



# PORTUGUESE OMBUDSMAN NATIONAL PREVENTIVE MECHANISM

REPORT TO THE PARLIAMENT 2016

Lisbon, 2017



This document describes the activity developed autonomously, in the year 2016, by the Portuguese Ombudsman as the National Preventive Mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

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# *Table of Contents*

<b>Activity of the National Preventive Mechanism</b>	<b>7</b>
1. National Preventive Mechanism: Structure of Support and other resources	8
2. Visits to places of detention	9
2.1. Statistic data	9
2.2. Visits made in the year 2016	14
3. Thematic report on educational centres: brief notes	83
4. Recommendations of the National Preventive Mechanism	86
4.1. General appreciation	86
4.2. Recommendations issued in 2016	90
5. Participation in initiatives and institutional diffusion	113
5.1. Participation in initiatives	113
5.2. Institutional diffusion	115
<b>Contents</b>	<b>117</b>
1. Graphs	118
2. Tables	118
3. Analytical index of the visits to the places of detention	119
4. Analytical index of the National Preventive Mechanism's recommendations	128
<b>Acronyms and abbreviations</b>	<b>129</b>





# *Activity of the National Preventive Mechanism*

> Detail – Entrance National Preventive Mechanism's facilities

## *1. National Preventive Mechanism: Structure of Support and other resources*

Following its designation as the National Preventive Mechanism (NPM), this body of the State has designed an organizational structure<sup>(1)</sup> that would enable the implementation of a system of regular visits to the places where the people deprived or limited in their freedom are retained and enable the verification of the conditions to which they are subject. The NPM Support Framework was therefore created, which is composed by: *i)* an Advisory Council, *ii)* a Steering Committee, *iii)* Visitors Team, endowed likewise with a specific administrative support *iv)*. The NPM's advisory body is called the Advisory Council and is composed by a group of personalities and entities with knowledge and experience demonstrated in areas related to the purposes of the Optional Protocol Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT)<sup>(2)</sup>. The members of the Committee shall be responsible for issuing opinions on The annual plan and report of activities and the monitoring of the performance of the NPM, propose places that can be visited by him. In accordance with its Rules of Procedure, the Advisory Council meets at least twice a year, which took place in 2016. The first of its meetings took place on January 28 and, among other things, the plan of activities for the year 2016 and was presented and discussed a document which received a unanimous assent. The second meeting, took place on September 23 and, among other matters, submitted to the members of this body the NPM's annual activity report of 2015 which was adopted unanimously. Initially with three elements, the Steering Committee became integrated during the course of 2016, by five members. This body is responsible for drawing up the activities and their execution. It is also within its competence to design the report and the preparation of the planning of the visits to be carried out by the NPM, in order to carry out the duties assigned to them<sup>(3)</sup>. The members of the Steering Committee meet on a regular and informal basis in accordance with the Ombudsman's guidelines as an NPM, to prepare the visits and the other activities to be carried out by the NPM, namely the provision of support to the construction and development of institutional links between one NPM and the others, with the purpose of preventing torture and ill-treatment in prisons and other relevant institutional actors in this context at which training or awareness-raising actions were planned. The Visitors Team, composed of nine collaborators of this State body, does the inspections and the drafting of the respective

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(1) The Support Structure Regulation for the NPM, approved by Internal Order of the Ombudsman No. 1/2014 (NPM) of April 29, amended and republished by Internal Order of the Ombudsman No. 9/2016 (NPM), of October 12, can be found at [http://www.provedor-jus.pt/site/public/archive/doc/Regulation\\_ENPM\\_0.pdf](http://www.provedor-jus.pt/site/public/archive/doc/Regulation_ENPM_0.pdf)

(2) The composition of the Advisory Council of the NPM is explained in article 4 of the NPM Support Structure. See also articles 5 to 8 of the same Regulation.

(3) See article 9 of the Support Structure Regulation.

minutes, as well as the presentation of proposals for the recommendations<sup>(4)</sup>. It should also be mentioned that one of the employees of this State body provides administrative support to the NPM, performing, among other tasks, the registration of documentation, its organization and consequent filing. As in 2015, in the year 2016, the NPM had its own financial resources and was inscribed autonomously in the Ombudsman's budget, more specifically in the budget which is intended to cover the cost of its operation.

## *2. Visits to places of detention*

### *2.1. Statistic data*

In 2016, 53 visits were made to places of detention, and one of them was attended by the Ombudsman himself.

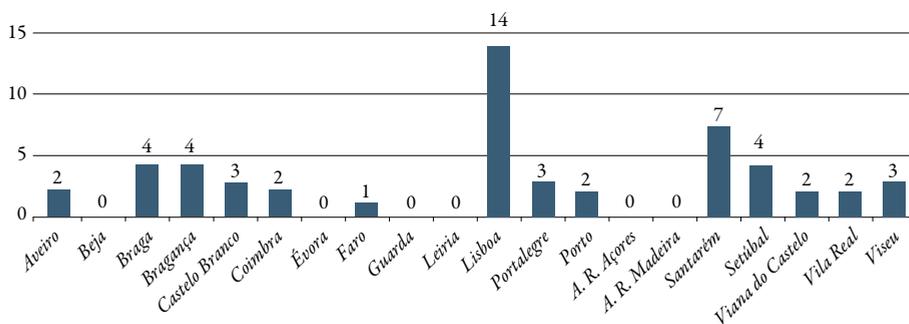
The teams of visitors were constituted by members of the Coordination Commission and the Visitors Team, counting likewise, with the punctual participation of other collaborators of this State body and of an external expert to the NPM. Regarding its quantity, and as in previous years, it oscillated between the two and the four elements. The planning that preceded the accomplishment of these visits was aimed at extending the performance of the NPM throughout the national territory. For this reason, districts that did not count visits at the end of 2015 were the preferable intervention of this autonomous body. In addition to this, the typological plurality of detention places was taken into account, including, inter alia, inspection of prisons, temporary accommodation centres for foreigners and detention areas of police forces and courts.

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(4) See article 10 of the Support Structure Regulation for the NPM.

Graph 1

Geographic distribution of the visits made in 2016



From the analysis of the graph above, it appears that, as happened in the previous year<sup>(5)</sup>, Lisbon was the most visited district in 2016 (14 visits, which corresponds to 26% of the total visits carried out that year), a circumstance that is justified by the great concentration - geographic and typological - of depriving institutions in this part of the country.

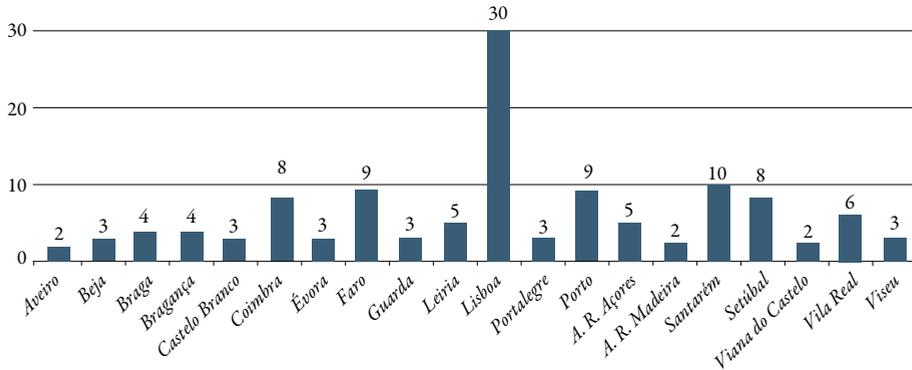
It is followed by the districts of *Santarém*, with seven visits, and *Braga*, *Bragança* and *Setúbal*, with four visits each. With three visits each, the districts of *Castelo Branco* and *Viseu* received the work of the NPM. *Aveiro*, *Coimbra*, *Porto*, *Viana do Castelo* and *Vila Real* received two visits each and, finally, *Faro* had one visit from the NPM.

The graphical representation below shows the spatial dispersion of NPM intervention since the effective beginning of its activity - which, it is recalled, goes back to the second half of 2014 -, and it can be concluded from the outset that all districts of Portugal and the Autonomous Regions have already been visited by this independent body. In line with what has been verified each year, Lisbon presents itself as the most visited district (30 visits, which is equivalent to approximately  $\frac{1}{4}$  of its total). They are followed the districts of *Santarém* (10 visits), *Faro* (9 visits), *Porto* (9 visits), *Coimbra* (8 visits) and *Setúbal* (8 views). The remaining districts have a balanced with regard to the number of NPM visits made to them.

(5) In 2015, the NPM made 15 visits in the district of Lisbon. See Report to the Parliament 2015: *National Preventive Mechanism* (cited *National Preventive Mechanism of 2015*), p. 14.

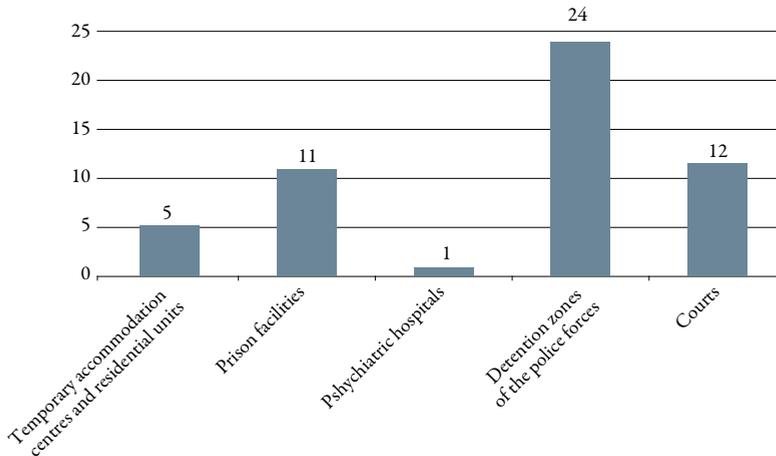
Graph II

Geographic distribution of all visits made  
(2014, 2015 and 2016)



Graph III

Visits made in 2016 by type of place of detention



From the above graph, it can be seen that, of the 53 visits, 24 (or, in percentage terms, 45%) concerned the places of detention in police facilities<sup>(6)</sup>. There was an overturn of the

(6) The distribution of these visits by the types of police forces concerned is subject to more detailed treatment at a later date. See pp. 15-16.

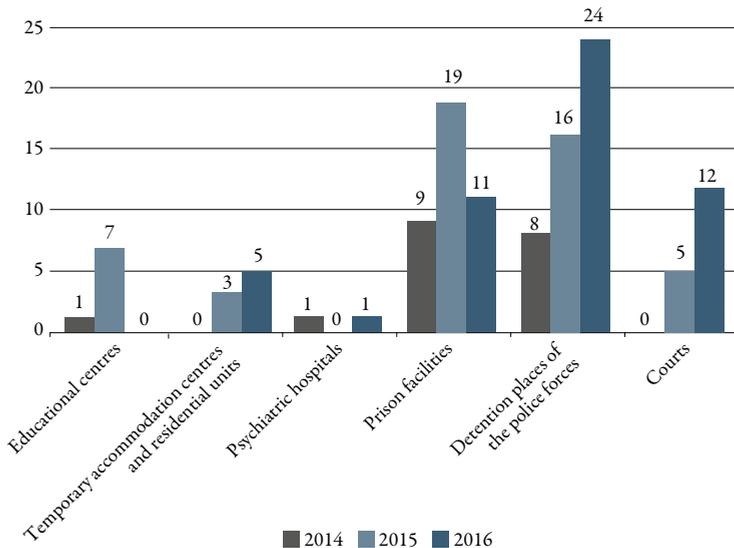
prisons preponderance which come in third place with 11 visits, the number of visits to the cells of our judicial bodies (12) being in second<sup>(7)</sup>.

The temporary installation centres for foreigners who are in an irregular situation in our country or for asylum seekers, as well as the residential units that were the object of five visits, one of which served to collect complementary information to an earlier visit. This means that, in 2016, the NPM visited four facilities that serve that purpose, aiming to the preparation of a report on the conditions to which foreigners deprived of their liberty encounter when in Portugal<sup>(8)</sup>.

It should also be noted that this autonomous body visited a psychiatric unit in a hospital in the period under consideration, which was assisted by a medical expert external to the NPM.

*Graph IV*

Total of the visits by type of detention place  
(2014, 2015 and 2016)



From the analysis in the chart above, concerning the distribution of the visits performed according to the type of place visited, it is concluded that, as in previous years, visits to places of detention, by their nature and population, may more easily lead to what can be classified as torture or ill-treatment: police detention areas (48 visits in total) and

(7) See *National Preventive Mechanism in 2015*, pp. 15-16.

(8) The aforementioned thematic report will be presented during the year 2017.

prisons (39 visits in total<sup>(9)</sup>). However, it should be noted that the types of most visited places by the NPM changed in 2016 compared to previous years. Thus, prison facilities which, for the second consecutive year, occupied the first position in the year 2015, came in the second place (2016)<sup>(10)</sup>, the opposite with the places of detention of the police forces. The third place is occupied by the number of visits made to the detention zones existing in our judicial instances (17), a fact that contributed to the increase of more than 50% of the visits made by the NPM to the courts in 2016 in comparison with 2015. As mentioned above, in 2016 the greatest attention was paid to the centres for the temporary establishment of foreigners, which explains the increase in their number of visits (8), bringing their overall figure to that of schools (8)<sup>(11)</sup>, even though these places were not the object of the inspection activity of this autonomous body in the period under review. Finally, we should point out the two visits that the NPM carried out to hospital units with internment in the area of psychiatry, which in both cases counted with the cooperation of medical and psychiatric experts.

The approximately 50 visits made to places of detention in the premises of the police forces justifies an analysis of their distribution by the various police forces. Thus, of the 48 visits made, 24 went to police stations of the Public Security Police (PSP), 20 units of the National Republican Guard (GNR) and four to departments of the Judiciary Police. This difference, found in the multiplicity of establishments that the first two police forces have, gives them greater proximity to the citizens. It should also be noted that, unlike the balance of visits to facilities belonging to the Judiciary Police, the number of visits to establishments of the PSP and the GNR is gradually increasing, having reached a peerage value in the year 2016: 11.

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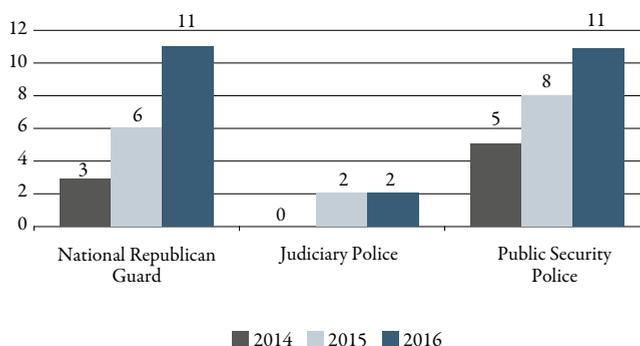
(9) It is recalled that one of these visits, made in the year 2015, focused on the Military Prison Establishment. See *National Preventive Mechanism in 2015*, pp. 15 and 28-30.

(10) In order to avoid doubts, a clarification is required: in the analysis of graph III, it appears that, from the typological distribution of visits by the type of place visited, prisons are in third place. This conclusion is not, however, contradictory to the one derived from the assessment of the graphical representation IV, since it takes into account the total number of visits made since the effective beginning of the NPM activity and not only those that were carried out that year. For this reason, the sum of all the visits made to the prison establishes that this type of place was the one that registered the second largest number of visits.

(11) It should be noted that one of these visits - Visit No. 4-2015 (S) - consisted in the follow-up of situations previously identified by the NPM and which were the object of a recommendation (Recommendation 1/2015 / NPM). See *National Preventive Mechanism in 2015*, pp. 15, 20-21 and 84-86.

Graph V

Distribution of the visits made by the police forces to their detention zones (2014, 2015 and 2016)



## 2.2. Visits made in the year 2016

In the following pages, the individual records of the observations on the visits made by the NPM during 2016 are sequentially listed in ascending order by reference to the number assigned to them and identified with the date of its realization, the place visited and the analyzed object.

### Visit No. 1-2016

**Date:** 2016.06.08

**Location:** *Cascais* Local Instance of the Judicial Court of the District of West Lisbon (Lisbon)

**Subject:** Analyzing the living conditions of the detention facilities, namely the lighting, insulation against cold or heat. Checking the conditions of the food sector. Checking the conditions of carriage of detainees in a prison vehicle or other means of transport used for that purpose

On the morning of June 8, the NPM visited the Local Instance of *Cascais*, in order to ascertain the habitability conditions of the detention cells - namely regarding their lighting conditions, temperature, cleaning and aerating - the procedures for supplying meals to persons detained and the conditions of carriage of detainees in a mobile vehicle or other means of transport used for that purpose.

As in other courts, the space is designed only for the detainees who are awaiting for their legal proceedings, for a relatively short period of time (a few hours at most).

The detention area is composed by six identical cells, located on the first floor of the court, served by an external sanitary installation, located in the center of the cell wing and composed by a toilet and a washbasin, both in china.

The cells are large and do not have concrete masonry or wash basins, with only a very large iron platform with built-in wood. There is no artificial lighting, since - as has been mentioned - the ceiling lamps have been pulled out, thus remaining at the time of the visit. The ceilings did not have much height and they were dirty because some inscriptions had been made.

The fact that one of the walls consists only of iron bars allows the cells to be bright and that the surveillance of the people inside is made by direct observation of employees located in the corridor that gives access to the cells.

Information on the rights and duties of the detainee, which consists of the reproduction of the applicable legal norms and regulations, is posted in the common lobby. However, the size of the characters and the chosen location (frontal to the cells, but on the corridor outside them) will not allow the entire information goal to be fulfilled.

As for the cleaning of the cells, it is done daily, on a weekday, in the same way as the other premises of the court.

During the visit it was observed that there was one person deprived of his liberty in the Tires Prison. The opportunity was taken to verify the conditions of the cellular vehicle that can carry up to 10 people, being seven the places meant for those who are in isolation. It should also be noted that these places do not have any passenger retention mechanisms.

Regarding the food, it is expected that it will be provided by the mess of the *Cascais* Police Station of the PSP or by a local restaurant, where it is ordered as needed.



**Visit No. 2-2016**

**Date:** 2016.06.08

**Location:** *Estoril* Police Station of the Public Security Police (Lisbon)

**Subject:** Compliance with the rights of the detainees to constitute a lawyer, to contact the defender by telephone and to communicate with a family member or person they trust. Period of detention. Conditions of carriage of detainees in a cellular vehicle or other means of transport used for this purpose. Procedures to investigate if the detainee has persons under his or her responsibility (*v.g.*, minors) and protective measures

On June 8, at the end of the morning, the NPM made a visit to the *Estoril* police station of the PSP, which sought to verify the following aspects: compliance with the rights of the detainees to constitute a lawyer, to phone call their defender and to communicate

with a family member or trusted person; existence of procedures with a view to ascertaining whether the detainee has persons under his responsibility (*v.g.*, minors) and protective measures; period of detention and conditions of the detainees' carriage by vehicle or other means of transport. It should be noted that concerning the latter two aspects, the NPM intended to hear the persons deprived of their liberty, if present. However, at the time of the visit, there were no detainees that could be interviewed.

The detention area consists in one individual cell recessed from the ground floor, near the entrance lobby of the police station. The cell has a solid concrete for the bed, the protection bay and the stainless steel washbasin, all with rounded corners. In addition, it has a turkish-style lavatory basin with a flowmeter wall, as well as a window, protected by a metallic net and accessible from the outside and commanded from it. The cell door is made of grids. The cell is cleaned five days a week.

It was ascertained, it may not be delivered to each detainee, disposable bedding, nor clean blankets, which is worthy of repair.

According to the information provided, detainees are informed of the right to a lawyer, and may contact their defender through the phone line of the station. It is also the way they can contact with a family member or trusted person. However, it has been recognized that there is no habit to ask whether the detainees have persons under their responsibility, in particular children or elder persons.

It should also be mentioned that, from the observation of the site carried out by the NPM, there was no information material on the rights of the persons deprived of their liberty.



**Visit No. 3-2016**

**Date:** 2016.06.09

**Location:** *Sintra's* Prison Facility (Lisbon)

**Subject:** Disciplinary procedures (hearing of inmates who are serving sanction in a disciplinary cell). Checking the conditions of the food sector. Checking the conditions of carriage of detainees in a prison vehicle or other means of transport used for that purpose

On the morning of June 9, the NPM paid a visit to the *Sintra's* prison facility in order to measure its physical space and the conditions of the food sector, namely the quality and quantity of meals served. The disciplinary measures instituted were also examined, taking into account the compliance with the legislation in force in this area, in particular regarding the timeliness of the exercise of the rights of the inmates. Regarding the visits

main goals, previously defined, the NPM heard the prisoners who were complying with their disciplinary sanction, with the purpose of ascertaining whether their rights were being respected.

As far as food is concerned, it was possible to verify that the menu is authorized monthly. Given this timing, the management was asked about the existence of probable changes to it and it has been informed that, when justified, the changes are allowed. In the course of the visit it was possible to proceed with the lunch test, the NPM concluded that diet meals are at the disposal of the inmates (diet for medical reasons, diet for religious reasons and vegetarian reasons), as well as for the reasonableness of the meals served, either in quality and quantity. It was further reported that the main meals (lunch and dinner) are daily subject to proof by the director and on a weekly basis or whenever this proves necessary, they weigh the meal elements to verify if they comply with the specifications of the work book.

In this matter, it was further informed by the management that the prison establishment had several shortcomings, resulting not only from the deterioration of the equipment (*v.g.*, pans) and in some cases, due to the fact that they are obsolete and, in addition, the kitchen is not equipped for what would be desirable in an establishment such as the *Sintra's* prison facility. It should be mentioned, however, that, this situation has been gradually solved, namely through the purchase and repairing of some of the machines. The facilities for this purpose (kitchen and contiguous areas for food storage) have been the target of intervention in the sense of its renewal, in a manner that has been verified in person at the time of the visits.

After the last ten disciplinary measures were opened, it was concluded that between the entry of the participation and the application of sanctioning or disciplinary measures were, on average, two months, and the defendants and their statements were always heard and their conversations registered in an interrogation directive. It has been found that, in cases where there was apprehension of objects or substances, it was all recorded and placed in each process and delivery to the Judiciary Police.

It was also observed that it was always the director of the *Sintra* Prison to issue final order of application of the measures, preceded by the competent, factual and legally justified final report.

A reserved conversation was held with all citizens in compliance with disciplinary measures (ranging from three to 10 days), resulting in a positive and generalized way, the provision of medical care and, alternately or jointly, nursing, which was assured on a daily basis.



**Visit No. 4-2016**

**Date:** 2016.06.09

**Location:** *Sintra's* Local Instance of the Judicial Court of the District of West Lisbon (Lisbon)

**Subject:** Analyzing the living conditions of the detention facilities, namely lightning, insulation against cold or heat and aeration. Checking the conditions of the food sector

At the end of the morning of June 9, the *Sintra's* Local Instance of the Judicial Court of the District of West Lisbon was visited by the NPM. This visit aimed at the conditions of the holding cells and the food sector, as well as the conditions of carriage of the detainees.

The place visited has two places of detention, its use being the legal status of visas (*v.g.*, detainees and prisoners). Access to both is reserved and done directly through the court garage, where the cars are parked and ready to transport the detainees that access through the garage of the magistrates, given the improved accessibility to court services for the proper identification and presentation to the judge and the prisoners, in turn, by the garage of the judicial officials.

The detention area reserved for prisoners awaiting the performance of procedural is composed of eight individual cells and a bathroom. The waiting area of the detainees is composed of two cells, served by two bathrooms. Even though the fact that it is a relatively recent infrastructure (11 years), the spaces concerned do not meet the minimum and legally required conditions for the effect: they do not have natural light or interior light point, their dimensions are not regularly required, without toilet facilities and bedding, coatings are in ceramic (tile) and the aeration is insufficient, despite air ducts for air conditioning.

Also the sanitary facilities do not respect the normative precepts to observe in this area, since the washbasin, although it is in stainless steel, is not inlaid and the basin toilet is not turkish-style.

The detention spaces only have a masonry bench, similar to a counter that runs the entire length of the wall opposite the treadmill and accompanying the foot local law. This grid replaces the door and delimits the cell area of the corridor access to them. It should be noted that this installation is potentially harmful since it is vertical bars to spaces crossed by other horizontal ones that can provide the realization of suicidal ideations.

In the antechamber of both detention areas visited, several sheets of paper, easily accessible by the occupants, which include the list of rights and duties of the detainees. This information is available in portuguese, english, french and spanish.

The spaces present themselves in good conditions of hygiene, being their cleaning, according to the information provided, ensured on a daily basis, and there is still a permanent member of the staff of the contractor who, when necessary, goes there.

The cells in question do not have a call system, which is overcome, in the daily life of the place visited, with the constant presence of prison guards, security or police officers that monitor the detainees.

No surveillance devices (audio and video) have been found.

Regarding the food, it was found that the rules observed differed according to the legal situation of visas. In the case of the detainees, and given the existence of a canteen inside the building, meals are provided by the court. In the case of the inmates, this responsibility lies in the prison services.

The NPM also observed the two cell vans that were present on the spot, one with a capacity of six people and the other with capacity to carry seven inmates. None of the vehicles were equipped with seat belts. Inside of both, metal coated, was clean, although the structural characteristics of the same did not favor the proper salubrity and the necessary temperature regulation - no windows and the open side spaces are covered by netting and grids - therefore, there is no natural lighting in them.

The vehicles concerned are equipped with toilets. It was also observed, on the spot, a police vehicle decharacterized belonging to the Judiciary Police, which was quite old.



### **Visit No. 5-2016**

**Date:** 2016.06.09

**Location:** *Benfica* Police Station of the Public Security Police (Lisbon)

**Subject:** Compliance with the rights of detainees to form a lawyer, to contact with their defender and to communicate with a family member or trusted person. Period of detention. Hearing detainees, in particular on detention period and carriage conditions. Checking the conditions of the food sector. Checking the conditions of carriage of detainees in a prison vehicle or other means of transport used for that purpose. Procedures to inquire whether the detainee has persons under his care (*v.g.*, minors) and protective measures

On the afternoon of June 9, the NPM visited the PSP Station of *Benfica*, to assess the fulfillment of the rights of the detainees to constitute a lawyer, to contact the advocate and their relatives or trusted persons.

There were also times of detention and conditions of carriage of detainees, as well as the existence of procedures to investigate whether the detainee has somebody under their responsibility.

The NPM concluded that the detainee was informed of his rights to contact a lawyer, call his or her defender and contact a family member or trusted person. Whenever

necessary, the fleet will contact the embassies, in order to provide an interpreter. Nevertheless, it was found a leaflet translated into languages other than portuguese, containing information about the rights and duties of those who are deprived of their liberty.

It was noted, however, that the information panels on the rights and duties of the detainees are already updated in light of the new wording introduced by Law No. 20/2013 of February 21, in particular with regard to article 61, paragraph 3, b) of the Code of Criminal Procedure, according to model provided by the National Directorate of PSP.

The detainee is authorized to call his defender, using of the station's telephone for a limited period. Face-to-face contacts can occur at any time of the day or night, in a space identified according to the needs of each case, duly safeguarding the privacy restrictions of detainees.

At the time of the visit, there were no people detained in the PSP Station of *Benfica*, provided that the space has two individual cells, properly prepared in accordance with current regulatory standards. According to the report, the period of detention in the police station is of a provisional nature, with an approximate average of three hours, up to six hours at the latest. An arrest likely to take periods of longer time passes to the responsibility of the Metropolitan Command of Lisbon PSP, which is in charge of the respective lifting and leading citizens to the existing spaces.

The transport is accompanied by the officer to the service of the squadron. In exceptional cases of overcrowding of the places of detention visited, the detainees are taken to the aforementioned command.

The *Benfica* Station does not have cellular phones prepared for the transport of detainee only four vehicles intended for the functions.

It was also concluded that the police station visited, when necessary, provided assistance to the dependents of the detainees, such as children, young people and the elderly citizen, promoting their contact with the children and young people commission from the area of residence and using the Social Emergency Line (144) aimed at providing an immediate response to situations of risk and exclusion in this extent.



### **Visit No. 6-2016**

**Date:** 2016.06.09

**Location:** *Telheiras* Police Station of the Public Security Police (Lisbon)

**Subject:** Evaluating the compliance with the inmates' rights to consult with an attorney, to contact their defender by telephone and to communicate with a family member or trusted person. Period of detention. Hearing detainees, in particular on detention period and carriage conditions. Checking the conditions of the food sector. Checking

the conditions of carriage of detainees in a prison vehicle or other means of transport used for that purpose. Procedures to inquire whether the detainee has persons under his care (*v.g.*, minors) and protective measures

On the afternoon of June 9, the NPM made a visit to the PSP station, in order to assess the fulfillment of the rights of the detainee to contact a lawyer by phone, as well as to a family member or trusted person. The period of detention as well as conditions of carriage of detainees were also checked. Finally, it was pointed out the existence of procedures to assess whether the detainee has persons under his responsibility.

Regarding the right to establish a lawyer and contact him, as well as a family member or trusted person, it has been concluded that the provision of information to the detainee is well provided, and may be carried out through his own cell phone or through the station's phone.

In the absence of a meeting room for the detainee's family member or relative, when necessary the victim support room or the graduate's office is provided for the service.

There is a panel regarding the information on the rights and duties of the detainees. However, it was possible to establish that the detained leaflet is not translated into different languages, as it is established by law.

The police station in *Telheiras* has no detention cells, and at the time and date of the There were no people detained. Detainees are usually notified and released. When the detention takes a longer period of time, they are transferred to the Metropolitan Command of Lisbon. Rarely the transfer of detainees into the PSP station of *Benfica* is made, however, it may occur for safety reasons.

*Telheiras'* PSP station does not have mobile vehicles ready for the transport of detainees, with only one vehicle for the movement of officials in service.

The transport of detainees is thus ensured by the Transport Service of detainees of the Metropolitan Command of Lisbon's PSP that is in charge of the survey and conduction to the existing deprivation of liberty.

