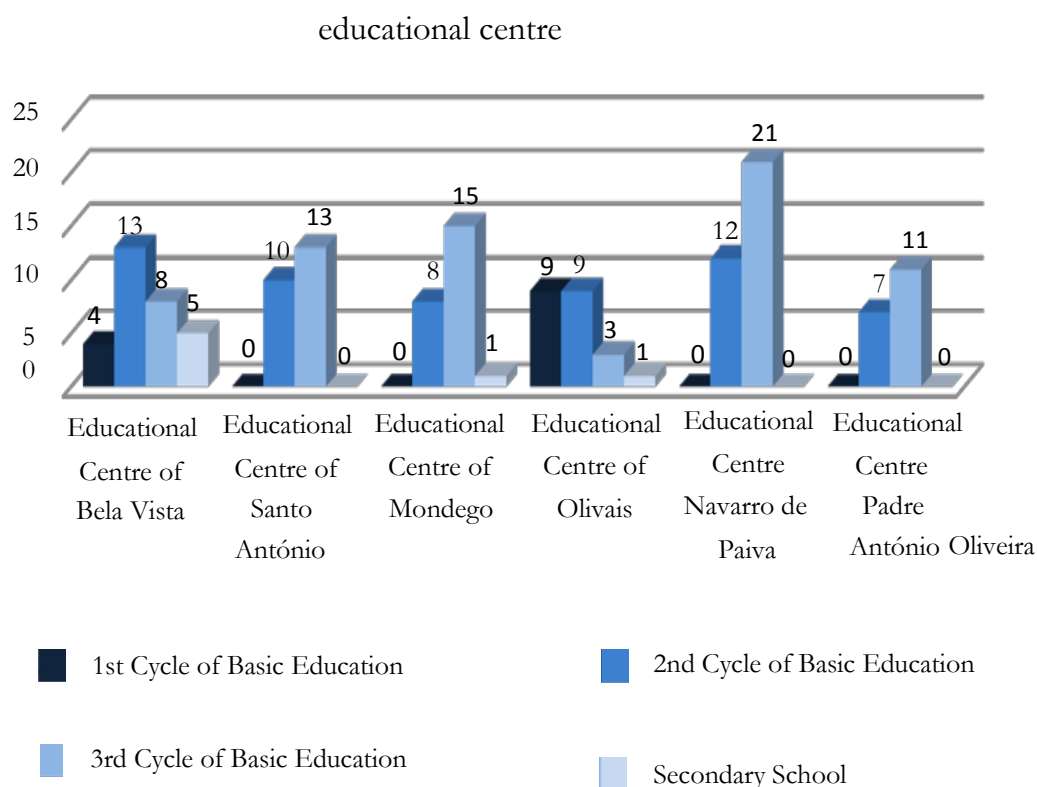
In an analysis articulated with the graphic III, through which the young people interned have been characterized according to their age, it was concluded that, unlike what would happen if the young people attended the study cycle expected at their age, it is very low the level of schooling that they actually present. In other words: 97 of the interned minors are between the ages of 16 and 18, the age range which, as a rule, corresponds to the frequency of the secondary education. However, it happens that there are only seven minors who possess or are attending the mentioned degree of education.

On the other hand, it should be noted that if we take into account that the minimum age at which a tutelary measure can be applied (12 years), it generally corresponds to the frequency of the 2nd cycle of studies, being revealed to be disquieting that only 13 young people possess or have completed the first cycle of studies (equivalent to 8.7%). This circumstance is all the more worrying if we do not ignore the fact that the minimum age of minors interned in the educational centres — with the temporal reference that conducted the treatment of the data and the consequent elaboration of this report — is at the 14 years old.

⁴⁷ It should be referred that, for the treatment of the data related to the school attendance of interned minors, the equivalence between the EFA courses and the cycles of studies of the primary and secondary education, was realized. This way, the frequency or conclusion of an EFA B2 or B3 course was considered, respectively, as the frequency or completion of the 2nd or 3rd cycle of studies. The same reasoning was followed for the EFA NS courses, which correspond to the secondary education.

Graphic XIII

Characterization of the young people according to their school attendance by



Based on the global distribution of the young people by study cycle throughout the educational centres, we verify the preponderance of the 3rd cycle, followed by the cycle of studies that precedes it (2nd cycle), is manifested in four of these establishments: Educational Centre *Navarro de Paiva* (63,6% and 36,4%, respectively); in the *Mondego* Educational Centre (62,5% and 33,3%, respectively); In the Educational Centre of *Santo António* (56,5% and 43,5%, respectively); and in the

Educational Centre *Padre António Oliveira* (61,1% and 28,9%, respectively). It should also be mentioned that in three of these educational centres — *Navarro de Paiva, Santo António and Padre António Oliveira* — all young people possess or are attending the 2nd cycle or the 3rd cycle of studies.

At the *Olivaís* Educational Centre⁴⁸, more than 1/3 of the students (40,9%) possess or attended the first cycle of studies and an equal percentage of young people were enrolled in the 2nd cycle of studies. Nevertheless, one of the young people there is interned attends secondary school, that is, he is not a part of the seven who are in the same situation.

As an additional note, but not of less importance, it should be mentioned that it has been reported by the central services that all educational centres have individualized and specialized support teams for young people with special needs.

4.3. Health: the specific problem of mental health

According to the provisions of the article 31, paragraph 1, of the GDSEC, the educational centres are required to develop «therapeutic programs that aim, in particular, to help students overcome the emotional problems experienced during their development process, especially those related with the adoption of socially inadequate behaviours.»

At the same time, the prosecution of the educational project of each educational centre presupposes, as it was mentioned before, a multidimensional approach directed to the modification of the antisocial behaviour of the minor, which implies a necessary articulation with the health establishments integrated in the National Health Service and with the mental health institutions.

⁴⁸ As complementary information, it should be mentioned that in this educational centre are interned young persons with ages between the 14 and 20 years (however, none of them has 19 years).

The educational centres revealed to proceed with the therapeutic monitoring of the young persons interned. In some cases, systematic interventions have been identified in this area, as it happens in the Olivais Educational Centre and in the Education Centre *Padre António Oliveira*. In these, in addition to the accompaniment by professionals trained in the areas of psychiatry and psychology, simple individual protocols are implemented for specific psychotherapeutic situations, which include the minimum data of identification, measurement, duration and intervention time. The necessity (or lack of it) for intervention in this matter is decided, after the execution of the pre-diagnosis.

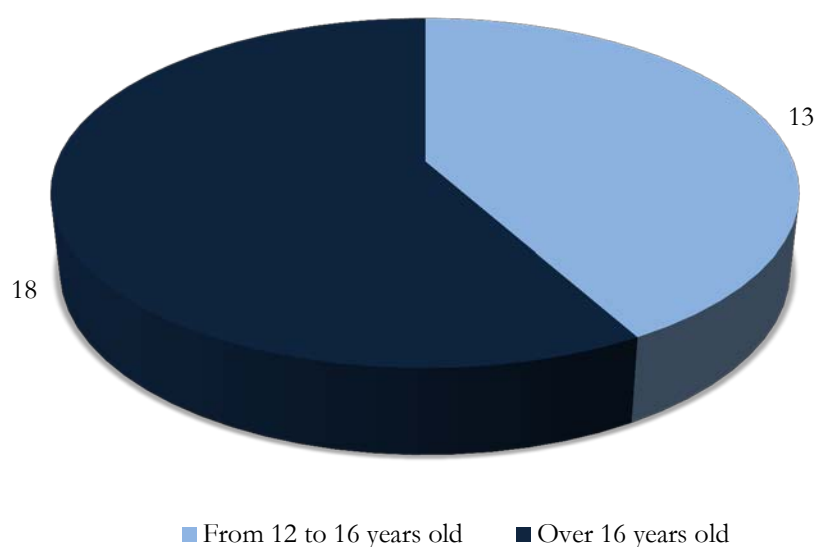
The methodologies adopted by the *Navarro de Paiva*, *Santo António* and *Bela Vista* Educational Centres, which integrate an evaluation system, have also been highlighted, with an emphasis on the interactive dynamics with the values placed at the disposal of the community. In the opposite direction, he noted that there was some lack of support from the central services in the *Mondego* Educational Center regarding the implementation of special monitoring programs, and the collaboration of a psychologist was not possible.

The analysis of the responses to the questionnaire⁴⁹ sent to the direction of all the educational centres, as well as to the DGRPS, allowed to conclude that, in five of the educational centres, 31 young people with mental health pathologies had been diagnosed (besides the cases predicted in article 49 of the EGL). This number, which corresponds to 20,6% of the total number of young people interned in all of the educational centres (or to 24,2% if in reference are only young people from those five establishments), is distributed, according to the age group in which their age is comprehended, by the way the following graph illustrates:

⁴⁹ The model can, notice, be consulted in the annex of this present report.

Graphic XIV

Distribution of the number of young people with
diagnosed mental health pathologies



In the age group that includes the ages between 12 and 16 years, there are 13 young people with mental health pathologies. It should be noted, however, that, in a reading concatenated to the graphic III, the 13 minor considered have, effectively, more than 14 years of age and equal or inferior to 16 years of age. And, in a comparative analysis with the quantity of young people with the same age (from 14 to 16 years inclusive)⁵⁰, those 13 minors represent 17,3% of these.

In what regards the young people with ages superior to 16 years, by its turn, these correspond to 58,1% of all those diagnosed with mental health pathologies (18 of the 31 young people). With an articulated interpretation also with the graphic III, it is verified that the mentioned 18 young people correspond to 24% of all those who are interned fulfilling the tutelary measure with ages superior to 16 years.

⁵⁰ Which is the equivalent to 50% of the total universe of young people interned (16 minors with the age of 14 years, 20 minor with the age of 15 years and 39 20 minor with the age of 16).

