

National Standard

Country	Detention Issues	Key provision	Legal Instrument	NPM Recommendation	NPM Recommendation year	NPM report URL
Portugal	Placements	The allocation of detainees takes into account (i) the organization of custodial establishments and (ii) the initial assessment of the detainee, as well as their legal and criminal status, gender, age, health, previous sentences, the nature of the crime committed, sentence length, requirements of order and security, execution regime, proximity to family, social, educational, and professional environment, the advantages of promoting it and the requirements of approaching freedom, the need to participate in certain programmes and activities, including educational ones, the need for special protection and the fulfilment of specific needs. It also stipulates that assignment to a custodial establishment or unit is the responsibility of the Director-General and, whenever possible, the sentenced person must be heard about their allocation. There must be establishments or units specifically dedicated to the execution of sentences and measures involving: detainees in remand; b) detainees serving their first sentence; c) young detainees up to the age of 21 or, whenever it is beneficial for their treatment, up to the age of 25; female detainees; and detainees in need of special protection.	Code on the Enforcement of Custodial Sentences and Measures (Lei n.º 115/2009, que aprova o Código da Execução das Penas e Medidas Privativas da Liberdade)	The NPM highlighted the challenging situation faced by detainees convicted of or suspected of sexual offenses - a group particularly vulnerable in custodial settings - at the Lisbon Establishment. Initially housed in wing F, they were relocated to wing D due to the pandemic's impact on wing F's repurposing for quarantine. However, this relocation necessitated housing them alongside other detainees, prompting the need for strict separation. Consequently, to ensure their safety, their cell access was restricted, confining them for 22 hours a day. The two hours they had out of their cell were not just for going to the yard, since during that time they had to perform all activities they couldn't do in their cell, such as showering, going to the canteen or making phone calls. This situation was exacerbated by communal housing, cramped cell dimensions (around 9 m², inclusive of toilets), and the lack of tables and chairs, forcing detainees to eat their meals in their bed.	2022	https://www.provedor-jus.pt/documentos/Relato%CC%81rio_MNP_2022.pdf

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<http://fra.europa.eu/en/databases/criminal-detention/>

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