It was also observed that it is always verified the existence of the people under the care of the detainees, particularly children, young people and the elderly, with due diligence and contacts necessary to control these situations.



**Visit No. 7-2016**

**Date:** 2016.06.23

**Location:** Metropolitan Command of Lisbon's Public Security Police (Lisbon)

**Subject:** Checking the conditions of carriage of the detainees in a prison vehicle or other means of transport used for that purpose. Hearing detainees, in particular on detention period and carriage conditions

On June 23, the Metropolitan Command of Lisbon's PSP was visited by the NPM in order to verify the carriage of the persons deprived of their liberty.

The transport service is carried out by two cellular vehicles, with capacity for six people each. The vehicles have specific hours to leave, although the transportation can also be carried out outside the previously agreed time according to the on duty official. The aforementioned service is responsible for the survey of all citizens detained in the Lisbon PSP station located in certified zones, assuring their respective detention facilities in *Moscavide* (13 cells with capacity for 25 people).

Usually, the detention does not exceed six or seven hours, except in cases specifically discriminated against by the arrest warrant.

The requests are formalized through electronic mail by the competent station or through the telephone of the Command. As it was broadcast, no anomalies were identified regarding the operationalization of the claims carried out. Upon their entry, the request is forwarded to the on duty official.

The number of vehicles available is sufficient, with the possibility of the assistance of the logistics sector in exceptional situations.

As a rule, the requests are not registered, only if different procedures are required in two particular situations: when the transport of meals is concerned, or when the requesting entity is the Judiciary Police or the Immigration and Borders Service (SEF) in connection with the enforcement of european arrest warrants. According to what was transmitted, the report of the vehicle's driver it is more than sufficient to the control of the signaled situations.

It was also found that the detainees' transport service of the Police Station of Lisbon Metropolitan Command takes place in close collaboration with the *Loures* PSP, which also has a vehicle.

Under the terms of the internal document issued in the course of 2016, the *Loures* Division proceeds to the collection of detainees and their conduction to the cells in the visited Command, on Saturdays and Sundays, and on the following Monday the detainees are collected by that division and brought to the competent court.



**Visit No. 8-2016****Date:** 2016.09.28**Location:** National Republican Guard Territorial Post of *Costa da Caparica (Setúbal)***Subject:** Analyzing the living conditions of the detention facilities. Evaluating the compliance with the inmates' rights to consult with an attorney, to contact their defender by telephone and to communicate with a family member or trusted person. Verifying the working conditions of the police officers, namely regarding the accommodation and their alimentation.

On the morning of September 28, the NPM paid a visit to the GNR Territorial Post of *Costa da Caparica (Setúbal)* with the purpose of checking the living conditions in the places of detention – sanitation, air conditioning and lighting, assessing the terms of the exercise of communication of the detainees and, also, to verify the working conditions of the military.

The building is composed by two floors and has eight years of existence, presenting good physical conditions, in general. The detention zone is located on the ground floor, being close to the area of the police employees and non-confining with open public spaces. It consists of two cells, which are paralleled arranged, and are mediated by a common antechamber.

In the antechamber there is a video surveillance system covering access to the cells, the images being recorded and preserved for 30 days. Surveillance is monitored, in real time, by police officers in the public care office.

Each cell has a bed made up of a solid concrete block, a turkish-style basin, protected by a stall and, in front, a stainless steel washbasin with a timed faucet. The safety cock is outside. There is an alarm device to call the vigilante military in the event of assistance. The cell doors are made of iron plate, opening to the outside, and contain a window visor that allows a total view of the interior. The floor is made of gray ceramic material, and the walls have light sand (beige) paint texture. The painting is uniform, with the exception of some areas degraded by supposed action of the prisoners. The need to carry out painting conservation works has already been signaled above.

The cells have natural lighting, coming from a window protected by a protective inner grid, and its opening is carried out from the outside. In addition, the aforementioned spaces have artificial lighting coming from a light source located inside each cell in the wall adjacent to the anteroom above the door, duly protected by a metal grid.

All spaces and equipment referred to comply with legally established measures and forms (rounded edges and angles).

Each detainee is dispensed with a set of disposable bedding and a blanket. The blankets are properly washed after each use. It was not possible, however, to determine whether this cleaning process includes adequate disinfection.

The cleaning of the cells is done daily by a specialized company, which is also responsible for conducting periodic disinfection operations. Annually, a disinfestation process is carried out, especially against rats and cockroaches.

Depending on the length of the stay, each detainee is provided with adequate food (breakfast, lunch, snack, dinner), provided by a local catering company.

According to what has been established, at the time of each detention, all information relating to the rights and duties of the detainee is transmitted orally to the detainee. The same information is reproduced in writing (in the portuguese, spanish, english and french languages) in a visible panel affixed to the wall of the antechamber that mediates the cells.

According to the reported, the telephone contact of the detainee with relatives or trusted persons and with the defender is always guaranteed, and there is a private room reserved for a face-to-face meeting with the latter. On the occasion of the NPM's visit, no detained person was present. As far as mental disorders are concerned, there has been a separate register of registers, duly marked and differentiated from the rest. In cases of compulsory hospitalization - either by an unofficial action or by mandate of the Public Health Delegate - a news report is made and the patient is transported to the reference hospital by ambulance, requested through the National Institute for Medical Emergency (INEM), and the file immediately communicated, by fax, to the Public Prosecutor's Office. According to our findings, these cases of patient-to-hospital care are weekly recurrent, with the majority coming from driving orders issued by the Health Authorities.

Regarding the working conditions of the 43 military personnel who worked there, they were found to be very satisfactory.

The entrance to the visited institution is made by the ground floor, where the public service office is located, a research office, an office suitable for reconnaissance and rooms reserved for the Technical Support Unit and for the Unit of Investigation and Support to Specific Victims. In low or medium risk domestic violence cases, which account for an average of 50 cases a year, it is carried out in the common bureau of inquiries. The service in cases of domestic violence considered to be high risk - an average of about 10 cases per year - is done, with greater privacy, in a room of its own that is also prepared in terms of decoration, comfort, air conditioning and accessories (toys) to receive children.

This floor also has two sanitary facilities for the users of the station, one of which is prepared and equipped for people with reduced mobility.

On the upper floor are the First Sergeant's office and the two Deputy Sergeants, the women's and men's barracks (14 in general), as well as the respective locker rooms and toilets (with showers), also differentiated for the female genders and masculine. The movement and stay of soldiers with reduced mobility are also guarded through a room prepared for this purpose and an elevator that allows the movement between floors.

There is, on the upper floor, a living room (with sofas and table football) and a dining area, equipped with all the small and medium-sized appliances (such as a stove,

dishwasher, refrigerator, microwave) For storage, confection and heating of the food of the police officers, who are responsible for their own food. The station also has a social room (with TV, sofas and ping-pong table) and a room where a gymnasium works for the military. As for the computer system, it was stated that it is adequate, having, in fact, all the hardware recently been replaced by more modern equipment. It was verified that all the files are well organized, with a registry book of detainees and individual bulletins of the detainees, each containing all the elements legally required. It should also be noted that, in addition to small structural during the present year, the damaged gates that give automatic access to the garage have to be arranged.



**Visit No. 9-2016**

**Date:** 2016.09.28

**Location:** National Republican Guard Territorial Post of *Costa da Caparica (Setúbal)*

**Subject:** Analyzing the living conditions of the detention facilities. Evaluating the compliance with the inmates' rights to consult with an attorney, to contact their defender by telephone and to communicate with a family member or trusted person. Verifying the working conditions of the police officers, namely regarding the accommodation and their alimentation

On September 28, the GNR Territorial Post of *Costa da Caparica* was visited by the NPM, which had as its objective the investigation of the habitability conditions of the detention spaces - namely, in terms Sanitation, air conditioning and lighting - the assessment of the terms of the exercise of the detainees' communication rights, and also the verification of the working conditions of the military.

The building's affection for the post is composed of two floors and has, according to informed, about 10 years of existence, presenting, in general, good physical conditions.

The detention zone is located on the ground floor, being close to the police officers' resting area and not confined to spaces open to the public. It consists of two contiguous cells, both merging into a common antechamber. In this antechamber, about three months ago, a video surveillance system was installed that covers the main areas of access to the cells, and the images are recorded and preserved for thirty days.

Each cell has a bed made up of a solid concrete block, a turkish-style basin, protected by a stall and, in front, a stainless steel washbasin with a timed faucet. The safety cock is outside. There is an alarm device to call the vigilante military in the event of assistance. The cell doors are made of iron plate, opening to the outside, and contain a door display that allows a total view of the interior. The pavement is made of gray ceramic material,

and the walls have light sand (beige) paint texture, looking good. It is indicated that the last conservation works were carried out about six months ago. Both cells benefit from artificial lighting, coming from a light source located on the roof of the antechamber, and natural lighting, provided by a window intermediated by a protective inner grid. However, it has been found that the windows installed do not open and, as a consequence, the aeration of the cells is insufficient.

All spaces and equipment referred to comply with legally established measures and shapes (rounded edges and angles).

Each detainee is dispensed with a set of disposable bedding and a blanket. It was found, however, that the existing blankets were visibly soiled and it was found that they were not always washed after use.

The cleaning of the cells is done daily by a specialized company, and a disinfection process is carried out monthly.

According to what is said, at the time of each detention, all information relating to the rights and duties of the detainee is transmitted orally to the detainee. The same information is reproduced in writing (in the portuguese, spanish, english and french languages) in a visible panel affixed to the wall of the antechamber which borders both cells.

According to the reported, the telephone contact of the detainee with relatives or trusted persons and with the defender is always guaranteed, and there is a private room reserved for face-to-face meeting with the latter.

It has been found that there are safes where detainees can deposit their belongings under the drafting of a car of deposit.

At the time of the visit, no detained person was present.

With respect to mental disorders, all procedures legally established were complied with, and patients were submitted to requests for compulsory hospitalization immediately sent to the reference hospital by ambulance, requested through the INEM, without ever remaining detained at the station.

Regarding the working conditions of the 38 military personnel who worked there, they were found to be very satisfactory. The barracks, changing rooms and sanitary facilities are differentiated for the feminine and masculine genera and, in general, they have good physical conditions. Compared with the logistics denoted in the National Republican Guard Territorial Post of *Costa da Caparica*, under the responsibility of the same Commander, however, there was some lack of rigor in the organization and arrangement of spaces common to the military. There is also a living room and a kitchen equipped with all the small and medium-sized appliances (such as a stove, dishwasher, refrigerator and microwave) necessary for storage, confection and heating of the food of the police officers, who are Responsible for their own food.

Notwithstanding the fact that the physical conditions of the premises visited are reasonable, the inadequate cleaning of the blankets and the poor ventilation of the cells mentioned above have been noted.



**Visit No. 10-2016**

**Date:** 2016.09.28

**Location:** *Barreiro* Local Instance of the Lisbon Judicial Court (*Setúbal*)

**Subject:** Analyzing the habitability conditions of the detention zone. Checking the conditions of the food sector

At the end of the morning of September 28, the NPM made a visit to the *Barreiro* Local Instance of the Judicial Court to verify the habitability conditions of the detention spaces - in terms of lighting, temperature, cleaning and aeration - as well as the provision of food for those deprived of their liberty.

The court detention area is active and is located in the basement, with no direct access to the public spaces, but with direct access to the garage, where the mobile vans are parked and, by elevator, to the courtroom, Police in the vicinity.

The detention zone is intended for detainees awaiting hearing and, despite being composed of 10 cells, only two are active for detention (one of them with the door broken), the remainder being used for housekeeping or simply inactive.

The cells have the right dimensions, in area and right foot. The floor is coated with ceramic material and painted walls, ceilings and white color. They only have artificial lighting, with a luminous point in their interior and above the door, which is not protected by a metal grid, and access is impossible because of the height and the control is carried out from the outside. There are other bright spots in the corridor leading to the cells. There is no power outlet or lighting control in the cells. There is a bench for rest. The cell door is in vertical grills, open to the outside and allow a full view of the cell. There is no calling device inside the cell. The rights and duties of detainees are displayed on their walls, and in one of them the information was in the portuguese, english, french and spanish languages, as required by law.

The two toilets - for both genders - are located outside the cells and their toilets are crockery, with a timed faucet lavatory and a flushing toilet. The air has permanent renovation. There is a fire hydrant outside the cell.

The air conditioning is ensured in the time of excessive heat, as verified on the day of the visit, but may be compromised in a cold situation by the location of the cells. Although it does not have natural air, the air is permanently renewed.

The active cell is subject to daily cleaning by a contractor cleaning company, being cleaned and, when necessary, subject to a disinfection and disinfestation operation, the last one occurred in October 2014.

Except for the verification of the locks, the court was not subject to any work, but it was still preserved.

The surveillance is done through audio and video devices, located outside the cell, with visible panel at the reception. The recording and the archiving of images are done by an external company. It is made guard in sight.

The food, if necessary, is provided by an area restaurant, usually consisting of soup, sandwiches and juice.

The garage has three parking places for cell phones.



### **Visit No. 11-2016**

**Date:** 2016.09.28

**Location:** Central Instance of the Lisbon Judicial Court (Lisbon)

**Subject:** Analyzing the habitability conditions of the detention zone. Checking the conditions of the food sector

On the afternoon of September 28, the NPM visited the Central Instance Judicial Court of the Region of Lisbon, with a view to ascertaining the conditions of habitability of detention spaces - in terms of lighting, temperature, cleaning and aeration - as well as the provision of food for persons deprived of liberty.

The court detention zone is active and has two distinct areas, one affecting the PSP and another to prison services. They are contiguous, although formally separated, without direct access to the spaces open to the public and the police officers remain in the vicinity.

Both areas are integrated in the basement, with their artificial ventilation and air monitored by the company that manages the condominium. The filters are changed frequently and according to the reports prepared for this purpose. The air conditioning and the insulation are assured. They have fire alarm equipment, namely fire extinguishers in a regulated way and smoke detectors that trigger the alarm.

The connection to the outside is made safely: the gates open only with control interior, the cars enter the garage and, only after the gate is closed, open the doors of direct access to the detention zone, and the detainees are taken directly to the cells.

The access to the zones is done with individualized magnetic cards that each agent has. The surveillance system consists of a closed-circuit television in their respective corridors,

provided by an external company. The treatment of data is ensured by a security centre to which the recordings may be requested if necessary.

The cleaning is carried out by a company contracted by the services of the Ministry of Justice, disinfestation and disinfection, or where necessary.

Translators are always assured, more or less quickly depending on whether during the week or the less common language.

Meals - consisting of soup, dish, fruit and bread - are ensured whenever and in any of the zones, by the prison. Specifically, the detention area affects the PSP intended for people detained in flagrante offense or in transit. In this zone there are always two vigilant elements, that search the detainees and seize their property, after being opened a procedure for drawing up a writ of seizure, signed by the detainees, either at the entrance or at the exit (after the return), always with reference to the date and time. Telephone calls are provided if authorized with order of the judge.

This area is composed of 10 active cells, nine being used for the purpose of arrest, one of which, more sheltered, affects women. In the case of elderly people, these are placed in the nearest cell of police officers. The cell not used for detention serves as a cafeteria. They are equipped with a bench seat built in cement for rest. They only have artificial lighting, with two luminous points inside the cells and inaccessible, and the reference illumination is on the roof of the corridor and outside the cells. The cell doors are made with vertical iron bars allowing full viewing. All have the appropriate dimensions, in area and right foot, the floor is covered with ceramic material and the walls and ceilings painted and smooth in cream light. Some walls were presented with some drawings, phrases or even vandalized, having been mentioned in this respect that an architectural study was requested in order to find a solution for the use of materials that preclude their vandalism.



**Visit No. 12-2016**

**Date:** 2016.09.30

**Location:** Temporary Accommodation Centre of the Lisbon Airport (Lisbon)

**Subject:** Analyzing the habitability conditions of the detention zone. Checking, through interviews, the living conditions of the inmates and examining if they are being treated with dignity

On the morning of September 30, the NPM visited the Temporary Accommodation Centre (TAC) of the Lisbon Airport, in order to ascertain, through interviews, the conditions existing there for the permanence of foreigners in situations of refusal of entry and asylum seekers, assessing whether the treatment to which they are subject is appropriate.

The TAC is located in the airport building itself, having access to users and other visitors only through its interior, which makes it difficult, through registration and authorization procedures, to circulate people and goods.

The elements of the private security company that are affected by the TAC were, at the moment, of both genders.

The interviews with the occupants - conducted in different languages (portuguese, english, french and spanish) - were always held in a reserved environment and in places chosen by the occupants.

The TAC population consisted of citizens from Africa, South America and Europe.

The TAC has two symmetrical wings that are occupied according to the reason for the stay (asylum seekers or inadmissible citizens in our territory), and there is no division according to gender.

The existence of specific places for the accommodation of families or minors was not observed, but there were beds of bars in the women's rooms.

At the time of the visit, there were 15 occupants in the ward, of whom 11 were male and 4 were female, six from Brazil, two from Albania and each from Afghanistan, Ukraine, Guinea-Bissau, India, Russia, Sweden and Armenia. In the asylum-seekers' wing, there were 16 occupants, 13 of whom were male and three were female, two from Senegal, two from Guinea-Bissau, two from Gambia, two from Angola and each from Sierra Leone, the United Kingdom, Ghana, Guinea Conakry, Congo and France.

The NPM found that half of the occupants of the ward of the inadmissible remained in the place visited well beyond the limit of 48 hours. Two people were in the TAC for 28 days, two days ago for 18 days, one for 12 days, one for 11 days and another for seven days.

Following the hearing of all persons deprived of liberty there, it was concluded that the contacts with whom they wished (*v.g.*, family members, lawyers or defenders and diplomatic or consular representations) were permitted, Telephone call with a maximum duration of five minutes. This telephone contact is, however, carried out in the reception of the TAC, in the presence of those who are there providing services and, therefore, without any privacy. When the mentioned period of time has elapsed, calls can only be made at their own expense on the telephones in the wings. We also verified that it is not possible to have mobile phones or computer access. It should also be noted that the existing public telephone in the asylum seekers' branch had been broken for more than 20 days. Mention should also be made that persons deprived of their liberty who are there can not receive calls from abroad or make calls at the destination.

Regarding the means of occupying leisure time, there was a shortage of resources: there are no books or magazines. In addition, in the asylum-seekers' wing, there was a television without a picture for about 24 days, and the television set in the ward of the inadmissible was in operation.

The exterior spaces, one in each wing, correspond to open patios that can be accessed intermittently, at the time established in the TAC regulation (which is only posted in the portuguese language portal). Such areas are small compared to the expected capacity and do not have any equipment.

Inside each wing there is a living room and living room, which presents itself as a large space with tables and chairs.

The facilities revealed the need to be preserved, as evidenced by the fact that the ceiling screen of one of the rooms hung on one of the bunks. The natural lighting of the rooms is scarce and the ventilation insufficient, characteristics that prove inadequate for the lodging of people. The place visited was in a good state of cleanliness

In general, food was considered to be inappropriate in terms of quality and quantity (food is provided in single portions). However, an adequate response to the various needs is ensured, whether due to religion or health reasons.

The NPM listened to several complaints about the occurrence of skin blemishes that appeared during TAC stay, as well as reports of refusal of medical treatment (on both wings). Some TAC occupants have reported to NPM that occurrences are service and the decision on the need for medical assistance is taken by them arbitrarily. Medical assistance is centered on the activity of the Red Cross, which is based at Lisbon Airport. Reports of an episode of physical violence (two slaps) have also been heard on one of the occupants of the asylum seekers wing, who said they did not intend to file a complaint. Occupiers of the ward of the inadmissibles complained of not having access to the luggage and of not being allowed them change of clothes. In both wings there was no space or equipment for washing and drying clothes. Each of the occupants is provided with a hygiene kit, as well as a face towel, a blanket, and disposable sheets. It should be noted that, even when it came to hygiene, some people complained about the (cold) temperature of the shower water and the lack of a hair dryer.



**Visit No. 13-2016**

**Date:** 2016.09.30

**Location:** *Elvas Prison Facility (Portalegre)*

**Subject:** Contact with the Board. Accommodation conditions in an open regime. Occupational activities of the inmates

On September 30, in the morning, the NPM carried out a visit to the *Elvas* Prison, in order to verify the conditions of their accommodation and also the forms of occupation of the inmates.

At the time of the visit were present 56 inmates for a total capacity of 54 people, with 51 of them attending school training activities. Concerning their occupation, 16 people are performing cleaning functions, while six others are repairing the coffee machines and other 18, on a voluntary basis, are recuperating their own accommodation.

Several occupational activities are assured. In the socio-cultural and sports activities framework, sessions were held with the collaboration of the prisoners with an average of 19 prisoners *per* session. Also, activities in the area of health (suicide prevention and addiction), road crime and employability. These activities count with a strong number of prisoners.

There are partnerships with external entities that promote cinema, musicals, reading sessions and activities in the field of the plastic arts.

Regarding the contact with the board, the NPM was informed that, once a week, the director receives the inmates who have enrolled in the record book that is available in the prison area for this purpose. There is also a communication box located in the prisons where the inmates place a variety of requests, which are then forwarded to each of the departments after being sorted by the ward officer.

The NPM visited the open regime prison ward, as well as the one that is used for imprisonment for weekend days. The first has a capacity for 12 people, accommodating only 10 at the time of the visit. This space has been enlarged and the ventilation conditions are reasonable. In the summer, due to the high temperatures that are felt in the region, fans are allowed. The sanitary conditions revealed satisfactory results, as well as the privacy resulting from their individualization. The prison ward for weekend days presents good conditions of habitability and ventilation. It has capacity for six people and has an outside access, so as to avoid contact between these citizens and those in closed regime. Currently, of the 13 people who should comply with this substitution penalty only three present themselves. The toilets also have good hygiene and privacy.



**Visit No. 14-2016**

**Date:** 2019.09.30

**Location:** *Elvas* Local Instance of the Portalegre Judicial Court (*Portalegre*)

**Subject:** Analyzing the habitability conditions of the detention zone. Checking the conditions of the food sector

At the end of the morning of September 30, the *Elvas* Local Instance of the *Portalegre* Judicial Court was the object of a visit by the NPM, to check the living conditions of their

detention zone and the way in which they are processing the food supply to those who are deprived of their liberty.

The detention zone is composed by two cells, located on the ground floor and served by an external sanitary installation, demanding conservation works. Both detention areas have the same area and natural light, which comes from the clarity which enters through the iron grille window on the front wall of the space. The door is made of wood, similar to the one that gives access to the common atrium, in which the windows do not boast grids nor do they have an openness. This is detrimental to the heat.

The cells are not capable for overnight stay since they do not have any solid concrete (washbasin, bed or protection bay), being equipped only with a wooden bench that serves as a seat. According to the informed, the space is intended only to house detained persons who are awaiting, during a relatively short period (a few hours maximum). For longer periods of detention, the court asks for the help of the police forces.

In the hall, there is the information about the rights and duties of the detainees. However, it is understood that although the affixation is within the regulation, the size of the characters and the chosen location will not allow to fulfilled of its information function.

The cleaning of the cells is done daily, similar to the other court.

During the visit there was no detained person.



**Visit No. 15-2016**

**Date:** 2016.09.30

**Location:** National Republican Guard Territorial Post of *Elvas (Portalegre)*

**Subject:** Analyzing the habitability conditions of the detention zone. Evaluating the compliance with the inmates' rights to consult with an attorney, to contact their defender by telephone and to communicate with a family member or trusted person

On the afternoon of September 30, the NPM visited the Territorial Office of *Elvas* of the National Republican Guard in order to verify the habitability conditions of its detention zone, as well as the observance of the rights of the detainees to constitute a lawyer, to contact the defender and to communicate with a family member or trusted person.

At the time of the visit, no detained person was present.

The detention space, located on the ground floor of a separate building of the central building, consists of an antechamber and two individual cells. The ventilation conditions are not fully satisfactory. The hygienic conditions are equally negative, noting that the mattresses, the cushions and the blankets arranged on the beds were dirty. According to the information given to us, each detainee is given disposable bed linen, which is collected

at the end of the detention. While it is argued that cleaning is ensured after each detainee leaves, that fact can not be ascertained or indicted.

In the cell located to the right of the vestibule, the window converges to an interior space, hardly providing adequate natural lighting and ventilation. In the other detention zone the glass window was broken. In both they lacked glass in the access door display.

The NPM was informed of the unavailability for receiving detainees in more than two, if this is the case, requests the support of other units of the Command. It is not usually practiced guard in sight, and the detainees have to resort to the device to emit a sound signal to call the vigilante military in case of need of assistance.

On the wall of the reception room, as well as in the anteroom of the holding cells, were panels with information on the rights and the duties of detainees with writing in portuguese, english, french and spanish. Although they are fullfiling the obligation of posting the information, the size of the characters and the chosen location, used merely for passage, creates the perception that the information function is not effectively fulfilled.

In the case of detainees in the cells, the access to the dining hall of the premises and to the meals provided is allowed. According to a statement made to the NPM, it is a common practice to inform the detainees' right to immediately inform the families or other persons of trust and contact their lawyer or counsel.



**Visit No. 16-2016**

**Date:** 2016.10.03

**Location:** *Santo António* Housing Unit (*Porto*)

**Subject:** Analyzing the habitability conditions of the institution. Checking, through interviews, the living conditions of the inmates and examining if they are being treated with dignity

On the morning of October 3, the NPM visited the *Santo António* Housing Unit (UHSA), located in the city of *Porto*, with the purpose of verifying the life of the people who are there deprived or limited in their freedom, by conducting interviews to verify if the treatment to which they are subject is appropriate.

On the day of the visit, were installed in the facility 11 foreign citizens, one of them being female. They were from very diverse countries, such as the Russian Federation, Bangladesh, Ghana, Nepal, Brazil, Sudan, Puerto Rico and India. SEFwas unaware of the nationality of one of the citizens and he himself did not clarify it. There were no families or children.

The NPM proceeded to the hearing of almost all the people - except for a citizen who was not available for dialogue - and the interviews (conducted in portuguese, english, french and spanish), always in a reserved environment and in places chosen by the interviewees. In addition, the NPM visited the three floors of the facility and the outer space of the fifth.

The duration of the stay of persons deprived of their liberty in UHSA was between two days (minimum) to approximately two months (maximum).

Contacts with family members, lawyers or defenders and diplomatic representations or consular services were allowed, namely by telephone call.

For this purpose, each citizen is provided, at the entrance, with a calling card with the value of € 5,00 to make calls in the public booth installed in the corridor.

When this amount is exhausted, calls can be made on the telephone of the UHSA, more concretely in the one installed in the social office. The people that are affected to the place visited can still receive calls from abroad or make calls collected at the destination. However, if the citizens have money, they can request the services to purchase new telephone cards. It has been found that citizens can use their mobile phones daily and between 2:00 p.m. and 4:00 p.m. They can even connect to the internet if they have financial resources to acquire, through the UHSA services, telephone cards.

The forms of occupation of leisure time are diverse. Since UHSA works in a farm, its outer space is ample, being able to be accessed, under surveillance, for one hour a day. Moreover, there is a playground which corresponds to a cemented area but without handsets or other equipment that invite to the sports environment.

The lawns are not taken care for. There is also a covered patio, in which there is a ping pong table that was well cared for. This space is very frequented as an area where people can smoke.

Inside the building there is a living and social area, an ample space with tables, chairs, individual sofas and two television sets that transmit paid TV channels, including movie channels. There is a small library, with a few dozens of books, the vast majority in french, and magazines.

The fact that the lighting of the rooms is switched off at 10 p.m. and only restored until 8:00 a.m. on the following day was reported as a complaint by one of the UHSA occupants.

In general, food was considered appropriate in terms of quality and quantity and an adequate response to the various needs, whether founded in professed religion or in health reasons. It is noted, however, that dinner is served at around 8:00 p.m., and the next meal (breakfast) is only twelve hours later.

The UHSA counts on the collaboration of interpreters in regime of provision of services, having been reported the difficulty of finding interpreters of Mandarin and for the nationals of Indostanic countries.

Medical support is provided in the activity of the «Doctors of the World» who volunteer twice a week in addition to nursing care, all on a voluntary basis. These professionals screen for hepatitis and human immunodeficiency virus, as well as carry out vaccination campaigns with the collaboration of the Regional Health Administration of the North.

The NPM did not notice reports of maltreatment or of its existence. It should be noted that, in the room intended to accommodate the children, it was found that the beds were placed by the window too close to the blinds. The proximity of these blinds to the children's beds facilitates their access and the risk of strangulation.



**Visit No. 17-2016**

**Date:** 2016.10.03

**Location:** Temporary Accommodation Centre of the *Porto* Airport (*Porto*)

**Subject:** Analyzing the habitability conditions of the Accommodation Centre. Checking, through interviews, the living conditions of the inmates and examining if they are being treated with dignity

On the morning of October 3, the NPM visited the Temporary Accommodation Centre of the *Porto* Airport, in order to ascertain the living conditions of the people limited in their freedom, assessing, through interviews, if the treatment to which they are subject is appropriate.

TAC has two symmetrical wings that are occupied by gender, with the exception of families, with total separation of spaces. Minors will be housed in contiguous rooms on both wings, equipped with beds of railings. The four elements of the private security company that are in the TAC are male and also ensure the surveillance of the female wing.

The verbal communication with the people who can be proven there of the freedom is effected in foreign languages, above all in english and, if necessary, in french, with assistance of the SEF inspector (installed in another zone).

Regarding health care, this is provided by the airport and, if necessary, the patient is taken to the hospital.

At the time of the visit only one person was in the TAC, for two months, and even reported that, in the last 12 days, it was the sole occupant of the space. The lack of financial resources made it impossible to purchase telephone cards, so for some time he did not contact his family. He was asked about whether if, at any time, he was a victim of ill-treatment, he replied negatively.

Regarding the means of occupation of leisure time, these are meager and inadequate, limited to the viewing of portuguese-language television channels and the reading of scarce old magazines.

The difficulties encountered in communicating in the french language, with the person appointed by the Bar Association, motivated him to dispense his services. About this aspect, it should be mention the existence of a room with privacy for the realization of contacts with the lawyers.