Regarding the types of diagnosis, four main categories were identified: *i)* bipolar disorder/attention deficit/hyperactivity disorder/conduct disorder; *ii)* borderline structuring of personality/opposition and behavioural disturbance; *iii)* depression/consumption of toxins/mood disturbance without other specification and cognitive deficit of low degree without rational modifications/mental retardation; *iv)* post-traumatic stress/anxiety.

From the treatment of the obtained answers to the previously mentioned questionnaires, it was possible to extract the following conclusions:

- a) 94 of the young people have psychological monitoring;
- b) 44 of the minors are followed by a child and adolescent psychiatrist or an adult psychiatrist;
- c) Of the aforementioned values, there are 38 young people who cumulate the both types of intervention in the area of mental health;
- d) The medication take was prescribed to 49 young people.

It follows from the above that the majority of the population that is hospitalized in the educational centres has psychological accompaniment (62.7%) and approximately 1/4 of that has in conjunction with the psychiatric. It should be mentioned, in this regard, that the existence of six young people who were awaiting the appointment of a specialist consultation was reported.

According to the information transmitted, the educational centres have specific programs for the prevention of suicide, which are based on the identification of warning signals and in the realization of procedures of action previously designed, with the transfer of the young person to the paediatric or child and adolescent psychiatry emergency services.

There are, still, plans for the prevention of anxiety and depression in residential context, such as the psychological support provided by educational centres, the mentoring and counselling regime for young people, carried out on a regular basis, and the realization of unit meetings and the «GPS 25 — Generate

Social Paths» program, previously described, as well as medical appointments and follow-ups in the field of or child and adolescent psychiatry and psychiatry.

The options taken in terms of psychiatric diagnosis are the responsibility of the competent health institutions, with which the DGRPS is articulated, particularly, regarding the signalization matter of the young people. This articulation, as it was transmitted by the central services, is processed without any constraints. It was, also, mentioned that, in child and adolescent psychiatry consultations (in rule, provided by the health entities of the geographical area of the educational centres), the young people are accompanied by the clinical psychologist of the respective institution. In situations of simultaneous monitoring, there is cooperation between the health professionals, a circumstance that is reflected in the clinical process of the young people. Whenever it is necessary to perform complementary diagnostic exams, they are performed in the health services.

The intervention of psychological nature executed in the educational centres focuses on the follow-up of the young people that are interned fulfilling educational tutelary measures and on the execution of personality tests, in the context of technical advisory services to the courts and prior to the judicial decision-making. Regarding the psychological counselling, it is conducted according to the diagnosed necessities, having as resource the «Risk-Needs-Responsibility» model⁵¹, allowing an analysis of the profiles of the young people regarding their antecedents and their family context, their therapeutic evolution in the educational centre, their academic performance and the association with behavioural problems.

The DGRPS promoted, within the same scope, the Project of Evaluation and Psychotherapy Intervention for the Juvenile Justice (PAIPA), between November 2011 and November 2013, with the objective of analysing the prevalence of mental disorders and identifying the development of an intervention model directed to young people who fulfil educational tutelary measures in Portugal. The

⁵¹ The options taken are based on the cognitive-behavioral theories, framed in the movement «What Works», referent to the work with individuals with antisocial problems.

study on the context of psychopathology covered a sample of 217 youngsters in compliance with the two of the most severe educational tutelary measures, being there concluded that 63% of the students present as principal diagnosis the behavioural disturbance and the disturbance of opposition⁵².

The central services have, equally, set up an individual psychotherapeutic monitoring program directed to young people who have committed acts qualified by the Law as crime based on scientifically proven models (therapy focused on «compassion» and «social comparison»), whose implementation on the ground will take place in a more systematic way in the short term. One of the components of the PAIPA implementation is a model of prevention and risk reduction within the family context. The Integrated Program for Risk Reduction (PIRR) was adapted to the families of 16 of the young people in compliance with the tutelary measure of internment. The aforementioned program sought to evaluate the effects of possible risk reduction associated with juvenile delinquency problems following family intervention.

It has also foreseen the creation of multidisciplinary teams associated with therapeutic intervention, according to predefined models based on the specific cases and the specific necessities detected. On the other hand, a pilot team for the Lisbon region will be set up, consisting of clinical psychologists and two-part clinics (ambulatory regime, to help young people to comply with tutelary measures within the community and in an institutional context, within the framework of educational centre).

It was found that DGRPS has already prepared a specific intervention program to be developed in a multidimensional clinical context, in order to provide a response to young people with acute psychopathological situations. The proposal aims at the creation of an alternative instrument, in the area of mental health⁵³,

⁵² Data provided by the DGRPS in the context of a work meeting held on December 17, of 2015.

⁵³ The only valence existent in public services is the one of the *Dona Estefânia* Hospital, with capacity for 10 beds.

through the organization of an autonomous therapeutic unit, with capacity for 10 places, taking advantage of the valences offered by educational centre in operation. The above-mentioned unit will be composed of its own clinical body, in clostermie articulation with the health services. The implementation will depend, therefore, on the supply of specialized medical staff in the pedo-psychiatric areas, following the organization of the competent tender procedures.

Despite the referred articulation between the health services and the DGRPS being processed without difficulty, it was recognized the insufficient identification of child and juvenile pathologies and the prevention of delinquent behaviour, especially among the young people with ages between 12 and 14 years. This situation has already been reported by the DGRPS to the National Council of Ethics for Life Sciences.

There was, equally, some insufficiency relatively to the response shown by some valences with competence in the area of mental health, in matters of consultation and periodic monitoring, a circumstance that is more pressing, respectively, in the Educational Centres Padre Antonio Oliveira and Bela Vista.

It should also be referred that there is a deficient specific mode of action in the cases of young people who present, at the same time, mental health problems and profound behavioural pathologies.

4.4. Food

The article 59, no-1, of the General Disciplinary Statute of the Educational Centres states that «the educational centre assures the young people an adequate nutrition in quality and quantity.» In order to meet the nutritional needs of young people, the menus are reviewed periodically by the director and by a nutritionist or, in his absence, by a physician⁵⁴.

⁵⁴ See No. 2 of the article 59 of the GDSEC.

The meals are prepared in the educational centres, with recourse to an outsourced company, hired by the central services, following a tender procedure.

The menus have the specific dietary restrictions derived from medical prescription or religion confession⁵⁵, but the periodicity of the respective review procedures, with the responsible company, has proved to be inconsistent, given that the deadlines are adopted according to the opinion of each institution.

The law consecrates that there are four meals that should be provided to the young people: breakfast, lunch, afternoon snack and dinner. If justified, a night booster may also be provided, commonly referred to as supper⁵⁶. However, it should be emphasized that, in the Educational Centre of Bela Vista, it was identified the practice of six daily meals, that is, the addition of a morning and supper reinforcement to the other meals (breakfast, lunch, afternoon snack and dinner).

The internal regulations regulate the time of the meals, which must be balanced and properly spaced in time. In addition, the internal rules should allow the possibility of adapting the schedule according to specific situations arising from the educational process of the young person⁵⁷.

During the visits to the educational centres, the young people who were permanently there were interviewed, and they reported some complaints about the amount of food that was served at the *Bela Vista* Educational Centre. In this establishment, the possibility of preparing meals according to the cultural background of the young persons was not identified either.

4.5. Leisure and community activities

The practice of sports and other activities is important for the healthy development of the minor, and should, therefore, be a part of his personal

⁵⁵ According to what prescribes the No. 3 of the article 59 of the GDSEC.

⁵⁶ See No. 1 of the article 60 of the GDSEC.

⁵⁷ See article No. 60, 2 of the GDSEC.

educational project, regardless of the implementation regime of the measure that was applied to him⁵⁸. Due to their dynamic character, the young people adhere highly to this type of activities, a busy participation that is carried out, even, in federated national competitions. A paradigmatic case of what was just stated was identified at the Educational Centre of Santo António, where, even in a closed regime, events with external projection were hosted (v.g. table tennis).

The involvement of the family members in the elaboration and implementation of the educational project of young people is enhanced by the practice of sports activities. It is also in this context that one can appreciate the parental capacity and competences of supervising and accompanying the young persons in their reintegration into the community.

Among the group of establishments visited, it should be empathised the case of the Mondego Educational Centre, is located in the district of *Guarda*, in an eminently rural and distant context, what makes it difficult to travel to that location. In order to minimize the effects of this circumstance, that educational centre took the initiative of offering transportation from (and for) the rail terminal that serves that region. In cases of proven economic insufficiency, the support provided by the educational centre may even extend to the payment of the cost of the transport from the place of residence of the family members. This is a practice that is being considered by the other educational centres, particularly those located outside the city of Lisbon.

It was also communicated the existence of different special programs⁵⁹ that aim to maintain the connection of the young people to their respective families and the strengthening of the affective bonds. As a rule, the programs include a longer permanence on the installations of the educational centre, even with taking of meals.

⁵⁸ See paragraph c), No. 2, of the article 25 conjunctionally with the article 28, both of the GDSEC.

⁵⁹ V.g., the programs «Us and our families», «Family Leavings» and «Families at the Centre».

4.6. Disciplinary action

The application of an educational tutelary measure has as main goal the (re)education of the young person for the right and his social reinsertion. These are, therefore, the bases on which the tutelary legal educational system was built and that guide the work of all those who accompany the young people. The educational centres, despite consubstantiating a limited space for young people, does not fail to be a place where, daily and necessarily, interpersonal relationships are formed which can, in punctual cases, be a source of conflict. Such conflicts, when serious or reiterated, ultimately trigger a disciplinary procedure and consequently the application of a disciplinary measure⁶⁰.

Regarding the fulfilment of the disciplinary measures, a young learner was identified to whom it was applied, for one day, the sanction of suspension of social interaction with the colleagues. This case occurred in the Educational Centre of Navarro de Paiva and its execution was carried out in a room deprived of dangerous objects. It should be noted, however, that the placement of a young person in a division devoid of objects that can be harmful to his or hers physical integrity configures the cautionary isolation and this is, in its turn, a measure of restraint⁶¹, not a disciplinary measure⁶².

