



Dear Mr.
General-Director of Reintegration and
Prison Services
Travessa da Cruz do Torel, 1
1150-122 Lisbon

Your Ref.

Your Communication

Our Ref.

Visit no. 3-2017

RECOMMENDATION NO. 10/2017/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, in order to improve the housing conditions of the *Setúbal* Prison, the adoption of measures deemed adequate as to guarantee:

- a) Rehabilitation of the kitchen, adjacent areas and the dining room, in order to provide these spaces with hygiene and safety conditions;
- b) The acquisition of the equipment necessary to optimize the functioning of the kitchen;
- c) The purchase, in the shortest possible time, of the number of meal dishes sufficient for the needs of the prison population, taking into account the average of their occupation registered in the last 12 months.



II

This position was taken following the visit of the National Preventive Mechanism (NPM), on February 17, 2017, to the *Setúbal* Prison, which was carried out with the purpose of verifying the working conditions of the kitchen and (*v.g.*, structural conditions, hygiene and health conditions), to check housing conditions, hygiene and security of accommodation — in particular in the police stations and in disciplinary cells — to analyze the procedures and communication mechanisms of the prison population with the board and verifying the respect for the rights and duties of the detainees.

III

The NPM visited the prison area, namely the accommodation spaces, and observed the phased rehabilitation of some of these. The kitchen, adjacent spaces and dining rooms were also visited, and the situation detected in 2014¹ continued with the natural deteriorating caused by the passage of time and its continuous operation. As a result, the poor working conditions of such areas made it impossible to use them in accordance with the minimum standards of hygiene, health and safety in this area.

IV

In the aforementioned divisions, the *Setúbal* Prison establishes serious disconformities in its structural conditions, not only in its small size, but also in the absence of floor covering which, in the form of cement, is in some parts potholes. In addition, the type of pavement, associated with its poor condition, leads to the accumulation of water, both residual (from the activity developed there), as well as the cleanings that are being carried out by the employees of the concessionaire company and the prisoners there perform some tasks.

¹ Visit no. 3-2014, held on October 3, 2014. See *Report to the Parliament 2014: National Preventive Mechanism*, pp. 16-17.



On the ceiling and on the kitchen walls there were obvious signs of moisture and accumulation of fat, resulting both from the absence of any intervention designed to obviate the absence of complete remodeling works and from the very daily operation of the featured infrastructure.

It should also be noted that this area is connected to the remaining spaces by a ramp lined with material which is not suitable since it did not have anti-slip characteristics at the time of the visit. This structure is also unsuitable because of its high degree of inclination as well as the fat deposited therein, which can not only be detrimental to the health of the people who enter it (*v.g.*, prisoners, prison guards and company employees), as it represents a danger to the safety of those who circulate there.

Also in the scope of food, the NPM found that the aforementioned prison establishment, in view of the recent average of its occupation, is debated with the lack of about one hundred dishes. From this follows, in practical terms, that the meals taken by the entire prison population is conditioned by the promptness of washing and drying the dishes already used, in ways that, once again, and due to the inexistence of an appliance installed for its proper use, are worthy of repair. In fact, it has been found that the task used on washing and drying the dishes in the cafeteria is carried out by two prisoners, who are assisted by some utensils previously filled with water and detergent, jeopardizing the hygiene and safety conditions in which it is carried out.

The cafeteria visited, adjacent to the area described above and separated by a gradient, currently occupies two rooms, in which some signs of humidity are visible, with particular attention to the ceiling. The separation between these two spaces is made by a small passageway, coinciding with the area reserved for the entrance of the inmates, whereby, throughout the year, and independently of the climatic conditions, the playground is carried out without having some sort of protection to allow the prisoners to be kept out of the rain or the intense sun while waiting for their access to the dining area. This is because, since the current configuration of the



space in question - divided by a storage area accessible from the outside - it is not possible to ensure its use, at the same time, by the entire prison population affecting the prison establishment.

The reality found by the NPM in its visit to the *Setúbal* Prison is therefore inconsistent with the legal norms — national² and international^{3/4} — that determine the existence of good hygiene and safety conditions in the places where they are stored, confected and food to prisoners. For this reason, I consider it pertinent, in the shortest possible time, to implement the necessary measures for the remodeling of the kitchen, the adjacent spaces and the cafeteria, as well as the acquisition of the necessary dishes for the prison population which, on average, is affected by this prison facility.

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 the *Setúbal* Prison detention place and, consequently, to the reinforcement of the appropriate treatment for the people who deprived of their liberty.

4

The Portuguese Ombudsman
National Preventive Mechanism

José de Faria Costa

² See article 46 and article 88, no. 2, both of the General Regulation of Prison Facilities, approved by Decree-Law no. 51/2011, of April 11.

³ The internationally recognized legal norms and principles are part of the national legal order and form part of it. See, in this regard, article 8 of the Constitution of the Portuguese Republic.

⁴ See, *inter alia*, the provisions of the «Recommendation Rec(2006)2» of the Committee of Ministers to the Member States on the European Penitentiary Regulation (adopted at the 952nd meeting of Ministers' Deputies on 11 January 2006), in particular points 19.1 («All parts of every prison shall be properly maintained and maintained at all times») and 22.3 («Food shall be prepared and served hygienically»).