According to what was verified, the quality of the food is satisfactory, respecting the religious restrictions and personal food, although the quantity - whether in terms of portions, as well as the number of daily meals - can be improved. In the living room there is a table with the rights and duties of the people in the portuguese, english, french and spanish languages.

The facilities were generally in good conditions, with sufficient and well equipped bathrooms. However, it should be noted, that the spaces are not humanized because of the lack of any decorative elements. In addition, the natural lighting in indoor spaces is scarce, aeration is insufficient and the open space reduced, characteristics which taken as a whole make this space not suitable for the accommodation of people.



### **Visit No. 18-2016**

**Date:** 2016.10.12

**Location:** Temporary Accommodation Centre of the *Faro* Airport (Faro)

**Subject:** Analyzing the living conditions of the Accommodation Centre. Checking, through interviews, the living conditions of the inmates and examining if they are being treated with dignity

On the afternoon of October 12, the TAC of *Faro* Airport was object of a visit by the NPM, to verify the conditions of the ones deprived of their liberty, and to evaluate through interviews, if the treatment to which they are subject is appropriate.

The TAC consists of two symmetrical wings which are occupied according to the status users - except in case of families - with total separation of spaces. Minors will be housed in contiguous rooms on both wings, equipped with beds of railings.

The four elements of the private security company that are affected by the TAC are male, but there is the possibility of using elements of the feminine gender. It is still planned to strengthen the establishment plan when it reaches the maximum capacity or special reasons justify it. It should also be pointed out that it is the element of the security

company that receives the complaints, selecting them and passing them on to SEF officials, which does not ensure their confidentiality.

Regarding verbal communication with people who are deprived of their liberty, it has been found that it is done in several languages, with english predominating. It was also mentioned the possibility of recourse to the scholarship of the *Algarve* regional direction of the SEF.

Health care is provided, at the person's request, by the airport's nursing service and, if necessary, the patient is taken to the hospital.

At the time of the visit, nine persons were present at the TAC, one of whom left the TAC during the visit, by altering the measure of coercion. It should also be mentioned that most of the people were awaiting their departure from the national territory and two of them were petitioners for international protection.

The NPM spoke on an individual basis with each of the six occupants who expressed an interest in talking, trying to gauge whether they have been treated properly. There were no complaints about maltreatment.

The quality of food was not repaired, respecting religious and personal food restrictions, but it was mentioned that there were insufficient daily meals (three) and, in particular, the absence of a nocturnal food reinforcement, as well as the small number of bottles of water provided.

Regarding the access to health care and medical care, a number of complaints were received that allegedly such care had been requested from the security team, but had not yet materialized.

The people interviewed also mentioned the scarcity of leisure facilities, which consist of a limited number of magazines and books, along with a set of cards, checkers and dominoes. Regarding the viewing of television channels, it should be noted that these are only available in the portuguese language.

The NPM concluded that only those with some economic resources were able to purchase telephone cards, which were being provided a few days late.

Concern was also expressed about the quantity of hygiene products supplied, a situation aggravated by the fact that they were intended not only for personal hygiene but also for the washing of their clothing, in the absence of a washing and drying system for clothing.

The facilities were generally in good conditions, with sufficient furniture and well-equipped bathrooms. It should be noted, however, that the spaces are not very humanized, due to the inexistence of any decorative elements. It should be noted, however, that there is no separate meeting room between the persons deprived of their liberty and their lawyers, who are currently received at the SEF temporary premises, located in another area of the airport and without any privacy.



**Visit No. 19-2016****Date:** 2016.10.20**Location:** Temporary Accommodation Centre of the Lisbon Airport (Lisbon)**Subject:** Complementary information of the Visit No. 12-2016

On the afternoon of October 20, the NPM visited the TAC of Lisbon airport, in order to collect supplementary information concerning the visit made at the end of September, above all with regard to food supply, access to medical care, access to personal property, occupation of leisure time, completion of contacts with the outside and compliance with the right to information.

At the time of this visit, the television installed in one of the wings was still inoperative, which meant that dozens of people remained confined - some for long weeks - in a space that had no means of occupying their free time.

Contrary to what happened on the previous visit, an Iraqi family was affected by the TAC asylum wing. This household was composed of the parents and two children, those between the ages of nine months and five years, suffering from the oldest of a certain disease. However, it happens that no special care was taken on the basis of his illness, adding difficulties arising from reluctance to food served and restless sleep.

With regard to the youngest child, mention should be made of the fact that although some toys were found in the living room, no suitable equipment was found to satisfy their specific needs, such as a bed of suitable size or another, a chair for meals or transportation, a park or a leisure rug. It should be noted that the room where she slept had only bunks, which, because of their inadequacy and danger, determined that the child would sleep on a mattress on the floor with his mother and brother. The father slept in the male area, with the mother having to attend to the needs of her children at night, a situation particularly aggravated by her young age and the boy's pathology. Furthermore, there are no adequate conditions for such a small child to be bathed, and there is no suitable equipment, such as a stool or own bathtub. In other words, as mentioned in the previous visit, the premises of the TAC visited are inept to accommodate families, taking into account the absence of a family room that safeguards the privacy and the joint stay of its members.

From the consultation with the documentation concerning this family, it was observed that the parents had signed and signed documents written in portuguese (*i.e.*, a declaration that the application for international protection was filed), which they did not understand and that made it impossible for them to know the content. It was also found that the translation service was not used either.

With regard to medical care specifically, it was confirmed that it is up to the security company staff to assess the problems raised by internees, even though they do not have the technical skills to do so, that they have not been given any training on the subject, nor that there are predefined rules about the procedures that should be followed. Nevertheless, it

is the mentioned employee who makes the evaluation of the clinical priority, which may or may not result in the call of the nursing team of the Lisbon Airport. There is no doctor available to assist the occupants in the TAC.

With regard to the training of the security team, the domain of foreign languages appeared to be incipient in order to ensure good communication with users, revealing that part of the staff had basic knowledge. The security teams consist of elements of the two genders.

As for food, it was found that, together with dinner, a food reinforcement containing a package of milk and bread is delivered.

It was also possible to observe the regime of access to personal property by the detainees: those in the inadmissible wing only have access to their hand luggage, the only one that is stored in the installation centre (since the rest will be in storage); Foreign nationals placed in the asylum wing may, as a rule, access their personal luggage once a day. It should be noted that personal washing is not subjected to any washing or other treatment, except for the own clothes, so that in case of prolonged reception - which can be extended up to 60 days - it can cause bad hygiene, causing maltreatment and danger to the health of all residents, SEF staff and security company employees. It should also be noted that the occupants use the patio to dry their clothes, even though they do not have any equipment intended to hang the garments.

In addition to what had previously been established in relation to the telephone contacts, NPM noted that a list of organizations that users could contact was available, under the warning that telephone contacts are available in the administrative services (in particular The Portuguese Council for Refugees, the Immigrants Association, the International Organization for Migration, Amnesty International, the Bar Association, the High Commission for Migration, as well as consulates and embassies). TAC services do not provide free access to the telephone line, which averts many detainees from communicating with external entities.

In the course of the dialogue with foreign citizens, the NPM verified that some people were unaware that they could contact a lawyer under the legal protection scheme. It was further established that the amount charged to lawyers (€ 11,00) was, in the end, charged to persons deprived of liberty affected by the TAC. From the consultation of the records it seems to result that there is a recurring appeal to the same lawyers, the way of obtaining clients by the same ones is not known. The internal regulation of the TAC is only available in portuguese language and in the ordinance, a place seldom frequented by its occupants, as a rule, are unaware of the rules laid down in it. In addition, it was found that, although the rules of procedure provide that wards are to be occupied by gender, their occupation takes place according to the reason for the detention (asylum claims *versus* inadmissible).



**Visit No. 20-2016****Date:** 2016.11.08**Location:** National Republican Guard Territorial Post of *Samora Correia (Santarém)***Subject:** Analyzing the habitability conditions of the detention zone. Checking the conditions of the food sector. Evaluating the compliance with the inmates' rights to consult with an attorney, to contact their defender by telephone and to communicate with a family member or trusted person. Verifying the compliance with the legal and regulatory rules of compulsory hospitalization procedures. Period of detention. Checking the work conditions of the police officers. Checking the conditions of carriage of detainees

On the morning of November 8, the National Republican Guard Territorial Post of *Samora Correia* was the object of a visit of the NPM, to verify the living conditions in the detention zone and the rights of the detainees - in particular in terms of the accommodation, food and communication with the outside world, as well as compliance with the rules applicable to compulsory hospitalization and the working conditions of the military.

The building is composed of two floors and was not the object of any works Since its entry into operation in the 1990's.

Through an analysis of its façade, it was observed that the building had visible cracks in its structure. The detention zone is located on the ground floor, being close to the residence area of the police officers and confinement with an outdoor patio not open to the public. It consists of two cells that are parallel arranged, being mediated by a common antechamber. There is no video surveillance system installed.

Each cell has a bed composed of a concrete mass, a basin of turkish-type, protected by a bay, and a stainless steel washbasin with timed faucet.

The safety cock is outside. There is an alarm device to call the military vigilant in case of assistance. The cell doors are made of iron plate, opening outwards, and contain a glass door that allows a total view of the interior. The floor consists of ceramic material of gray color and the walls are of smooth light color (beige). Both cells have lighting, artificial and natural, this being provided by a window protected in the interior by metal plate with several small circular perforations. The smallness of these perforations, in addition to making natural lighting reduced, makes the aeration of the cells it was found that one of them had a suffocating stagnation of air, associated with bad smell due to lack of adequate ventilation. In this same cell, the blanket had still some degree of dirt.

The NPM concluded that the cleaning of the cells is carried out after each use and that cleaning of the blankets is carried out when necessary. As for any disinfestation or disinfection these have not occurred periodically or occasionally.

It should be noted that the bed linen dispensed to each detainee is disposable, so that for this, no cleaning requirement appears necessary.

There was also the presence of a fire safety system, which is in compliance with all legal requirements.

Depending on the length of stay, each detainee is provided with adequate food (breakfast, lunch, snack, dinner), provided by a private institution of social solidarity based in the locality.

According to the adduced, at the time of each detention, all information concerning the rights and duties is transmitted orally to the detainee. Identical information is replicated in writing (in the portuguese, spanish, english and french languages), in a visible panel affixed in the wall of the antechamber which mediates the cells and in panel affixed on a wall next to the main entrance door of the Post. In the case of foreign citizens, there is the possibility of requesting the presence of an interpreter, which is made through an application to the *Santarém* Command, which appoints a translator available in the contact list.

The telephone contact of the detainee with relatives or persons with the defender is always assured (through the fixed telephone of the post), existing a private room reserved for face-to-face meeting with the latter.

At the time of the visit, no detained person was present.

With respect to mental disorders, all procedures legally established were complied with, and patients were submitted to requests for compulsory hospitalization immediately sent to the reference hospital by ambulance, requested through INEM, never remaining detained at the station.

Regarding the working conditions of the military, they were found to be generally satisfactory, safeguarding the humidity noted on the ceiling of the first-floor sanitary facilities reserved for the military.

The entrance to the post is made by the ground floor, where the office of public service, two offices of investigation and a room of support to the victim is located, being in this division, there is a soldier with training for the attendance In cases of domestic violence, which is always done with privacy. It should be noted that there is no cabinet specifically adapted for face-to-face recognition.

In the upper floor are the barracks, differentiated for the feminine and masculine genera (four in the general account), large and composed, each one, by several individual beds, as well as the changing rooms and sanitary facilities (with showers). There is also a living room, a classroom (for instruction) and a dining room equipped with all the small and medium-sized appliances (such as a stove, a dishwasher, a refrigerator and a microwave) confec-tion and heating of the food of the police officers, who are responsible for their own food.

Reference was also made to the antiquity and insufficiency of the car fleet. In fact, there are four vehicles that circulate continuously, the most recent of which is over 300,000 kilometers.



**Visit No. 21-2016**

**Date:** 2016.11.08

**Location:** *Benavente* Local Instance of the *Santarém* Judicial Court (*Santarém*)

**Subject:** Analyzing the habitability conditions of the detention zone. Checking the conditions of the food sector. Checking the conditions of carriage of detainees

On the morning of November 8, 2016, the NPM visited the *Benavente* Local Instance of the *Santarém* Judicial Court, to ascertain the living conditions of their places of detention - in terms of their lighting, temperature, cleaning and aeration - as well as supplying the proper food to those deprived of their liberty.

The Court's detention area is active and is located in the basement, with direct access to the exterior, public space where the mobile vans are stationed and, with stairs access, to the courtroom, in this case, without direct access to open space To the public, with the elements of the prison corps remaining in close proximity. This area is intended for detainees awaiting their due diligence and is composed of four cells, although only one is functioning as such, with the remaining ones, as well as the corridor of the antechamber, being assigned to the warehouse. Signs of large black plastic bags with papers in the hallway, which not only makes it difficult to pass through, but also makes it impossible for some cells to be used and that if more than one defendant is involved, all in one active cell only.

The active cell, although complying with the legally determined area and the right foot, is legally disconcerted in all other aspects: the moisture in the pavement of ceramic material is noticeable - pavement that, in cells not active, is still in wooden blocks - and on the walls which, moreover, were quite vandalized. The window, on the other hand, has a much larger dimension and is situated at a lower height than the regulations required, being protected by a metallic net and having an outer protective grid in horizontal bars through which access to the public road. This space also has a washbasin, with faucet in sight and not timed, with plumbing also in sight. The cell door opens to the outside and features a hatch display that allows full view of the inside of the cell. Its natural lighting is good, due to the size and location of the window, and the artificial light comes from a lamp, with plastic protection but without coating the metal grid, controlled outdoors. It has no alarm or call device and, for the rest of its occupants, has a wooden chair. The leaves with the rights of the detainees were stapled and hung in the window by means of a wire, presenting themselves wet by virtue of the humidity that was felt. Although airy through the open window, the air conditioning is bad, not only as a consequence of the humidity, but also because of the inexistence of insulation against the cold and the heat.

The sanitary facilities are located outside the cell and are differentiated for the two genera, with their toilets in crockery with rounded corners and angles. The sink has a non-timed faucet and the toilet has a backpack flush.

There is no electronic surveillance or audio and video devices.

Neither the cell nor the toilet facilities are hygienic and clean, and it has been found that the detention zone has not been cleaned for approximately six months. For this circumstance, the fact that for every court building a maid is employed for two hours a day. The disinfection is not done and the disinfestation, being assured by the Municipality of *Benavente*, is only effected if and when the magistrates complain and request it.

The food, if it is necessary to make it available, is ensured by means of an establishment of restoration of the zone.

The last works in the active cell took place in the year of 2003 and were supported by the local resources.

During the visit of the NPM it was possible to conclude that the state of the detention zone is not different from the rest of the court building, and several problems were observed, such as the length of the electrical installation causing constant short circuits, in wooden blocks, which makes it difficult to clean, maintain and circulate the carts with processes and documents. Cleaning is not carried out throughout the court building - except for the magistrates' offices - given the scarce two hours a cleaning lady has for this purpose.



### **Visit No. 22-2016**

**Date:** 2016.11.08

**Location:** Central Instance of the Judicial Court of *Santarém* (*Santarém*)

**Subject:** Analyzing the habitability conditions of the detention zone. Checking the conditions of the food sector. Checking the conditions of carriage of detainees

On the afternoon of November 8, the NPM carried out a visit to the Central Instance of the Judicial Court of *Santarém*, through verify the living conditions of their places of detention - in terms of lighting, temperature, cleaning and aeration - as well as to verify the alimentation made available to those who are deprived of their liberty.

The court detention area is active and is located on the ground floor, with direct access to the exterior, public space where the mobile vans are stationed and, with access of stairs, to the courtroom, in this case, without direct access to open space to the public, the elements of the prison guard in the vicinity. This area is designed for the persons who are waiting for their due diligence and is composed of three cells with adequate dimensions in area and height. The pavement is in concrete, the walls and ceilings plain and painted with light beige color. The lighting is artificial, each cell has a luminous point in the ceiling and there is also light in the hall of the antechamber.

In the antechamber there is a window to the outside and to the public road, but the protection grid prevents the passage of light, even though it allows ventilation. The doors are in iron vertical grids, they close with a locker and open to the outside. The cells do not have alarm equipment, and do not have the proper material for their occupants. Ventilation is ensured through the antechamber window and through the access to the outside antechamber.

The sanitary facilities are located outside the cells, being equipped with the regulated provisions: washbasin with timed faucet and toilet equipped with a flowmeter embedded in the wall, both in stainless steel and with rounded edges and angles. The air quality is good since it comes directly from the outside.



### **Visit No. 23-2016**

**Date:** 2016.11.08

**Location:** *Santarém* Police Station of the Public Security Police (*Santarém*)

**Subject:** Analyzing the habitability conditions of the detention zone. Checking the conditions of the food sector. Evaluating the compliance with the inmates' rights to consult with an attorney, to contact their defender by telephone and to communicate with a family member or trusted person. Verifying the compliance with the legal and regulatory rules of compulsory hospitalization procedures. Period of detention. Checking the work conditions of the police officers. Checking the conditions of carriage of detainees

On the afternoon of November 8, 2016, the NPM visited the *Santarém* Police Station of the PSP (*Santarém*), in order to verify the living conditions of their places of detention, the conditions under which the detainees are fed and whether their rights (*v.g.*, contacts and detention times) are respected.

The detention zone is located on the ground floor, close to police officers' areas of residence and without direct contact with spaces open to the public. It was the object of remodeling works and regulatory adjustment last July. This area is composed of two identical and contiguous cells, with an area and right foot suitable for a detainee. The floor is covered with ceramic material, the walls are covered with tiles, from the floor to the middle of the wall. Ceiling, plain and painted with cream color. The lighting is indirect natural - each cell has three windows with size and height, protected with metallic net and external protection grid without access from the interior, not giving to the public - and artificial way, providing this of a luminous point on top of the door and protected by a metal grid and controlled by the exterior. The doors are in iron plate, open to the outside

and with a window that allows a total view of the interior of the cell. They have a calling device, which is visualized by the service agent at the reception.

Each cell has sanitary facilities separated by the mass of the bed and equipped with china sinks embedded in the concrete, having a lavatory basin turkish-type, underneath the floor and equipped with a flowmeter built into the wall. All the equipment is coated with small tiles with rounded edges and angles. The air quality is good.

Hygiene and cleaning are ensured. For bed linen, the sheets are discarded and the blankets are changed and sent to the laundry room after each use. The cleaning is done daily in the scope of the general cleaning of the facilities of the squadron by company of the exterior. Disinfection and disinfestation are periodic.

Surveillance is done by the agents who are in the vicinity of the cells. The audio and video camera installed next to the cells was turned off and off.

Young people, the elderly, pregnant women, detainees who show signs of being under the influence of alcohol, drugs or medicines and the victims are not placed in the cells and instead are taken to different rooms, taking advantage of victim support room in some cases or other rooms, in any case with sight surveillance. The squadron has an agent specializing in the treatment of cases of domestic violence victims.

In cases of compulsory hospitalization, legal procedures are carried out and registered, these situations being directly treated with the INEM and people usually taken to hospitals in Lisbon, since the local hospital unit does not have the urgency to Psychiatry.

Food is provided by the canteen in the station. The rights of detainees are posted, in the legally required languages in the anteroom of the cells.

The working conditions of police officers are good, above all in the case of offices, sanitary facilities, locker rooms and quartering, although this is almost non-existent. The computer hardware is up to date. Its food is ensured by the existing mess in the squadron, having excellent facilities of kitchen, of room of canteen and bar (whose exploitation is assured by the Retirement Agents Association of the PSP) it is to be used a room for gymnasium, its construction and its equipment being the sole responsibility of police officers.

On the day of the visit there were no detainees at the PSP Station of *Santarém*.



**Visit No. 24-2016**

**Date:** 2016.11.08

**Location:** *Cartaxo* Local Instance of the *Santarém* Judicial Court (*Santarém*)

**Subject:** Analyzing the habitability conditions of the detention zone. Checking the conditions of the food sector. Checking the conditions of carriage of detainees

On November 8, 2016, during the afternoon, the NPM made a visit to the *Cartaxo* Local Instance of the *Santarém* Judicial Court, with a view to ascertaining the living conditions of places of detention - namely in terms of sanitation, air conditioning and illumination - as well as the conditions under which the detainees are fed and transported.

The detention zone is in good physical condition, located on the ground floor, in a non-confining area with spaces directly open to the public. There are two contiguous cells, closed with grille doors (vertical iron bars), that converge in a common space where the police officers remain. Inside the cells there is a concrete bench built in cement. Each cell has artificial lighting, coming from a light source installed in the ceiling protected by a metallic grid, and natural lighting, due to the existence of a window protected with grid. However, it should be noted that the windows do not open, so there is no natural ventilation. Proper ventilation of the space is nevertheless ensured through an efficient air conditioning system.

Depending on the length of the stay, each detainee is provided with adequate food (breakfast, lunch, snack, dinner), provided by a local catering company.

There is no video surveillance system or alarm device, alleging the unnecessary of both equipment, since the detainees are always in sight of police officers. In this regard, it has been found that there are good conditions for police officers to remain in the antechamber. The space is wholesome, the temperature and lighting are adequate, with some chairs and sofas available. This space is also prepared to work with a computer in case, for security reasons, the judge decides to inquire the detainees in the cells.

In the antechamber there is a sanitary facility serving people of both sexes, which has a window with bars, a washbasin with a timed faucet, a toilet and a turkish-style toilet bowl, with a built-in stainless steel wall-mounted flowmeter. In this division is also visible a panel containing the written reproduction of the rights and duties of the detainee in the portuguese, spanish, english and french languages. In the case of foreign citizens, there is the possibility of requesting the presence of an interpreter.

The escort of those detained to the cell is made safely through a corridor, reserved without access to the public, which links the detention zone and a back door that gives access to the street, where the mobile vans are.

The court cleaning is daily ensured by two people. The cleaning and disinfection of the cells only occurs, however, when it is considered necessary, which is not frequent, given the small number of detainees in the place visited.

The building is in good conservation condition and has not proved to be an effective disinfestation operation to date.



**Visit No. 25-2016**

**Date:** 2016.11.08

**Location:** National Republican Guard Territorial Post of *Cartaxo (Santarém)*

**Subject:** Analyzing the habitability conditions of the detention zone. Checking the conditions of the food sector. Evaluating the compliance with the inmates' rights to consult with an attorney, to contact their defender by telephone and to communicate with a family member or trusted person. Verifying the compliance with the legal and regulatory rules of compulsory hospitalization procedures. Period of detention. Checking the conditions of carriage of detainees. Checking the work conditions of the military

On the afternoon of November 8, 2016, the NPM visited the National Republican Guard Territorial Post of *Cartaxo* in order to ascertain the conditions of habitability of their detention zones, to assess the conditions under which the rights of the detainees are guaranteed - namely in terms of food, communication with the outside world and other conditions of detention - to verify compliance with the rules applicable to compulsory internment and the working conditions of the military.

The building affection to the post is composed of two floors and presents, in general, good physical and structural conditions. In addition to other conservation works that have been carried out, the recent changes in the detention zone stand out in order to comply with all applicable legal and regulatory standards.

The two existing cells comply with all the required standards. They are located on the ground floor, in an area close to police officers and not confined to spaces open to the public. Each cell has a bed composed of a solid concrete mass, a turkish-style lavatory basin, a stainless steel washbasin with a timed faucet, an iron plate door with an outside window and an alarm device to call the vigilante, in case of need of assistance. The floor is made of gray ceramic material and the walls are painted with light colored paint. The cells benefit from artificial lighting - provided by a light source located inside each cell in the wall adjacent to the antechamber, above the door, duly protected by a metal grid - and natural light coming from a window protected by an inside net. There was also a fire safety system in compliance with all the legal requirements. There is no video surveillance system installed. Each detainee is dispensed with a set of disposable bedding and a blanket. The blankets are properly washed and disinfected after each use.

The cleaning of the cells is done daily by a specialized company (three hours a day of cleaning throughout the station), which is also responsible for carrying out regular disinfection and disinfestation operations.

Depending on length of stay, each detainee is provided with adequate food (breakfast, lunch, snack, dinner), provided by an outside company with whom the station has established an agreement for this purpose.

According to what is said, at the time of each detention, all information relating to the rights and duties of the detainee is transmitted orally to the detainee. The same information is reproduced, in writing (in the portuguese, spanish, english and french languages), in a visible panel affixed to the wall of the antechamber which borders the cells. In the case of foreign citizens, there is the possibility of requesting the presence of an interpreter. In addition, and according to the reported, the telephone contact of the detainee with the family or trusted person and with the defender or lawyer is always guaranteed, and there is a private room reserved for face-to-face meetings with the latter.

At the time of the visit, no detained person was present.

Regarding the situations of mental health problems, compliance with all legally established procedures was ensured, and patients were submitted to requests for compulsory hospitalization immediately sent to the referral hospital by ambulance, requested through the INEM, without ever remaining detained at the station.

As regards the working conditions of the military, they have been found to be quite satisfactory.

The entrance to the institution is made by the ground floor, where the public service office, a research office and a victim support room are located. In the service of victim support is a military man trained to handle cases of domestic violence, which is always carried out with privacy.

Upstairs are the dressing rooms, dressing rooms and sanitary facilities for use by the military, duly differentiated for the feminine and masculine genders. This floor is not, however, accessible to people with reduced or conditioned mobility, due to the lack of an elevator. In terms of accessibility and movement conditions for people with disabilities, it is noted that there is only one access ramp at the entrance to the station. There is also a living room and dining room, equipped with all the small and medium-sized appliances (such as a stove, dishwasher, refrigerator, microwave), which are necessary for storage, confection and heating of military food, who are responsible for their own food.

The antiquity and insufficiency of the car fleet affects the station and the insufficiency of the services of the maintenance of the building constitute the related vicissitudes as to the operation of the place visited. It should also be mentioned that, in general, the maintenance and repair of buildings (*v.g.*, repair of light bulbs and paintings) are supported by *Cartaxo* Municipal Council. The latter aspect, however, refers to the fact that the maintenance and improvement works necessary for the proper maintenance of the building's conservation status have already been identified and a budget has been requested in order to make it viable.



**Visit No. 26-2016****Date:** 2016.11.14**Location:** *Torres Novas* Prison Facility (*Santarém*)**Subject:** Analyzing the living conditions of the detention facilities, namely the lighting, insulation against cold or heat. Analyzing the access to health, in particular, mental health. Verifying the procedures observed in the communication of the prison population with the board

On the morning of November 14, the *Torres Novas* Prison was visited by the NPM, in order to verify their living conditions and the health care provided to inmates, as well as the procedures which are observed in the communication of the reclusive population with the board.

At the time of the visit, 41 inmates visited the place, with a capacity of 38 people.

The NPM visited the prison area, with particular emphasis on accommodation spaces, which are composed of 12 cells and two dormitories divided over two floors, presenting good living conditions. All the accommodation spaces had their own toilets and the rooms had showers. The toilets had good ventilation and sanitation conditions and it was reported that hot water was available in two periods of the day for two and a half hours.

Note that in all accommodation spaces, toilets allow privacy, which was derived from the existence of a door that separated them from the sleeping zone. All accommodations had adequate furniture.

There is no dining room so meals are served in the lodgings.

As for the communication with the board there is a box in the main zone where the requests for service are placed. The deputy director of the director is responsible for sorting the requests. There is also an order box for clinical services. However, at the time of the visit, it was not available because it was under repair, and the requests made in the meantime only indicated the need for care without indicating any other information that would call into question the protection of the prisoners' health condition.

The general practitioner provides services at the prison on Saturday mornings. However, where necessary, the clinician will appear when called, which is based on an informal partnership. It should be mentioned that the appointments of the Stomatology specialty are carried out in the Prison Hospital of *São João de Deus*, but there is a possibility that the inmates will be transported to a private clinic for the placement of dental prostheses. Nursing services, in turn, are provided for three and a half hours in the morning, in addition to one hour in the afternoon.

The psychologist provides service once a week for two hours, which only allows her to serve four people. In terms of mental health, it was also reported that one inmate suffers from a mental illness and seven are psychotropic users, followed by the hospital of *Tomar*

and alternately or jointly by the doctor of the Centre for Rehabilitation and Integration of *Abrantes*.

Regarding the taking of medication, it is assisted and its refusal is always subject to registration. If this situation occurs it is communicated to the management. The so-called “SOS” medication that is available boils down to analgesics, anti-inflammatories and anti-histamines. Anxiolytic medicines are only available if they have been prescribed by your doctor.



**Visit No. 27-2016**

**Date:** 2016.11.16

**Location:** *Viana do Castelo* Prison Facility (*Viana do Castelo*)

**Subject:** Checking the compliance with the rights and duties of the inmates who have been admitted to the prison for eight days or less. Checking the habitability conditions. Verifying the procedures observed in the communication between the prison population and the board. Verifying the translation of the information document on the rights and duties of the prisoners. Analyzing the individual hygiene kit available. Checking the provision of religious and spiritual assistance services

On the afternoon of November 16, the NPM visited the *Viana do Castelo* prison, with the purpose of verifying the fulfillment of the rights and duties of recently entered inmates, verifying the living conditions and the procedure of communication with the management, as well as the analysis of the availability to the inmates of a hygienic kit and the religious and spiritual assistance provided to them.

The establishment visited is housed in a building that has a good state of preservation and good hygiene and cleanliness, hosting, at the time of the visit, 70 convicted prisoners, all male, who are accommodated in 14 cells (three individual, two disciplinary and one of separation) and 13 classrooms.

The NPM visited the detention zone, analyzing the conditions of two cells - which had two three-berth bunk beds and several storage lockers - and one ward. These spaces were clean, having been mentioned that they are cleaned twice a day, carried out by 16 inmates.

The prison has a small courtyard where inmates can practice sports and a library where inmates do some handiwork and are equipped with six computers.

The existing communication procedure between prisoners and management functions regularly. Upon a request for assistance that is not urgent, the inmate is received the next day by the management.

With regard to health care, the prison has a doctor and a nurse who serve there, respectively, five and 25 hours a week. It should also be noted in this connection that all prisoners are observed by the doctor when they are placed in prison and subsequently, whenever necessary or when they are expressly requested.