In the case where a disciplinary measure has been applied, the young people may resume the integration phase (where they must remain for a minimum of one month). From the time of resumption of the acquisition phase, it is established the proportion of one third of the remaining time.

It should be empathized the implementation, in some educational centres (of which the case of the Education Centre Santo António is paradigmatic), of specific

⁶⁰ See article No.1 of the article 185 of the EGL and the article 94 of the GDSEC.

⁶¹ The containment measures are predicted in the article 178 of the EGL, its application is limited to the cases listed in the article 179 of the same legal diploma.

⁶² Disciplinary measures are typified in the article 194 of the EGL, which should be conjugated with the articles 99 to 106 of the GDSEC.

educational intervention programs aimed at sensitizing young people for changing their behaviour patterns, preventing, in this way, violence. For this purpose, group interventions are held in which issues related to school performance and the establishment and development of interpersonal relationships are worked out, as well as the expectations that the young people have for the future.

The majority of educational centres have systems of behavioural evaluation for young people based on an idea of positive reinforcement, this is, with the purpose of awarding prizes (e.g., the possibility of having a decorative object, of having weekly pocket money, of making calls or having an additional visit, to benefit from extraordinary leave, with or without supervision) under the terms of the respective internal regulations⁶³.

4.7. Security against fire or others risks and

The residential park integrated by the set of the portuguese educational centres is, generally, in a good state of maintenance. However, such buildings do not, by rule, possess the conditions and security mechanisms, as it can be observed in the board below.

Table III

Existence of means of alert, alarm and fire extinguishers by educational centre

Establishment	Buttons	Signs	Lights	Extinguishers
<i>Bela Vista</i> Educational Centre	✓*	✓*	✓*	≠
<i>Santo António</i> Educational Centre	✓	✓	✓	✓
<i>Mondego</i> Educational Centre	✗	✗	✗	≠

⁶³ See paragraph b), No. 2, of the article 18, conjugated with the 33 and 34, all of the GDSEC.

<i>Olivaís</i> Educational Centre	✓	✓	✓	✓
<i>Navarro de Paiva</i> Educational Centre	✗	✗	✗	≠
<i>Padre António Oliveira</i> Educational Centre	✗	✗	✗	≠

✓ - exists	✓* - Only in two residential units
✗ - does not exist	≠ - existence but with expired date

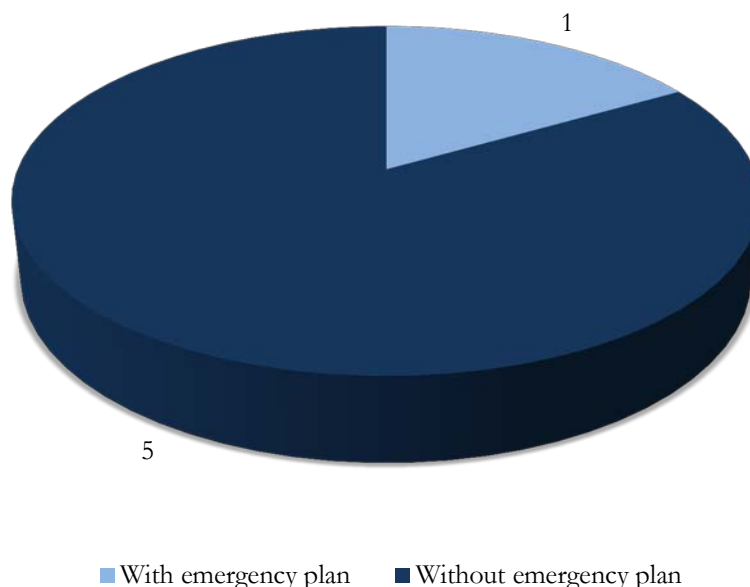
Regarding the constructive characteristics of the buildings, it should be referred that the generality of the materials is poorly or hardly flammable, being that some of the educational centres are operating the necessary maintenance and restoration works, even if the buildings are, sometimes, almost centennial. Although the minimum parameters for the adequacy of the visited infrastructures are known, there should be, still, pointed out the inexistence of emergency plans against fires⁶⁴ — as the graphic below represents — or the implementation of alert and alarm mechanisms⁶⁵, having been verified that, in some cases, the extinguishers were already out of expiration date.

Graphic XV

Existence of emergency plans against fires in the educational centres

⁶⁴ This is what happens at the Educational Centre of *Olivaís*. In turn, the Educational Centre of *Mondego* and the Educational Centre of *Santo António* presented documentation containing procedural guidelines in case of emergency or increased risk of fire.

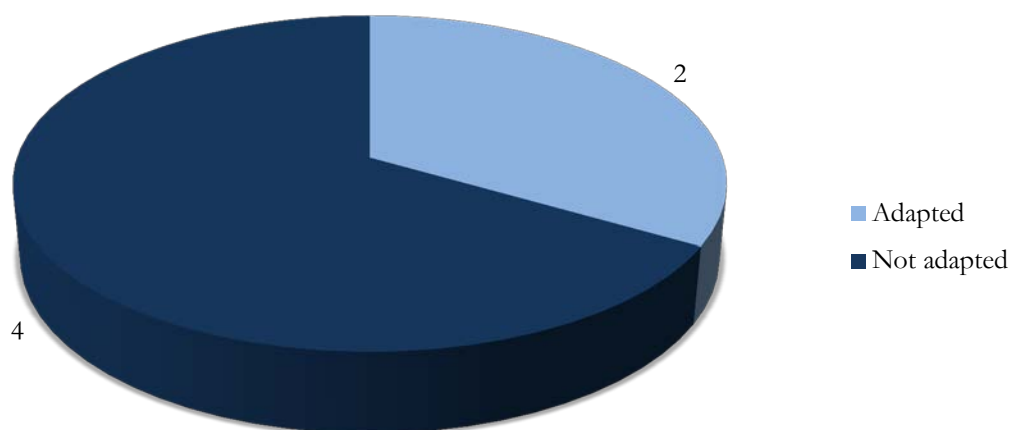
⁶⁵ On this point, it has been verified the existence of signalized alarm buttons, audible warning devices, emergency lights, emergency power supplies (generators) and portable fire extinguishers.



According to the information provided by the DGRPS, all of the educational centres have taken the proper steps to develop emergency plans, as well as the installation of means of alert and fire alarms. In spite of this, the technical inspections carried out by the competent entities, based in the limitations that result from the aging of the materials and the seniority of the majority of the ones that are built, have undermined the achievement of such desideratum. It was, also, communicated the conclusion of formative actions in the matter in question, by two elements that integrate the DGRPS. The circumstantialism described above will justify the contacts established between the DGRPS and the Civil and Firefighters Protection Service.

Graphic XVI

Adaptability of the educational centres to people
with reduced mobility or with disabilities



As it is shown by the graphic above, in the matter of the accessibilities, it was concluded that most of the educational centres were not prepared to receive persons with reduced mobility or with disabilities, whether they are the young people interned, or the people who work there. Only in two of the educational centres were identified accessibilities for persons with reduced mobility or with disabilities: the Educational Centre of Santo António, which has a lift in the residential area, and the Olivais Educational Centre, which also has a lift.

Brief analysis of the educational centres

1. Bela Vista Educational Centre

Population	Capacity: 40
	Occupation: 30
	Age: 14 to 20 years old
	Gender: female (9) and male (2)
	Regime: open (8) and semi open (2)
	Precautionary measure of guard: 1
Positive aspects	Good conservation of the building. Adaptability of facilities according to gender characteristics. Existence of special programs. School attendance in all of the study cycles. Involvement of the family members. Monitoring after departure
Negative aspects	No emergency plan. Absence of accessibilities. Insufficiency of on-site visits by the Judicial Magistrates and the Public Prosecutor's Office. Insulation room without toilets.

2. Santo António Educational Centre

Population	Capacity: 34
	Occupation: 23
	Age: 14 to 19 years old
	Gender: male
	Regime: open (4), semi open (14) closed (4)
	Precautionary measure of guard: 1
Positive aspects	Existence of accessibilities. Effectiveness of delinquent behaviour prevention programs. Dynamics in the practice of sports. Encouraging reading. Monitoring after departure.
Negative aspects	Insufficiency of on-site visits by the Judicial Magistrates and the Public Prosecutor's Service.

3. Educational Centre of Mondego

Population	Capacity: 36
	Occupation: 24
	Age: 14 to 20 years old
	Gender: male
	Regime: semi open (23)
	Precautionary measure of guard: 1
Positive aspects	Good administrative organization. Promotion of contacts with the families. Good conditions for the practice of sports and occupation of leisure-time.
Negative aspects	Absence of collaboration by a psychologist or psychiatrist. Inexistence of an emergency plan or alert and alarm mechanisms. Inexistence of accessibilities. Deficient articulation with the health unit. Youngsters without family doctor assigned. Specialty consultations. Isolation.

4. *Olivais Educational Centre*

Population	Capacity: 34
	Occupation: 22
	Age: 14 to 20 years old
	Gender: male
	Regime: semi open (17) and closed (4)
	Precautionary measure of guard: 1
Positive aspects	Existence of accessibilities. Security against fires. Existence of special programs. Systematized intervention in therapeutics. Social integration of the young people.
Negative aspects	Deficiencies in housing matters in the accommodation and progression units. Youngsters without family doctor assigned. Low schooling level of the young people. Insufficiency of on-site visits by the Judicial Magistrates and the Public Prosecutor's Office.

