

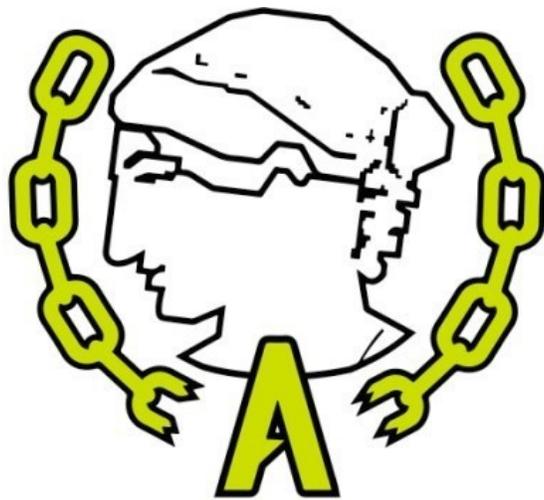
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**Have prisons learnt from Covid-19?
How the world has reacted to the pandemic
behind bars**



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N. 1/2020 HAVE PRISONS LEARNT FROM COVID-19? HOW THE WORLD HAS REACTED TO THE PANDEMIC BEHIND BARS

edited by Susanna Marietti and Alessio Scandurra

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PORTUGAL - The management of Covid-19 in Portuguese prisons

Vera Silva¹

Portugal is considered one of the safest countries in Europe and the world, with low crime rates. However, Portuguese prisons are overcrowded because of the high rates of incarceration in the last decades. According to the Council of Europe high incarceration rates in Portugal are also due to the fact that the average effective length of imprisonment is three times longer than the average in Europe.

The prison population is largely made up of people from precarious socio-economic backgrounds, with a significant number of people from racialized communities, and people with no Portuguese citizenship. Criminality is generally associated with drug trafficking, property crime, road traffic offences and also some people are imprisoned due to non-payment of fines.

There are around 13,000 people (men, women and transgender) imprisoned, dozens of children 3-5 years old and around 5000 professionals in the 49 prisons of the country. There is a high number of elderly and inmates with health problems: chronic

and infectious diseases (Hiv, hepatitis B and C), and a high number of mental health problems.

The European prisons observatory in Portugal has found that around 60-80% of people in prison have had previous experiences of institutionalisation in state institutions, such as childcare institutions, youth detention centres, psychiatric hospitals, shelters for victims of domestic violence, immigration detention centres. According to Confiar (Ngo) 70% of the children of prisoners do not break the cycle of crime and recidivism is around 75%.

Most prisons are very old buildings, overcrowded and have poor conditions. In some establishments the conditions are degrading, as reported by the European prisons observatory in 2015. Health services in prisons are precarious with more than half of the health professionals being employed in outsourcing. The prevention of suicide among people deprived of their liberty is ineffective; according to Council of Europe data - annual crime statistics from the 47

Member states 2019 - the suicide rate in Portuguese prisons was very high (i.e. 25% higher than the European average). Although without empirical data, the suicide rate of professionals, in particular prison guards, is alarming. Over time, mortality rates in prison are very high, for example in 2012 the mortality rate was almost double the European average. Over the years, both the Council of Europe's European Committee for the prevention of torture and inhuman or degrading treatment or punishment and in a national level: the Ombudsman's office, the Order of psychologists, the Order of nurses and others have identified and denounced a significant number of human rights violations relating to prison healthcare.

This report is mainly based on information collected in the media, websites of the Ministry of Justice and of the General directorate of health, denouncements from prisoners and their relatives at social networks, complaints and information from Ngos and reports of the Prison observatory on the management of the pandemic in the prison system. There are strong contrasts and mismatches between the discourses of the representatives of the Ministry of Justice, Dgrsp (*Direção-Geral de Reinserção e Serviços Prisionais*) and Dgs (*Direção-Geral da Saúde*), on the one hand, and the denouncements of prisoners and their relatives, Ngos and the prison guard union, on the other hand.

