



Your Excellency
Secretary of State Assistant and of
Justice
Praça do Comércio
1149-019 Lisbon

Your Ref.

Your Communication

Our Ref.

Visit no. 10-2016

RECOMMENDATION NO. 3/2017/NPM

I

1

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 that, regarding the improvement of the conditions of the place of detention in the Local Instance of *Barreiro*, the remodeling of its sanitary facilities should be carried out.

II

The present position arises following the visit made by the National Preventive Mechanism (NPM)¹ to the Judicial Court of the District of Lisbon - Local Instance of *Barreiro*, on September 28, 2016.

¹ 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.



According to the scope of intervention of this autonomous State body² and with the object previously planned, the conditions of the place of detention were determined, namely the cells, sanitary facilities, lighting, aeration, cleaning and surveillance.

III

From the observation made during the visit of the NPM to the place of detention of the Local Instance of *Barreiro* of the District of Lisbon's Judicial Court, it is concluded that, in general, its physical and structural conditions are satisfactory. However, the establishment has two separate sanitary facilities for people of both genders that do not comply with legally determined requirements.

In fact, the equipment available in the above-mentioned sanitary facilities is made in crockery, with the lavatory having a timed faucet in sight and a toilet flushing tank. The recommended intervention is therefore intended to ensure that they are equipped with additional tools, consisting of a washbasin, in stainless steel embedded in a concrete mass, with a timed valve, only having the trigger button in sight and a lavatory basin, also made of stainless steel, fitted with a built-in flowmeter, with only the activating button visible³. Such spaces must also be provided with permanent lighting and directly outside the building⁴.

² 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.

³ Article 17, no. 2 of the on Regulation on Conditions of Detention in the Judiciary Police Facilities and in Detention Places Existing in Courts and Public Prosecutor Services - approved by order of the Minister of Justice no. 12 786/2009, May 19, published in «*Diário da República*» no. 104, 2nd series, May 29, 2009 applicable *ex vi* no. 2 of article 31 of that Regulation.

⁴ See article 17, no. 3 of the Regulation on Conditions of Detention, applicable *ex vi* no. 2 of article 31 of the same Regulation.



Since the persons deprived of their liberty are the responsibility of the state entities that guard them, it is important that the places where they are located comply with a set of rules aimed at ensuring, *inter alia*, the safety of the detainees and at the same time decent living conditions⁵. For this reason, I intend to formulate this recommendation, requesting that you, in the Local Instance of *Barreiro* of Lisbon Judicial Court, proceed as soon as possible to the necessary remodeling works, in compliance with the provisions of paragraph 1 of the Regulation of the Detention Conditions.

I conclude, being convinced of the personal commitment and cooperation on which you will receive this recommendation, thus contributing to the improvement of the detention conditions of the Local Court of the Judicial District of Lisbon and, therefore, to strengthening the treatment of the persons deprived of their liberty.

The Portuguese Ombudsman
National Preventive Mechanism

José de Faria Costa

⁵ See article 12, no. 1 of the Regulation on Conditions of Detention, applicable *ex vi* on the no. 2 of article 31 of the same Regulation.