5. Educational Centre Navarro de Paiva

Population	Capacity: 36
	Occupation: 33
	Age: 14 to 19 years old
	Gender: female (12) and male (21)
	Regime: open (9) e semi open (21)
	Precautionary measure of guard: 3
Positive aspects	Good administrative organization. Articulation with the local health unit. Articulation with the courts and the services of the Public Prosecutor's Office. Existence of special educational projects. Existence of health education programs.
Negative aspects	Inexistence of an emergency plan. Inexistence of accessibilities. Unsuitability of the facilities according to the gender specifics.

6. Educational Centre Padre António Oliveira

Population	Capacity: 24
	Occupation: 18
	Age: 15 to 18 years old
	Gender: male
	Regime: closed (15)
	Precautionary measure of guard: 3
Positive aspects	Good administrative organization. School attendance of the young people. Therapeutic follow-up. Large spaces favourable to the practice of outdoor activities. Monitoring after departure.
Negative aspects	Inexistence of accessibilities. Lack of security against fires. Deficiencies in housing matters in the accommodation unit. Inexistence of a library.

Conclusions

In the course of the year 2015, the NPM visited the educational centres that constitute the universe of the national establishments where young people fulfil their educational measure, due to the practice — between their ages 12 and 16 — of facts qualified as by the Law a crime. The purpose that motivated these visits was to understand the routine that is lived in the educational centres, their good practices and their insufficiencies, particularly in what regards the assistance of young people with mental health problems.

The present study summarizes, therefore, the conditions that were verified *in loco*, complemented by the documentation that had meanwhile been requested and addressed to the NPM about the characterization and functioning of the educational centres. It is, thus, important that, by way of conclusion, the following aspects should be highlighted:

1. The total number of young people interned in educational centres is 150, a quantitative that is lower than the maximum capacity of the referred establishments and that gathers ten young people to whom it has been applied a precautionary measure of guard.
2. The majority of the interned youths are between the ages of 16 and 18 and, of the 140 young people who are in fulfilling a tutelary internment measure, $\frac{3}{4}$ are deprived of their freedom for a period of time equal or higher than 12 months and more than half fulfils it in a semi-open regime.
3. As far as the education of the young people is concerned, the frequency or conclusion of the 2nd and 3rd cycles of studies — or equivalent EFA courses — registers the highest values of young people, values which, in a combined reading of both of them, far out numbers the $\frac{3}{4}$ of young people. And, on an individual basis, the Educational Centre of Navarro

de Paiva reflects, with the young people that it accommodates, this distribution, having the highest number of young people in the 3rd cycle.

4. Of the six educational centres, four of them have accommodations for young people of the male gender and only two of them have facilities to receive — simultaneously, in a separate way but in facilities not yet fully prepared to accommodate them — young people of the female gender, these representing approximately $\frac{1}{7}$ of the total of all those who are there interned.
5. The young people are distributed by residential units according to the execution regime of their internment measure and the competences they possess and are acquiring.
6. In a general perspective, the living conditions of the educational centres are good, despite the oldness of some of the buildings where the educational centres are installed.
7. The characteristics of two of the educational centres (*Santo António and Olivais*) make it possible for them to be accessed by persons with reduced mobility, having, the first one, still, the adequate sanitary facilities.
8. The educational centres are equipped with appropriate spaces for school and training activities (some of which are properly equipped for the teaching of Information and Communication Technologies, as is the example of the *Padre António Oliveira* Educational Centre) and a nursing ward, as well as most of them have a separate area for meals. In circumstances where this is not the case — as in the Olivais Educational Centre of —, meals are, however, held in the common room.
9. As far as food is concerned, it should be noted that, as a rule, four meals are provided to young people who are interned, with the exception of the *Bela Vista* Educational Centre which, despite the complaints about the quantity, provides six daily meals.

10. Five of the six educational centres have a library area, which is not the case of the Educational Centre Padre António Oliveira.
11. The educational centres, by rule, have leisure areas that are suitable for the practice of sport activities, some of which rely on the collaboration of family members.
12. Regarding the desirable involvement of the family in the elaboration and concretization of the educational intervention projects of the young people, it should be empathized the contribution made by the Educational Centre of Mondego, in particular, ensuring or supporting the dislocations between the establishment and the nearest public transportations.
13. Of the universe of 150 young people, 31 are diagnosed with psychic pathologies; however, it is around the triple the quantity of young people interned who have monitoring by a psychologist. In an inferior number but far from being considered as residual, there are about four dozen young people being assisted in pedopsychiatry or psychiatry. On this matter, it should be registered the absence of a psychologist cooperating in the Educational Centre of Mondego.
14. From the analysis of the divisions used to comply with the precautionary isolation measure results a general adequacy of the majority of the rooms visited. It is, however, revealed the inexistence of sanitary facilities in the Educational Centre of Bela Vista and the incorrect use of this space by the Educational Centre Padre António Oliveira. In this case, recall, the isolation room serves to welcome young people during the first hours that are in the establishment.
15. Remaining on the subject of disciplinary actions, it should be recalled that the *Navarro de Paiva* Educational Centre uses a room deprived of harmful objects (for the physical integrity of the young people) for the execution

of the disciplinary measure of suspension of the social interaction with the companions.

16. With the exception of the *Olivais* Educational Centre, the other educational centres do not have a fire emergency plan. It should, in the same way, be mentioned that two other establishments presented guidelines to be followed in case of emergency or increased risk of fire.
17. Also concerning the safety equipment, it should be noted that it is not infrequent to verify the existence of alarm buttons, tellers or lights.
18. In what concerns the fire extinguishers, it has been found that they exist in the educational centres but not all of them are under their expiry date.

Other Contents

1. Graphs

<i>Graph I</i> - Characterization of young people interned by their gender	16
<i>Graph II</i> - Distribution of the young people interned in the educational centres according to the duration of the measure that was applied to them	17
<i>Graph III</i> - Characterization of the young people interned according to their age	19
<i>Graph IV</i> - Characterization of the young people interned by the age group ratio and the execution regime of the tutelary internment measure	20
<i>Graph V</i> – Accommodation according to the acquired skills	22
<i>Graph VI</i> – Accommodation according to the gender	24
<i>Graph VII</i> - Existence of a Library	26
<i>Graph VIII</i> - Existence of Refectory	27
<i>Graph IX</i> - Adequacy of the sanitary facilities for persons with reduced mobility	30
<i>Graph X</i> - Distribution of the human resources by educational centre	33
<i>Graph XI</i> - Training courses available at the educational centres	44
<i>Graph XII</i> - Characterization of the young people according to their school attendance	44
<i>Graph XIII</i> - Characterization of the young people according to their school attendance by educational centre	46
<i>Graph XIV</i> – Distribution of the number of young people with diagnosed mental health pathologies	49
<i>Graph XV</i> - Existence of emergency plans against fires in the educational centres	58
<i>Graph XVI</i> – Adaptability of the educational centres to people with reduced mobility or with disabilities	59

2. Tables

Table I – Educational centres Technicians	34
Table II – Collaboration with the Health Units	37
Table III – Existence of means of alert, alarm and fire extinguishers by educational centre	57

List of abbreviations

DGRPS — Directorate-General for Reinsertion and Prison Services

EFA — Adult Education and Training

EGL — Educational Guardianship Law

NPM — National Preventive Mechanism

PAIPA — Project of Evaluation and Psychotherapy Intervention for the Juvenile Justice

PIRR — Integrated Program for Risk Reduction

pp. — pages

GDSEC — General Disciplinary Statute of the Educational Centres

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Annexes

Mental health questionnaire

MENTAL HEALTH QUESTIONNAIRE

Young people interned with problems diagnosed in the area of mental health (outside the cases provided for in article No. 49 of the EGL)

Yes ☐ No ☐

No. of young people: _____

Concerning the age

12-14	☐
14-16	☐
>16	☐

Types of diagnostic:

1 _____
2 _____
3 _____
4 Others: _____

How many young people are being monitored psychologically: _____

How many young people are under psychiatric care: _____

How many young people are being monitored in both situations: _____

Of the total number of young people, how many are being medicated: _____

Are there any studies that support the diagnosis?

If Yes, which ones? _____

Is there a study on the profile of the young person carried out on the following subjects?

Background and family context Y ☐ N ☐

Evolution in the Educational Center and/or under therapy Y ☐ N ☐

School Performance Y ☐ N ☐

Association to behavioral problems Y ☐ N ☐

Are complementary means of diagnosis used for all identified situations? Y ☐ N ☐

And therapeutic measures? Y ☐ N ☐

What are the main means of response used?

Are the means effective? Y ☐ N ☐

In the absence of an adequate response, the lack of means translates into:

Doctor's appointments	☐
Periodic monitoring	☐
Crisis intervention	☐
Others _____	☐

Are there prevention programs for anxiety and depression in the residential environment?