At the moment of the prisoner's entry into the prison, he is provided with a hygiene kit, as well as an informational bulletin of his rights and duties, which, as a result of contacts with the embassies, is available in Spanish and Romanian, in addition to the Portuguese language. It should also be mentioned that direct contacts have been developed by management, which several institutions collaborating in the free supply of the toilet kit to prisoners.

Regarding religious assistance, the NPM concluded that it is provided to the inmates of the place visited, and those who are Catholics count on the weekly celebration of the Eucharist.



**Visit No. 28-2016**

**Date:** 2016.11.16

**Location:** *Viana do Castelo* Police Station of the Public Security Police (*Viana do Castelo*)

**Subject:** Checking the compliance with the rights and duties of the inmates. Checking the habitability conditions of the detention zone, namely in what concerns the thermic comfort. Checking, through interviews, the work conditions of the police officers

On the night of November 16, the *Viana do Castelo* Police Station was visited by the NPM, whereby the habitability of the cells was checked and the rights of detainees were respected, namely contact with your defendant and with a relative or trusted person.

The squad visited is located on the ground floor of the building where, in addition to that, there are other departments of the PSP: the District Command, the Traffic Police Station, the Police Intervention and Inspection Station and the Criminal Investigation Station.

The squad visited has two holding cells, both operational and which have iron plate doors and windows with metal netting and outside protection grills. The windows, when opened to the outside, allow the airing of these spaces, noting, however, that these are cold. There is a calling device and the privacy of its occupants is ensured by the protection bay of the toilet facilities. It should also be noted that the area is cleaned daily.

At the entrance of the detainee he is given a set of bed linen and a blanket which is disinfested after his departure.

The station carries an information panel with the rights and duties of the detainees, which were also translated into English, French and Spanish.

At the time of the visit, there were no persons deprived of their liberty in that place, and it was mentioned that few citizens are detained there.

According to the NPM, the person in detention is authorized to telephone his or her defense counsel, using the telephone of the police station.

In addition, and whenever necessary, PSP shall endeavor to provide assistance to dependents of the detained person - namely children, young people and the elderly - by promoting contacts and due referrals.

As far as transport is concerned, it is usually the police officer who made the detention accompanying the detainee to the court. The situation is different with the transport of patients - including cases of compulsory hospitalization - which is carried out by INEM ambulance, always accompanied by a PSP agent.

The NPM also checked the working conditions of the 52 police officers (10 of them female), there were no problems. As for the barracks, it should be noted that the place visited has rooms where PSP agents can, in specific circumstances, spend the night, changing rooms, and even a bar that is in operation, thus allowing police officers to feed themselves.



### **Visit No. 29-2016**

**Date:** 2016.11.16

**Location:** *Izeda* Prison Facility (*Bragança*)

**Subject:** Checking the compliance with the rights and duties of the inmates who have been admitted to the prison for eight days or less. Checking the habitability conditions. Verifying the procedures observed in the communication between the prison population and the board. Checking the conditions of carriage of detainees

On November 16, in the afternoon, the NPM carried out a visit to the *Izeda* Prison, with the aim of analyzing their living conditions, the fulfillment of the rights and duties of inmates who entered and the procedures observed in the communication of the prison population to the management.

At the time of the visit were affected to the prison establishment visited 270 inmates.

The NPM visited the prison area, namely the accommodation spaces, and concluded that their living conditions are bad, and there is practically no insulation against cold and heat. Despite the fact that there is no mention of cleaning, lighting and airing of rooms

and cells, the existence of wooden windows - evidencing the absence of recent repair works (*v.g.*, broken windows or without glass such as the provision of some rooms which can accommodate up to 16 people), as well as the severity of atmospheric conditions in the region where the prison is located - where, traditionally very cold and the summers very hot - it shows worrying. This situation is enhanced by the fact that the heating system installed in the building is not in operation. As an alternative, it has been found that unlimited supply of blankets is ensured, allowing inmates to possess (up to) 50 pieces of clothing per person (stored in their own space and changed every 15 days).

It was also analyzed the supply of water to the prison, having found that its direction is to equate water prospecting in its agricultural lands, in order to solve the constraints felt during the summer.

The two disciplinary cells were visited, which are worthy of repair as to their state of conservation. The call system was operational.

In the so-called Security Pavilion, inmates are accommodated in compliance with disciplinary measures, the elders and those who, by the typology of the crime committed, take greater care of their own and others' safety. In addition to these, it has been observed that for some years there have been four people with psychiatric diseases, cases already signed, but at the Psychiatric Clinic of *Santa Cruz do Bispo*, and waiting for a response. In the meantime, these people are accompanied by the psychiatrist who, for four hours a week, provides support to the place visited.

Regarding the communication with the management, it was observed and later confirmed - both by the management and the prisoners heard - that the expositions or requests addressed to the management are deposited in a box in the prison area. However, it is not intended exclusively for communications addressed to the director of the prison, and also serves to establish contacts with the education staff, as well as with the administrative services and the supervisory staff. It should also be noted that the request is drawn up in a proper form, made available for the purpose by the head of the ward, and the inmate must indicate to whom he is addressed and indicate not only his claim but also the reason that supports it. The communications box is opened daily by the services of the prison's secretariat, which sorts the applications submitted.

Regarding to the means of transport of the prison population, and according to the information provided, four mobile vans, three of which have a capacity for six people, and which, due to their age, lack seat belts and equipment of communication. A different situation occurs with the fourth station wagon at the service of this prison, which is three years old, but whose use is limited by the fact that it has a capacity of only two people. However, there were no constraints in the execution of the tasks committed to the prison, associated with the length of time of its car park.



**Visit No. 30-2016**

**Date:** 2016.11.16

**Location:** National Republican Guard Territorial Post of *Izeda (Bragança)*

**Subject:** Checking the compliance with the rights and duties of the inmates. Checking the habitability conditions of the detention zone, namely in what concerns the thermic comfort. Checking, through interviews, the work conditions of the military. Analyzing the articulation procedures between the Territorial Command and the Territorial Office of the National Republican Guard regarding the allocation of the detainees

On the afternoon of November 16, the Territorial Office of *Izeda* of the GNR was visited by the NPM, which aimed to assess compliance with the rights and duties of detainees, the living conditions of their detention zone and the work of the military, as well as the procedures of articulation between the place visited and its territorial command in the matter of the allocation of persons deprived of their liberty.

The recently visited territorial post has two cells; however, the non-conformity of their characteristics with what is legally envisaged (*v.g.*, non-built-in flowmeters) has determined that, following a visit by the General Inspectorate of Internal Administration, these places of detention would be inoperative. According to verified, it is not known deadline for the accomplishment of the works necessary for the resolution of the situation.

Information on the rights and duties of detainees is posted at the gate, which is available in three foreign languages (english, french and spanish), in addition to portuguese. These informative elements also appear in leaflets that are there.

Regarding the cleaning of the cells, an indication was given that, in the present circumstances, it is ensured three times a week by an employee who provides the service.

Regarding to the link between the territorial post in question and its territorial control, information has been obtained that the first one, given that it has a sufficient fleet of vehicles for its needs, is autonomous in the management of resources, in particular, take the necessary steps.

The working conditions of the 14 military personnel working in the place visited were analyzed; the facilities are large and modern, with two bathrooms and accessibility and movement conditions for people with reduced mobility; At the time of the visit, were in good repair and cleaning.

Regarding the transport of patients in situations of compulsory hospitalization, and according to the declarations provided, in this matter, preference is given to the use of firemen's vehicles, and escort is provided by members of the GNR.



**Visit No. 31-2016**

**Date:** 2016.11.17

**Location:** *Braga* Prison Facility (*Braga*)

**Subject:** Checking the compliance with the rights and duties of the inmates who have been admitted to the prison for eight days or less. Checking the habitability conditions. Verifying the procedures observed in the communication between the prison population and the board. Checking the procedures relating to the physical separation of prisoners: preventive versus condemned

On the morning of November 17, the NPM visited the *Braga* prison facility, with the purpose of verifying the fulfillment of the rights and duties of newly arrived inmates, the assessment of their living conditions, the analysis of the communication with the management, as well as checking the operation of boilers.

At the time of the visit, there were 144 prisoners assigned to the place visited, all of them male, of whom 46 were in compliance with the procedural measure of pre-trial detention.

Since this prison establishment is especially aimed at the reception of pre-trial detainees, the directorate was asked about the separation between preventive prisoners and convicted inmates; In reply, it was stated that the separation depends on the availability of accommodation, also taking into account the nature of the alleged crime.

The prison area has 40 habitable cells and five wards. The conditions of a cell and a chamber, inhabited by four and six inmates, were checked. The cells have ventilation (tilting windows), but the sanitary ware is ceramic. The detention area is clean and has been reported to be cleaned twice a day after bathing, a task carried out by inmates. It was also visited the zone of conviviality, with separation between smokers and nonsmokers, and the game room.

The communication procedure between the inmates and the management functions regularly, without delays in the care that, not being urgent, occurs the following day.

Regarding health care, the *Braga* Prison has medical and nursing assistance and all prisoners are observed by a doctor upon their entry and thereafter whenever necessary or when expressly requested by the prisoner, in an existing model for this purpose.

With regard to the specific issue of the regular operation of the boilers, it was stated that, for the moment, there is no problem, which was confirmed by the inmates interviewed.

It was also possible to confirm the existence of religious assistance, which occurs once a week, celebrating, with equal frequency, the eucharist for catholics.



**Visit No. 32-2016**

**Date:** 2016.11.17

**Location:** *Guimarães* Prison Facility (*Braga*)

**Subject:** Checking the compliance with the rights and duties of the inmates who have been admitted to the prison for eight days or less. Checking the habitability conditions. Verifying the procedures observed in the communication between the prison population and the board. Checking the availability of individual hygiene kits

On November 17, during the afternoon, the NPM visited the *Guimarães* Prison, with a view to verifying the fulfillment of the rights and duties of newly arrived inmates, to assess their living conditions, to analyze the communication procedure with the board, as well as the operation of the boilers and the provision of individual hygienic kit to newly arrived inmates.

The inmates assigned to the *Guimarães* Prison are male, and at the time of the visit, their occupation was less than their number: 59 prisoners for 73 positions. The people in seclusion were accommodated in their 23 cells, occupied with two or three inmates each, or in their four rooms, two of them with six people and two with seven inmates.

The reception spaces are generally well preserved, and the cold due to the low temperatures typical of that region of the country is tolerable. Problems arising from boiler operation have also been overcome.

The communication mechanism between inmates and directors did not cause any problems, except that, although in office only in September, the director had already met with all the inmates. After the request for interview has been formalized (in a space created for this purpose), the prisoner will be received the following day.

At the entrance of the inmates in the prison they are provided with a hygiene kit composed of products that the management of the place visited ensures civil society. An information document with the respective rights and duties is also available to newly arrived prisoners, a document which has been translated into the romanian, spanish and english languages following the steps taken by the management with diplomatic representatives.

A conversation was held with seven detained citizens and no maltreatment was reported.



**Visit No. 33-2016**

**Date:** 2016.11.17

**Location:** National Republican Guard Territorial Post of *Guimarães (Braga)*

**Subject:** Checking the compliance with the rights and duties of the inmates. Checking the habitability conditions of the detention zone, namely in what concerns the thermic comfort. Checking, through interviews, the work conditions of the military. Analyzing the articulation procedures between the Territorial Command and the Territorial Office of the National Republican Guard regarding the allocation of the detainees

On the afternoon of November 17, the NPM visited the GNR Territorial Office of *Guimarães* to verify the fulfillment of rights and duties held and the conditions of its reception area - in particular, the thermal comfort of the cells - and of the military, as well as to analyze the articulation with the district command regarding the transportation of detainees.

In the place visited 37 military men of both genders work, although masculine predominates (being 25% of the military of the feminine sort). If, however, we take into account the number of soldiers working in the GNR of *Guimarães* - which operates in the same facilities - it rises to 257 members.

At the time of the visit, there were no persons deprived of their liberty in the place visited. It was also informed that the two cells in the station are only used in exceptional situations of clear overcrowding, since, as a rule, the cells in the *Vizela* and *Cabeceiras de Basto* Territorial Posts are used. To this extent, the transport of detainees to court takes place in very specific situations, the vehicles being used at the post (five cars) or the posting (four vehicles). There is no specific articulation with the district command in this regard, given the autonomy of the detachments.

Although rarely used, the holding cells were in a reasonable state of preservation and cleaning, and there were no signs of thermal discomfort. Regulatory standards were complied with regarding the characteristics of places of detention.

The working conditions of the military were also checked, highlighting the breadth of space available and the diversity of equipment placed at the disposal of the contingent. As a rule, around ten military personnel spend the night in the detachment, which happens under conditions deemed appropriate and gender-independent.



**Visit No. 34-2016**

**Date:** 2016.11.17

**Location:** *Mirandela* Station of the Public Security Police – PSP (*Bragança*)

**Subject:** Checking the compliance with the rights and duties of the inmates. Checking the habitability conditions of the detention zone, namely in what concerns the thermic comfort. Checking, through interviews, the work conditions of the police officers. Analyzing the articulation procedures between the District Command and the Station regarding the allocation of the detainees

On the morning of November 17, the Police Station of *Mirandela* of the PSP was visited by the NPM, and the conditions of habitability of their places of detention were investigated.

The squadron, recently built (about five years old), has two cells, both located on the ground floor and equipped with good structural conditions, which generally observe the legislation in force in this matter. It should be noted, however, that, at the time of the visit, the spaces concerned were not equipped with mattresses or pallets.

According to informed, the procedures to be adopted in detention situations observe the legally determined, in particular as regards the registration of detainees and the delivery of bed linen.

On the wall, near the entrance door to the antechamber through which the cells are accessed, the panel of rights and duties of detainees available in the portuguese, spanish, english and french languages is visible. However, the small size of the used characters deserves merit.

The cleaning of the cells is done, only and exclusively, when its effective use. It was also mentioned the articulation existing with the GNR unit located in that city, and its two cells could be used whenever the number of detentions of the PSP exceeds the capacity of its detention spaces.

Regarding to the link between the fleet and its district command, information has been obtained that the first one, given that it has a sufficient fleet of vehicles for its needs, is autonomous in the management of resources, in particular to carry out the necessary steps.

The working conditions of the 65 police officers who worked in the squad visited were analyzed; the facilities are large and modern, with accessibility and movement conditions for people with reduced mobility.

It should also be mentioned that the squadron has a support office for victims of domestic violence, with a room available to ensure its (possible) overnight stay.

The facilities are in good repair and cleaning.

The NPM also found that, in relation to the transportation of patients in situations of compulsory hospitalization, this is preferentially performed in disposition vehicles, operated by elements of the PSP that are not uniformed.

**Visit No. 35-2016**

**Date:** 2016.11.17

**Location:** National Republican Guard Territorial Post of *Mirandela* (*Bragança*)

**Subject:** Checking the compliance with the rights and duties of the inmates. Checking the habitability conditions of the detention zone, namely in what concerns the thermic comfort. Checking, through interviews, the work conditions of the military. Analyzing the articulation procedures between the Territorial Command and the Territorial Post regarding the allocation of the detainees

On November 17, in the morning, the NPM visited the National Republican Guard Territorial Post of *Mirandela* to verify the fulfillment of the rights and duties of the detainees and the habitability conditions of their detention space. Especially with regard to their thermal comfort - and the work of the military, as well as analyzing the procedures of articulation between the place visited and the respective district command.

The visited territorial post was once a prison establishment that, in 1980, was adapted to its current functions. However, the building still belongs to the Ministry of Justice, reason why the necessary works were not made to the improvement of its structural conditions. Nevertheless, the two cells were subject to intervention in 2014, and, according to the NPM, they were being asked to replace their sanitary equipment (*v.g.*, turkish lavatory in stainless steel and taps with the regulatory characteristics). It should also be noted that the location of the windows is relatively low and there are no bars to prevent detainees from accessing the interior courtyard that serves them. The NPM did not detect, in the beds built into the interior walls of the cells, the existence of a wooden platform, as required by law.

The NPM noted the existence, both at the entrance and in the corridor of access to places of detention, of cadres with the rights and duties of detainees.

Regarding to the cleaning of cells, an indication was given that it is ensured on a daily basis by an employee who provides services there.

It was also informed that the places of detention of the place visited can accommodate detainees of the PSP whenever the stocking of the existing cells in the squad of *Mirandela* is complete.

According to the information transmitted, there is a close articulation between the territorial post concerned, its territorial command and the posting (which includes four territorial posts), which is partly due to the physical proximity of the available resources.

The working conditions of the 25 military personnel of the post were analyzed, and the structural deficiencies of the quarter, locker room and bathing area located on the upper floor of the building (*v.g.*, infiltrations, lack of insulation against excessive cold and heat) were analyzed. It should also be noted that there are conditions of accessibility and movement for people with reduced mobility in the work and detention areas. In addition,

it should be mentioned that the territorial office has a support office for victims of domestic violence.

The facilities are in a good state of cleanliness.

Regarding the transportation of patients in situations of compulsory hospitalization, the NPM was transmitted that, for this purpose, are used the vehicles to the station, which include those characterized.



**Visit No. 36-2016**

**Date:** 2016.11.18

**Location:** *Braga's* Criminal Investigation Department of the Judiciary Police (*Braga*)

**Subject:** Checking the compliance with the rights and duties of the inmates. Checking the habitability conditions of the detention zone. Checking the inmates' proper alimentation.

On the afternoon of November 18, NPM visited the *Braga's* Criminal Investigation Department of the Judiciary Police, in order to observe the fulfillment of the rights and duties of detainees, assess the habitability conditions of their detention zone and to verify the work of its agents and employees.

At the time of the visit, the presence of persons deprived of their liberty in the place visited was not identified.

The *Braga's* Criminal Investigation Department of the Judiciary Police does not have at its entry and since 2014, no official who identifies the persons and assets that access their premises or the magazine of the former. In addition, the place visited does not have a metal detector porch, thus not controlling who and what enters there. The NPM noted, however, that the people who visit the institution visited are assisted by an operational assistant and two auxiliary specialists, people who, although they are employees of the *Braga's* Criminal Investigation Department of the Judiciary Police, do not have the knowledge and the qualifications required for the performance of another's journal.

With regard to the agents and employees who work in the *Braga's* Criminal Investigation Department of the Judiciary Police, together with its broad territorial jurisdiction - which includes the judicial circles of *Barcelos, Braga, Guimarães, Viana do Castelo* and *Vila Real* -, it was verified Insufficient human resources. Referring to the procedural volume of the previous year (which goes well beyond the 2000 cases entered), and comparing this department with the rest belonging to the Judicial Police, it was concluded that the number of inspectors in office (49) does not ensure the increase of work which the place visited has registered in recent years. The staff shortage affecting the criminal

investigation is further aggravated by the temporary incapacity to service due to illness of at least two elements.

The NPM also noted that the facilities in question are not suitable for their healthy operation, not only because they are small enough to suitably accommodate all employees, but also because near the place visited there is a former factory unit (meanwhile deactivated ) that uses fiber-cement-coated materials in your building. This is of particular concern, given the large number of workers in the *Braga's* Criminal Investigation Department of the Judiciary Police who were diagnosed with cancer problems, thus admitting the existence of a causal link between said harmful materials and diseases that can be derived from constant exposure to them.

It was also found that there is no autonomous space prepared for the investigation of victims and, above all, for children and young people, which can therefore result in non-respect of the rights of the persons who were victims of crime.



**Visit No. 37-2016**

**Date:** 2016.11.18

**Location:** *Vila Real* Police Station of the Public Security Police (*Vila Real*)

**Subject:** Checking the compliance with the rights and duties of the inmates. Checking the habitability conditions of the detention zone, namely in what concerns the thermic comfort. Checking, through interviews, the work conditions of the military. Analyzing the articulation procedures, between the District Command and the Station, regarding the allocation of the detainees

On November 18, during the night, the *Vila Real* Police Station of the PSP was visited by the NPM, which analyzed the fulfillment of the rights and duties of detainees, ascertained the conditions of their places of detention - above all in terms of thermal comfort - and the work of police officers, as well as the articulation procedures between the district command and the police station.

The station is inserted in an old building and has a cell located on the ground floor, near the staying areas of the police officers. This cell is used whenever necessary by the Judiciary Police as well as by the SEF. It was also transmitted to the NPM that, whenever it is occupied, it is possible to use the detention spaces existing in the GNR facilities.

In view of the length of the building, which is associated with the space in which the cell is located, it is apparent that, although the legislation in force in this area is being tried, some of the requirements set out in that provision are not observed. This is the case with the size of the area - below the legally established minimum - and with the absence of

natural lighting and convenient ventilation, since the area in question is interior and has no window. In addition, there is no call equipment.

According to the information communicated to the NPM, there is nothing to indicate regarding the procedures observed in detention situations, in particular as regards the registration of detainees and the delivery of bed linen.

On the wall, near the entrance to the antechamber that leads to the space in question, the panel of rights and duties of the detainees is visible, which are available in the portuguese, spanish, english and french languages.

The cleaning of the cell is done daily and always after its effective use.

Regarding the articulation between the fleet and the respective district command, information was obtained that the first one, given that it has a sufficient fleet of vehicles for its needs, is autonomous in the management of resources, in particular, needed.

The working conditions of the 44 police officers assigned to the visited squadron were observed, and despite the antiquity of the facilities, there is nothing to report. It has also been found that there are accessibility and movement conditions for persons with reduced mobility for access to the detention area and work areas. The place visited also has a support office for victims of domestic violence.

Regarding the transport of patients in situations of compulsory hospitalization, preference is given to the use of de-stocked vehicles operated by non-uniformed police officers.



**Visit No. 38-2016**

**Date:** 2016.11.18

**Location:** *Vila Real* Prison Facility (*Vila Real*)

**Subject:** Checking the compliance with the rights and duties of the inmates who have been admitted to the prison for eight days or less. Checking the habitability conditions. Verifying the procedures observed in the communication between the prison population and the board. Checking the conditions of carriage of detainees

In the morning of November 18, 2016, the NPM paid a visit to the *Vila Real* Prison, which had as its objective the observation of the fulfillment of the rights and duties of recently entered inmates, the verification of their living conditions - in particular with regard to the operation of boilers - and of the procedures practiced in the communication of the prison population with the board, being also analyzed the conditions of transport of the inmates.

At the time of the visit were affected to the prison establishment visited 93 inmates.

The NPM visited the prison area - namely the accommodation spaces -, concluding with the good habitability conditions (cleaning, lighting, aeration and insulation against cold and heat). It should also be noted that, as an alternative to the existing (inefficient and costly) heating system, new appliances have been installed (reused, surplus or from administrative services), only waiting for the necessary connections to be made ready for commissioning.

Regarding the water heating boilers, it was conveyed that these were recently renovated. In addition, and in view of its rational use, access to baths has been in accordance with a previously defined schedule, which is known to the prison population.

As regards communication with management, it has been observed and subsequently confirmed - both by the management and the prisoners heard - that the exposures or requests addressed to it are deposited in a box in the prison area. This box is not, however, exclusively intended for the director of the prison, since it also serves to establish contacts with the education technicians, as well as with the administrative services and the supervisory staff. The request in question shall be drawn up in a proper form, made available for this purpose, and the inmate shall indicate to whom he is addressed, his claim and the reason that supports it. The opening of this means of communication is done, daily, by the service grader who sorts the applications presented.

Private conversation was held with three detainees, as well as citizens in seclusion, with nothing to report from them. On the other hand, as regards detention cases, there were some complaints from one of two foreign nationals arrested the day before. These complaints stem from the alleged use of physical force when a citizen is arrested - visible marks derived from the use of handcuffs - which, according to him, has attempted to escape the officers who arrested him, as well as the fact that they were not given the opportunity to contact a lawyer. After the signaling of this situation by the NPM, this circumstance was soon surpassed by the surveillance services.

It was observed that it was the car park that was visited by the prison, and that it was very old, which, coupled with the high number of steps to which it has to respond, is not appropriate to its purposes.



**Visit No. 39-2016**

**Date:** 2016.11.23

**Location:** Aveiro Prison Facility (*Aveiro*)

**Subject:** Analyzing the living conditions of the detention facilities, namely the lighting, insulation against cold or heat. Analyzing the access to health, in particular, mental health. Verifying the procedures observed in the communication of the prison population with the board

On the morning of November 23, the *Aveiro* Prison was visited by the NPM, with the purpose of verifying their living conditions, the assistance that, in terms of health - mental health - is provided to the inmates and the procedures it observes in communicating with the board.

At the time of the visit 130 inmates were affected, and the place visited has a capacity of 88 people.

The prison area was visited and the living conditions of their accommodation spaces were observed. These are made up of 23 wards, and their occupancy ranges from three to 12 persons, except for the one where the 16 individuals arrested for sex crimes are housed. This room had poor ventilation and poor sanitation. Some of the inmates who live there have to dine in the patio next to the accommodation, due to lack of space. The ward has its own toilets that were in reasonable condition.

The remaining housings were in a reasonable state of hygiene and conservation although insufficient ventilation was provided in the dormitories with the highest number of inmates.

Given the existence of overcrowding, compliance with the disciplinary measure of mandatory stay in accommodation is carried out in a collective accommodation.

Regarding the access to health, there was an order box for clinical services in the prison area. The general practitioner provides services twice a week for about five hours in total. Nursing services are provided for a period of five hours a day. The stomatology specialty, in turn, is available in another prison: *Santa Cruz do Bispo*. It was conveyed to the NPM that there is difficulty in marking the consultations, as well as in the transportation of the prisoners, which is due to the scarcity of human and logistic means. There is also the possibility that inmates, at their own expense, may use the services of a private clinic. The management also informed that it is developing contacts so that stomatology appointments are carried out at the *Coimbra* Prison, which is geographically closer. It was also reported that the psychologist renders service once a week for five hours, and there is no waiting list for this valence.

Regarding to mental health, there was a lack of prisoners in need of special care. It was also mentioned that prisoners who lack assistance in this area are followed by the Psychiatric Clinic of *Santa Cruz do Bispo* and, alternately or jointly, in the Prison Hospital of *São João De Deus*. Urgent situations are referred to the hospital in *Aveiro*. In case of need the psychotropic medication is prescribed by the general practitioner. The psychiatrist of the Rehabilitation and Integration Centre of *Aveiro* follows the inmates who were already affected by this service.

The medication is taken. The «SOS» medication available boils down to analgesics, anti-inflammatories and antihistamines. Anxiolytic medication is only available if it has been previously prescribed by the doctor.

As for the communication with the management, it was observed that there is a box in the main zone where the requests of the prison population are placed for service, and their screening is done by the deputy director. Attendances are held once a week by the director, twice a week by the deputy and daily by the technicians.



**Visit No. 40-2016**

**Date:** 2016.11.23

**Location:** *Aveiro's* Criminal Investigation Department of the Judiciary Police (*Aveiro*)

**Subject:** Analyzing the living conditions of the detention facilities. Compliance with the rights of the detainees to constitute a lawyer, to contact the defender by telephone and to communicate with a family member or person they trust

On the afternoon of November 23, NPM paid a visit to the *Aveiro's* Criminal Investigation Department of the Judiciary Police, in order to verify the habitability conditions of its detention zone and the fulfillment of the rights of the detainees to constitute a lawyer, to contact the lawyer by phone and to communicate with a trusted family member or person.

It was visited the zone of detention, composed by four cells, located in the ground floor. The vestibule that gives access to the cells is equipped with a surveillance camera and those have a device to emit a sound signal to call the caretaker in the event of assistance.

The space had good conditions of cleaning and aeration, although it was not equipped with means of artificial heating that faced the cold that was felt. There were four blankets on the beds and a pillow with a clean pillowcase. The remaining bed linen is delivered to the detainees upon arrival and sanitized upon their departure. The doors of the cells are of iron plate, opening towards the outside, with a viewfinder that allows the total view of the interior of the cell. The cell windows are protected with grills on the outside and have a perforated net. No relevant deviations were identified from the regulatory requirements applicable to the interior of the cells, which were additionally equipped with a table and a chair.

Regarding to the rights of detained persons, it was stated that, prior to their entry into the cells, they were handed a leaflet with their rights and duties. Compliance with this procedure must be attested by the detainees themselves by subscribing to the «notification term», at the proper place on the detention record sheet, as evidenced. It was also verified that contacts made by detainees to a person of their confidence, or their excuse, should be recorded and recorded in the detention book.

In case of permanence of detainees in the cells, three meals are offered (breakfast, lunch and dinner).

It was also mentioned the possibility of permanence of babies in the cells at the request of their detained mothers. Spotguarding is not possible. If the situation advises against isolation in a cell - as in the case of emotional or physical fragility - the hospital unit is activated.



**Visit No. 41-2016**

**Date:** 2016.11.23

**Location:** *Figueira da Foz* Local Instance of the Judicial Court of *Coimbra (Coimbra)*

**Subject:** Analyzing the living conditions of the detention facilities

On November 23, the *Figueira da Foz* Local Instance of was visited by the NPM, in order to verify the habitability conditions of its detention zone.

The detention area consists of two cells, served by an external sanitary facility, contiguous to two storage spaces installed in two old inactivated cells.

The cells do not have conditions for the inmates in them to stay overnight, not having any concrete masses that serve as beds; These spaces are equipped with a wooden bench that serves as a seat and with a ceramic sink with faucet in steel. Although they have iron doors - one of them bearing only vertical and horizontal grids, the other in solid iron plate with display -, the presence of detainees requires the permanent monitoring by guard.

The natural lighting comes from the windows (one of which had a broken glass) that ensure adequate ventilation. Without artificial heating, the detention zone does not have adequate insulation against cold or means to prevent excessive heat.

The detainees are taken in by their own door and located on the ground floor.

The detention area was reasonably clean, and the hygiene of the cells was ensured in conjunction with the remaining facilities of the court.

Space is seldom used, it is only used to house persons detained in transit to other places or to wait, for short periods, the legal proceedings that respect them. It was also mentioned that for more than a year there have been no detainees in this space.