At the beginning, the management of Covid-19 in prisons reflected a weak coordination between the various institutions and agencies running these establishments. The first measures for prisons were communicated by the director of Dgs on 8 March, live on the

evening news of a national public television channel. These emergency measures were taken in response to the first outbreak of Covid-19 identified in the northern region of the country. They required the suspension of visits and deliveries from outside, in prisons as well as in other tutelary institutions and care homes of the north. However, according to the prison guard union, the Dgrsp didn't alert on time the directors of the target prisons. This lack of communication between agencies provoked a lot of confusion for inmates, their families and friends, as well as for prison directors, guards, educators and volunteers. On March 9th, in the north prisons of the country visits did not take place as it was ordered by the Dgs. In some, the delivery of clothes and food was authorised; in others not. This generated a lot of despair and revolt, especially for inmates, and their relatives and friends who went to visit them. In the prison of Oporto some inmates protested and refused to have lunch and were repressed and lockdown. At the prison of Braga some inmates also protested refusing to eat lunch.

There is a contingency plan for prisons since February 17th but it was never made public due to security reasons, as justified by the Minister of Justice. However, some measures and some information were published at the website of the Dgrsp with few updates. The only public official information about the management of Covid-19 in prisons were the sanitary and prophylactic measures from Dgs on March 23rd; the Ombudsman's Recommendation for the prevention of contagion in the prison system, on March 26th; and, on May 26th, the Dgs recommendations for

visiting procedures.

The national State of emergency was decreed on 19 March. Although the contingency measures in prisons began to be implemented in March 9th. First, as mentioned above, visits and orders of clothing and food from outside were suspended. Later on, under the guidance of the General directorate of health, these deliveries from relatives to inmates were allowed. These restrictions were gradually applied in prisons, first in the north and then throughout the country.

On March 16th visits in all prisons were suspended. In order to overcome this severe restriction the number of phone calls permitted increased to 3 daily calls of 5 minutes. However, inmates must pay for it. In some prisons video calls have been allowed and expanded. Unfortunately, with many limitations due to lack of phone devices and human resources, which differ from prison to prison. Also, many inmates' relatives and friends have difficulties to access to computers or mobile phones with internet.

Some measures implemented along March were the suspension of visiting and entering of volunteers, academic researchers, teachers and other professionals; the two prison hospitals were prepared to receive separately Covid-19 patients; two prisons were seconded to receive ill inmates; infirmary spaces in prisons have been created and expanded; the armed forces built campaign hospitals in 5 prisons; the most vulnerable such as elderly, pregnant women and chronically ill (about 750 people) were isolated and inmates returning from temporary release were quarantined. Those were some of the prophylactic

measures demanded by Dgs, on 23 March, although some have hardly been implemented considering the different conditions in each prison.

Maximum security wings and solitary confinement cells were used to isolate and put inmates in quarantine. Lockdown strategy resulted in the physical and psychological torture of solitary confinement or in overcrowded prisons, isolation in cells with 3, 4 or in some situations more than 10 people.

Prison labour was mostly suspended with the exception of some services such as cooking, cleaning, agricultural work (in some prisons). However, measures concerning labour were different from prison to prison. In the women's prison of Santa Cruz do Bispo, one of the working companies, in the end of March, had change its production to protective equipment, masks, uniforms for health workers. Dozens of women prisoners worked day and night to earn a derisory wage. However, for many women the possibility of working has allowed them, for example, to charge a telephone card, buy cleaning products and food.

Educational, recreational and religious activities were suspended. The kindergarten spaces in women's prisons have been closed, during confinement, which worsened the conditions of women mothers and their children who have been confined in the cells and wings.

Administrative staffs, educators and prison guards were halved, which had implications for prison management and directly affected inmates, who spent more than 22 hours a day locked in cells and had limited access to telephone calls, video calls and money deposited by relatives.

The judicial system also slow down and the resolution of court cases concerning convict inmates or on remand became even slower or suspended.

During March in some prisons there were protests by inmates. In social media, several videos of inmates circulated calling for their release and denouncing the lack of protective material for inmates and professionals, the poor healthcare, the poor living conditions and the risk of contagion. On the other hand, relatives and civil society organisations also denounced the poor conditions and the danger to which inmates were exposed, the lack of contact and information about what was happening inside prisons. There have been, also, reports from relatives in social media denouncing the covert punishments, including prison transfers of inmates accused of releasing videos to Monsanto maximum security prison.