Y ☐ N ☐

If Yes, specify:

Is there a specific program for suicide prevention in this area? Y ☐ N ☐

If Yes, specify: _____

Are there programs that target socially maladaptive behaviors? Y ☐ N ☐

If Yes, specify: _____

Are there specific programs for problems of a more acute nature? Y ☐ N ☐

If Yes, specify: _____

Are there measures to promote school success? Y ☐ N ☐

If Yes, specify: _____

Is there guidance and professional support and follow-up in the transition to adulthood / community integration phase? Y ☐ N ☐

If Yes, specify: _____

Are there programs for the identification of childhood and juvenile disorders and for the prevention of delinquent behavior (v.g. between 12 and 14 years of age)? Is there a possibility of articulation with the system of promotion and protection? Y ☐ N ☐

If Yes, specify: _____

Are there training actions for the Technical Teams? Y ☐ N ☐

No. of annual hours: _____

Are the young people still being accompanied after they leave? Y ☐ N ☐

How? _____

Is it made reference and articulation with other entities? Y ☐ N ☐

If Yes, which ones? _____

Is there a perception of the existence of young people with mental health problems without diagnosis and follow-up? Y ☐ N ☐

*Recommendations of the National Preventive
Mechanism*

Recommendation addressed to the Minister of Justice

Recommendation no. 2/2016/NPM

I

Under the provision contained in the paragraph (b) of the article 19 of the Optional Protocol to the Convention against Torture and Other Penalties or Cruel Treatments, Inhuman or Degrading, I recommend to Your Excellency that, in order to improve the living conditions of the young people in educational centres, the following measures should be taken:

1. That the (re)opening of an educational centre intended exclusively for the reception of young girls should be equated;
2. That, in a concerted act between the Directorate-General for Reinsertion and Prison Services and the Directorate-General for Health, an exhaustive survey of the main constraints registered on the access and scheduling of specialty appointments by the educated young people should be made;
3. That protocols should be celebrated between the Directorate-General for Reinsertion and Prison Services and the Directorate-General for Health, in order to provide an immediate response to the requests of young people interned in the educational centres regarding medical care;
4. That, in what regards the specific problem of mental health, through the articulation between the Directorate-General for Reinsertion and the Prison Services and the Directorate-General for Health, a survey should be made of the situations which, with more frequency or of superior complexity, are observed in the young people;

5. That two of the main innovations introduced by the amendment of the Educational Guardianship Law¹, carried out by the Law no. 4/2015, of January 15, should be concretized: the «intensive supervision period» and the «post-internment monitoring»;
6. That the re-introduction in our juridical system of a special career for technician of social reinsertion should be considered.

II

This position arises as the result of a series of visits that during the course of the previous year the National Preventive Mechanism (NPM) ² carried out to all the educational centres, with the purpose of elaborating a special report that provides the portrait of the reality that is lived in these establishments. In order to gather information on a constant basis, the purpose of those visits was defined in a unitary manner. Among the several aspects that were examined it was included the verification of the spatial and temporal confinement of the educational centres — above all in what regards the educational component and the involvement of third parties (public and private) in the process of social reintegration of young people —, the follow-up systems for young people after their leaving, the infrastructure conditions, its functioning and administrative organization, as well as the therapeutic programs and the psychological assistance models that are provided to the young people that are interned.

¹ Approved by the Law No. 166/99, of September 14, and henceforth referred to as EGL.

² The Portuguese Ombudsman was designated National Mechanism of Prevention, through a Resolution of the Council of Ministers No. 32/2013, published in the *«Diário da República»*, 1st series, No. 96, of May 20, following the ratification, by the Portuguese State, of the Optional Protocol to the Convention against Torture and other Penalties or Cruel Treatments, Inhuman or Degrading. This international legal instrument aims to establish a system of regular visits to places of detention, in order to prevent behaviours that could offend the rights of the persons deprived of their liberty.

III

From the elements collected during the NPM's visits to the educational centres — and from the complementary information meanwhile requested — it was possible to conclude that the conditions for the implementation of the detention measure in an educational centre can be improved on behalf of a better defence of the rights of the young people.

§ 1. (Re)Opening a female educational centre

The application of an educational measure has as purpose «the education of the minor for the right and its insertion, in a dignified and responsible way, in the community life.»³ To reach these goals it can be revealed as necessary and adequate the internment in an educational centre of a young person that practiced, between the ages of 12 and 16, acts classified as crime. The determination of an internment measure is, therefore, anchored in a re-educational purpose which, «by means of the temporary withdrawal from its habitual environment and the use of programs and pedagogical methods, [should proportionate] the internalization of values in accordance with the law and the acquisition of resources that allow, in the future, to conduct its life in a socially and legally responsible way.»⁴

The young people that are inserted in educational centres experience — not only by the situations that they lived and that culminated in their deprivation of liberty, but also because of their age — a complex phase in their development. This is, therefore, a period in which therapeutic monitoring is structuring and an educational intervention in a context where there is no gender homogeneity may not be as profitable as desirable. It can, therefore, be considered whether the reception of people of only one gender, with a correlative similarity of relatively specific problems of the aforementioned age group, and without the prejudice of contacting

³ No. 1 of the article 2 of the EGL.

⁴ No. 1 of the article 1 of the General and Disciplinary Regulations of the Educational Centres (approved by the decree-law No. 323-D/2000, of December 20, and henceforth referred to as GDSEC). See also No. 1 of the article 17° of the EGL.

with all of them in various activities — such as school or formative — would not be more productive.

For this reason, combined with the fact that the educational centres (Bela Vista and Navarro de Paiva) which host young people of the female gender are being fully prepared for this purpose, it is pertinent to reconsider the (re)opening of an educational centre with exclusive accommodation for the young girls.

§ 2. Specialty Medical Appointments

The internment of a young person in an educational centre requires that the rights of those who are compatible with the implementation of the educational tutelary measure that was applied to him are respected⁵; the right to health is paradigmatic. In this sense, it is important to mention that it is the responsibility of the educational centre to «ensure the health and well-being of the learner, promoting, in particular, their regular clinical supervision (...)»⁶.

The specificity of the medical care in certain areas calls for the access to specialized medical consultations, addressed to the young people in educational centres. It is, however, not uncommon, for constraints of several natures to occur and, for this reason, the young people are unprotected, even if this lack of protection is not total, but rather constitutes a protection of the diagnosis and the treatment.

Since «the minors have hospital assistance or other whenever health needs so require»⁷ and, as mentioned before, it is the responsibility of the centre to provide regular and necessary medical monitoring, I consider important to understand the main difficulties regarding the scheduling of specialized consultations. Therefore, I recommend their gathering by the competent entities.

⁵ See numbers 1 and 2 of the article 159° of the EGL and No. 1 of the article 2° of the GDSEC.

⁶ No. 1 of the article 56° of the General DSEC. See, equally, the No. 3 of the article 171° of the EGL.

⁷ No. 1 of the article 174° of the EGL.

§ 3. Celebration of protocols

In the following of what was mentioned in the subsequent paragraph, I believe it is pertinent the celebration of protocols between the Directorate-General for Reintegration and Prison Services and the Directorate-General for Health. These protocols should, therefore, guarantee an immediate response to the needs that, in this matter, the young people interned in the educational centres express, not discriminating against them, in front of others, based on their deprivation of liberty.

§ 4. The specific problem with mental health

The challenge of mental health is one of the issues to which the NPM has dedicated its particular attention with the execution of the visits that were made to the educational centres, as well as requesting for collaboration in completing a questionnaire on that subject. After analysing the collected information, I concluded that there are still deficiencies in the identification and diagnosis of childhood and juvenile pathologies, as well as in the prevention of behaviours contrary to the law. I registered, equally, the existence of a specific deficit in the case of young people who present, at the same time, mental health problems and profound behavioural pathologies.

Therefore, in what regards the specific problem of mental health, I believe it is urgent to collect a survey of the situations that, more frequently or with greater complexity, are observed in young people, a work that will best be done in coordination between the Directorate-General of Reinsertion and Prison Services and the Directorate-General for Health.

§ 5. «Intensive supervision period» and «post-hospitalization monitoring»

The aforementioned amendment to the EGL, dated mid-January 2015, has brought important changes in the cut of the legal tutelary educational regime that affect the implementation of the internment measure, among which is found the introduction of the concepts of «intensive supervision period» and of «post-hospitalization monitoring». Regarding the first, the EGL will provide the possibility of, by judicial decision, the implementation of the internment measure being integrated by an «intensive supervision period», during which the competences acquired between the young person and the way they reflect in their behaviour are evaluated.⁸ Regarding the second, and in case there has not been an «intensive period of supervision», it is the responsibility of the social reintegration services to accompany the young learner after the cessation of their internment measure⁹.

The concepts recently inserted in the EGL are related, therefore, to the monitoring of the execution of the internment measure and the subsequent follow-up of the young person after its execution. By the importance they have, it is important to clarify the ways in which they should be implemented, through the respective articulation with the central services, as well as the allocation, in short and long-term, of the necessary human resources. The criteria for participation and involvement of the educational centres in the follow-up of young people after the termination of their internment measures should, in the same way, be established following and, still, fostering the creation of transitional residential units assigned and previewed for them legally.

Leaving the educational centre is particularly complex for the young person. In this phase of (re)insertion in the community, the young learner should be able to count on mechanisms of orientation and professional support that allow the completion of their personal educational project. It is, therefore, important to develop such mechanisms, being pressing to ponder the celebration of protocols

⁸ See article 158.º-B of the EGL. For this purpose, it is foreseen the possibility of setting up transitional residential units.

⁹ See article 158.º-B of the EGL. For this purpose, it is foreseen the possibility of setting up transitional residential units.

with some entities that provide professional alternatives and a better consolidation and integration in the community.

§ 6. Special career of social reinsertion technician

The re-education and social (re)insertion purposes that preside the implementation of tutelary educational measures imply the constant monitoring of the young people who are inserted in educational centres, a function that is performed by the technicians (superior and professionals) of social reintegration. Given the specificity of the tasks they develop — and which are not exhausted in caring for the young people they are responsible for, in fact they are rather spreading to another level: the one of their re-education —, I understand that one can advocate for a career different than general, as it was the case until 2007.¹⁰

The no. 3 of the article 84 of the General Law of Work on Public Service¹¹ determines that «the careers whose functional content characterizes jobs that only one or a few organs or services require for the development of their activities are special». The activities that are carried out by technicians (superior and professional) of social reintegration in the educational centres are, by their diversity, complexity and finality, specific to the mentioned establishments. These professionals integrate what is now known as the technical-pedagogical sector, the service of the educational centres competent to «assure all the tasks related to the reception and the residential framework, educational, formative and therapeutic of the people, through the management of the residential units and the development of programs and actions resulting from the educational intervention project of the centre, bearing in mind the execution of the judicial decisions and the social

¹⁰ The legal diploma that restructured the (till then) Institute for Social Reinsertion — Decree-law No. 204-A/2001, of July 26, and its amendments — provided in the articles 61 and 62, as the careers of superior technician of social reintegration and of professional technician of social reintegration.