**Visit No. 42-2016**

**Date:** 2016.11.23

**Location:** National Republican Guard of *Figueira da Foz* Coastal Control Department (*Coimbra*)

**Subject:** Analyzing the living conditions of the detention facilities. Compliance with the rights of the detainees to constitute a lawyer, to contact the defender by telephone and to communicate with a family member or trusted person

On the afternoon of November 23, 2016, the NPM made a visit to the National Republican Guard of *Figueira da Foz* Coastal Control Department, in order to assess the habitability conditions of the detention zone and the fulfillment of the rights of the detainees to constitute a lawyer, contact their defender by telephone and communicate with a family member or trusted person.

However, NPM was informed that, at that time, there were no longer any detention facilities in the visited premises.

Nevertheless, it was possible to verify that, in case of detention, the persons deprived of their liberty are under the supervision of the PSP, which takes place in their places of detention.



**Visit No. 43-2016**

**Date:** 2016.12.15

**Location:** Psychiatric Unit of the *Barreiro-Montijo* Hospital Centre (*Setúbal*)

**Subject:** Checking the practice followed in the use of physical and chemical restraint measures

On the morning of December 15, 2016, the NPM visited the Psychiatric Unit of the *Barreiro-Montijo* Hospital Centre, to verify various aspects related to the use of physical and chemical restraint measures were assessed, hearing the doctors and nurses, visiting the premises, analyzing clinical procedures as well as exchanging impressions with the patients.

The space is home for the short-stay acute care unit, the only hospital-based psychiatric hospital, which has 24 beds for adults of both genders. The average length of hospital stay is 19 days, with a total of 58 compulsive hospitalizations (31 women and 27 men) during the 2016 period. On the day of the visit, there were 18 patients, four of whom would be subject to compulsory hospitalization.

The facilities were clean, bright and in good conditions. Most rooms are equipped with three beds, and there are three double rooms and three single rooms (which are not used for patient isolation in the context of containment measures). On the positive side, an intensive care ward («SOS») is reserved for the reception of patients who are more fragile and who require the permanent presence of a member of the clinical team.

Although scarce in decorative elements, the common leisure area had a Christmas tree and a canvas with drawings, where some of the patients watch television. It has been mentioned that patients can wear their own clothes, although this requires a family support that many do not have. The patients were seen wearing nightdresses.

It was demonstrated by the various professionals who were interviewed during the visit, in full knowledge of the principle of the least possible restriction, regarding the use of restraint measures against patients that question their safety or the environment. More was stated that the use of restrictions is necessarily preceded by a medical authorization, which must be recorded in the patient's individual clinical process. Whenever triggered, immediate communication to the doctor in charge of the patient or, in his/her absence, to the prevention doctor is required. It was also mentioned that the guidelines on patient monitoring are met. Following a question about the procedures to be followed should there be a need to resort to the physical or chemical restraint of patients admitted voluntarily, the NPM has been informed that their hospitalization or compulsory treatment should be triggered.

The prescription and administration of medication in the absence of the physician (called «SOS medication») meet the same requirements. There are general protocols posted in the practitioners' workroom, although it has been stated that these do not replace the need for individual authorization in the patient's clinical process. The administration of medication with a calming effect, in this context, is not, however, formally qualified as a restriction measure, nor did it unequivocally result in being perceived by the professionals involved.

Regarding the applicable internal instructions, it was found that the existing protocol is being reviewed, seeking greater compliance with guidance from the General- Directorate of Health No. 21/2011 of June 6, 2011.

The recording of episodes of restriction measures is performed in the individual clinical process of each patient. There is no autonomous registration. This situation made it difficult to obtain general quantitative and qualitative data about them.

Consultation of the clinical records of the last four compulsively admitted patients confirmed the existence in some of them of the prescription of restriction measures, always associated with the indication of use «in SOS». In none of the cases consulted were they effectively applied. It was, however, mentioned that one of the hospitalized patients compulsively, having entered the unit that night from the emergency service, maintained the physical restraint that tied the wrists to the bed until the full awakening in the morning.

It is a situation plausibly causing intense discomfort and easily understood as cruel by the sick. As it was an external activity to the unit of psychiatry, there were no records in the clinical process that would allow us to gauge the justification of the measure.

During a conversation with the patients, one of them mentioned the perception of overmedication (referring to the sensation of dry mouth and the difficulty in articulating sentences).



**Visit No. 44-2016**

**Date:** 2016.12.20

**Location:** *Viseu* Prison Facility (*Viseu*)

**Subject:** Checking the compliance with the rights and duties of the inmates who have been admitted to the prison for eight days or less. Checking the habitability conditions, particularly, the functioning of the boilers. Verifying the procedures observed in the communication between the prison population and the board. Checking the availability of individual hygiene kits

On the afternoon of December 20, the *Viseu* Prison was visited by the NPM. The purpose of the visit was to verify the fulfillment of the rights and duties of the preventive prisoners, to verify the procedure of communication with the management, the confirmation of the provision of an individual hygienic kit to newly arrived inmates and evaluation of the conditions in the reception area (in particular in the boiler area).

The *Viseu* Prison only welcomes prisoners of the masculine kind, being the reference prison for the stay of preventive inmates. On the day of the visit, his occupation was for the 55 people, a figure which exceeds that of his vacancies (37).

Nine rooms were counted that accommodated between 10 and 13 inmates each. Whilst the efforts made to maintain and restore common spaces as well as the reception area have been noted, there have been some constraints, such as the fact that the opening of cell doors only takes place from the outside, security concerns in case of evacuation of the place visited and the very physical integrity of the inmates, especially in situations of possible suicide attempt. It was also found that non-smoking inmates were housed in dormitories mostly occupied by inmate inmates. This situation was even denounced by some of the prisoners who reported that they had already requested, from the management, to transfer to another cell or even to another prison.

The communication mechanism between the prison population and the board did not cause any problems, and although the director had been in office only since September, he had already met with almost all the inmates. After the request for interview has been

formalized (in a space created for this purpose), the prisoner is usually received on the day or the day after.

Inmates are provided with a toilet kit consisting of products which, at least in part, are ensured by management contacts with civil society.

It was also maintained a conversation with seven citizens deprived of their freedom, and a situation of ill-treatment was signaled, as a result of actions perpetrated by agents affected to the *Coimbra* Police Station of the PSP.



**Visit No. 45-2016**

**Date:** 2016.12.20

**Location:** National Republican Guard of *Viseu* Territorial Post (*Viseu*)

**Subject:** Checking the compliance with the rights and duties of the inmates. Checking the habitability conditions of the detention zone, namely in what concerns the thermic comfort. Checking, through interviews, the work conditions of the military. Analyzing the articulation procedures, between the Territorial Command and the Territorial Post, regarding the allocation of the detainees

At the end of the morning of December 20, the NPM made a visit to the National Republican Guard of *Viseu* Territorial Post, in order to verify the living conditions of their detention zone, the working conditions of the military and the articulation between the place visited and the respective territorial command regarding the allocation of detainees.

The territory visited, physically integrated in the structure of the Territorial Command of *Viseu* of GNR, occupies part of the ground floor of the common building and has three cells, all operational. Sign, from the outset, the distancing of detention spaces in relation to the services that ensure their operation (service area and support offices, among others), since those are located at the bottom of a large corridor, organically inserted in the area of functioning of the above-mentioned territorial command. This circumstance determines that, whenever there are detainees, there must be reinforcement of the personnel who provide services there, to ensure the supervision and the face-to-face support. It should be noted, however, that the cells have a calling system that was operational. In the antechamber is an informational framework, which in several languages (portuguese, english, french and spanish) shows the rights and duties of detainees.

According to the information given to us, the reallocation of the shared spaces is being equated, in articulation between the mentioned units of the GNR, to guarantee the proximity of the detention area. It was also transmitted to the NPM that this unit provides

support to the remaining security forces in the municipality of *Viseu*, in particular the SEF - which does not have cells - and to the GNR Research Centre.

On the topic of the habitability conditions of the areas visited, it is pointed out that there is central heating in the space adjacent to the cells, which serves as access to them. It was also observed that in the antechamber of the cells there are installed a table and three chairs, in view of the taking of meals by the first ones, having in this regard been found that, in case of necessity, the feeding is provided by the canteen of the territorial command and, at the weekends, by two local restaurants.

The facilities are in good repair and cleaning. Regarding the cleaning of the cells, an indication was given that it is ensured, once a week, by an employee who provides services in the present circumstances (*i.e.* without detainees). In the presence of detainees, this service is done daily.

Notwithstanding the link between the territorial post in question and its territorial command, it was obtained information that the former is autonomous in relation to the latter.

The NPM observed the working conditions of the 31 military personnel at the station, and there is nothing to report as a repair, since it is very modern and ample, benefiting those also of the good conditions of the *Viseu* Territorial Command (*v.g.*, refectory, locker room and quartering). It should also be noted that the territorial post has an office to support victims of domestic violence.

Regarding the carriage of patients in situations of compulsory detention, it was concluded that preference is given to the use of fire engines in this area, with escort being provided by elements of that security force.



**Visit No. 46-2016**

**Date:** 2016.12.20

**Location:** *Viseu* Police Station of the Public Security Police (*Viseu*)

**Subject:** Checking the compliance with the rights and duties of the inmates. Checking the habitability conditions of the detention zone, namely in what concerns the thermic comfort. Checking, through interviews, the work conditions of the military. Analyzing the articulation procedures, between the District Command and the Station, regarding the allocation of the detainees

On December 20, 2016, the NPM visited the *Viseu* Police Station of the PSP, in which the habitability conditions of the cells were checked, compliance with the detainees' rights - namely contacting their counselor and family member - or the existence of procedures

for assessing whether the detainee has persons under his or her responsibility and the conditions of carriage of detainees and sick persons, as well as the working conditions of police officers.

The station visited is located on the ground floor of the building where the respective district command works, with the last works being carried out in December 2015.

The station has three holding cells, all of them operational, with ventilation - provided by windows that open to the outside and which have outside protection grids and metallic net, but are located at a height lower than legally established - good hygiene and cleaning conditions, and this is done daily. It was observed the existence of a protection bay in the sanitary facilities and, in the corridor, of video surveillance cameras, which, however, are inactive. In relation to the air conditioning, the facilities are cold.

At the entrance of the detainee he is given a set of non-disposable bed linen which is disinfested after his departure.

There is only one information panel on detainees' rights and duties, but their wording reflects the latest legislative changes in this area.

The detainee is authorized to telephone with his or her defense counsel, being allowed to use the telephone of the police station.

At the time of the visit, there were no persons detained at the *Viseu* Police Station, and it was reported that the last detention occurred on December 14. It was also reported that this fleet accommodates SEF detainees.

The station visited has a domestic violence support office that also functions as the room where the detainee can be received by his lawyer. Whenever necessary, PSP shall endeavor to provide assistance to dependents of the detained person, in particular children, young people and the elderly. To this end, contacts with the Commission for the Protection of Children and Young People in the area of residence or with social security are promoted.

Regarding the transportation of detainees, when they belong to the PSP is the respective squadron that provides the transport by car of the command. On the other hand, in connection with the carriage of patients in cases of compulsory confinement, there is coordination with the Red Cross or INEM for the patient to be transported under adequate conditions, which is normally carried out by means of an ambulance. It was also reported that, in exceptional cases, the patient may be transported by patrol car or by cellular vehicle and, for safety reasons, he may have to be handcuffed, his transportation always accompanied by a PSP agent.

The station features four patrol cars and two secure school cars. Once verified the working conditions of the 78 agents of the *Viseu* Police Station - four of them are of the feminine sort -, it was pointed out the use of some obsolete material, such as computers, photocopiers and printers. As regards the quartering and feeding of police officers, these are assured by the respective district command.

**Visit No. 47-2016**

**Date:** 2016.12.22

**Location:** Investigation Department and Criminal Procedure of Lisbon – detention area (Lisbon)

**Subject:** Checking the inmates' proper alimentation. Checking the habitability conditions of the detention zone. Checking the compliance with the rights and duties of the inmates namely concerning their transportation

On the morning of December 22, the NPM worked in the detention area of the Investigation Department and Criminal Procedure of Lisbon, in order to investigate the conditions of the detainees, the living conditions of the detention zone and the transportation of the detainees or prisoners, as well as the fulfillment of their rights and duties.

The Investigation Department and Criminal Procedure of Lisbon is located in the Justice Campus, space that congregates a plurality of services and instances of the judicial system. For this reason, the detention space is unitary, although the responsibility for the persons deprived of their liberty is shared between PSP and prison services. The detention area is designed to house persons in detention or in custody who are awaiting judicial proceedings, which will occur for short periods of time and without the need for an overnight stay.

At the beginning of the NPM's visit, 10 prisoners were present in the area of responsibility of the PSP, who were waiting to be present at the judicial authority of the Central Instance of the Judicial Court of the District of Lisbon - two of which were of the female gender. That number was, however, varying due to its appearance in legal proceedings and new entries.

It should be noted that female prisoners occupy a separate cell, with at least one element of female surveillance personnel - both in the PSP area and in the prisons area - which is in charge of the corporal magazine of those and of its accompaniment to the sanitary facilities and showers (outside the cell). Pregnant women, women accompanied by children and disabled citizens are housed in the meeting room with lawyers, and contacts with the social security services are promoted with regard to the situation of children.

The detainees who are under the influence of the consumption of narcotic substances or alcohol are subject to permanent surveillance.

In the area of detention information was posted in various languages on the rights and duties of the defendants, which consists of the reproduction of article 61 of the Code of Criminal Procedure, supplemented by other legal provisions (*v.g.*, the Constitution of the Portuguese Republic and the Universal Declaration of Human Rights).

During the visit, the NPM observed the lunch provided to the deprived persons who were there, which consisted of soup, bread, *feijoada* (bean stew) accompanied by rice and an apple. There were also, and on request, served glasses of water. Despite some complaints

about the consistency and the seasoning of the food, its quantity and quality proved to be reasonable.

The space of the cell used for the joint meal of the citizens of the male gender was shown, given the number of people present at the time of the visit, small.

The NPM verified that air circulation was insufficient and it was mentioned that portable fans are used to improve the ventilation conditions of the space. The facilities remain in good condition, with the exception of the interior of the cells that is damaged by inscriptions on the walls.

Although the detainees present did not wait for their steps to be taken at the Lisbon Action and Criminal Investigation Department, as mentioned, the NPM, taking advantage of their presence, promoted individual interviews to 10 citizens deprived of their liberty, which took place in the intended room To meetings with lawyers and, therefore, with privacy. The people interviewed entered this PSP Campus Police Station on the morning of the visit and came from other PSP squads (*Musgueira* and Metropolitan Command of Lisbon). There were some complaints about the alleged practice of physical assaults perpetrated by agents of that police force associated with the moment of arrest, but there were no visible marks of these offenses. The detainees themselves also stated that there were no marks of aggression or witnesses of the alleged attacks. The housing conditions at the *Musgueira* Police Station (cell overcrowding) and the absence of meal supply also represented the subject matter of the complaints transmitted by some detainees to the NPM.

Asked about the conditions of transportation, most detainees interviewed replied that they had nothing to report on this matter; however, one of them revealed that his transport was carried out on the floor of the vehicle, next to the feet of the elements of the security force that accompanied them.

It should also be mentioned that in the ward it affects the prison services, at the time of the visit, none of the cells were occupied, and the members of the prison guard affirmed that the maximum capacity of each cell was of five people. It should also be noted that there is no alarm or paging equipment inside the cells, which is not only legally required, but is particularly necessary in cells with iron doors and therefore with low visual the exterior.



**Visit No. 48-2016****Date:** 2016.12.22**Location:** Lisbon's Local Instance of the Judicial Court of Lisbon – Detention area (Lisbon)**Subject:** Checking the inmates' proper alimentation. Checking the habitability conditions of the detention zone. Checking the compliance with the rights and duties of the inmates, particularly, regarding their treatment

On the morning of December 22, the detention area of the Local Instance of Lisbon was the object of action by the NPM to verify the conditions in which the inmates live, the conditions of habitability of the detention zone and the fulfillment of the rights and duties of the detainees.

The judicial body visited is also located in the Justice Campus, a space that congregates a plurality of services and instances of the administration of justice. In this sense, the detention space visited coincides with that of the previous visit, to which reference is made regarding the characterization of this space.

**Visit No. 49-2016****Date:** 2016.12.22**Location:** National Republican Guard of *Malveira* Territorial Post (Lisbon)**Subject:** Checking the compliance with the rights and duties of the inmates. Checking the habitability conditions of the detention zone, namely in what concerns the thermic comfort. Checking, through interviews, the work conditions of the military. Analyzing the articulation procedures, between the Territorial Command and the Territorial Post, regarding the allocation of the detainees

On the morning of December 22, the NPM visited the GNR *Malveira* Territorial Post. This visit included: checking the fulfillment of the rights and duties of the inmates, evaluating the conditions of the host area (in particular, the thermic comfort of the cells), the assessment of the working conditions of the military and articulation with the District Command regarding the transportation of detainees.

At the time of the visit, the presence of detainees was not identified. It was, however, informed that the two cells there are a point of reference throughout the detachment, which is composed of the towns of *Mafra*, *Livramento*, *Malveira* and *Ericeira*. It was also transmitted to the NPM that, in situations of overcrowding, the referral of detainees to the *Pêro Pinheiro* Territorial Office cell is indicated.

The transportation of detainees to court is always carried out by the detaining body. In the case of *Malweira*, a discharged vehicle is used. Otherwise, the driving of patients is always carried out in firemen or INEM vehicles.

The detention cells were in a regular state of repair and cleaning, and no particular discomfort was observed in terms of air conditioning. Regulatory standards were also complied with.

There are 28 workers, where four soldiers are of the feminine gender. Once their working conditions were checked, it was concluded by the extensiveness of spaces available in the building. In this regard, it was reported that as a rule, four military personnel spend the night in the facilities of the post, under conditions considered appropriate for this purpose and autonomous according to gender. Its food is carried out in the premises of the existing canteen.



**Visit No. 50-2016**

**Date:** 2016.12.22

**Location:** *Oeiras* Police Station of the Public Security Police (Lisbon)

**Subject:** Checking the compliance with the rights and duties of the inmates. Checking the habitability conditions of the detention zone, namely in what concerns the thermic comfort. Checking, through interviews, the work conditions of the police officers. Analyzing the articulation procedures, between the District Command and the Station, regarding the allocation of the detainees

On December 22, during the morning, the *Oeiras* Police Station was visited by the NPM, based on the habitability of the cells, compliance with the detainees' rights - namely to contact their defensor, a family member or trusted person - the existence of procedures to investigate whether the detainee has persons under his or her responsibility, the conditions of carriage of detainees and sick persons, and the working conditions of the police officers.

The place is located on the ground floor of a 44-year-old building. At the time of the visit it was totally under construction, which is why, for the time being, the fleet was only operating in two rooms.

The *Oeiras* Police Station has two holding cells, both operational, which, in general, comply with the applicable legislation, namely in terms of safety (iron plate doors and windows with metal mesh and exterior protection grids), aeration (windows that open to the outside), hygiene and cleaning conditions (made daily) and privacy (existence of protection in the sanitary facilities). However, there is a lack of a call - in device in the cells,

with an external faucet built into the sanitary and heating systems, and it is expected that the cells will be very cold, especially in winter.

At the entrance of the detainee is given a kit of disposable bedding and blankets that are subject to disinfection upon their departure. The detainee is authorized to telephone with his or her defense counsel, being allowed to use the telephone of the police station.

It was mentioned that, on average, two or three citizens are detained per week, and in case of overcrowding, the *Cascais* Station and, if necessary, the Metropolitan Command of Lisbon are used.

The station has a victim support office, entitled «*Maria's house*», and as a result of a partnership with APAV and the social network of the *Oeiras* City Hall, these entities have an office in the PSP's premises.

Whenever necessary, PSP shall endeavor to provide assistance to dependents of the detained person, in particular children, young people and the elderly, by providing the necessary contacts and forwarding the situation to the competent authorities.

Where foreign nationals are detained, an interpreter shall be provided where necessary.

In relation to the transport of the detainee, and in general, the arresting police officer accompanies him to the court.

Regarding the transportation of patients in cases of compulsory hospitalization, the articulation with the firemen was mentioned and the transport of these is carried out by ambulance, always accompanied by a PSP agent. In exceptional situations, when there is no availability of transportation by firefighters, the PSP may be used.

The place visited has two patrol cars and a cell division car. The working conditions of the 49 agents of the *Oeiras* Police Station - five of the female gender - were verified, and it was pointed out that the existing computer equipment was reasonable but not sufficient.



**Visit No. 51-2016**

**Date:** 2016.12.29

**Location:** *Castelo Branco* Prison Facility (*Castelo Branco*)

**Subject:** Analyzing the living conditions of the detention facilities, namely the lighting, insulation against cold or heat. Analyzing the access to health, in particular, mental health. Verifying the procedures observed in the communication of the prison population with the board.

On the afternoon of December 29, the NPM paid a visit to the *Castelo Branco* Prison, in order to verify their living conditions, the conditions of access to health - particularly in the area of mental health - and the procedures observed in the communication of the

prison population with the management. On the day of the visit, 123 people were in prison, 12 of which were open in the interior. In the absence of cases of open regime abroad, a procedure is in progress which will eventually conclude with the granting of this regime in one case. The establishment thus had an occupancy rate of about 75%.

The accommodation spaces visited consisted, in general, of rooms for 11 people, each one occupied with eight or nine people. Such spaces were in good condition, with ample areas for circulation and sufficient furniture for the stocking. The windows worked correctly, allowing the regulation of the aeration and the temperature, in accordance with the external conditions.

The sanitary facilities of each accommodation were in good condition and offered privacy.

It was transmitted to the NPM that it was authorized to have oil or fan heater, provided by interested parties, which was verified to be the case in the spaces visited, which were adequately air-conditioned.

The space designated and used as a separation cell was an old chamber. Having physical conditions similar to the other lodgings, it is difficult to observe the totality of the space, from the porthole door, a situation to which is added the presence of horizontal bars in the window.

The disciplinary cells, with only vertical bars, were in normal conditions, in view of their use. With the functional call system, however, it was noted that the great difficulty, or even impossibility, of activation of the same, is closed, and the cell door is closed.

There were no signs of infiltration in sanitary facilities and common bathhouses and it was observed that they provide good privacy to those who use them.

Regarding to the provision of health care in the establishment itself, it was noted the difficulty generated by the contracting of this service with companies that allegedly do not have their own staff, preferring instead to hire the staff who already served in the establishment, contract with the previous contractor. Although this circumstance aims to reflect a desirable continuity in the interpersonal relationship, it did not seem, however, to be assured, in the hiring process, the knowledge and articulation with the reality of the establishment.

The psychiatric domain also supports the prisons in *Covilhã*, *Guarda* and *Viseu*, and there is a scale for assigning consultation times. There was no reported delay in the delivery of care, and there was a joint project to reduce the risk of suicide and serious illnesses involving the psychiatrist, psychologist, education services and surveillance services.

The relations with the local Integrated Response Centre of the Behaviour Intervention Service for Addiction and Dependency were described as normal and without registering problems, as did the units of the National Health Service of *Castelo Branco*.

Regarding the communication of the prison population with the management, the pending requests for service, all with a recent date, were verified. On each floor there is a

suggestion box for filing communications that do not want to be handed over to surveillance personnel. This box is opened by the person in service.



**Visit No. 52-2016**

**Date:** 2016.

**Location:** *Castelo Branco* Central Instance of the Judicial Court (*Castelo Branco*)

**Subject:** Checking the habitability conditions of the detention zone. Checking the conditions of the food sector

On December 29, 2016, in the morning, the *Castelo Branco* Central Instance of the Judicial Court was visited by the NPM, with the purpose of ascertaining the living conditions of their places of detention - namely in terms of health, acclimatization and lighting, and the conditions under which food is provided to those who are deprived of their liberty.

The building affected by the court appears to be in good structural condition, with the latest works (covering various parts of the building) being carried out in August of this year.

The detention zone is located in the basement, in an area not confined with spaces open to the public. It is composed of two contiguous cells, closed with grille doors (vertical iron bars), which converge in a common space where police officers remain. Inside the cells there are no benches, chairs or similar equipment for the detainees to rest. This omission was justified by the fact that it was not allowed to put movable furniture inside the cells. This gap is already well-marked - with the General-Directorate for Administration of Justice -, and a cement bank is planned.

Both cells benefit from artificial lighting - provided by a spotlight located on the ceiling, being accessed and controlled from the antechamber - and natural lighting, which is provided by six windows, tilting with opening into the interior, installed in front of the cells, on the wall of the antechamber. However, regarding artificial lighting, it should be noted that the lamp inside the cells is not protected by a metal grid.

The floor is made of gray ceramic material, and the walls and ceilings are plain and painted light (white).

It is verified that one of the cells (which is located near the entrance door to the antechamber) is in poor condition. In addition to the evident degradation of the walls, a pipe of about 20 centimeters in diameter is visible, which is exposed and partially passes

through the ceiling. It was pointed out that this situation arose from an infiltration problem that occurred in the building, and the need for its resolution was already superiorly signaled.

In the antechamber there is a sanitary installation, for people of both genders, fitted with a stainless steel sink, embedded in a concrete mass, with a timed faucet, a mirror and a toilet with built-in flowmeter in the wall, also in stainless steel.

The existing video surveillance system - limited to a video and non-audio device - consists of a camera installed in the hallway that provides access to the antechamber and is monitored at all times by the court security officer in the main lobby in the Reception. In the antechamber is also visible a set of leaves, hanging on the wall, containing the reproduction, in writing, of the rights and duties of the detainee in the portuguese, spanish, english and french languages.

Depending on length of stay, each detainee is provided with adequate food (breakfast, lunch, snack, dinner), provided by a local catering establishment.

The cleaning of the place visited is carried out on a daily basis by three persons, one of whom carries out functions in the court permanently and two, belonging to a service company, perform part-time functions. The disinfection and disinfestation operations of cells are only carried out when deemed necessary.

The escort of those detained to the cell is made safely through a corridor, reserved without access to the public, which connects the detention zone and a back door leading to the street, where the mobile vans are.



**Visit No. 53-2016**

**Date:** 2016.12.29

**Location:** National Republican Guard of *Castelo Branco* Territorial Post (*Castelo Branco*)

**Subject:** Checking the habitability conditions of the detention zone. Evaluating the compliance with the inmates' rights to consult with an attorney, to contact their defender by telephone and to communicate with a family member or trusted person

On December 29, at the end of the morning, the NPM made a visit to the GNR of *Castelo Branco* Territorial Post, a visit that focused on the investigation of the living conditions of places of detention - namely in terms of sanitation and lighting - and measuring the terms of the exercise of detainees' communication rights.

The building is composed of two floors and was inaugurated by GNR in 2007, presenting, in general, good physical conditions. In addition to the normal maintenance

activities of the building, no structural works of conservation have been carried out to date.

The building has good traffic conditions inside and, outdoors, accessibility for people with reduced mobility, there is an access ramp at the main entrance.

The detention zone is located on the ground floor, being close to the police officers' resting area and not confined to spaces open to the public. It is constituted by four cells, that are divided by two sub-areas parallel arranged, mediated by a wall. In a sub-area three cells are installed that converge to a common antechamber; In another sub-area there is a fourth cell that also converges in an antechamber.

Each cell has a bed composed of a concrete mass, a turkish-style basin, protected by a stall, and a stainless steel washbasin with a timed faucet. The door of the cell is in iron plate, opening towards the outside, and contains a window visor that allows a total view of the interior. There is an alarm device to call the vigilante military in the event of assistance. Once the buzzer sounds, the alarm sounds in the customer service desk.

The floor is made of gray ceramic material, and the walls are light colored (beige).

The cells benefit from natural lighting - provided by a tilting window that is protected internally by a metallic net and, externally, by a grid with vertical iron bars, the opening being made by the exterior - and artificial lighting, which comes from a light source located in the interior of each cell in the wall adjacent to the antechamber, above the door, duly protected by a metal grid.

Regarding the desirable aeration, it is verified that there is some difficulty of opening the windows in the face of the physical limitations imposed by the apposition of the vertical bars of iron installed in the exterior, reason for which was deduced the regular opening of the same ones.

Each detainee is dispensed with a set of disposable bedding and a blanket. The blankets are properly washed after each use.

The cleaning of the cells is always done on the occasion of their vacancy. To date, no disinfection or disinfestation operation has been carried out.

Depending on length of stay, each detainee is provided with adequate food (breakfast, lunch, snack, dinner), provided on weekdays by the GNR itself, and at weekends and holidays by a local catering company.

According to what is said, at the time of each detention, all information relating to the rights and duties of the detainee is transmitted orally to the detainee. The same information is reproduced in writing - in the portuguese, spanish, english and french languages - in a visible panel affixed to the wall that borders the two places of detention. In the case of foreign citizens, there is the possibility of requesting the presence of an interpreter.

It has come to our acknowledgement that it is always guaranteed the telephone contact of the detainee with relatives or trusted persons and the defender. However, no record was found of any contacts made in the detainee's individual bulletins. This absence was

justified by the fact that the contacts effected were very scarce, due to the short time in which the people there remain deprived of their freedom.

There is no room reserved for a face-to-face meeting with the defender, and for this purpose the classroom in the office is used whenever necessary, this one presents adequate conditions.

There was also a list of the detainees organized in accordance with all the formal and material elements imposed.

As far as mental health situations are concerned, there has been a separate registration book, duly marked and differentiated from the rest. It was also ensured that all procedures legally established in this matter were being complied, and the people subject to compulsory hospitalization requests, were immediately referred to the referral hospital by ambulance, requested through the INEM, without ever remaining detained at the place visited.

At the time of the visit, no detained person was present, and it was informed that, according to the records, the last citizen to be found in that circumstance retroacted in mid-August. The video surveillance system on the station does not cover the detention zone.

### *3. Thematic report on educational centres: brief notes*

The effective beginning of the NPM's activity is indelibly associated with its first visit, held on August 27, 2014, to the *Bela Vista* Educational Centre in Lisbon. It is, therefore, of paramount concern of the NPM to understand the detention universe of young people who, between the ages of 12 and 16, have practiced crimes that are considered to be crimes, in view of their special situation of double vulnerability - one resulting from their age and, another, which derives from deprivation of liberty as a consequence of its conduct even if it is a reeducational purpose - and seeks, first, to know the adaptation of the female population that was transferred from the *Santa Clara* Education Centre in *Vila do Conde*.

