



Dear Mr.  
Director of the *Bela Vista* Educational  
Centre  
Rua da Bela Vista à Graça, 76  
1170-058 Lisbon

*Your Ref.*

*Your Communication*

*Our Ref.*

*Visit no. 1-2014*

## RECOMMENDATION NO. 1/2015/NPM

### I

1

Under the provision contained in the article 19, paragraph b), of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, I recommend that measures should be taken to improve the living conditions of the female population in the *Bela Vista* Educational Centre, namely:

- i)* Adaptation of the residential unit to the eventuality of overnight stay of the young mothers with the newborn descendants;
- ii)* Creation of spaces suitable for breastfeeding, introduction of nurseries and changing rooms;
- iii)* Adaptation of the toilets;
- iv)* Weighting of protocols with the Ministry of Health in the provision of standardized health care (*v.g.*, psychological counseling during prenatal and postnatal care).



## II

The subject of «gender particularity» was given special mention by the Office of the United Nations High Commissioner for Human Rights during the week of dignity and justice for detainees, which is part of the commemoration of the 60th anniversary of the Universal Declaration of Human Rights<sup>1</sup>. It was concluded that spaces and organizations belonging to juvenile delinquency were, as a rule, designed for young men.

Generally, it can be said that the guardianship model of education has been applied in a predominantly male perspective, related to this fact is the assertion that the number of girls present in the system will represent only about one fifth<sup>2</sup> of the total.

However, the specificities inherent in the physical, emotional and intellectual development of each population must be taken into account, which generate a number of personal and growth needs and impose appropriate responses on the part of the system.

It is therefore essential that the intervention model be thought of in terms of gender subjects, and it is advisable to consider appropriate spaces adapted to the feminine universe, and essential to its complete, integrated and harmonious development.

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<sup>1</sup> See point 9.5. of the Guide for Juvenile Justice Legislative Reform, published in May 2011, by UNICEF, in [http://www.unicef.org/search/search.php?querystring\\_en=juvenile+justice+legislative+justice+reform+Guide&hits=&type=&navigation=&Go.x=0&Go.y=0](http://www.unicef.org/search/search.php?querystring_en=juvenile+justice+legislative+justice+reform+Guide&hits=&type=&navigation=&Go.x=0&Go.y=0).

<sup>2</sup> See Parliamentary hearing no. 83-CACDLG-XII of the Committee on Constitutional Affairs, Rights, Liberties and Guarantees on the Monitoring Report of Education Centres, 2012, in [http://media.parlamento.pt/videos-- Channel / XII / SL2 / 02\\_com / 01\\_cacdlg / 20130522cacdlg.wmv](http://media.parlamento.pt/videos-- Channel / XII / SL2 / 02_com / 01_cacdlg / 20130522cacdlg.wmv)



## III

This statement follows the visit I made as National Preventive Mechanism (NPM)<sup>3</sup>, on August 27, 2014 to the *Bela Vista* Educational Centre.

By keeping with the preventive nature of the NPM<sup>4</sup>, and as it was transmitted at the time, it was the object of the visit to investigate conditions that were adequate for the effectiveness of the concept of «gender particularity», since it was thought only for the hospitalization of children and young men, the Centre had received, on July 30, 2014, a total of thirteen young women, as a result of the closure of the *Santa Clara* Education Centre in *Vila do Conde*.

Organizationally, I identified three accommodation spaces (each with single rooms), reassigning the male population into two residential areas while the new arrivals were integrated into the surplus valence.

In view of the gap that has elapsed since the arrival of the new female people, I have nevertheless made no distinction as to the «gender particularity» (*v.g.*, logistics affected by their daily needs).

According to the study, to this date<sup>5</sup>, eleven people of the feminine gender still remain institutionalized in the center, thus blurring the transitional nature of the housing of the female population. Also according to what I have learned, the *Navarro de Paiva* Educational Centre is not endowed with adequate stocking for the incorporation of all the girls coming from *Vila do Conde*.

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<sup>3</sup> In Portugal, the quality of NPM was attributed to the Ombudsman, through the Resolution of the Council of Ministers no. 32/2013 of May 20.

<sup>4</sup> The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the purpose of which is to establish a system of regular visits by independent international and national bodies to places where persons are deprived of their liberty in order to prevent torture and other cruel, inhuman or degrading treatment or punishment, was ratified by Portugal in 2012, through Decree no. 167/2012 of the President of the Republic of December 13.

<sup>5</sup> The information was obtained by telephone on March 20, 2015.



In sum, I conclude that the *Bela Vista* Educational Centre, because it constitutes an advantage originally designed to integrate elements of the masculine gender, is not fully prepared to meet the specific requirements of the internment of girls, an assertion made by the then imminent birth of three children in the detention context.

The Portuguese Ombudsman  
National Preventive Mechanism

*José de Faria Costa*