During March three public petitions circulated: one was signed by inmates and asked for release measures; another one was signed by relatives of inmates and demanded for house arrest for all inmates; the third petition was signed by Apar, a Ngo, reclaiming house arrest for the most vulnerable inmates, including mothers.

Protective equipment for professionals and prison guards only began to be distributed at the beginning of April, after the confirmation of almost a dozen cases of Covid-19 in different prisons. Only one of these confirmed cases was from a woman recently imprisoned. The remaining cases were from guards and other staff.

On 10 April, the Assembly of the Republic approved the Law No. 9/2020 - exceptional measures for flexibility in the

execution of prison sentences and measures of grace² - which was in force until 29 May. These measures covered around 2,000 people (15% of the prison population). According to official media reports, of the 2,000 persons released, only 5 have relapsed for minor crimes; 34 persons have returned to prison for not respecting the rules of temporary releases and 3 persons have returned voluntarily to prison.

There has been no investment in reintegration programs for those who left prison. Only networks with local authorities have been strengthened, under decision of the Minister of Justice. On 14 April, 40 released men who were left homeless were resettled on the Monsanto campsite, due to a partnership with the local authority and the Ngo O Companheiro. However, at the end of May they were forced to leave because of the opening of the campsite to the public.

On 19 May, the media reported the official confirmation of two inmates positive to Covid-19 in the prisons of Pinheiro da Cruz and Vale de Judeus. Apar and the prison guard union have denounced that quarantine measures have not been respected in these prisons.

According to information on the website of the Portuguese Association for prison education, educational activities were resumed (in distance learning) by the great majority of prisons at the end of April. There were some prisons (Aveiro and Pinheiro da Cruz) which didn't suspended the learning/training activities. However, there were prisons which, for reasons of internal organization, only started in May (the prisons of Beja, Porto and the women's prison of Santa Cruz do Bispo).

The end of the state of emergency occurred at the beginning of May. On 26 May, the Dgs released recommendations for visits to prisons and youth detention centres. From June 15th till the end of the month visits were gradually resumed in all prisons with special rules and severe limitations. No visits on weekends. Visits must be in working days, only two people allowed, with the duration of 30 minutes and in visitations booths. The state made an investment of 300,000 Euros for the installation of 675 visitation booths in prisons and in youth detention centres.

The new conditions of prison visits caused a lot of despair and discontentment among inmates and relatives, especially women and children relatives. Many families have to travel hundreds of kilometers to have only half an hour to visit. With visits taking place on weekdays, many relatives are unable to go to the visit or have to miss a day of work or school, preventing children to visit their parents/relatives in prison. Allowing only two people per visit also prevented several relatives, including children, from visiting their relatives in prison. The visitation booths were also subject of complaints: difficulties in listening to each other and no physical contact allowed. On September 4th, a movement of women relatives of prisoners organized a demonstration in front of the Ministry of Justice and the Dgrsp and delivered a letter signed by hundreds of citizens demanding legal compliance concerning the human rights of prisoners, especially the right to have contact with their relatives.

Denouncements of relatives and Ngos about wrong practices and human rights violations persist. The pandemic has brought new severe limitations and

amplified old problems in prisons. In the last months the media reported dozens of cases of inmates positive to Covid-19 confirmed by Dgrsp and Dgs. However, till now, there is no official data about all positive cases of Covid-19 in the prison population (inmates and staff) and information about the management of Covid-19 and its real impacts in each prison.

Notes

¹ **Vera Silva:** anthropologist and PhD student in Social and Cultural Anthropology at the University of Coimbra. Researcher at the Centre for Research in Anthropology and is collaborator in the Prison Observatory in Portugal. Currently is developing action research on gender configurations in prison regimes.

² The law provided for the pardon of the President of the Republic for prisoners over 65 years of age and with chronic illnesses, except those convicted of sexual crimes, domestic violence, murder, drug trafficking, arson, among others; the pardon of 2 years for those who have less than 2 years of sentence to serve or who have sentences of less than 2 years, except for those convicted of crimes of domestic violence, murder, sexual abuse of minors, drug trafficking, among other exceptions; and, finally, the granting of 45 days temporary release for those who are already in this regime.