With that visit, the NPM aimed to assess the accommodation of the space to the specificities of the young women, since that was aimed to receive only young men. However, in the course of the visit, the NPM was confronted with the reception in the educational centre of young people who showed, in a notorious way, mental disorders. This situation was signaled and, along with the recent changes to the Educational Guardianship Law

(EGL)<sup>(12)</sup>, motivated visits to all schools in the year 2015<sup>(13)</sup> and the consequent preparation of a special report on these themes, completed and released in the reporting year of this report.

The document *The National Preventive Mechanism and the Educational Centres - a report of the visits made during the year 2015*<sup>(14)</sup> embodies the reality picture found by the NPM in its visits to the existing educational centres in Portugal and the 150 young people who fulfilled the guardianship measure of internment (140 young persons) or the guard measure (10 young persons) that had been applied to them.

The NPM concludes that, of the universe of young people hospitalized in educational centres, the majority are between 16 and 18 years of age and among those who comply with a custodial measure of internment, about 75% are deprived in their freedom for a period of time equal to or greater than 12 months. In addition, more than ¾ of the young people attend or attend the 2nd and 3rd cycles of basic education (or equivalent Adult Education and Training courses).

Regarding the infrastructural conditions of educational centres, the NPM noted that four of them have housing for young men and only two of them have facilities to receive - simultaneously, separately but in facilities not yet fully prepared to accommodate them - young people of the female gender, which represent almost 1/7 of the total number of young persons.

The system for the implementation of their detention measure and the competences that young people have and which they are acquiring, mean that they are distributed through residential units, which generally have good habitability conditions, despite the antiquity of some of the buildings where installed. It was also observed that the characteristics of two educational centres (*Santo António* and *Olivais*) make it possible for them to be accessed by persons with reduced mobility, with the first one having adequate sanitary facilities. In general, other educational centres do not have a fire emergency plan or alarm devices (*v.g.*, alarm buttons, tell-tales or lights), although two of them have guidelines to follow in the event of an emergency or increased risk of fire.

It should be mentioned that, as a rule, the educational centres are provided with spaces suitable for school and training and nursing activities, as well as most of them have a separate area for meals. With regard to food, it should be noted that, as a rule, four meals

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(12) Approved by Law No. 166/99, of September 14, as amended by Law No. 4/2015, of January 15, with the wording given by Declaration of Rectification No. 9/2015 of March 3.

(13) These are visits Nos. 5-2015 (*Educational Centre Navarro de Paiva*), 6-2015 (*Padre Antonio Oliveira Educational Centre*), 13-2015 (*Mondego Educational Centre*), 20-2015 (*Olivais Educational Centre*), 24-2015 (*Santo António Educational Centre*) and 25-2015 (*Bela Vista Educational Centre*). See Report to the Parliament 2015 - Annex: National Preventive Mechanism, pp. 21-25, 34-36, 42-44, 47-51.

(14) This Report can be found at <http://www.provedor-jus.pt/?idc=83&idi=16497>.

are provided to internees, the *Bela Vista* Educational Centre being the exception in this regard since it provides six meals a day.

Given that the application of a detention measure determines the restriction of the places where young people can move, together with the need to pursue their studies, the educational centres have leisure areas and others suitable for the practice of sports activities, five of which also have a library area.

In addition to the verification of the organizational conditions and the infrastructures of the educational centres, the NPM took care to know the psycho-therapeutic programs that are provided to young people, above all, to the 94 students who are accompanied by psychologists and 44, jointly or individually, are assisted in pedopsychiatry or psychiatry. However, it is clear that there are still deficiencies in mental health, in particular as regards the identification and diagnosis of childhood and juvenile disorders, as well as the prevention of behavior contrary to the law.

In addition to the above, the NPM was concerned about the follow-up of young people after leaving the school, a time that is particularly complex. In this sense, the mechanisms of orientation and professional support that help and allow the completion of the personal educational projects of young people were examined. Or, put another way, the question of the extent to which the concepts of «intensive supervision» and «post-hospitalization follow-up» were introduced in 2015 were introduced in the Educational Guardianship Law, with a view to good (re) inclusion of young people in the community.

Following the conclusions drawn from this thematic report, the NPM issued five recommendations, which were addressed to the Minister of Justice<sup>(15)</sup>, the General-Director for Reintegration and Prison Services<sup>(16)</sup>, Minister of Health<sup>(17)</sup>, the President of the Supreme Judicial Council<sup>(18)</sup> and the Attorney General<sup>(19)</sup>.



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(15) Recommendation No. 2/2016/NPM.

(16) Recommendation No. 3/2016/NPM.

(17) Recommendation No. 4/2016/NPM.

(18) Recommendation No. 5/2016/NPM.

(19) Recommendation No. 6/2016/NPM.

## 4. Recommendations of the National Preventive Mechanism

### 4.1. General appreciation

Following the reality observed in the visits that it made, the NPM issued, in a joint assessment of the years 2015 and 2016, 12 recommendations. Of these recommendations, seven date from 2016 and the remaining five from the previous year. It should also be noted that three of the 12 recommendations were issued following visits in the same year: *i)* recommendation No. 3/2015/NPM, following the visit to the *Horta* Support Chain; *ii)* recommendation No. 5/2015/NPM, following three visits to primary establishments located in the Autonomous Region of the Azores, among which is the aforementioned *Horta* Support Chain; And *iii)*, recommendation No. 7/2016/NPM, following the visit to the *Braga's* Criminal Investigation Department of the Judiciary Police<sup>(20)</sup>.

As can be seen in the following table, the General-Director for Reinsertion and Prison Services was the most targeted entity, with four recommendations of the NPM (two in each of the years mentioned)<sup>(21)</sup>, which is justified by the circumstance that the sites visited integrate their specific sphere of intervention. The NPM also made three recommendations to members of the Government - more precisely to the Minister of Justice<sup>(22)</sup>, the Minister of Health<sup>(23)</sup> and the Secretary of State for Justice<sup>(24)</sup>, as well as those responsible for the institutions visited the Director of the *Bela Vista* Educational Centre<sup>(25)</sup>, Commander of the *Madeira's* Regional Command of the PSP<sup>(26)</sup> and the Chairman of the Board of Directors of the *Magalhães de Lemos* Hospital<sup>(27)</sup>. A recommendation was sent to the President of the Superior Council of Magistracy<sup>(28)</sup>, as was the case with the Prosecutor-General's Office<sup>(29)</sup>.

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(20) As complementary information, it should be noted that, following nine visits by the NPM in 2016, nine recommendations were issued at the beginning of 2017, which can be consulted at <http://www.provedor-jus.pt/?id-c=127&data=2017>.

(21) These are recommendations 3/2015/NPM, 5/2015/NPM, 1/2016 /NPM and 3/2016/NPM. The two recommendations of 2015 can be consulted in the National Preventive Mechanism 2015, pp. 89-90 and 94-96. The two recommendations of 2016 are transcribed below.

(22) Recommendation No. 2/2016/NPM.

(23) Recommendation No. 4/2016/NPM.

(24) Recommendation No. 7/2016/NPM.

(25) Recommendation No. 1/2015/ NPM.

(26) Recommendation No. 2/2015/NPM.

(27) Recommendation No. 4/2015/NPM.

(28) Recommendation No. 5/2016/NPM.

(29) Recommendation No. 6/2016/NPM.

Table I

**Entities addressed in the NPM recommendations (2015 and 2016)**

Government members	3
President of Superior Council of Magistracy	1
Prosecutor-General's Office	1
Director General of Reinsertion and Prison Services	4
Person in charge of the institution	3
<b>Total</b>	<b>12</b>

Of the analysis of the distribution of recommendations issued by the NPM according to the typology of the places of detention in question results, as shown in the graph below, in the preponderance of those referring to educational centres (six recommendations in the last two years<sup>(30)</sup>). With the five recommendations of 2016 arising following the special report on them and their conclusions<sup>(31)</sup>. For this reason, these five documents are subsequent to a set of visits and not, as with the other recommendations, to a single visit.

It should also be noted that the reparative situations which the NPM encountered during visits to prisons led to three recommendations (one in 2016<sup>(32)</sup> and two in 2015<sup>(33)</sup>), which were addressed to the General-Director of Reinsertion and Prison Services.

The conditions of detention at police facilities supported the issuance of two recommendations: one in 2015<sup>(34)</sup> and one in 2016<sup>(35)</sup>. These recommendations indicate improvements in a police station of the PSP and in a department of the Judiciary Police, having been referred, respectively, to the Commander of the Regional Command of the Autonomous Region of *Madeira* of the PSP and to the Secretary of State of Justice.

Although the NPM did not elaborate, during the reference period to the present report, any recommendation on psychiatric hospitals, it is worth noting the previous issue in 2015 of a recommendation to the Chairman of the Board of Directors of *Magalhães de Lemos* Hospital<sup>(36)</sup>.

The activity carried out by the NPM is based on the on-the-spot verification of the treatment of persons deprived or limited of their liberty and who are therefore in

(30) These are recommendations Nos. 1/2015/NPM, 2/2016/NPM, 3/2016/NPM, 4/2016/NPM, 5/2016/NPM and 6/2016/NPM.

(31) These are the 2016 recommendations listed in the previous note.

(32) Recommendation No. 1/2016/NPM.

(33) Recommendations Nos. 3/2015/NPM and 5/2015/NPM. Recall that these recommendations deal with the specificities of the prison situation in the Autonomous Region of the Azores.

(34) Recommendation No. 2/2015/NPM.

(35) Recommendation No. 7/2016/NPM.

(36) Recommendation No. 4/2015/NPM.

detention places, in this way, the practice of behaviors that could be described as torture and ill-treatment. The conditions of treatment of those who are restricted in their freedom, which combine the conditions of the infrastructure, its organization and occupation, as well as its human resources, are therefore of particular complexity. The dignity of the treatment that is provided to private persons or limited in their freedom is also extended to other dimensions, some of generic scope - and therefore concerning all types of places of detention, such as the fulfillment of the right to information on other rights and duties of those present, the provision of medical care and the observance of contacts (face-to-face or by telephone call) with the outside - and for others, more specific, however, given the particularities of the visited places that served as a base, as with the containment measures that are applied in hospital units.

From the observation of the table below, it emerges that the most frequently treated subject in the recommendations of the NPM<sup>(37)</sup> corresponds to the conditions of the facilities visited (six<sup>(38)</sup>), including in this category not only the poor condition of some, compliance with the applicable regulatory standards. The right to be informed of the other rights of persons deprived of liberty, the right to receive visits and the right to be accompanied after leaving the place of detention constitute the themes addressed in five recommendations of the NPM<sup>(39)</sup>. The provision of medical care - a benefit which also includes care in mental disorders - has been addressed in four recommendations of the NPM<sup>(40)</sup>. Human resources, for their part, have been the subject of three recommendations<sup>(41)</sup>. And, with each reference, the NPM recommended improvements in the adoption of containment measures<sup>(42)</sup> and in the transport conditions of those deprived of their freedom<sup>(43)</sup>.

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(37) At this stage, it should be noted that a recommendation by the NPM can - as in the case of more often than not - take place on more than one subject. For this reason, the considerations to be considered in relation to the matters that are the subject of the recommendations of this autonomous body exceed, in numerical terms, the number of recommendations issued.

(38) Recommendations Nos. 1/2015/NPM, 2/2015/NPM, 5/2015/NPM, 1/2016/NPM, 3/2016/NPM and 7/2016/NPM.

(39) Recommendations Nos. 2/2015/NPM, 5/2015/NPM, 2/2016/NPM, 5/2016/NPM e 6/2016/NPM.

(40) Recommendations Nos. 1/2015/NPM, 2/2015/NPM, 2/2016 /NPM and 4/2016 /NPM.

(41) Recommendations Nos. 3/2015/NPM, 2/2016/NPM and 7/2016/NPM.

(42) Recommendation No. 4/2015/NPM.

(43) Recommendation No. 2/2015/NPM.

Graph VI

Distribution of NPM's recommendations by type of place of detention (2015 and 2016)

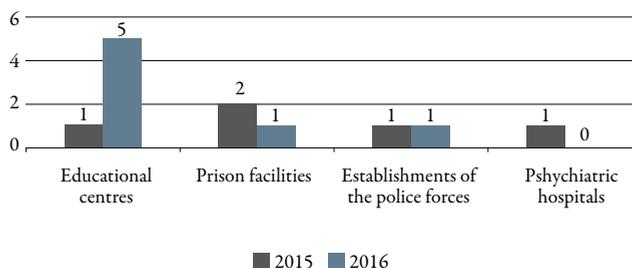


Table II

Issues addressed in the NPM recommendations (2015 e 2016)

Facilities conditions	6
Medical care	4
Containment measures (physical and chemical)	1
Other rights of persons deprived of liberty ( <i>v.g.</i> , information, visits, post-departure monitoring)	5
Carriage conditions	1
Human resources	3

It should also be mentioned that, of the 12 recommendations issued by the NPM, 11 were totally or partially complied with, awaiting the remainder the response from the target entity. In other words, more than 90% of the recommendations in the years 2015 and 2016 have already been answered, and in eight cases the proposals received were fully received<sup>(44)</sup> and in three cases<sup>(45)</sup> of partial compliance.

(44) Recommendations Nos. 1/2015/NPM, 3/2015/NPM, 4/2015/NPM, 5/2015/NPM, 2/2016/NPM, 3/2016/NPM, 5/2016 /NPM and 7/2016/NPM.

(45) Recommendations Nos. 2/2015/NPM, 1/2016 /NPM and 4/2016/NPM.

## 4.2. Recommendations issued in 2016

### **Recommendation No. 1/2016/NPM**

**Visit No. 46-2015**

**Entity addressed:** General Directorate for Reintegration and Prison Services

**Date:** 2016.04.14

**Subject:** Prison establishment. Accommodation conditions. Basement of the Lisbon Prison Facility

**Sequence:** Partially accepted. Follow-up situation

### I

Under the provision contained in article 19 b) of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, I recommend that you, that measures should be taken to improve the living conditions of the female population in the *Bela Vista* Educational Centre, namely:

- i) Adaptation of the residential unit to the eventuality of overnight stay of the young mothers with the newborn descendants;
- ii) Creation of spaces suitable for breastfeeding, introduction of nurseries and changing rooms;
- iii) Adaptation of the toilets;
- iv) Weighting of protocols with the Ministry of Health in the provision of standardized health care (*v.g.* psychological counseling during prenatal and postnatal care).

### II

The subject of gender particularity was given special mention by the Office of the United Nations High Commissioner for Human Rights during the week of dignity and justice for detainees, which is part of the commemoration of the 60<sup>th</sup> anniversary of the Universal Declaration of Human Rights<sup>(46)</sup>. Where it was concluded that spaces and organizations belonging to juvenile delinquency were, as a rule, designed for young men.

Generally, it can be said that the tutelary model of education has been applied in a predominantly male perspective, not unrelated to this fact is the assertion that the number

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(46) See point 9.5. Of the Guide for Juvenile Justice Legislative Reform, published in May 2011, by UNICEF, in [http://www.unicef.org/search/search.php?querystring\\_en=juvenile+justice+legislative+justice+reform+-Guide&hits=&type=&navigation=&Go.x=0&Go.y=0](http://www.unicef.org/search/search.php?querystring_en=juvenile+justice+legislative+justice+reform+-Guide&hits=&type=&navigation=&Go.x=0&Go.y=0).

of girls of the feminine gender present in the system will represent only about one fifth<sup>(47)</sup> of the total.

However, the specificities inherent in the physical, emotional and intellectual development of each population must be taken into account, which generate a number of personal and growth needs and impose appropriate responses on the part of the system.

It is therefore essential that the intervention model be thought of in terms of gender issues, and it is advisable to consider appropriate spaces adapted to the feminine universe, and essential to its complete, integrated and harmonious development.

### III

This statement follows the visit I made as an NPM<sup>(48)</sup>, on August 27, 2014 to the *Bela Vista* Educational Centre, which you direct.

By keeping with the preventive nature of the NPM<sup>(49)</sup>, and as it was transmitted at the time, it was the object of the visit to investigate conditions that were adequate for the effectiveness of the concept of «gender particularity», since it was thought only for the hospitalization of children and young men, the Centre had received, on July 30, 2014, a total of thirteen young women, as a result of the closure of the *Santa Clara* Education Centre in *Vila do Conde*.

Organizationally, I identified three accommodation spaces (each with single rooms), reassigning the male population into two residential areas while the new arrivals were integrated into the surplus valence.

In view of the gap that has elapsed since the arrival of the new female students, I have nevertheless made no distinction as to the «gender particularity» (*v.g.*, logistics affected by their daily needs).

According to the study, to this date<sup>(50)</sup>, eleven people of the feminine gender still remain institutionalized in the Centre, thus blurring the transitional nature of the housing of the female population. Also according to what I have learned, the *Educativo Navarro de Paiva* Educational Centre is not endowed with adequate stocking for the incorporation of all the girls coming from *Vila do Conde*.

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(47) See Parliamentary Hearing No. 83-CACDLG-XII of the Committee on Constitutional Affairs, Rights, Liberties and Guarantees on the Monitoring Report of Education Centres, 2012, in [http://media.parlamento.pt/videos-- Channel / XII / SL2 / 02\\_com / 01\\_cacdlg / 20130522cacdlg.wmv](http://media.parlamento.pt/videos-- Channel / XII / SL2 / 02_com / 01_cacdlg / 20130522cacdlg.wmv)

(48) 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.

(49) 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.

(50) The information was obtained by telephone on March 20, 2015.

In sum, I conclude that the *Bela Vista* Educational Centre, because it constitutes an advantage originally designed to integrate elements of the masculine gender, is not fully prepared to meet the specific requirements of the internment of the feminine gender, an assertion made by the then imminent birth of three children in detention context.



**Recommendation No. 2/2016/NPM**

**Visits Nos. 5-2015; 6-2015; 13-2015; 20-2015; 24-2015; 25-2015**

**Entity addressed:** Minister of Justice

**Date:** 2016.09.05

**Subject:** Educational centres. Young women of the feminine sort. Health care. Intensive supervision period. Post-hospitalization follow-up. Special career of social reinsertion technician

**Sequence:** Accepted. Follow-up situation

I

Under the provision contained in the paragraph (b) of the article 19 of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, I recommend to Your Excellency that, in order to improve the permanence conditions of permanence of the young people in educational centres, the following measures should be taken:

1. That the (re)opening of an educational centre intended exclusively for the reception of young girls should be equated;
2. That, in a concerted act between the General-Directorate for Reinsertion and Prison Services and the General-Directorate for Health, an exhaustive survey of the main constraints registered on the access and scheduling of specialty appointments by the educated young people should be made;
3. That protocols should be celebrated between the General-Directorate for Reinsertion and Prison Services and the General-Directorate for Health, in order to provide an immediate response to the requests of young people interned in the educational centres regarding medical care;
4. That, in what regards the specific problem of mental health, through the articulation between the General-Directorate for Reinsertion and the Prison Services and the General-Directorate for Health, a survey should be made of the situations which, with more frequency or of superior complexity, are observed in the young persons;

5. That two of the main innovations introduced by the amendment of the Educational Guardianship Law<sup>(51)</sup>, carried out by the Law No. 4/2015, of January 15, should be concretized: the «intensive supervision period» and the «post-internment monitoring»;

6. That the re-introduction in our juridical system of a special career for technician of social reinsertion should be considered.

## II

This position that I am taking of mine arises as the result of a series of visits that, during the course of the previous year, the National Preventive Mechanism (NPM)<sup>(52)</sup> carried out to all the educational centres, with the purpose of elaborating a special report that provides the portrait of the reality that is lived in these establishments. In order to the information gathering to take place on a constant basis, the purpose of those visits was defined in a unitary manner. Among the several aspects that were examined it is included the verification of the spatial and temporal confinement of the educational centres – above all in what regards the educational component and the involvement of third parties (public and private) in the process of social reintegration of young people –, the follow-up systems of the learners after their leaving, the infrastructure conditions, its functioning and administrative organization, as well as the therapeutic programs and the psychological assistance models that are provided to the young people that are interned.

## III

From the elements collected during the NPM's visits to the educational centres – and from the complementary information meanwhile requested – it was possible to conclude that the conditions for the implementation of the detention measure in an educational centre can be improved on behalf of a better defense of the rights of the young persons.

### *§ 1. (Re) Opening a female educational centre*

The application of an educational tutelary measure has as purpose «the education of the minor for the right and its insertion, in a dignified and responsible way, in the community life.»<sup>(53)</sup> To reach these desiderata it can be revealed necessary and adequate the internment in an educational centre of a young person that practiced, between the ages of

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(51) Approved by the Law No. 166/99, of September 14, and henceforth referred to as EGL.

(52) The Portuguese Ombudsman was designated National Preventive Mechanism, through a Resolution of the Council of Ministers No. 32/2013, published in the *Diário da República*, 1<sup>st</sup> Serie, No. 96, of May 20, following the ratification, by the Portuguese State, of the Optional Protocol to the Convention against Torture and Other Cruel or Inhuman or Degrading Treatments or Punishments. This international legal instrument aims to establish a system of regular visits to places of detention, in order to prevent behaviours that could offend the rights of the persons deprived of their liberty.

(53) No. 1 of the article 2 of the EGL.

12 and 16, acts classified as a crime. The determination of an internment measure is, therefore, anchored in a re-educational purpose which, «by means of the temporary withdrawal from its habitual environment and the use of programs and pedagogical methods, [should proportionate] the internalization of values in accordance with the law and the acquisition of resources that allow, in the future, to conduct its life in a socially and legally responsible way.»<sup>(54)</sup>

The young people that are inserted in educational centres experience – not only by the situations that they lived and that culminated in their deprivation of liberty, but also because of their age – a complex phase in their development. This is, therefore, a period in which therapeutic monitoring is structuring and an educational intervention in a context where there is no gender homogeneity may not be as profitable as desirable. It can, therefore, be considered whether the reception of people of only one gender, with a correlative similarity of relatively specific problems of the aforementioned age group, and without the prejudice of contacting with all of them in various activities – such as school or formative – would not be more productive.

For this reason, allied combined with the fact that the educational centres (*Bela Vista* and *Navarro de Paiva*) that which host young people of the female gender are being fully prepared for this purpose, it is pertinent to reconsider the (re)opening of an educational centre with exclusive accommodation for the young girls.

## § 2. *Specialty Appointments*

The internment of a young person in an educational centre requires that the rights of those who are compatible with the implementation of the educational tutelary measure that was applied to him are respected<sup>(55)</sup>; the right to health is paradigmatic. In this sense, it is important to mention that it is the responsibility of the educational centre to «ensure the health and well-being of the learner, promoting, in particular, their regular clinical supervision<sup>(56)</sup> (...)» .

The specificity of the medical care in certain areas calls for the access to specialized consultations addressed to the young people in educational centres. It is, however, not uncommon, for constraints of several natures to occur and, for this reason, the young persons are unprotected, even if this lack of protection is not total, but rather constitutes a protection of the diagnosis and the treatment.

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(54) No. 1 of the article 1 of the General Disciplinary Statute of the Educational Centres (approved by the decree-law No. 323-D/2000, of December 20, and henceforth referred to as GDSEC. See also No. 1 of the article 17 of the EGL.

(55) See numbers 1 and 2 of the article 159 of the EGL and No. 1 of the article 2 of the GDSEC.

(56) No. 1 of the article 56 of the GDSEC. See, equally, the No. 3 of the article 171 of the EGL.

Since «the minors have hospital assistance or other whenever health needs so require<sup>(57)</sup>» and, as mentioned before, it is the responsibility of the centre to provide regular and necessary medical monitoring, I consider important to understanding the main difficulties regarding the scheduling of specialized consultations. Therefore, I recommend their gathering by the competent entities.

### § 3. *Celebration of protocols*

In the following of what was mentioned in the subsequent paragraph, I believe it is pertinent the celebration of protocols between the General-Directorate for Reintegration and Prison Services and the General-Directorate for Health. These protocols should, therefore, guarantee an immediate response to the needs that, in this matter, the young people interned in the educational centres express, not discriminating against them, in front of others, based on their deprivation of liberty.

### § 4. *Specific mental health problem*

The problematic challenge of mental health is one of the issues to which the NPM has dedicated its particular attention to the execution of the visits that were made to the educational centres, as well as requesting for collaboration in completing a questionnaire on that subject. After analysing the collected information, I concluded that there are still deficiencies in the identification and diagnosis of childhood and juvenile pathologies, as well as in the prevention of behaviors contrary to the law. I registered, equally, the existence of a specific deficit in the case of young people who present, at the same time, mental health problems and profound behavioural pathologies.

Therefore, in what regards the specific problem of mental health, I believe it is urgent to collect a survey of the situations that, more frequently or with greater complexity, are observed in young persons, a work that will best be done in coordination between the General-Directorate of Reinsertion and Prison Services and the General-Directorate for Health.

### § 5. *«Intensive supervision period» and «post-hospitalization monitoring»*

The aforementioned amendment to the EGL, dated mid-January 2015, has brought important changes in the cut of the legal tutelary educational regime that affect the implementation of the internment measure, among which is found the introduction of the concepts of «intensive supervision period» and of «post-hospitalization monitoring». Regarding the first, the EGL will provide the possibility of, by judicial decision, the implementation of the internment measure being integrated by an «intensive supervision period», during which the competences acquired by the young person and the way they

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(57) No. 1 of the article 174 of the EGL.

reflect in their behavior are evaluated<sup>(58)</sup>. Regarding the second, and in case there has not been an «intensive period of supervision», it is the responsibility of the social reintegration services to accompany the young person after the cessation of their internment measure<sup>(59)</sup>.

The concepts recently inserted in the EGL are related, therefore, to the monitoring of the execution of the internment measure and the subsequent follow-up of the young person after its execution. By the importance they have, it is important to clarify the ways in which they should be implemented, through the respective articulation with the central services, as well as the allocation, in short and long-term, of the necessary human resources. The criteria for participation and involvement of the educational centres in the follow-up of young people after the termination of their internment measures should, in the same way, be established following and, still, fostering the creation of transitional residential units assigned to them legally.

The time of leaving the educational centre is particularly complex for the young person. In this phase of (re)insertion in the community, the young person should be able to count on mechanisms of orientation and professional support that allow the completion of their personal educational project. It is, therefore, important to develop such mechanisms, being pressing to ponder the celebration of protocols with some entities that provide professional alternatives and a better consolidation and integration in the community.

#### *§ 6. Special career of social reinsertion technician*

The re-education and social (re)insertion purposes that preside the implementation of tutelary educational measures imply the constant monitoring of the young people who are inserted in educational centres, a function that is performed by the technicians (superior and professionals) of social reintegration. Given the specificity of the tasks they develop – and which are not exhausted in caring for the young people they are responsible for, in fact, they are rather spreading to another level: the one of their re-education –, I understand that one can advocate for a career different than general, as it was the case until 2007<sup>(60)</sup>.

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(58) See article 158, paragraph b) of the EGL. For this purpose, it is foreseen the possibility of setting up transitional residential units.

(59) See article 158, paragraph b) of the EGL. For this purpose, it is foreseen the possibility of setting up transitional residential units.

(60) The legal diploma that restructured the (till then) Institute for Social Reinsertion – Decree-Law No. 204-A/2001 of July 26, and its amendments – provided in the articles No. 61 and No. 62, as the careers of superior technician of social reintegration and of professional technician of social reintegration.

The article 84, No. 3 of the of the General Law of Work on Public Service (GLWPS)<sup>(61)</sup> determines that «the careers whose functional content characterizes jobs that only one or a few organs or services require for the development of their activities are special.». The activities that are carried out by technicians (superior and professional) of social reintegration in the educational centres are, by their diversity, complexity and finality, defense to the mentioned establishments. These professionals integrate what is now known as the technical-pedagogical sector, the service of the educational centres competent to «assure all the tasks related to the reception and the residential framework, educational, formative and therapeutic of the learners, through the management of the residential units and the development of programs and actions resulting from the educational intervention project of the centre, bearing in mind the execution of the judicial decisions and the social reintegration of the learners<sup>(62)</sup>.» It is, therefore, verified the singularity of the functional content of their career and, as consequence, the first requirement for the creation of a special career is fulfilled, as it is justified in the case of the social reintegration technicians.

The No. 4 of the article 84 of GLWPS requires, nevertheless, two or more prerequisites for conceiving a special career: more demanding functional duties (point b)) and specific understanding courses or, alternatively, possession of a particular academic qualification (point c)). Given the type of functions developed, the social reintegration technicians are already subject of a greater exigency regarding the obligations to which they are functionally related. To have at their care persons who, along with their minority are deprived of their freedom with the purpose of being re-educated to the right implies the compliment of more rigorous duties. In addition, the concretization of the personal educational projects involves a degree of knowledge and experience that is consistent with the frequency and conclusion of formative course or the holding of a certain (higher, I mean) literary qualification.

I also consider that the requirement of the duties in question is difficult to reconcile with those of a general career, which has been the subject of a number of constraints concerning the system of recruitment (*v.g.*, age limit for admission, gender specificities, psychological aptitude or physical requirements). Constraints that can be dissipated with the creation or the recovery – with the distinction between those who work within educational centres and those who work in prison establishments – of the special career<sup>(63)</sup> of social reinsertion technician.

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(61) Approved by the Law No. 35/2014 of June 20, in the drafting of its most recent amendment operated by Law No. 18/2016, of June 20, referred as GLWPS.

(62) See No. 1 of the article 132 of the GDSEC. See, for this purpose, the annexes II and III of the alluded Decree-Law No. 204-A/2001 of July 26.

(63) See No. 1 of the article 132 of the GDSEC. See, for this purpose, the annexes II and III of the alluded Decree-Law No. 204-A/2001 of July 26

For the referred reasons, I intend to formulate the present recommendation, requesting Your Excellency the adoption of the measures described previously, thereby, ensuring the best safeguard of the interests of those who, by virtue of their age and the restriction of their freedom are in a situation of particular vulnerability.