¹¹ Approved by the Law No. 35/2014, of June 20, in the drafting of its most recent amendment operated by Law No. 18/2016, of June 20, referred infra as LGTFP.

reintegration of the people.»¹² It is, therefore, verified the singularity of the functional content of their career and, as consequence, the first requirement for the creation of a special career¹³ is fulfilled, as it is justified in the case of the social reintegration technicians.

The no. 4 of the article 84 of the GLWPS requires, nevertheless, two or more prerequisites for conceiving a special career: more demanding functional duties (point b)) and specific formative courses or, alternatively, possession of a particular academic qualification (point c)). Given the type of functions developed, the social reintegration technicians are already subject of a greater exigence regarding the obligations to which they are functionally related. To have at their care persons who, along with their minority (as a rule), are deprived of their freedom with the purpose of being re-educated to the right implies the compliment of more rigorous duties. In addition, the concretization of the personal educational projects involves a degree of knowledge and experience that is consistent with the frequency and conclusion of a specific formative course or the holding of a certain (higher, I mean) literary qualification.

I also consider that the requirement of the duties in question is difficult to reconcile with those of a general career, which has been the subject of a number of constraints concerning the system of recruitment (e.g. age limit for admission, gender specificities, psychological aptitude or physical requirements). Constrains that can be dissipated with the creation or the recovery — with distinction between those who work within educational centres and those who work in prison establishments — of the special career of social reinsertion technician.

For the referred reasons, I intend to formulate the present recommendation, requesting Your Excellency the adoption of the measures described previously,

¹² No. 1 of the article 132.º of the GDSEC. And for this purpose, the annexes II and III of the alluded Decree-law No. 204-A/2001, of July 26.

¹³ See article 84, No. 4, paragraph a) of the GLWPS.

thereby, ensuring the best safeguard of the interests of those who, by virtue of their age and the restriction of their freedom imposed to them, are in a situation of particular vulnerability.

I conclude, being convinced that your personal commitment will greatly contribute to strengthen the defence of the rights of the young people and, at the same time, to improve the educational guardianship system.

Recommendation addressed to the General Director of Reintegration and Prison Services

Recommendation no. 3/2016/NPM

I

Under the provision contained in the paragraph (b) of the article 19 of the Optional Protocol to the Convention against Torture and Other Penalties or Cruel Treatments, Inhuman or Degrading, I recommend to Your Excellency that, in order to improve the conditions of permanence of young people in educational centres, the following measures should be taken:

1. That, in collaboration with the National Civil Protection Authority, it should be elaborated an exhaustive survey of the housing stock in existent in the educational centres, giving particular attention to the mechanisms of alert, of alarm and of fire extinguishing or other risks, with the aim of elaborating individual emergency plans and the short-term installation of such resources when they are non-existent or inoperative;
2. That a profound study on accessibility for persons with reduced mobility in the educational centres should be made;
3. That, in articulation with the Directorate-General for Education, programs should be designed to promote the success of young people, particularly in what regards their high-school education;
4. That the adaptation of the facilities — especially the sanitary ones — be executed for the young people who are interned in the Educational Centre of Navarro de Paiva and in the Educational Centre of Bela Vista;

5. That a library should be created at the Educational Centre Padre António Oliveira Educational;
6. That the quantity of meals provided to young people, as well as the weekly composition of the menus, be analysed;
7. That the utilization of rooms intended to the execution of the measure of restraint of precautionary isolation, above all by the Educational Centre Padre António Oliveira and the Educational Centre Navarro de Paiva, are clarified;
8. That the improvement of the salubrity and ventilation conditions of the isolation room of the Padre António Oliveira Educational Centre be promoted;
9. That the installation of toilets in the isolation room of the Educational Centre Bela Vista should be made.

II

This position arises as the result of a series of visits that, during the course of the previous year, the National Preventive Mechanism (NPM)¹ carried out to all the educational centres, with the purpose of elaborating a special report that provides the portrait of the reality that is lived in these establishments. In order to the information gathering to take place on a constant basis, the purpose of those visits was defined in a unitary manner. Among the several aspects that were examined it is included the verification of the spatial and temporal confinement of the educational centres — above all in what regards the educational component and the involvement of third parties (public and private) in the process of social reintegration of young people —, the follow-up systems of the people after their leaving, the infrastructure

¹ The Portuguese Ombudsman was designated National Mechanism of Prevention, through a Resolution of the Council of Ministers No. 32/2013, published in the *«Diário da República»*, 1st series, No. 96, of May 20, following the ratification, by the Portuguese State, of the Optional Protocol to the Convention against Torture and other Penalties or Cruel Treatments, Inhuman or Degrading. This international legal instrument aims to establish a system of regular visits to places of detention, in order to prevent behaviours that could offend the rights of the persons deprived of their liberty.

conditions, its functioning and administrative organization, as well as the therapeutic programs and the psychological assistance models that are provided to the young people that are interned.

III

From the elements collected during the NPM's visits to the educational centres — and from the complementary information meanwhile requested — it was possible to conclude that the conditions for the implementation of the detention measure in an educational centre can be improved on behalf of a better defence of the rights of the young people.

§ 1. Mechanisms of alert, of alarm and of fire extinguishing or other risks

The daily life of an educational centre should be guided by the compliance of basic safety rules that allow the brief signalling in case of emergency and its quick resolution. This is determined by the no. 1 of the article 76 of the General and Disciplinary Regulations of the Educational Centres²: «[the] life in an educational centre is organized by rules that guarantee a peaceful and orderly environment and provide conditions for safety.»

In order to ensure a minimally secure environment, each establishment that welcomes young people fulfilling an educational tutelary measure must, in accordance with paragraph 2 of the aforementioned legal precept, possess the necessary equipment for detecting and combat fires or other risks, which should be «tested and reviewed periodically in accordance with the applicable technical regulations»³.

However, in the majority of the Educational Centres, it does not exist a plan of action in case of emergency — with the exception of the Olivais Educational

² Aproved by the Law No. 323-D/2000, of December 20, henceforth referred to as GDSEC.

³ See No. 3 of the article 76 of the GDSEC.

Centre⁴ — as well as, in many cases, it has been observed the absence or the inoperability of alarm bells, tell-tale or lights. And, in what concerns to the fire extinguishers, it was verified that these are present in the visited establishments, but, in some situations, their expiry date has already finished.

Given the importance that such devices assume to the safety of the people and the buildings⁵, I believe it should be promoted, in collaboration with the National Authority of Civil Protection, the elaboration of an exhaustive survey of the warning mechanisms, of alarm and of fire extinguishing or other risks that can be encountered in the educational centres with the purpose of elaborating individual contingency plans and the installation of these resources, in a very short time, when they are non-existent or are not functioning properly.

§ 2. Accessibility for people with reduced mobility

As a result of the preamble of the Decree-law no. 163/2006, of August 8, «[the] promotion of accessibility is a fundamental element in people's quality of life and it is an indispensable mean for the exercise of the rights that are conferred to any member of a democratic society, making a decisive contribution to a bigger strengthening of the social ties, to a greater civic participation of all those who are part of it and, subsequently, to the deepening of solidarity in the social State of law».

I concluded, however, that most educational canthers are not pre-arranged to receive people with reduced mobility or with disabilities, whether they are young people interned, employees or visitors. Only two of the educational centres have

⁴ Note, in the same way, that although they do not have an emergency plan, two other educational centres (Mondego and Santo António) presented guidelines to follow in case of emergency or increased fire risk.

⁵ As it can be read in the paragraph 2 of the article on the juridical regime against fires in buildings — approved by the Decree-law No. 22/2008, of 12 November, amended by the Decree-law No. 224/2015, of 9 October —, the respect for the safety norms makes it possible to: «a) Reduce the likelihood of fire occurrences; b) Limit the development of possible fires by circumscribing and minimizing their effects, including the scattering of smoke and flue gases; c) Facilitating the evacuation and the rescue of occupants at risk; d) To enable the effective and safe intervention by protective and assistance means.»

access to those citizens: the Educational Centre of Santo António, which has a lift in the residential area, and the Olivais Educational Centre, which also has an elevator, as well as an access ramp. And only one of them is truly suitable to accommodate people with reduced mobility or with disabilities, since only the Educational Centre of Santo António has, along with the accesses, the sanitary facilities adapted to them.

I consider appropriate that, in the name of the equality of access and the participation of all in the elaboration and implementation of educational projects for the young people, an extensive study should be carried out on accessibility for persons with reduced mobility in the educational centres and, in situations in which they are non-existent, to consider possible alternatives to resolve the issue in question.

§ 3. Programs to promote school success

The young people that are interned in educational centres «remain subject to the duties arising from obligatory schooling, and should be encouraged to continue or complete their studies»⁶. It is, therefore, a part of the composition of their educational projects the frequency of formative activities, among which are found the academic ones⁷.

Of the 150 young people who constituted the reference universe in the elaboration of the special report completed, approximately 75% attended or had the 2nd and 3rd cycles of studies (or equivalent EFA courses), which, in conjunction with their ages, represents a low level of schooling. In order to change this data, I believe it is opportune to, in an articulated action with the General Directorate for Education, establish programs that promote the school success among the young people, especially in what regards high-school education that registers a reduced

⁶No. 1 of the article 160 of the EGL.

⁷ See article 27 of the GDSEC.

quantitative of interned young people attending or with the course terminated, should be created.

§ 4. Adaptability of the facilities to the young women

In two of the educational centres there are 21 young people interned. The internment of young people of the female gender is processed separately from the young people of the male gender, but the facilities of the Educational Centre of Navarro de Paiva and the Educational Centre of Bela Vista are not fully prepared to receive them. However, it is important that, in the short term, this circumstance changes, in order to provide a space which is minimally adequate to the fulfilment of an educational measure depriving the freedom of a person who, not only is at a complex phase of development, but also, by virtue of its gender, has specific needs.

