



Your Excellency  
The Minister of Internal Affairs  
Praça do Comércio  
1149-019 Lisbon

*Your Ref.*

*Your communication*

*Our Ref.*

*Visit no. 9-2016*

## RECOMMENDATION NO. 2/2017/NPM

### I

Under the provision enclosed 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 the adoption of measures considered appropriate in order to guarantee the improvement of the conditions of detention of the Territorial Office of *Charneca da Caparica* of the National Republican Guard:

1

- a) The appropriate cleaning and disinfection of blankets in cells after use by each detainee;
- b) The convenient ventilation of the cells, preferably by regular opening of the windows.

### II

The present position is based on a visit to the Territorial Post of *Charneca da Caparica* of the National Republican Guard on September 28, 2016 by a team of visitors from the National Preventive Mechanism (NPM).<sup>1</sup>

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<sup>1</sup> In Portugal, the quality of NPM was assigned to the Ombudsman, through the Resolution of the Council of Ministers no. 32/2013 of May 20.



In accordance with the preventive scope of intervention of this autonomous state body<sup>2</sup>, the visit focused, in summary, on the conditions of habitability of places of detention — in particular with regard to the health of the area, as well as its climate and their enlightenment — in the assessment of the terms of the exercise of the detainees' rights of communication (with their advocate or lawyer and family member or trusted person) and also in the verification of the working conditions of the military.

### III

The reality found in the post of the National Republican Guard of *Charneca da Caparica* can be considered, in a general appreciation, satisfactory above all by the layout of the space and by the physical conditions of the installations.

However, I became aware, that there are two situations that are worth repairing: one concerning the insufficient cleaning of the blankets and the other concerning the low ventilation of the cells.

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### IV

Although it has been verified that the Territorial Post of the National Republican Guard of *Charneca da Caparica* carries out, daily and monthly, the cleaning and disinfestation of the cells and that, likewise, dispenses bedding (disposable) but, however, the blankets were not always washed, disinfected or properly wrapped after use<sup>3</sup>.

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<sup>2</sup> The objective of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 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, having been ratified by Portugal in 2012, through Decree no. 167/2012 of the President of the Republic of December 13.

<sup>3</sup> Article 12 paragraphs 5 and 6 of the Regulation on Material Conditions of Detention in the Police Establishments, approved in annex to the order of the Minister of the Internal Administration no. 5863/2015, published in the «*Diário da República*», no. 106, 2nd Series, June 2015 (hereinafter referred to as the Regulation on Conditions of Detention).



As will be readily understood, the practice described above does not ensure a hygienic and cleaning condition which, through the applicant's washing and disinfection of blankets, must be observed in places of detention, thus entailing risks to the protection of the health of those who are deprived of their liberty.

In the same way, the normative imposition of the adequate aeration of the cells<sup>4</sup> intends to avoid risks similar to the ones mentioned above, circumstance that at the Territorial Post is not guaranteed permanently, given the difficulty of opening the existing windows.

Giving the fact that sufficient cleaning and ventilation are essential factors in the right to the protection of the health of detainees, I intend to formulate this recommendation, requesting your Excellency to adopt measures deemed appropriate to improve the situations identified.

I conclude, being convinced of the personal commitment and cooperation with which you will receive this recommendation, thus contributing to the improvement of the conditions of detention of the National Republican Guard of *Charneca da Caparica* and, therefore, to the strengthening of the appropriate treatment to the persons deprived of their liberty.

The Portuguese Ombudsman  
National Preventive Mechanism

*José de Faria Costa*

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<sup>4</sup> See article 4, no. 6 of the Regulation on Conditions of Detention.