I conclude, being convinced that your personal commitment will greatly contribute to strengthening the defense of the rights of the young persons and, at the same time, to improve the educational guardianship system.



**Recommendation No. 3/2016/NPM**

**Visits Nos. 5-2015; 6-2015; 13-2015; 20-2015; 24-2015; 25-2015**

**Entity addressed:** General-Directorate of Reintegration and Prison Services

**Date:** 2016.09.05

**Subject:** Educational centres. Safety conditions. Accessibilities. Formation of the young persons. Adaptation of facilities. Feeding. Precautionary Isolation Rooms

**Sequence:** Accepted. Follow-up situation

I

Under the provision contained in article 19 b) of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, I recommend that, with a view to improving the conditions of Tthe following measures are taken:

1. In collaboration with the National Civil Protection Authority, an exhaustive survey of the housing stock in educational centres should be carried out, with particular attention to the mechanisms of alert, alarm and fire extinguishing or other risks, with a view to the drawing up of individual emergency plans and the short-term installation of such resources when they are nonexistent or inoperative;

2. That an in-depth study be carried out on accessibility for persons with reduced mobility in schools;

3. That, in conjunction with the General-Directorate for Education, programs designed to promote the success of young persons, especially in secondary education, are designed;

4. That the adaptation of the facilities - especially sanitary ones - be carried out to the young educated women that are interned in the Educational Centre *Navarro de Paiva* and in the *Bela Vista* Educational Centre;

5. That a library be created at the *Padre António Oliveira* Educational Centre;

6. Analyze the quantity of meals provided to young persons, as well as the weekly composition of the menus;

7. To clarify the use of rooms designed to comply with the precautionary isolation restraint measure, above all by the *Padre António Oliveira* Educational Centre and the *Navarro de Paiva* Educational Centre;

8. That the improvement of the salubrity and ventilation conditions of the isolation room of the *Padre António Oliveira* Educational Centre should be promoted;

That the installation of toilets be done in the isolation room of the *Bela Vista* Educational Centre.

## II

This statement of my position follows a series of visits that the NPM <sup>(64)</sup> made to all schools in the course of the year, with the purpose of producing a special report that would provide a picture of the reality in those establishments. In order for the collection of information to occur on a constant basis, the purpose of those visits was defined in a unitary manner. Among the various aspects that were examined were the verification of the spatial and temporal confinement of educational centres - above all with regard to the educational component and the involvement of third parties (public and private) in the process of social reintegration of young people. Follow-up systems for students after their departure, infrastructure conditions, their functioning and administrative organization, as well as the therapeutic programs and models of psychological assistance provided to young people in boarding schools.

## III

From the elements collected during the NPM visits to the educational centres - and of the complementary information requested in the meantime - it was possible to conclude that the conditions for the implementation of the placement in an educational centre can be improved in the name of a better defense of the rights of young persons.

### *§ 1. Alert, alarm and fire extinguishing mechanisms or other risks*

The daily life of an educational centre should be guided by the compliance with basic safety rules that allow the brief signaling in case of emergency and its rapid resolution. This is determined by article 76, No. 1 of the General and Disciplinary Statute of Educational Centres<sup>(65)</sup>: «living in an educational centre is organized according to rules that ensure a peaceful and orderly environment and provide conditions of security.»

In order to ensure a minimally safe environment, each establishment that welcomes young people in compliance with educational tutelary measures must, in accordance with paragraph 2 of the aforementioned law, possess the necessary equipment to detect and

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(64) *Idem* note 48 and 49.

(65) Approved by the Decree-Law No. 323-D/2000 of December 20, hereinafter abbreviated as GDSEC.

combat fires or other risks, which must be «tested and reviewed periodically in accordance with the relevant technical standards». <sup>(66)</sup>

However, in most educational centres, there is no contingency plan in place in the case of an emergency - except for the *Olivais* Educational Centre <sup>(67)</sup>, as well as in many cases, the absence or inoperability of alarm or lights. As far as fire extinguishers are concerned, they have been found to be present in the establishments visited, but in some cases their expiry date has expired.

In view of the importance of such measures to the safety of persons and buildings<sup>(68)</sup>, I believe that the comprehensive survey of the warning, alarm and fire-extinguishing mechanisms or other mechanisms should be promoted in cooperation with the National Civil Protection Authority Risks in the educational centres, with a view to drawing up individualized emergency plans and to the very short installation of such resources when they are nonexistent or are not functioning properly.

## § 2. *Accessibilities for persons with reduced mobility*

As is clear from the preamble to Decree-Law No. 163/2006 of August 8, «the promotion of accessibility is a fundamental element in people's quality of life and an indispensable means of exercising the rights that are conferred on any person. A member of a democratic society, making a decisive contribution to the further strengthening of social ties, greater civic participation of all those who are part of it and, consequently, a deepening of solidarity in the rule of law.»

I conclude, however, that most educational centres are not prepared to receive people with reduced mobility or with disabilities, whether they are interns, employees or visitors. Only two of the educational centres have access for those citizens: the *Santo António* Educational Centre, with a lift in the residential area, and the *Olivais* Educational Centre, which also has an elevator, as well as an access ramp. And only one of them is really suitable to accommodate persons with reduced mobility or with disabilities, since only the *Santo António* Educational Centre has, along with the accesses, sanitary facilities adapted to them.

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(66) No. 3 of article 76 of the GDSEC.

(67) It should also be pointed out that, although they did not have an emergency plan, two other educational centres (*Mondego* and *Santo António*) presented guidelines to be followed in case of emergency or increased fire risk.

(68) As can be seen in paragraph 2 of the article on the legal framework for fire safety in buildings - approved by Decree-Law No. 22/2008, of 12 November, as amended by Decree-Law No. 224/2015 of 9 October - compliance with safety standards makes it possible to: (a) Reduce the likelihood of occurrences of fires; b) limit the development of possible fires by circumscribing and minimizing their effects, including the spread of smoke and flue gases; c) facilitating the evacuation and rescue of occupants at risk; [And] d) to enable effective and safe intervention of the means of assistance.»

I consider it appropriate that, in the name of equal access and participation of all in the design and implementation of educational projects for young persons, an in-depth study should be carried out on accessibility for people with reduced mobility in schools and, where they are nonexistent, the possible alterations to resolve the question are considered.

### § 3. *Programs to promote school success*

Young people who are detained in educational establishments' remain subject to the obligations arising from compulsory schooling and should be encouraged to continue or complete their studies<sup>(69)</sup>. It makes, therefore, part of the composition of their educational projects the frequency of training activities, among which are the school children<sup>(70)</sup>.

Of the 150 young persons who made up the reference universe in the preparation of the attached special report, about 75% attended or had the 2nd and 3rd cycles of study (or equivalent EFA courses), which, in conjunction with their ages, represents a low level of schooling. In order to change this data, I think it is opportune that, in an articulated action with the General-Directorate for Education, programs promoting school success among young persons should be created, especially with regard to secondary education with a small amount of interned youth to attend it or have it finished.

### § 4. *Adaptation of facilities to young women*

In two of the educational centres, 21 young people are educated. The internment of girls of the feminine gender is processed separately from the young men, but the facilities of the *Navarro de Paiva* Educational Centre and the *Bela Vista* Educational Centre are not fully prepared to host them. However, this circumstance should be changed in the shortest possible time in order to provide a space which is minimally adequate to comply with an educational measure depriving the liberty of a person who is not only at a complex stage of development but also by virtue of their gender, specific needs.

I recommend, for the aforementioned reasons, that the works essential to the adaptation of the facilities - especially sanitary ones - be carried out to the young women educated who are hospitalized at the *Navarro de Paiva* Educational Centre and at the *Bela Vista* Educational Centre.

### § 5. *Creation of a library in the Padre António Oliveira Educational Centre*

The *Padre António Oliveira* Educational Centre receives young people in compliance with a tutelary measure of internment in a closed regime, which means that they are «educated and attend free time and training activities exclusively within the institution»<sup>(71)</sup>. It

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(69) See article 160, No. 1 of the of the EGL.

(70) See article 27 of the GDSEC.

(71) See article 169, No. 1 of of the EGL. See also article 15 of the GDSEC.

is therefore important that the educational centre provides a space with books and other resources that can be consulted by young persons.

The creation of a library in the *Padre António Oliveira* Educational Centre is thus not only an option for occupying the free time of young persons who are totally entrusting themselves to their interior, but rather assuming themselves as a necessity when autonomous zone school attendance and success.

### § 6. Food

According to the provisions of the article 59, No. 1 of the GDSEC, it is the responsibility of the school to «ensure that the young persons receive adequate food in terms of quality and quantity.» To this end, the legislator determined that four meals were provided<sup>(72)</sup> and that the composition of the menu should be periodically reviewed by the director and by a nutritionist or by a doctor<sup>(73)</sup>.

The young persons are in full development, requiring, for this reason, specific nutritional needs that are achieved with a diverse diet (in its composition) and diversified (in its confection). From the analysis of the documentation that was sent to the NPM, I verified, however, that weekly menus are not always as varied as would be desirable. I refer, for example, to the menu of the week that took place between October 19 and 25, 2015, related to the *Santo António* Educational Centre, where all too often the protein derived from meat is repeated, practically nonexistent.

In view of the above, I consider it pertinent to carry out a study on the composition of meal menus provided to young persons, as well as their quantity and daily distribution.

### § 7. Use of insulation rooms

The measure of restraint of precautionary isolation - as well as physical and personal restraint - can only be applied in exceptional and duly substantiated situations<sup>(74)</sup>, preceded by authorization from the direction of the Educational Centre, with communication to the court and observation of the young man educating by a doctor. This measure, with a maximum duration of 24 consecutive hours, «may take place in a particularly

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(72) See article 60, No. 1 of the GDSEC. It should be noted in this regard that the *Bela Vista* Educational Centre offers six meals a day to young people who are hospitalized there, in compliance with educational measures, but they have expressed complaints about the amount of food provided.

(73) See article 59, No. 2 of the GDSEC.

(74) These containment measures are regulated in articles Nos. 178 *et seq.* of the EGL and in articles Nos. 89 *et seq.* of the GDSEC. As is apparent from article 179 of the EGL, the adoption of such a measure will only be legitimized if it is intended not to endanger the physical integrity of the young person educating himself or of third parties, not to destroy property, the non-fulfillment of escape of the Educational Centre or the elimination of the violence with which it resists the orientations that are given to it by the establishment.

appropriate manner to avoid acts and situations justifying recourse to such measures»<sup>(75)</sup>. That is, it can occur in a room of isolation, which will be devoid of objects that could put the physical integrity of the hospitalized young person in danger.

From the visits made by the NPM and the analysis of the documentation that was requested, I concluded, however, that rooms of isolation are not always used for the exclusive purpose for which they are intended. At the *Padre António Oliveira* Educational Centre, the isolation room serves to welcome the young people in their first hours in the establishment, a practice that, in light of the law and the superior interest of the young persons, is incorrect. There are no well-founded and concrete reasons to put the young man educating in the room of precautionary isolation and the measure that should be exceptional is actually the rule. At the *Navarro de Paiva* Educational Centre, the disciplinary measure of suspension of living with the companions<sup>(76)</sup> was identified in a room deprived of dangerous objects, which makes it possible to infer the existence of confusion between the fulfillment of said disciplinary measure and the application of the precautionary isolation restraint measure.

In view of the extraordinary purposes that must be met, I consider it urgent to clarify the use of rooms intended to comply with the precautionary isolation restraint measure, above all by the *Padre António Oliveira* Educational Centre and the *Navarro de Paiva* Educational Centre.

#### § 8. Isolation room of the *Padre António Oliveira* Educational Centre

The division that the *Padre António Oliveira* Educational Centre intended to face the occasional situations of indiscipline or severe decompensation on the part of the young persons and, less correctly, to welcome, during the first hours, each young person who enters the establishment presents an aeration Poor and insufficient cleaning.

The GDSEC provides that the Educational Centre «must ensure that rooms, sanitary facilities, living rooms and other spaces of the unit are organized and maintained with the appropriate habitability and safety conditions, in particular with regard to hygiene and cleanliness, lighting, ventilation and maintenance of furniture and equipment »<sup>(77)</sup>. For this reason, together with the purpose for which the area concerned is intended, I believe that the necessary works should be carried out as soon as possible to improve working conditions. Salubrity and ventilation of the isolation room of the *Padre António Oliveira* Educational Centre.

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(75) See article 183, No. 1 of the EGL.

(76) Measure provided in article 196, g) of the EGL. In this regard, it should be noted, that disciplinary measures are typified in article 194 of the EGL, a rule in which there is no mention of the attachment of a young person to an isolation room.

(77) article 58, No. 3 of the aforementioned legislation.

§ 9. *Isolation room of the Bela Vista Educational Centre*

The space that the educational centres reserve for the execution of the measure of containment of precautionary isolation must be provided with the necessary equipment for the stay of a young man educating for a period of time that can go until the 24 hours. It is important, therefore, that, together with good habitability conditions - these are modestly understood, therefore, do not forget, it is a room of isolation and, therefore, deprived of dangerous objects -, these divisions have sanitary facilities, which does not happen in the *Bela Vista Educational Centre*.

In view of the fact that the confinement of a young person admitted to a room of isolation can be done for a relatively long period and that the spaces of the establishments must, as explained above, have the appropriate conditions for a person to remain there, I understand that urges Endow the isolation room of the *Bela Vista Educational Centre* with toilets.

For these reasons, I intend to formulate this recommendation, requesting your Excellency to adopt the measures set out above, thereby ensuring that the interests of those who, by reason of their age and the restriction of their freedom, are safeguarded and are in a situation of particular vulnerability.

I conclude, being convinced that your personal commitment will greatly contribute to strengthening the defense of the rights of young persons and, in concomitance, to improve the tutelary educational system.



**Recommendation No. 4/2016/NPM**

**Visits Nos. 5-2015; 6-2015; 13-2015; 20-2015; 24-2015; 25-2015**

**Entity addressed:** Minister of Health

**Date:** 2016.09.05

**Subject:** Educational centres. Medical Assistance. Psychotherapeutic follow-up

**Sequence:** Partially accepted. Follow-up situation

I

Under the provision contained in article 19 b) of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, I recommend that, with a view to improving the conditions of the following measures are taken:

1. That the designation of family doctors should be carried out for young people who are admitted to educational establishments or, in the meantime, the creation of a response that ensures homogeneous and rapid medical follow-up;

2. That, in a concerted action between the General-Directorate for Health and the General-Directorate for Reintegration and Prison Services, an exhaustive survey of the main constraints on access and scheduling of specialist consultations by young persons;

3. That protocols be promoted between the General-Directorate for Health and the General-Directorate for Reintegration and Prison Services so that an immediate response to the requests of young people in educational institutions can be given;

4. That, with regard to the specific problem of mental health, through articulation between the General-Directorate for Health and the General-Directorate for Reintegration and Prison Services, a survey should be made of those situations which, more frequently or with greater complexity are observed in young persons;

5. That, even with regard to the matter previously mentioned, the difficulties arising from the absence of specialized medical staff, particularly in pedopsychiatry, should be overcome, as part of the process of setting up an autonomous therapeutic unit for acute cases, currently in progress and with a date of expected completion for this year.

## II

This positioning follows a series of visits that the NPM<sup>(78)</sup> made to all schools in the course of the year, with the purpose of producing a special report that would provide a picture of the reality in those establishments. In order for the collection of information to occur on a constant basis, the purpose of those visits was defined in a unitary manner. The verification of the spatial and temporal confinement of educational centres - above all with regard to the educational component and the involvement of third parties (public and private) in the process of social reintegration of young people. Post-discharge follow-up of young persons, conditions of infrastructures, their functioning and administrative organization, as well as the therapeutic programs and models of psychological assistance provided to young people in boarding schools.

## III

From the elements collected during the NPM visits to the educational centres - and of the complementary information that has been requested in the meantime - it has been possible to conclude that the medical care provided to the young people in the educational centres suffers from some shortcomings that need to be eliminated.

### *§ 1. Homogeneous and rapid medical follow-up*

The placement of a young person in an Educational Centre requires that the rights of those who are compatible with the implementation of the educational tutelary measure

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(78) *Idem* notes 48 and 49.

applied to them are respected<sup>(79)</sup>; The right to health is paramount. In this sense, it is important to mention that it is the responsibility of the school to «ensure the health and well-being of the young person, in particular by promoting their regular clinical supervision (...)»<sup>(80)</sup>. In order to achieve this goal, it is essential to appoint a family physician to the young persons, which, as I have testified, is not always the case.

In order to enable young persons to have the regular medical care they need - and which, it is stressed, they lack because they are in a complex phase of their development - it is necessary to adopt the necessary measures to enable homogeneous and rapid medical follow-up, preferably provided by the family doctor.

### *§ 2. Specialty consultations*

The specificity of medical care in certain areas calls for access to specialist consultations, targeting young people in educational centres. However, it is not uncommon to find constraints of a different nature and, for this reason, the young persons are unprotected, even if this lack of protection is not complete, but is consubstantiated in the postponement of diagnosis and treatment.

Since «minors have hospital or other assistance when health needs so require»<sup>(81)</sup> and, as mentioned earlier, it is the responsibility of the school to provide regular and necessary medical follow-up, I consider it important to understand the main difficulties encountered. Make sense when scheduling specialty queries. For this reason, I recommend that they be collected by the competent entities.

### *§ 3. Conclusion of protocols*

Following what has been mentioned in the previous paragraphs, I believe it is pertinent to sign protocols between the General-Directorate for Health and the General-Directorate for Reintegration and Prison Services. Such protocols must therefore guarantee an immediate response to the needs of young people in educational establishments, not discriminating against them, on the basis of their deprivation of liberty.

### *§ 4. Specific problem of mental health*

The issue of mental health is one of the issues to which the NPM has paid particular attention to the visits it has made to the educational centres, as well as the request for collaboration in completing a questionnaire on the subject. I concluded, after analyzing the information collected, that there are still deficiencies in the identification and diagnosis of childhood and juvenile disorders, as well as the prevention of behaviors contrary to the

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(79) See No. 1 and 2 of article 159 of the EGL and paragraph 1 of article 2 of the GDSEC.

(80) See article 56, No. 1 of the GDSEC. See also article 171, No. 3 of the EGL.

(81) See article 174, No. 1 of the EGL.

law. I also noted the existence of a specific deficit in the cases of young people who present at the same time mental health problems and profound behavioral pathologies.

With regard to the specific problem of mental health, I consider it urgent to carry out a survey of the situations that, with more frequent or more complex situations, are observed in young persons, a work that will best be done in articulation between the General-Directorate of Reinsertion and Prison Services.

#### *§ 5. Specialized medical staff*

The difficulties mentioned above are at least partly due to the lack of specialized human resources. It is important, therefore, that the constraints imposed by the absence of specialized medical staff, in particular in the area of Pedopsychiatry, should be removed shortly. This is a particularly important circumstance within the framework of the process of setting up an autonomous therapeutic unit for acute cases, currently under way and with an expected completion date for this year.

For these reasons, I intend to formulate this recommendation, requesting your Excellency to adopt the measures set out above, thereby ensuring that the interests of those who are safeguarded by reason of their age and the restriction of their freedom are in a situation of particular vulnerability.

I conclude, being convinced that your personal commitment will greatly contribute to strengthening the defense of the rights of young persons and to improve the tutelary system of education.



#### **Recommendation No. 5/2016/NPM**

**Visits Nos. 5-2015; 6-2015; 13-2015; 20-2015; 24-2015; 25-2015**

**Entity addressed:** President of the High Council of Magistracy

**Date:** 2016.09.05

**Subject:** Educational centres. Visits of the judicial magistrates

**Sequence:** Accepted

#### I

Under the provision contained in 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 you develop awareness-raising measures for judicial magistrates with competence in area of Children's Rights, with a view to making regular visits and contacts to educational centres.

## II

This view of my position follows a series of visits that the NPM<sup>(82)</sup> made to all schools in the course of the year, with the purpose of producing a special report that would give a picture of the reality in those establishments. In order for the collection of information to occur constantly, the purpose of those visits was defined in a unitary manner. Among the various aspects that were examined were the verification of the spatial and temporal confinement of educational centres - above all with regard to the educational component and the involvement of third parties (public and private) in the process of social reintegration of young people. Follow-up systems for students after their departure, infrastructure conditions, their functioning and administrative organization, as well as the therapeutic programs and models of psychological assistance provided to young people in boarding schools.

## III

From the elements collected during the NPM visits to the educational centres - and of the complementary information requested in the meantime - it was possible to conclude that judicial magistrates with jurisdiction in educational processes are regularly contacting establishments where young people are in compliance with a hospitalization measure. I note, however, that they are not as frequent or desirable as they are to travel to schools.

The article 39, No. 2, paragraph h) of the EGL<sup>(83)</sup> provides for visits to schools by judicial magistrates and for maintaining contact with young persons. This duty corresponds to the realization of one of the rights of young people who are admitted to an Educational Centre: «The young person has the right to make private contact with the judge ... by telephone, by correspondence or in person.»<sup>(84)</sup>

The fulfillment of the obligation of judicial magistrates from time to time to visit the educational centres ensures their knowledge of the actual conditions in which the young persons meet and may in some cases lead to the adoption of actions that, on behalf of the superior and legitimate interest of the young person, should be taken.

For these reasons, I intend to formulate this recommendation, requesting your Excellency to promote the implementation of regular visits to educational centres and the contacts of judicial magistrates with jurisdiction in educational processes, thus guaranteeing the best safeguard of the interests of those who, by virtue of their age and the restriction of the freedom imposed on them, are in a situation of particular vulnerability.

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(82) *Idem* notes 48 and 49.

(83) *Idem* notes 51.

(84) See article 47, No. 1 of the GDSEC.

I conclude, being convinced that your personal commitment will greatly contribute to strengthening the defense of the rights of young persons and, in concomitance, to improve the educational guardianship system.



**Recommendation No. 6/2016/NPM**

**Visits Nos. 5-2015; 6-2015; 13-2015; 20-2015; 24-2015; 25-2015**

**Entity addressed:** Prosecutor General's Office

**Date:** 2016.09.05

**Subject:** Educational centres. Visits of the judiciary magistrates

**Sequence:** Waiting for an answer

I

Under the provision contained in 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 you issue guidelines to the magistrates of the Public Prosecutor's Office with competence in the area of Children's Rights, with a view to making regular visits and contacts to educational centres.

II

This statement of my position follows a series of visits that the MNP<sup>(85)</sup> made to all schools in the course of the year, with the purpose of producing a special report that would give a picture of the reality in those establishments. In order for the collection of information to occur constantly, the purpose of those visits was defined in a unitary manner. Among the various aspects that were examined were the verification of the spatial and temporal confinement of educational centres - above all with regard to the educational component and the involvement of third parties (public and private) in the process of social reintegration of young people. Follow-up systems for students after their departure, infrastructure conditions, their functioning and administrative organization, as well as the therapeutic programs and models of psychological assistance provided to young people in boarding schools.

III

From the elements collected during the NPM visits to the educational centres - and of the complementary information requested in the meantime - it was possible to conclude

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(85) *Idem* notes 48 and 49.

that Public Prosecution magistrates with jurisdiction in educational processes are regularly contacted with the Public Prosecutor's Office «(...)by telephone, by correspondence or in person.»<sup>(86)</sup>

The fulfillment of the obligation of periodically prosecutors to visit the educational centres ensures their knowledge of the actual conditions in which young persons meet and may, in some cases, determine the procedural momentum necessary for the adoption of the actions that must be taken in the name of the superior and legitimate interest of the young person.

For these reasons, I intend to formulate this recommendation, requesting your Excellency to issue guidelines that may make visits and contacts of Public Prosecution Service magistrates with jurisdiction in educational tutelary processes more regular, thus ensuring the best safeguard of the interests of those who, because of their age and the restriction of their freedom, are in a situation of particular vulnerability.

I conclude, being convinced that your personal commitment will greatly contribute to strengthening the defense of the rights of young persons and, in concomitance, to improve the educational guardianship system.



**Recommendation No. 7/2016/NPM**

**Visit No. 36-2016**

**Entity addressed:** Secretary of State of Justice

**Date:** 2016.12.22

**Subject:** Police force. Judiciary Police. Human Resources. Safety conditions. Facility conditions

**Sequence:** Accepted. Follow-up situation

I

Relying on the article 19 paragraph b) of the Optional Protocol to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), I recommend that to improve the working conditions of the officials who work in the Criminal Investigation Department of *Braga* of the Criminal Investigation Police, the following measures should be taken:

- a) Promoting the reinforcement of the human resources contingent for the Department;
- b) Detachment of a security official to carry out the functions of identification of persons and belongings, as well as for the inspection of persons;

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(86) See article 47, No. 1 of the GDSEC.

c) Enabling transfers from the Criminal Investigation Department of *Braga* to other facilities.

## II

This statement of mine follows the visit of the National Preventive Mechanism (NPM)<sup>(87)</sup> last November 18 to the Criminal Investigation Department of *Braga*.

Alongside the preventive nature of the NPM, the object of the visit was to investigate the conditions of habitability of the detention zone, as well as to assess the working conditions of agents and employees there.

## III

From the information gathered during the NPM's visit to the Criminal Investigation Department of *Braga* of the Criminal Investigation Police - and of the documents consulted - it was possible to conclude that the working conditions of the employees of the place visited, as well as those of security, can be improved on behalf of better protection of the rights of all those who work and move to the institution.

Therefore, allow me, to briefly deliberate upon the recommendation hereby made.

### *§ 1. Reinforcement of human resources*

The territorial jurisdiction of the Criminal Investigation Department of *Braga* of the Criminal Investigation Police extends over a wide area, which comprises the criminal circles of *Barcelos*, *Braga*, *Guimarães*, *Viana do Castelo* and *Vila Real*, under the terms in which they are defined in *Portaria* No. 472/2001 of May 10, without prejudice to the recent amendment made by the Judicial Map, in the year 2014.

In 2015, the procedural volume of the Criminal Investigation Department of *Braga* of the Criminal Investigation Police goes far beyond two thousand prosecutions<sup>(88)</sup>, a number that is only surpassed by those in Lisbon and *Porto*. The number of inspectors in office - 49 people - has not been accompanied by a progressive increase in workload and it is clear that the criminal investigation framework is currently deficit. This context is further aggravated by the situation of temporary incapacity to work due to illness of at least two elements.

In this sense, and not ignoring the fact that the tasks entrusted to the visiting institution lead to a prompt, effective and often particularly sensitive action - which implies careful and detailed analysis and treatment – the human resources attached to the of Criminal

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(87) *Idem* notes 48 and 49.

(88) There are, in exact terms, 2414 cases that entered the Department of Criminal Investigation in the year 2015, according to the information contained in its annual activity report for that year, to which the NPM had access. According to the information provided to the visitors of the NPM, in October 2016, the processes entered were already numbered 2232.

Investigation Department of *Braga* are insufficient for the timely execution of all the tasks that, in many cases, are of an urgent nature. For this reason, I consider it appropriate that the quota of workers at the place visited should be reinforced, thus enabling them to cope with procedural growth and also contributing to a fast criminal investigation and a fair application of justice.

### § 2. *People and property safety*

The Criminal Investigation Department of *Braga* does not have at its entrance an official employee who can identify both the people's access and their belongings in its premises and also their inspection<sup>(89)</sup>, nor is it currently provided with a door frame metal detector. Also, there is no strict control of whom and what enters the institution visited. A place that due to its functions may be the target of numerous offensive acts.

This department is the only one with no security personnel at the entrance of the building. The NPM visitors team noted, however, that people arriving at the place are assisted by an operational assistant and two auxiliary specialists, people who, although employed by the for Criminal Investigation Department of *Braga* of the Criminal Investigation Police, do not have the knowledge neither the qualifications required for the performance of this type of procedures.

Considering that the place visited may be subject to the practice of behaviors that violate the physical-psychological integrity and in the limit of the life of persons, as well as the destruction of material goods, it is necessary to have a security officer present, who, with due training and experience, would identify and review the people that enter the facility so that the minimum security conditions would be assured for those who work and who move to an establishment of a Criminal Investigation Police body.

### § 3. *Change of facilities*

The premises of the Criminal Investigation Department of *Braga* date back to 1983, at a time when the requests that required the intervention of the people who worked there were of lesser expression, which were also counted lower than the present. It is, therefore, a small space to accommodate in a dignified and respectful manner all the employees of the institution.

Furthermore, regarding the proximity to a former factory (already dismantled) which employs fiber-cement-based materials in its building, the existence of a large number of employees of the *Braga's* Department for Criminal Investigation with diagnosis of cancer problems is concerning, admitting the hypothesis of a causal link between said harmful materials and the diseases that can derive from a constant exposure to them. This

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(89) What has been happening since 2014, since the official responsible for the aforesaid actions retired.

circumstance had already been analyzed by the National Directorate of the Judiciary Police<sup>(90)</sup> but nonetheless I highlight the risks of exposure to asbestos during the work day and the correlative need to adopt sanitary protection measures for the employees<sup>(91)</sup>.

In addition, it is also important to emphasize the fact that there is no autonomous place prepared for carrying out investigations of the victims and moreover, children and young people. Thence the respect for the rights of persons who were victims of crime may not be totally assured.

In this sense, I believe that the transference of the Department facilities to another place should be carried out soon, in order to accommodate their employees in good and healthy conditions, as well as the creation of an independent division to hear the victims of crimes, especially children and youngsters.

Hence, with this recommendation, you are kindly requested to adopt the above-mentioned measures, thereby ensuring the best safeguard of the rights of the employees of the *Braga's* Criminal Investigation Department.

I conclude with the conviction that the personal commitment of your Excellency, Secretary of State for Justice, will greatly contribute to strengthening the defense of these rights and, at the same time, improving the functioning of our Criminal Investigation Police structures.



## *5. Participation in initiatives and institutional diffusion*

### *5.1. Participation in initiatives*

The on-the-spot observation of the conditions to which persons deprived of their liberty are subject requires a vast set of specific and up-to-date knowledge, which is enhanced by the exchange of experiences - national and international - between NPM staff and various agencies who assume responsibilities in this field, as well as with the reflections that such moments make possible. For this reason, the NPM conceived, carried out and

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(90) The NPM was informed that, at the end of the year was made a visit to the facilities in question.