I recommend, by the referred reasons, that the civil works that are essential to the adaptation of the facilities, should be made —specially the sanitary ones — to the young woman that are interned in the Educational Centre of Navarro de Paiva and the Educational Centre of Bela Vista.

§ 5. Creation of a library in the Educational Centre Padre António Oliveira

The Educational Centre Padre António Oliveira welcomes young people that are fulfilling a educational guardianship measure of internment in closed regime, which means that they «are educated and attend formative and leisure activities exclusively within the establishment»⁸. It is, therefore, important for the educational centre to provide a space with books and other resources that can be consulted by the young people.

The creation of a library in the Educational Centre Padre António Oliveira is revealed, thus, not only as another option for occupying the leisure time of the young internees who are totally confined to its interior, but rather assuming itself as

⁸ No. 1 of the article 169 of the EGL. See also article 15 of GDSEC.

a necessity by becoming an autonomous fundamental area for their attendance and school success.

§ 6. Nutrition

According to the disposed on the number 1 of the article 59 of the GDSEC, it is responsibility of the educational centre to «ensure that the young people receive an adequate food diet in terms of quality and quantity». To this end, the legislator determined that four meals should be provided per day to the young students⁹ and that the composition of the menus should be reviewed, periodically, by the direction and by a nutritionist or by a doctor¹⁰.

The young people are, at the time, in plain development, requiring, for this reason, specific nutritional needs that are achieved with a diverse diet (in its composition) and diversified (in its confection). From the analysis of the documentation that was sent to the NPM, I noticed, however, that the weekly menus are not always as varied as it would be desirable. I am referring, for example, to the week menu that was presented between October 19th and 25th of 2015, regarding the Educational Centre of Santo António, in which, too often, the protein is derived from meat, being the fish practically non-existent.

⁹ See No. 1 of the article 60 of the GDSEC. It should be emphasized that, for this purpose, the Educational Centre of Bela Vista offers six daily meals to the young people who are interned there fulfilling a tutelary educational measure, however, they have expressed complaints about the amount of food provided.

¹⁰ See No. 2 of the article 59 of the GDSEC.

In light of the above, I consider it would be appropriate to develop a study regarding the composition of the menus of the meals provided to the young people, as well as their daily quantity and distribution.

§ 7. Use of the isolation rooms

The measure of restraint of precautionary isolation — along with what occurs with the physical and personal restraint — can only be applied in exceptional and improperly substantiated cases¹¹, preceded by authorization from the direction of the educational centre, with communication to the court and observation of the young people by a doctor. This measure, with a maximum duration of 24 consecutive hours, «may take place in a specially dependency manner particularly adequate to avoid the acts and the situations justifying the recourse to such measures»¹². That is, it can occur in a room of isolation, which will be deprived of objects that could put the physical integrity of the interned young person in danger.

From the visits made by the NPM and the analysis of the documentation that was requested, I concluded, however, that the isolation rooms are not always used for the exclusive purpose for which they were intended. At the Educational Centre Padre António Oliveira, the isolation room serves to welcome young people in their first hours in the establishment, a practice that, in light of the law and the superior interest of young people, is incorrect. There are no founded and concrete reasons to put the young learner in the precautionary isolation room and the measure that should be exceptional is, actually, the rule. At the Educational Centre of Navarro de Paiva, it has been identified, by its turn, the execution of the disciplinary measure of suspension of social interaction with the companions¹³ in a room deprived of dangerous objects, which allows inferring the existence of confusion between the

¹¹ The referred contention measures are regulated by the articles 178 and forward of the EGL and by the articles 89 and forward of the GDSEC. As arises from the article 179 of the EGL, the adoption of a measure of this nature will only be legitimized if it is intended not to jeopardize or endanger the physical integrity of the young learner himself or of a third party, the non-destruction of goods, the non-concretization of escapes from the educational centre or the elimination of the violence with which resists the orientations that are given to him by the establishment.

¹²No. 1 of the article 183 of the EGL.

¹³Measure predicted in the paragraph g) of the article 196 of the EGL. It should be noted that, with this purpose, the disciplinary measures are typified in the article 194 of the EGL, norm in which does not exist allusion to the affectation of a young person intern in an isolation room. | 97

fulfilment of disciplinary measure and the application of the precautionary isolation measure.

Attending at the extraordinary finalities that must be met, I believe that it is extremely important to clarify the use of the rooms destined to the execution of the precautionary isolation measure, above all by the Educational Centre Padre António Oliveira and the Educational Centre of Navarro de Paiva.

§ 8. Isolation room of the Educational Centre Padre António Oliveira

The division that the Educational Centre Padre António Oliveira destined to face the occasional situations of indiscipline or severe decompensation by the young people and, in a less correct way, to welcome, during the first hours, each young person who enters the establishment, presents a deficient aeration and insufficient cleaning.

The General Disciplinary Statute of the Educational Centres predicts that the educational centre «shall ensure that the rooms, sanitary facilities, common rooms and other spaces of the unit are organized and maintained with the adequate habitability and safety conditions, particularly in what regards hygiene and cleaning, lighting, ventilation and maintenance of the furniture and equipment.»¹⁴ For this reason, along with the purpose for which the area in question is destined, I believe that, in the shortest possible time, the works necessary to improve the salubrity and ventilation conditions of the isolation room of the Educational Centre Padre António Oliveira, must be executed.

§ 9. Isolation room of the Bela Vista Educational Centre

The space that the educational centres reserve for the execution of the measure of containment of precautionary isolation must be provided with the equipment necessary to the permanence of a person for a period of time that can go until 24 hours. It is important, therefore, that, in addition to good conditions of

¹⁴ No. 3 of the article 58 of the referred legislative diploma.

normality — these are modestly understood, since, do not forget, it is a room of isolation and, therefore, deprived of dangerous objects —, these divisions must have sanitary facilities, which does not happen in the Educational Centre Bela Vista.

Bearing in mind that the confinement of a young person interned in an isolation room may have of a relatively long duration and that the premises of the establishments must, as explained above, have the adequate conditions for a person to remain there, I believe it is necessary to install toilets in the isolation room of the Educational Centre of Bela Vista.

For the referred reasons, I formulate the present recommendation, requesting Your Excellency the adoption of the measures described previously, thereby, ensuring the best safeguard of the interests of those who, by virtue of their age and the restriction of their freedom imposed to them, are in a situation of particular vulnerability.

I conclude, being convinced that your personal commitment will greatly contribute to strengthen the defence of the rights of the young people and, at the same time, to improve the educational tutelary system.

Recommendation addressed to the Minister of Health

Recommendation no. 4/2016/NPM

I

Under the provision enclosed in the paragraph (b) of the article 19 of the Optional Protocol to the Convention against Torture and Other Penalties or Cruel Treatments, Inhuman or Degrading, I recommend to Your Excellency that, in order to improve the conditions of permanence of young people in educational centres, the following measures should be taken:

1. That it should be carried out the designation of a family doctor for young people who are interned in the educational centres or, while this is not possible, the creation of a response that guarantees an homogeneous and fast medical monitoring;
2. That in a concerted action between the Directorate-General for Health and the Directorate-General of Reinsertion and Prison Services, an exhaustive survey of the main constraints registered on the access and scheduling of specialty medical appointments by the young people should be made;
3. That protocols should be celebrated between the Directorate-General for Health and the Directorate-General for Reinsertion and Prison Services, in order to provide an immediate response to the requests of the young people interned in the educational centres;
4. That, in what regards the specific problem of mental health, through the articulation between the Directorate-General for Health and the Directorate-General for Reinsertion and the Prison Services, a survey should be made of the situations which, with more frequency or of superior complexity, are observed in the young people;

5. That still regarding the previously mentioned matter, the difficulties arising from the absence of specialized medical boards, particularly in child and adolescent psychiatry, are overcome by the process of installation of an autonomous therapeutic unit for acute cases, in current course or with an expected completion date for this year.

II

This position that arises as the result of a series of visits that, during the course of the previous year, the National Preventive Mechanism (NPM)¹ carried out to all the educational centres, with the purpose of elaborating a special report that provides the portrait of the reality that is lived in these establishments. In order to the information gathering to take place on a constant basis, the purpose of those visits was defined in a unitary manner. Among the several aspects that were examined it is included the verification of the spatial and temporal confinement of the educational centres — above all in what regards the educational component and the involvement of third parties (public and private) in the process of social reintegration of young people —, the follow-up systems after their leaving, the infrastructure conditions, its functioning and administrative organization, as well as the therapeutic programs and the psychological assistance models that are provided to the young people that are interned.

III

From the elements collected during the NPM's visits to the educational centres — and the complementary information meanwhile solicited — it was possible

¹ The Portuguese Ombudsman was designated National Mechanism of Prevention, through a Resolution of the Council of Ministers No. 32/2013, published in the *«Diário da República»*, 1st series, No. 96, of May 20, following the ratification, by the Portuguese State, of the Optional Protocol to the Convention against Torture and other Penalties or Cruel Treatments, Inhuman or Degrading. This international legal instrument aims to establish a system of regular visits to places of detention, in order to prevent behaviours that could offend the rights of the persons deprived of their liberty.

to conclude that the medical assistance provided to the young people interned in the educational centres suffers from some insufficiencies that urge to be ended.

§ 1. Homogeneous and fast medical monitoring

The internment of a young person in an educational centre requires that the rights which are compatible with the execution of the educational guardianship measure applied to him or her must be respected²; the right to health is paradigmatic. In this sense, it is important to mention that it is the responsibility of the educational centre to «ensure the health and well-being of the young people by promoting, particularly, their regular clinical supervision (...)»³. In order to achieve this, it is essential to assign a family doctor to the young people, which, as I have attested, is not always the case.

