



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. 14-2014

Visit no. 16-2014

Visit no. 3-2015

RECOMMENDATION NO. 5/2015/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:

- a) Being conducted a detailed study, within 120 days, on the Azorean's prisoners held in all Portuguese prisons, taking into consideration namely:
 - i) The total number of such prisoners;
 - ii) Their legal and criminal status;
 - iii) Their island of origin and family.



- b) The social reinsertion of prisoners in Azorean's prisons takes into account not only the availability in the existent infrastructures but also the fact that many prisoners are most likely to be housed in establishments outside of their island of origin. These considerations are relevant whether in situations of parole or when granting of long/short exit permits.
- c) An action plan is outlined concerning the improvement of detention conditions in *Ponta Delgada* Prison (*EPPDL*), namely in what concerns the separation of prisoners according to the nature of their offences and the strengthening of their individualized treatment.

II

This recommendation follows the visits that I made to all prison facilities in the Autonomous Region of the Azores in November 13 and 14, 2014, and in May 28, 2015, and takes into account the knowledge accumulated by the Portuguese Ombudsman, as shown in the reports on prisons and on other visits.

The situation in the *EPPDL* is well documented. The efforts that the director and guards have done over the years to provide for its proper operation are well known. Nonetheless, the overcrowding (180%, in 2014) and the types of accommodation (dormitories) pose enormous challenges to a democratic state based on the rule of law, namely in what regards the execution of the imprisonment penalty, the discharge of the prison system duties, in order to provide for prisoners reinsertion in society, the protection of juridical goods and the defense of society.

During my visit I could attest prisoners serving an intermittent sentence are lodged in cells located in the former women's wing. The prisoners under an open prison regime within a secure perimeter are lodged in a former carpentry; there also live those who have been indicted or already sentenced due to child abuse charges. Young adults are also placed there. This prison facility structure and overcrowding



do not allow the separation of first offenders and habitual delinquents nor of preventive from sentenced prisoners. The economic and financial crisis and the opening of the new prison in *Angra do Heroísmo*, which has been designed as a central prison, and the prison facility in *Horta, Faial* Island add to the complexity of the situation.

Reconciling a careful and timely resource allocation with the objectives and requirements of the time served in imprisonment penalty or depriving liberty penalties must take into account the archipelagic reality of the Azores, demanding not only that prisoners are allocated in accordance with the available prison facilities, taking into account their legal and criminal status and their family support, but also bringing together local, regional and national administration so that a proper social reinsertion takes place.

Though human and material resources are scarce, I believe that to continuously verify the existing conditions in the *EPPDL* the full knowledge of the status of prisoners coming from the Azores is necessary.

That is why the above mentioned recommendations have been made.

The Portuguese Ombudsman
National Preventive Mechanism

José de Faria Costa