(91) This subject is heavily densified by the Community legislation, with a particular focus on the Directive 2003/18/EC of the European Parliament and of the Council of March 27, 2003, transposed into portuguese law by the Decree-Law No. 266/2007 of July 24.

participated, during the year 2016, in several formative activities that shared the *desideratum* of providing the necessary tools to prevent the practice and behaviors that may be considered as torture or ill-treatment.

On June 7 and 8, a member of the Visitors Team visited the workshop «strengthening the implementation of fundamental rights in European Union law in criminal matters through cooperation between NPM's and the judiciary». This event was organized by the Ludwig Boltzmann Institute for Human Rights and the European Law Academy and brought together representatives of NPM's from various European Union countries, the European Committee for the Prevention of Torture and the UN Subcommittee on Prevention of Torture, as well as elements of civil society. Its main objective was the presentation of a reference study on cooperation between NPM's and the judiciary in the territory of the European Union, drawn up by the promoters.

On June 13, the NPM focal point at the United Nations Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment participated in the 29<sup>th</sup> Session of this Subcommittee for the Europe Region, which took place in Geneva. This meeting was promoted by the mentioned Subcommittee and had as purpose the exchange of information on the activities developed by the portuguese NPM, its structure, its scope of competence and the methodology adopted.

On October 13 and 14, 2016, a member of the Coordination Committee was present in Vienna at the ODIHR/APT Annual Meeting of National Preventive Mechanisms from the OSCE region, organized by the Department for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe and the Association for the Prevention of Torture. This event was attended by representatives of various NPM's, the European Committee for the Prevention of Torture and the UN Subcommittee on Prevention of Torture and the Association for the Prevention of Torture. The purpose of this event was to analyze the results obtained in the 10 years of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to define practices and difficulties arising from the prevention that can be qualified as torture.

On November 16 and 17, a member of the Visitors Team visited the final conference of the project «The Framework Decisions on Detention as Opportunities and Challenges for the Prevention of Ill-Treatment: The Role of Courts and National Mechanisms of Prevention». This event was held in Vienna and was organized by the Ludwig Boltzmann Institute for Human Rights and the European Law Academy. Representatives of various NPM's, judiciary and prosecutors from various European Union countries, members of the European Committee for the Prevention of Torture and the European Commission, as well as civil society, including the Association for the Prevention of Torture and Fair Trials International. Joint reflection on the forms of collaboration between NPM's and

the judiciary, with a view to preventing torture and ill-treatment, was the main purpose of this initiative.

Also on November 17, but in Geneva, the NPM participated, through the presence of one of the members of its Coordination Committee, at the conference held during the 30th session of the Subcommittee for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Participation in these initiatives, as well as the preparation and work carried out by all those who visited the places of detention, allowed to deepen the technical knowledge that in the year 2016 was shared by all the members of the Coordination Commission and the Visitors Team, as well as other collaborators from this State body who have been cooperating with the NPM, through two actions called Meetings in Coffee Break, internal training sessions that have been taking place since the year 2015. These actions of nature were held on November 10 and December 21, and were respectively subject to the following themes: «To take the pulse of 10 years of application of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment» and «Reflections on the collaboration between NPM's and the judiciary in preventing torture and ill- Treatment».

## *5.2. Institutional diffusion*

The activity carried out by the NPM is related to the verification of the conditions of treatment of persons who are deprived or limited of their freedom, thus preventing the practice of acts of torture or ill-treatment. For this reason, the knowledge - generalized but above all, on the part of those who have their restricted freedom and those who work with them - is of paramount importance of the existence of an organism that autonomously visits the places the real conditions in which these people meet.

Thus, and in common with the practice of past years, the teams of visitors continued to provide the information they requested about this autonomous body, providing posters and leaflets that disseminate the activity and contacts of the NPM.

In the course of 2016, contacts were made with the educational or training establishments of the police forces, in order to design collaboration protocols between the NPM and these entities and, alternately or jointly, to carry out actions of a formative nature, with a view to achieving two main objectives: the dissemination of the work carried out by the NPM and the contribution to the training of the professionals of those forces.

Also in line with the work carried out in previous years, during the reporting period, the NPM continued to prepare and make available new content on the pages of the Ombudsman's institutional website specifically dedicated to this state body. Contents that can be consulted in both versions (portuguese and english) and that allow us to know, at the

present time, the performance of the NPM, namely which places visited - with their dates and objects - and the recommendations issued.

Lastly, it should be noted that, in the messages with which this State body evokes some dates, the NPM pointed to the International Day of Support for Victims of Torture (June 26)<sup>(92)</sup>, World Mental Health Day (October 10)<sup>(93)</sup> and International Migrants' Day (December 16)<sup>(94)</sup>.



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(92) Available at <http://www.provedor-jus.pt/?idc=35&idi=16235>. This message is accompanied by a short video, viewable at the same address.

(93) Available at <http://www.provedor-jus.pt/?idc=35&idi=16486>.

(94) Available at <http://www.provedor-jus.pt/?idc=35&idi=16643>.



## *Contents*

> *Detail of the balcony's railing of the Portuguese Ombudsman's building*

## Contents

### 1. Graphs

<i>Graph I</i> – Geographic distribution of visits made in 2016	10
<i>Graph II</i> – Geographic distribution of all visits made (2014, 2015 and 2016)	11
<i>Graph III</i> – Visits made in 2016 by type of place of detention	11
<i>Graph IV</i> – Total of visits by type of place of detention (2014, 2015 and 2016)	12
<i>Graph V</i> – Distribution of the visits made by the police forces to their detention zones (2014, 2015 and 2016)	14
<i>Graph VI</i> – Distribution of NPM's recommendations by type of place of detention (2015 and 2016)	89

### 2. Tables

<i>Table I</i> – Entities addressed in the NPM recommendations (2015 and 2016)	87
<i>Table II</i> – Issues addressed in the NPM recommendations (2015 and 2016)	89

### 3. Analytical index of the visits to the places of detention

Detention Zone	Visit no. Date Pages	Subject
<i>Cascais</i> Local Instance of the Judicial Court of the District of West Lisbon (Lisbon)	<b>1-2016</b> 2016.06.08 Page 14	Analyzing the living conditions of the detention facilities, namely the lightning, insulation against cold or heat. Checking the conditions of the food sector. Checking the conditions of carriage of detainees in a prison vehicle or other means of transport used for that purpose
<i>Estoril</i> Police Station of the PSP (Lisbon)	<b>2-2016</b> 2016.06.08 Page 15	Compliance with the rights of the detainees to constitute a lawyer, to contact the defender by telephone and to communicate with a family member or person they trust. Period of detention. Conditions of carriage of detainees in a cellular vehicle or other means of transport used for this purpose. Procedures to investigate if the detainee has persons under his or her responsibility ( <i>v.g.</i> , minors) and protective measures
<i>Sintra's</i> Prison Facility (Lisbon)	<b>3-2016</b> 2016.06.09 Page 16	Disciplinary procedures (hearing of inmates who are serving sanction in a disciplinary cell). Checking the conditions of the food sector. Checking the conditions of carriage of detainees in a prison vehicle or other means of transport used for that purpose
<i>Sintra's</i> Local Instance of the Judicial Court of the District of West Lisbon (Lisbon)	<b>4-2016</b> 2016.06.09 Page 18	Analyzing the living conditions of the detention facilities, namely lightning, insulation against cold or heat and aeration. Checking the conditions of the food sector
<i>Benfica</i> Police Station of the PSP (Lisbon)	<b>5-2016</b> 2016.06.09 Page 19	Compliance with the rights of detainees to form a lawyer, to contact Phone with the defender and to communicate with a family member or person you trust. Period of detention. Hearing detainees, in particular on detention period and carriage conditions. Checking the conditions of the food sector. Checking the conditions of carriage of detainees in a prison vehicle or other means of transport used for that purpose. Procedures to inquire whether the detainee has persons under his care ( <i>v.g.</i> , minors) and protective measures

Detention Zone	Visit no. Date Pages	Subject
<i>Telheiras</i> Police Station of the PSP (Lisbon)	<b>6-2016</b> 2016.06.09 Page 20	Evaluating the compliance with the inmates' rights to consult with an attorney, to contact their defender by telephone and to communicate with a family member or trusted person. Period of detention. Hearing detainees, in particular on detention period and carriage conditions. Checking the conditions of the food sector. Checking the conditions of carriage of detainees in a prison vehicle or other means of transport used for that purpose. Procedures to inquire whether the detainee has persons under his care ( <i>v.g.</i> , minors) and protective measures
Metropolitan Command of Lisbon's Public Security Police (Lisbon)	<b>7-2016</b> 2016.06.23 Page 22	Checking the conditions of carriage of detainees in a prison vehicle or other means of transport used for that purpose. Hearing detainees, in particular on detention period and carriage conditions
National Republican Guard Territorial Post of <i>Costa da Caparica</i> ( <i>Setúbal</i> )	<b>8-2016</b> 2016.09.28 Page 23	Analyzing the living conditions of the detention facilities. Evaluating the compliance with the inmates' rights to consult with an attorney, to contact their defender by telephone and to communicate with a family member or trusted person. Verifying the working conditions of the police officers, namely regarding the accommodation and their alimentation
National Republican Guard Territorial Post of <i>Costa da Caparica</i> ( <i>Setúbal</i> )	<b>9-2016</b> 2016.09.28 Page 25	Analyzing the living conditions of the detention facilities. Evaluating the compliance with the inmates' rights to consult with an attorney, to contact their defender by telephone and to communicate with a family member or trusted person. Verifying the working conditions of the police officers, namely regarding the accommodation and their alimentation
<i>Barreiro</i> Local Instance of the Lisbon Judicial Court ( <i>Setúbal</i> )	<b>10-2016</b> 2016.09.28 Page 27	Analyzing the habitability conditions of the detention zone. Checking the conditions of the food sector
Central Instance of the Lisbon Judicial Court (Lisbon)	<b>11-2016</b> 2016.09.28 Page 28	Analyzing the habitability conditions of the detention zone. Checking the conditions of the food sector

Detention Zone	Visit no. Date Pages	Subject
Temporary Accommodation Centre of the Lisbon Airport (Lisbon)	<b>12-2016</b> 2016.09.30 Page 29	Analyzing the habitability conditions of the detention zone. Checking, through interviews, the living conditions of the inmates and examining if they are being treated with dignity
<i>Elvas</i> Prison Facility ( <i>Portalegre</i> )	<b>13-2016</b> 2016.09.30 Page 31	Contact with the Board. Accommodation conditions in an open regime. Occupational activities of the inmates
<i>Elvas</i> Local Instance of the <i>Portalegre</i> Judicial Court ( <i>Portalegre</i> )	<b>14-2016</b> 2016.09.30 Page 32	Analyzing the habitability conditions of the detention zone. Checking the conditions of the food sector
National Republican Guard Territorial Post of <i>Elvas</i> ( <i>Portalegre</i> )	<b>15-2016</b> 2016.09.30 Page 33	Analyzing the habitability conditions of the detention zone. Evaluating the compliance with the inmates' rights to consult with an attorney, to contact their defender by telephone and to communicate with a family member or trusted person
<i>Santo António</i> Housing Unit ( <i>Porto</i> )	<b>16-2016</b> 2016.10.03 Page 34	Analyzing the habitability conditions of the institution. Checking, through interviews, the living conditions of the inmates and examining if they are being treated with dignity
Temporary Accommodation Centre of the <i>Porto</i> Airport ( <i>Porto</i> )	<b>17-2016</b> 2016.10.03 Page 36	Analyzing the habitability conditions of the Accommodation Centre. Checking, through interviews, the living conditions of the inmates and examining if they are being treated with dignity
<i>Faro</i> Temporary Accommodation Centre of the <i>Faro</i> Airport ( <i>Faro</i> )	<b>18-2016</b> 2016.10.12 Page 37	Analyzing the living conditions of the Accommodation Centre. Checking, through interviews, the living conditions of the inmates and examining if they are being treated with dignity
Temporary Accommodation Centre of the Lisbon Airport (Lisbon)	<b>19-2016</b> 2016.10.20 Page 39	Complementary information of the Visit No. 12-2016

Detention Zone	Visit no. Date Pages	Subject
National Republican Guard Territorial Post of <i>Samora Correia (Santarém)</i>	<b>20-2016</b> 2016.11.08 Page 41	Analyzing the habitability conditions of the detention zone. Checking the conditions of the food sector. Evaluating the compliance with the inmates' rights to consult with an attorney, to contact their defender by telephone and to communicate with a family member or trusted person. Verifying the compliance with the legal and regulatory rules of compulsory hospitalization procedures. Period of detention. Checking the work conditions of the police officers. Checking the conditions of carriage of detainees
<i>Benavente</i> Local Instance of the <i>Santarém</i> Judicial Court ( <i>Santarém</i> )	<b>21-2016</b> 2016.11.08 Page 43	Analyzing the habitability conditions of the detention zone. Checking the conditions of the food sector. Checking the conditions of carriage of detainees
Central Instance of the Judicial Court of <i>Santarém (Santarém)</i>	<b>22-2016</b> 2016.11.08 Page 44	Analyzing the habitability conditions of the detention zone. Checking the conditions of the food sector. Checking the conditions of carriage of detainees
<i>Santarém</i> Police Station of the PSP ( <i>Santarém</i> )	<b>23-2016</b> 2016.11.08 Page 45	Analyzing the habitability conditions of the detention zone. Checking the conditions of the food sector. Evaluating the compliance with the inmates' rights to consult with an attorney, to contact their defender by telephone and to communicate with a family member or trusted person. Verifying the compliance with the legal and regulatory rules of compulsory hospitalization procedures. Period of detention. Checking the work conditions of the police officers. Checking the conditions of carriage of detainees
<i>Cartaxo</i> Local Instance of the <i>Santarém</i> Judicial Court ( <i>Santarém</i> )	<b>24-2016</b> 2016.11.08 Page 46	Analyzing the habitability conditions of the detention zone. Checking the conditions of the food sector. Checking the conditions of carriage of detainees
National Republican Guard Territorial Post of <i>Cartaxo (Santarém)</i>	<b>25-2016</b> 2016.11.08 Page 48	Analyzing the habitability conditions of the detention zone. Checking the conditions of the food sector. Evaluating the compliance with the inmates' rights to consult with an attorney, to contact their defender by telephone and to communicate with a family member or trusted person. Verifying the compliance with the legal and regulatory rules of compulsory hospitalization procedures. Period of detention. Checking the conditions of carriage of detainees. Checking the work conditions of the military

Detention Zone	Visit no. Date Pages	Subject
<i>Torres Novas</i> Prison Facility ( <i>Santarém</i> )	<b>26-2016</b> 2016.11.14 Page 50	Analyzing the living conditions of the detention facilities, namely the lightning, insulation against cold or heat. Analyzing the access to health, in particular, mental health. Verifying the procedures observed in the communication of the prison population with the board
<i>Viana do Castelo</i> Prison Facility ( <i>Viana do Castelo</i> )	<b>27-2016</b> 2016.11.16 Page 51	Checking the compliance with the rights and duties of the inmates who have been admitted to the prison for eight days or less. Checking the habitability conditions. Verifying the procedures observed in the communication between the prison population and the board. Verifying the translation of the information document on the rights and duties of the prisoners. Analyzing the individual hygiene kit available. Checking the provision of religious and spiritual assistance services
<i>Viana do Castelo</i> Police Station of the PSP ( <i>Viana do Castelo</i> )	<b>28-2016</b> 2016.11.16 Page 52	Checking the compliance with the rights and duties of the inmates. Checking the habitability conditions of the detention zone, namely in what concerns the thermic comfort. Checking, through interviews, the work conditions of the police officers
<i>Izeda</i> Prison Facility ( <i>Bragança</i> )	<b>29-2016</b> 2016.11.16 Page 53	Checking the compliance with the rights and duties of the inmates who have been admitted to the prison for eight days or less. Checking the habitability conditions. Verifying the procedures observed in the communication between the prison population and the board. Checking the conditions of carriage of detainees
National Republican Guard Territorial Post of <i>Izeda</i> ( <i>Bragança</i> )	<b>30-2016</b> 2016.11.16 Page 55	Checking the compliance with the rights and duties of the inmates. Checking the habitability conditions of the detention zone, namely in what concerns the thermic comfort. Checking, through interviews, the work conditions of the military. Analyzing the articulation procedures between the Territorial Command and the Territorial Office of the National Republican Guard regarding the allocation of the detainees

Detention Zone	Visit no. Date Pages	Subject
<i>Braga</i> Prison Facility ( <i>Braga</i> )	<b>31-2016</b> 2016.11.17 Page 56	Checking the compliance with the rights and duties of the inmates who have been admitted to the prison for eight days or less. Checking the habitability conditions. Verifying the procedures observed in the communication between the prison population and the board. Checking the procedures relating to the physical separation of prisoners: preventive <i>versus</i> condemned
<i>Guimarães</i> Prison Facility ( <i>Braga</i> )	<b>32-2016</b> 2016.11.17 Page 57	Checking the compliance with the rights and duties of the inmates who have been admitted to the prison for eight days or less. Checking the habitability conditions. Verifying the procedures observed in the communication between the prison population and the board. Checking the availability of individual hygiene kits
National Republican Guard Territorial Post of <i>Guimarães</i> ( <i>Braga</i> )	<b>33-2016</b> 2016.11.17 Page 58	Checking the compliance with the rights and duties of the inmates. Checking the habitability conditions of the detention zone, namely in what concerns the thermic comfort. Checking, through interviews, the work conditions of the military. Analyzing the articulation procedures between the Territorial Command and the Territorial Office of the National Republican Guard regarding the allocation of the detainees
<i>Mirandela</i> Station of the PSP ( <i>Bragança</i> )	<b>34-2016</b> 2016.11.17 Page 59	Checking the compliance with the rights and duties of the inmates. Checking the habitability conditions of the detention zone, namely in what concerns the thermic comfort. Checking, through interviews, the work conditions of the police officers. Analyzing the articulation procedures between the District Command and the Station regarding the allocation of the detainees
National Republican Guard Territorial Post of <i>Mirandela</i> ( <i>Bragança</i> )	<b>35-2016</b> 2016.11.17 Page 60	Checking the compliance with the rights and duties of the inmates. Checking the habitability conditions of the detention zone, namely in what concerns the thermic comfort. Checking, through interviews, the work conditions of the military. Analyzing the articulation procedures between the Territorial Command and the Territorial Post regarding the allocation of the detainees

Detention Zone	Visit no. Date Pages	Subject
<i>Braga's</i> Criminal Investigation Department of the Judiciary Police ( <i>Braga</i> )	<b>36-2016</b> 2016.11.18 Page 61	Checking the compliance with the rights and duties of the inmates. Checking the habitability conditions of the detention zone. Checking the inmates' proper alimentation.
<i>Vila Real</i> Police Station of the PSP ( <i>Vila Real</i> )	<b>37-2016</b> 2016.11.18 Page 62	Checking the compliance with the rights and duties of the inmates. Checking the habitability conditions of the detention zone, namely in what concerns the thermic comfort. Checking, through interviews, the work conditions of the military. Analyzing the articulation procedures, between the District Command and the Station, regarding the allocation of the detainees
<i>Vila Real</i> Prison Facility ( <i>Vila Real</i> )	<b>38-2016</b> 2016.11.18 Page 63	Checking the compliance with the rights and duties of the inmates who have been admitted to the prison for eight days or less. Checking the habitability conditions. Verifying the procedures observed in the communication between the prison population and the board. Checking the conditions of carriage of detainees
<i>Aveiro</i> Prison Facility ( <i>Aveiro</i> )	<b>39-2016</b> 2016.11.23 Page 64	Analyzing the living conditions of the detention facilities, namely the lightning, insulation against cold or heat. Analyzing the access to health, in particular, mental health. Verifying the procedures observed in the communication of the prison population with the board
<i>Aveiro's</i> Criminal Investigation Department of the Judiciary Police ( <i>Aveiro</i> )	<b>40-2016</b> 2016.11.23 Page 66	Analyzing the living conditions of the detention facilities. Compliance with the rights of the detainees to constitute a lawyer, to contact the defender by telephone and to communicate with a family member or trusted person
<i>Figueira da Foz</i> Local Instance of the Judicial Court of <i>Coimbra</i> ( <i>Coimbra</i> )	<b>41-2016</b> 2016.11.23 Page 67	Analyzing the living conditions of the detention facilities
National Republican Guard of <i>Figueira da Foz</i> Coastal Control Department ( <i>Coimbra</i> )	<b>42-2016</b> 2016.11.23 Page 68	Analyzing the living conditions of the detention facilities. Compliance with the rights of the detainees to constitute a lawyer, to contact the defender by telephone and to communicate with a family member or trusted person

Detention Zone	Visit no. Date Pages	Subject
Psychiatric Unit of the <i>Barreiro-Montijo</i> Hospital Centre ( <i>Setúbal</i> )	<b>43-2016</b> 2016.12.15 Page 68	Checking the practice followed in the use of physical and chemical restraint measures
<i>Viseu</i> Prison Facility ( <i>Viseu</i> )	<b>44-2016</b> 2016.12.20 Page 70	Checking the compliance with the rights and duties of the inmates who have been admitted to the prison for eight days or less. Checking the habitability conditions, particularly, the functioning of the boilers. Verifying the procedures observed in the communication between the prison population and the board. Checking the availability of individual hygiene kits
National Republican Guard of <i>Viseu</i> Territorial Post ( <i>Viseu</i> )	<b>45-2016</b> 2016.12.20 Page 71	Checking the compliance with the rights and duties of the inmates. Checking the habitability conditions of the detention zone, namely in what concerns the thermic comfort. Checking, through interviews, the work conditions of the military. Analyzing the articulation procedures, between the Territorial Command and the Territorial Post, regarding the allocation of the detainees
<i>Viseu</i> Police Station of the PSP ( <i>Viseu</i> )	<b>46-2016</b> 2016.12.20 Page 72	Checking the compliance with the rights and duties of the inmates. Checking the habitability conditions of the detention zone, namely in what concerns the thermic comfort. Checking, through interviews, the work conditions of the military. Analyzing the articulation procedures, between the District Command and the Station, regarding the allocation of the detainees
Investigation Department and Criminal Procedure of Lisbon - detention area (Lisbon)	<b>47-2016</b> 2016.12.22 Page 74	Checking the inmates' proper alimentation. Checking the habitability conditions of the detention zone. Checking the compliance with the rights and duties of the inmates namely concerning their transportation
Lisbon's Local Instance of the Judicial Court of Lisbon – Detention area (Lisbon)	<b>48-2016</b> 2016.12.22 Page 76	Checking the inmates' proper alimentation. Checking the habitability conditions of the detention zone. Checking the compliance with the rights and duties of the inmates, particularly, regarding their treatment

Detention Zone	Visit no. Date Pages	Subject
National Republican Guard of <i>Malveira</i> Territorial Post (Lisbon)	<b>49-2016</b> 2016.12.22 Page 76	Checking the compliance with the rights and duties of the inmates. Checking the habitability conditions of the detention zone, namely in what concerns the thermic comfort. Checking, through interviews, the work conditions of the military. Analyzing the articulation procedures, between the Territorial Command and the Territorial Post, regarding the allocation of the detainees
<i>Oeiras</i> Police Station of the PSP (Lisbon)	<b>50-2016</b> 2016.12.22 Page 77	Checking the compliance with the rights and duties of the inmates. Checking the habitability conditions of the detention zone, namely in what concerns the thermic comfort. Checking, through interviews, the work conditions of the police officers. Analyzing the articulation procedures, between the District Command and the Station, regarding the allocation of the detainees
<i>Castelo Branco</i> Prison Facility ( <i>Castelo Branco</i> )	<b>51-2016</b> 2016.12.29 Page 78	Analyzing the living conditions of the detention facilities, namely the lightning, insulation against cold or heat. Analyzing the access to health, in particular, mental health. Verifying the procedures observed in the communication of the prison population with the board
<i>Castelo Branco</i> Central Instance of the Judicial Court ( <i>Castelo Branco</i> )	<b>52-2016</b> 2016.12.29 Page 80	Checking the habitability conditions of the detention zone. Checking the conditions of the food sector
National Republican Guard (GNR) of <i>Castelo Branco</i> Territorial Post ( <i>Castelo Branco</i> )	<b>53-2016</b> 2016.12.29 Page 81	Checking the habitability conditions of the detention zone. Evaluating the compliance with the inmates' rights to consult with an attorney, to contact their defender by telephone and to communicate with a family member or trusted person

#### 4. Analytical index of the National Preventive Mechanism's recommendations

Recommendation No. Date	Subject	Entity
<b>1/2016/NPM 46-2015</b> Page 90	Prison establishment. Accommodation conditions. Basement of the Lisbon Prison Facility	General-Directorate for Reintegration and Prison Services
<b>2/2016/NPM 5-2015; 6-2015; 13-2015; 20-2015; 24-2015; 25-2015</b> Page 92	Educational centres. Young women of the feminine sort. Health care. Intensive supervision period. Post-hospitalization follow-up. Special career of social reinsertion technician	Minister of Justice
<b>3/2016/NPM 5-2015; 6-2015; 13-2015; 20-2015; 24-2015; 25-2015</b> Page 98	Educational centres. Safety conditions. Accessibilities. Formation of the young persons. Adaptation of facilities. Feeding. Precautionary Isolation Rooms	General-Directorate for Reintegration and Prison Services
<b>4/2016/NPM 5-2015; 6-2015; 13-2015; 20-2015; 24-2015; 25-2015</b> Page 104	Educational centres. Medical Assistance. Psychotherapeutic follow-up	Minister of Health
<b>5/2016/NPM 5-2015; 6-2015; 13-2015; 20-2015; 24-2015; 25-2015</b> Page 107	Educational centres. Visits of the judiciary magistrates	President of the High Council of Magistracy
<b>6/2016/NPM 5-2015; 6-2015; 13-2015; 20-2015; 24-2015; 25-2015</b> Page 109	Educational centres. Visits of the judiciary magistrates	Prosecutor-General's Office
<b>7/2016/NPM 36-2016</b> Page 110	Police force. Judiciary Police. Human Resources. Safety conditions. Facility conditions	Secretary of State of Justice



**MECANISMO NACIONAL DE PREVENÇÃO**

PROVEDOR DE JUSTIÇA

### O que é o Mecanismo Nacional de Prevenção?

O Mecanismo Nacional de Prevenção é um organismo que atua no âmbito do Protocolo Facultativo à Convenção contra a Tortura e outras Penas ou Tratamentos Cruéis, Desumanos ou Degradantes.

Tem como principal missão a promoção e defesa dos direitos das pessoas privadas de liberdade, verificando se as normas daquela Convenção estão a ser respeitadas.

### O que é o Protocolo Facultativo à Convenção contra a Tortura e outras Penas ou Tratamentos Cruéis, Desumanos ou Degradantes (PFCD)?

O PFCD é um instrumento jurídico que institui um sistema de visitas com caráter preventivo e regular a locais de detenção, por uma instância das Nações Unidas - o Subcomité para a Prevenção da Tortura - e, em cada país, por um Mecanismo Nacional de Prevenção.

### Que tipo de locais visita o Mecanismo Nacional de Prevenção?

O Mecanismo Nacional de Prevenção visita, designadamente:

- Estabelecimentos prisionais;
- Celas de detenção em tribunais e em instalações das forças policiais;
- Meios de transporte de pessoas privadas de liberdade;
- Centros educativos para detenção de crianças e jovens;
- Unidades hospitalares com internamento psiquiátrico;
- Centros de instalação temporária de estrangeiros.



### Como se realizam as visitas pelo Mecanismo Nacional de Prevenção?

As visitas são realizadas com aviso prévio e têm por objeto aspetos específicos, antecipadamente determinados, variando com a tipologia e a própria identidade do local visitado.

Entre outras vertentes, são analisadas as condições das instalações (alojamento, iluminação, isolamento térmico, ventilação, higiene, sanitários, acesso a pessoas com deficiência), a alimentação, a observância do respeito pelos direitos das pessoas privadas da sua liberdade e a existência dos registos adequados.

O Mecanismo Nacional de Prevenção pode, em período, ouvir as pessoas em reclusão, assim como os funcionários da instituição visitada, requerer documentos para consulta e, ainda, averiguar, sem reserva, tudo o que considerar pertinente.

### Qual é o resultado das visitas do Mecanismo Nacional de Prevenção?

A verificação de aspetos negativos pode dar origem à emissão de recomendações às entidades competentes para a sua correção, sendo efetuadas visitas de seguimento para apreciação da respetiva evolução.

Anualmente é elaborado um relatório de atividade do Mecanismo Nacional de Prevenção dirigido à Assembleia da República e ao Subcomité para a Prevenção da Tortura, o qual também inclui informação sobre todas as visitas realizadas.

# Acronyms and abbreviations

## *Acronyms and abbreviations*

EGL – Educational Guardianship Law (*Lei Tutelar Educativa*)

GDSEC – General Disciplinary Statute of the Educational Centres (*Regulamento Geral e Disciplinar dos Centros Educativos*)

GLWPS – General Law of Work on Public Service (*Lei Geral do Trabalho em Funções Públicas*)

GNR – National Republican Guard (*Guarda Nacional Republicana*)

INEM – National Institute for Medical Emergency (*Instituto Nacional de Emergência Médica*)

No.(s) – Number(s)

NPM - National Preventive Mechanism (*Mecanismo Nacional de Prevenção*)

p./pp. – Page/pages

PSP – Public Security Police (*Polícia de Segurança Pública*)

REANPM – Support Structure Regulation for the NPM (*Regulamento da Estrutura de Apoio ao Mecanismo Nacional de Prevenção*)

SEF – Immigration and Borders Service (*Serviço de Estrangeiros e Fronteiras*)

TAC – Temporary Accommodation Centre (*Centro de Instalação Temporária*)

UHSA – Santo António Housing Unit (*Unidade Habitacional de Santo António*)

*v.g. – verbi gratia*