In this way and in order to provide the young people the regular medical assistance they need — and which, it must be stressed, they lack because they are people that are in a complex phase of their development —, it is important the adoption of the necessary measures to provide an homogeneous and fast medical monitoring, preferably provided by the family doctor.

§ 2. Specialty Medical Appointments

The specificity of the medical care in certain areas calls for the access to specialized consultations, addressed to the young people interned in the educational centres. It is, however, not uncommon, for constraints of several natures to occur and, for this reason, the young people remain unprotected, even if this lack of

² See No. 1 and 2 of the article 159 of the Tutelary Educational Measure (approved by the Law No. 166/99, of September 14, modified by the Law No. 4/2015, of January 15, and mentioned after as the EGL) e No. 1 of the article 2 of the do

General and Disciplinary Regulations of the Educational Centres (approved by the Decree-law No. 323-D/2000, of December 20, and henceforth referred to as GDSEC).

³ No. 1 of the article 56 of the GDSEC. See., equally, article 171 No. 3 of the EGL.

protection is not total, but rather constitutes the protection of the diagnosis and the treatment.

Since «the minors have hospital assistance or other whenever health needs so require»⁴ and, as mentioned before, it is the responsibility of the centre to provide regular and necessary medical monitoring, I consider important to understand the main difficulties regarding the scheduling of specialized consultations. Therefore, I recommend their gathering by the competent entities.

§ 3. Celebration of protocols

In the following of what was mentioned in the subsequent paragraph, I believe it is pertinent the celebration of protocols between the Directorate-General for Health and the Directorate-General for Reintegration and Prison Services. These protocols should, therefore, guarantee an immediate response to the needs that, in this matter, the young people interned in the educational centres express, not discriminating against them, in front of others, based on their deprivation of liberty.

§ 4. Specific mental health problem

The challenge of mental health is one of the issues to which the NPM has dedicated its particular attention with the execution of the visits that were made to the educational centres, as well as requesting for collaboration in completing a questionnaire on that subject. After analysing the collected information, I concluded that there are still deficiencies in the identification and diagnosis of childhood and juvenile pathologies, as well as in the prevention of behaviours contrary to the law. I registered, equally, the existence of a specific deficit in the case of young people who present, at the same time, mental health problems and profound behavioural pathologies.

Therefore, in what regards the specific problem of mental health, I believe it is urgent to collect a survey of the situations that, more frequently or with greater

⁴ No. 1 of the article 174 of the EGL.

complexity, are observed in young people, a work that will best be done in coordination between the Directorate-General for Health and the Directorate-General of Reinsertion and Prison Services.

§ 5. Specialized medical boards

The difficulties mentioned above are, at least partially, due to the lack of specialized human resources. It is, therefore, important that in the short term the constraints caused by the absence of specialized medical boards, particularly in the area of child and adolescent psychiatry, are suppressed. This is a particularly momentous circumstance within the scope of the process of installing an autonomous therapeutic unit for acute cases, currently in progress and with an expected conclusion date for this year.

For the referred reasons, I intend to formulate the present recommendation, requesting Your Excellency the adoption of the measures described previously, thereby, ensuring the best safeguard of the interests of those who, by virtue of their age and the restriction of their freedom, are in a situation of particular vulnerability.

I conclude, being convinced that your personal commitment will greatly contribute to strengthen the defence of the rights of the young people and, at the same time, to improve the educational tutelary system.

Recommendation addressed to the President of the High Council of the Judiciary

Recommendation no. 5/2016/NPM

I

Under the disposal contained in the paragraph (b) of the article 19º of the Facultative Protocol to the Convention against Torture and other Penalties or Cruel Treatments, Inhuman or Degrading, I recommend to your Excellency awareness initiation for the Judicial Magistrates with competence in the area of Minor Right's should be developed, with assessment to the concretization of visits and regular contacts to educational centres.

II

This position that I am taking arises as the result of a series of visits that, during the course of the previous year, the National Preventive Mechanism (NPM)¹ carried out in all the educational centres, with the purpose of elaborating a special report that would provide the portrait of the reality that is lived in the referred establishments. In order to the information gathering to take place on a constant basis, the purpose of the referred visits was defined in a unitary manner. Among the several aspects that were examined it is included the verification of the spatial and temporal confinement of the educational centres — above all in what regards the educational component and the involvement of third parties (public and private) in the process of social reintegration of young people —, the follow-up

¹ The Portuguese Ombudsman was designated National Mechanism of Prevention, through a Resolution of the Council of Ministers No. 32/2013, published in the «*Diário da República*», 1st series, No. 96, of May 20, following the ratification, by the Portuguese State, of the Optional Protocol to the Convention against Torture and other Penalties or Cruel Treatments, Inhuman or Degrading. This international legal instrument aims to establish a system of regular visits to places of detention, in order to prevent behaviours that could offend the rights of the persons deprived of their liberty.

systems of the people after their leaving, the infrastructure conditions, its functioning and administrative organization, as well as the therapeutic programs and the psychological assistance models that are provided to the young people that are interned.

III

From the elements collected during the NPM's visits to the educational centres — and from the complementary information meanwhile requested — it was possible to conclude that judicial magistrates with jurisdiction in educational processes establish, with some regularly, contacts with the establishments where young people are complying an internment measure. I registered, however, that their visits to the educational centres are not as frequent it would be desirable.

In the article 39, no.2, paragraph h) of the Educational and Tutelary Law² is determined the reality of visitations to the educational centres by the judicial magistrates, as well as the maintenance of contacts with the young people. This duty corresponds to the concretization of one of the rights of the young people interned in an educational centre: «The youngster has the right to establish contact, in private, with the judge (...), being able to do it by telephone, by correspondence or in person.»³

The fulfilment of the obligation of the judicial magistrates' visits to the educational centres ensures their knowledge on the real conditions in which the young people are living which may, in some cases, lead to the adoption of actions that, in the name of the superior and legitimate interest of the young person, should be taken.

For the referred reasons, I intend to formulate the present recommendation, requesting your Excellency the promotion of the concretization of regular visits to

² Approved by the Law No. 166/99, of September 14, and altered by the Law No. 4/2015, of January 15.

³ No. 1 of the article 47 of the General and Disciplinary Statute of the Educational Centres (approved by the decree-law No. 323-D/2000, of December 20).

the educational centres and of the contacts of judicial magistrates with jurisdiction in the educational tutelary processes, ensuring, this way, the best safeguard of the interests of those who, in virtue of their age and the restriction of the freedom that was imposed on them, find themselves in a situation of particular vulnerability.

I finish, being convinced that the personal commitment of your Excellency will greatly contribute to strengthening the defence of the young people's rights and, at the same time, improving the educational and guardianship system.

Recommendation addressed to the Prosecutor General

Recommendation no. 6/2016/NPM

I

Under the provision contained in the paragraph (b) of the article 19 of the *Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, I recommend to Your Excellency that guidelines should be issued to magistrates of the Public Prosecutor's Office with competence in the area of the Children's Rights, in order to the execution of visits and regular contacts to the educational centres.

II

This position that I am taking arises as a result of a series of visits that, during the course of the previous year, the National Preventive Mechanism (NPM)¹ carried out to all the educational centres, with the purpose of elaborating a special report that provides the portrait of the reality that is lived in these establishments. In order for the information gathering to take place on a constant basis, the purpose of those visits was defined in a unitary manner. Among the several aspects that were examined it is included the verification of the spatial and temporal confinement of educational centres — above all in what regards the educational component and the involvement of third parties (public and private) in the process of social reintegration of young people —, the follow-up systems of the people after their leaving, the infrastructures conditions, it is functioning and

¹ The Portuguese Ombudsman was designated National Mechanism of Prevention, through a Resolution of the Council of Ministers No. 32/2013, published in the «*Diário da República*», 1st series, No. 96, of May 20, following the ratification, by the Portuguese State, of the Optional Protocol to the Convention against Torture and other Penalties or Cruel Treatments, Inhuman or Degrading. This international legal instrument aims to establish a system of regular visits to places of detention, in order to prevent behaviours that could offend the rights of the persons deprived of their liberty.

administrative organization, as well as the therapeutic programs and the psychological assistance models that are provided to the young people that are interned.

III

From the elements collected during the NPM's visits to the educational centres — and from the complementary information meanwhile requested — it was possible to conclude that the magistrates of the Public Prosecutor's Office with jurisdiction in the tutelary educational proceedings, initiate, with some regularity, contacts with establishments where the young people are fulfilling a detention order. I register, however, that their dislocations to the educational centres are not as frequent as it would be desirable.

The paragraph f) of the no. 1 of the article 40 of the Educational Guardianship Law² establishes the execution of visits to the educational centres by the magistrates of the Public Ministry, as well as the maintenance of contacts with the young people. This duty corresponds to the concretion of one of the rights of young people interned in an educational centre: «The learner has the right to establish contact, in private, with (...) the Public Ministry (...), being able to do it by telephone, or in person.»³

The periodically compliance of the magistrates of the Prosecutor's Office to effectuate visits to the educational centres ensures their knowledge of the real conditions in which the young people live and may in some cases determine the procedural impulse necessary to adopt the actions that should be taken in the name of the superior and legitimate interest of the young person.

For the above mentioned reasons, I intend to formulate the present recommendation, requesting your Excellency to issue guidelines that would be able

² Approved by the Law No. 166/99, of September 14, and altered by the Law No. 4/2015, of January 15.

³ No. 1 of the article 47 of the General Disciplinary Statute of Educational Centres (approved by Law-Decree No. 323-D/2000, of December 20).

to make the visits and the contacts of the magistrates of the Prosecutor's Office with jurisdiction in educational guardianship processes more regularly, thus ensuring the best safeguard of the interests of those who, by virtue of their age and the restriction of the freedom which has been imposed to them, are in a situation of particular vulnerability.

I conclude, being convinced that your personal commitment will greatly contribute to strengthening the defence of the rights of the young people and, at the same time, to improve the educational guardianship system.

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