

The double face of penal policies: the case of Portugal.

Sometimes one think prison reform comes from an ideal, a mix of philanthropic care about people suffering legal penalties and the social need of revenge on the bodies of anyone considered criminal. In the sixties of last century philanthropic ethos become dominant: the perspective of non investment on prison systems, but on alternative penal systems opened to society, was designed in political plans. More humanity on treatments, less money invested, more social responsibility of all society, political control of revenge feelings, maintenance of all civil rights of people condemn except the rights abolished by the condemnatory sentence, down with social control by force and torture. Since the eighties it becomes clear that the plan was not being followed: the reverse has become true. And it still is today, thirty years afterwards.

Working on doctrinaire programs in Europe, tougher and tougher with prisoners, an exception come to the horizon: recent Portuguese penal reform is, as a specialist said, the revival of abolitionist legal principals of the sixties. What is going on? What that means?

Two main problems are alleged to explain what is going on: a) the budgetary policy of cutting state expenses, in a country where the crime problem is less a problem than mal functioning of judicial system – which public prestige among Portuguese compares, recently, to the prestige of Colombian system among Colombians; b) the war that oppose judiciary professions to the politic men: the former argues that the government do not invest enough money on the judicial system and the later argues that politics has become a target for judicial intents.

Meanwhile, out of legal control, since 2001, successive government impose “Alas de segurança” (security barracks) in the campus of the main prisons in Portugal, where inmate suffers max security regimes (not mentioned as possible at the Portuguese law) whenever prison’s chiefs decide.

Modernization of prison system, in Portugal, means to import new forms of organizing lives in prison from more developed countries (Max security facilities) and, at the same time, to show Portuguese elites as progressive and humanitarian at the doctrinal level.

The same kind of contradictions occurs elsewhere in the world. For instance, US State Department annual report on Human Rights condemns Portuguese authorities for not enough action in order to avoid torture claims or the number death people under custody. These reports do not mention Abu Grahیب or Guantanamo prisons or the number of death sentences in USA.

These contradictory policy movements not only compete with each other: they go together. When torture becomes acceptable for some governments, UN pushes ahead Additional Protocol against Torture which intend to enable humanitarian activists to organize themselves as civil society and work locally the torture prevention techniques used by international UN independent Special Rapporteur since the Convention against Torture is in place.