



Dear Mr.
General Director of Reintegration and
Prison Services
Travessa da Cruz do Torel, 1
1169-005 Lisbon

Your Ref.

Your Communication

Our Ref.

Visit no. 3-2015

RECOMMENDATION NO. 3/2015/NPM

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I

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, namely:

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

II

This recommendation results of the visit that I made to the Prison Facility of *Horta*, during which I had the opportunity to hold private conversations with



thirteen persons deprived of their liberty who expressed this desire (of a total population of twenty-three people), as well with the responsible for surveillance.

In fact, in the past May 28, I, the National Preventive Mechanism (NPM)¹, accompanied by a member of the Steering Committee, visited the Prison Facility of *Horta*, a support's establishment located in *Faial* in the Autonomous Region of the Azores.

According to the NPM's preventive function² and the specific nature of the visited establishment, it was my purpose to analyze how it is given the support to the inmates, especially by the direction and by the technical services.

As I mentioned, I had the opportunity to dialogue with the chief of the prison guards, I visited the installations and I heard, in private conversations, the thirteen prisoners who wanted to talk to me. At the organizational level, but not only in this one, I verified that the daily routine of this prison facility – which is a small detention place – is linked to the dynamic that is determined by the main establishment, the Prison of *Angra do Heroísmo*, where the direction and the technical services are installed. I noted, from the outset, that there is a certain feeling of detachment between the inmates as well as between the guards. This idea does not result from the physical absence of director, which has marked regular presence in the prison of *Horta*. In 2014, the prison's director made five visits for periods of five working days, and also in the current year, he made a visit, being expected another one soon. In each visit, according to what was told, the director personally contacted with all the inmates.

¹ 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.

² 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.



On the contrary, the intervention of Education Services, based in the prison of *Angra do Heroísmo*, has not the indication of any visit made in the last two years. In short, and specifically about the visit's object – the direction's presence and the technical support in the prison of *Horta* – it was clear that the intervention of Education Services' technicians was non-existent.

It can be concluded, therefore, that the reality found in the prison of *Horta* indicates some abandonment – not by the direction and the functions that he performs – but especially by the technical intervention. The fact that new facilities have been recently opened for the prison located in *Angra do Heroísmo*, significantly increasing its capacity, necessarily required that this place rests a bigger number of prisoners.

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

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

The Portuguese Ombudsman
National Preventive Mechanism

José de Faria Costa