

## Prison system in Portugal

No investment has been made on Portuguese prison system since before the 1974 democratic revolution, till 1996. The 50 prison establishments received more and more inmates, since, in the eighties, the war on drugs put behind bars to much people, more than the capacity of the system. For a decade, the overcrowd situation has been attenuated by regular amnesty. Till President Sampaio, 1995, decided to stop this policy. The tension grows inside prisons and it turns into a political problem the penitentiary reform. At 1997 Portugal was champion in incarceration rates and death rates in prison, comparing other countries in Europe. At 2001 what stroked the most the public opinion has been the number of pre-trial incarceration, given a Lawyers Order report revealing 1/3 of inmates were preventive prisoners and most of them did not even know if they have a defendant lawyer. More than 100 leave prison every year declared innocent by the courts. Since then, several efforts have been made to define a long run prison reform policy: alternative penalty use from zero, developing rehabilitation processes from near zero, developing work and education occupations, improving healthcare system for prisoners giving them direct access to the public healthcare system, shortening the number of prison establishment and growing the number of places for inmates (till 15000, i.e. preparing a rate of 150 prisoners for each 100 thousands inhabitants), improving administrative rationality and so on.

The prison reform public talks started in 1996, after the public impact of the first Ombudsman report on Portuguese prison system. The government at the time reacts putting money on the prison system. The report of *Tribunal de Contas* on the operation reveals that the prison system has no administrative ability to deal with investment programs. It simply does not know how to manage the money and the investment projects. One year later, the program stopped.

A new cycle of prison policies began after the 2001 broad hunger strike of several inmates in different central prisons – the prisons that receive the long term sentences. It becomes clear for public opinion, at the time, something should be done. However the State does not have enough information and skills to deal with the situation. Four or five prison reforms have been proposed since 1996 till 2004, when Freitas do Amaral, a very influent politic senator, takes the lead of a group in order to design a successful start. It is not clear that his proposal is the main political reference in these matters for prison administration proposes. Any way his statements and recommendations are useful to produce a synthesis of the actual needs of the Portuguese prison system: the condition of the system, buildings and personnel, is such that it is not worthy to claim any significant improvements till 12 or 15 years from now. By then, if rightful action is taken, continue Amaral report, Portugal would be able to attain somehow a prison system alike the medium (sic) European prison system. The State admit the prison system situation is far from acceptable and that it would be difficult to overcome the needy situation before the year 2020.

By then, it would be possible to work on rehabilitation programs for inmate and ex-condemned people using the system of personal rehabilitation records for each inmate, previewed since 1979 but never in place. Gathering private and public initiatives to build a system of shelters for just freed prisoners in order to avoid crime re-incidence, that is a goal. To use regularly alternative penalties to prison when it happens minor crimes in order to disperse overcrowd. To close old prisons and to install new facilities

**Comentário [c1]:** Há dois séculos q o sistema prisional português vem conhecendo melhorias em termos de qualidade de vida dos reclusos. E nenhum investimento, em que termos?

**Comentário [c2]:** O relatório do Provedor de Justiça tbm teve muito impacto à altura.

**Comentário [c3]:** Da leitura que se lê aqui, é como se tivesse havido um período em que não houve investimento público nos prisionais. É isso que queres dizer? Ou do que dinheiro q houve era para "despesas de gestão"?

**Comentário [c4]:** Não sei se colocaria como único indicador, as greves de fome como o factor que fez o sistema constatar que não sabia lidar com a renovação da população sociográfica das prisões.

**Comentário [c5]:** Achas mesmo necessário, esta informação sobre o Freitas num texto tão pequeno? A ideia de ele ser de direita parece ser interessante, mas o resto... . Acho que era mais relevante dizer que entretanto, mudou o governo e a sua proposta ficou congelada e que está em andamento a revisão penal.

**Comentário [c6]:** Uma sugestão de menor importância, mas se for para deixar escrito. Aprendi no Britânico que os ingleses jamais mudam de parágrafo se estão a referir-se ao mesmo assunto e neste caso raciocínio de uma pessoa.

**Comentário [c7]:** Rehabilitation

**Comentário [c8]:** Penso que dado o texto ser tão pequeno poder ter mais "ordem cronológica". Por exemplo, tu falas do Sampaio e aqui, como *en passant* é que falas na legislação de 1979. Percebo que a decisão política de Sampaio pode ter tido um impacto mais imediato no sistema prisional, mas mesmo tendo lido o texto mais do que uma vez, continuo a achar que o texto ganhava mais se em cada parágrafo não fizessem tantos saltos no tempo, porque neste caso, começas a falar de um passado próximo (Sampaio) e do Freitas, e depois 79 e depois o futuro e o presente. Vê-se que tens muito conteúdo mas eu senti um "zapping" muito grande e olha, que eu não tenha uma cabeça legalista, tipo que goste de datas formais e isso, mas sinceramente acha que poderia ficar mais "entendível".

for MAX technological systems (yet working at Monsanto-Lisbon) is another goal. In short, the Portuguese government has an administrative problem: a long upgrading process of the prison system degraded physically, functionally and administratively by 30 years of abandon. The policy is to get scale economies, to sell old urban facilities and rebuilt outside town, where the land is cheaper, to disperse prison sentences, shortening the opportunities to judges to decide prison sentences, to modernize prison organization system.

The policy is to buy time to be able to deal with a shameful situation for the State and, at the same time, to consider both securitarian feelings about crime and philanthropic feelings about rehabilitation. The lack of strong rehabilitative professions and professionals inside Portuguese prison system, the lack of technical and academic knowledge about how the system works, the lack of political control through a fragile command line through prison establishment, the weakness of the administrative apparatus, the weakness of philanthropic social movement in Portugal, all together help us to realize why it happens a divorce between the political and public discourse about Portuguese prison (for instance, the Amaral report) and the real polity on the ground, depending on the ability of the head of the prison services to mobilize the more powerful sectors inside prison system.

The death rate inside prisons is stable and very high for European standards (around 85 deaths by 10.000 inmates), the incarceration rate is stable these last years but is not the first in Europe anymore (it stayed by the 126 prisoners by 100 thousand people in population), overcrowd continues specially where shorter sentences are lived (at *estabelecimentos prisionais regionais*) and it is still difficult to split different kind of inmate, such as younger people, and it is still difficult to heal mental diseases. New steps are taken in order to give professional autonomy to health care personnel.

**Comentário [c9]:** Quererias dizer: The policy is...

**Comentário [c10]:** Será vergonhosa ou terá que mesmo ser assim, pela própria organização do sistema?

**Comentário [c11]:** Esta frase é muito interessante.

**Comentário [c12]:** Uma sugestão só ao nível de inglês, tu estás a dar aspectos negativos e positivos mas sobretudo negativos, como as tuas últimas frases. Se quiseres variar para um aspecto que pelo que deduzo, parece achares ser positivo, poderias no início desta frase escrever: "Nonetheless" ou "However" ou "Yet".