



PREVENTION MEASURES IN EUROPEAN PRISONS AGAINST COVID-19

DIRECTORATE-GENERAL OF REINTEGRATION AND PRISON SERVICES

MINISTRY OF JUSTICE

PORTUGAL

Exceptional Measures adopted to fight and prevent the Pandemic COVID-19

Following guidelines of the Portuguese Directorate-General for Health (DGS) for the prevention and control of infection by COVID-19, the Justice sector has defined a set of measures that are being applied in the different bodies supervised by the Ministry of Justice.

Simultaneously, taking into consideration the recommendation announced by the United Nations for member states to study ways to protect prisoners who are particularly vulnerable to COVID-19, namely the elderly, the sick and low-risk offenders, as well as the recommendation of the Portuguese Ombudsman for the adoption of a flexibility regime for exit licenses currently foreseen in the Code of Execution of Penalties, the Portuguese Government approved the following extraordinary measures:

1. A pardon of prison sentences:

- A pardon up to two years in the parole sentences of two years or less and the remaining periods of longer prison sentences if the remaining period to be served is equal or less than two years.
- This Pardon does not cover “serious crimes”, namely, murder, domestic violence, ill-treatment, sex offenses, qualified theft, criminal association, corruption, money laundering, arson and drug trafficking.
- It cannot be applied in addition to the crimes committed by the holder of a political office or a high public office, in the exercise of his duties or because of them, as well as by members of the police and security forces or prison officials and guards, in the exercise of their duties.
- The pardon of the sentence is only applicable, therefore, to crimes of low social harm and ensures an adequate and consistent balance between the health protection requirements of both the prison community and society in general,



leaving it untouched, however, in its nuclear aspects, the right of citizens to public security and tranquility.

- In addition, the pardon is granted under the resolutive condition that the beneficiary does not commit a willful infraction in the year following the date of entry into force of this law, in which case the penalty applied to the supervening infraction will add the period granted by the pardon.
- **Under this measure, between April 11th and April 29th were released from prison 1.186 detainees.**

2. A special regime of pardon of the penalties granted by the President:

- The Ministry of Justice proposed to the President of the Republic the pardon, in whole or in part, of the prison sentence applied to prisoners who are 65 years of age or older at the date of entry into force of this law, and whether they have a disease, physical or mental, or a degree of autonomy incompatible with normal detention in prison, in the context of this pandemic.
- **The President granted this exceptional measure to 14 detainees, all proposed by the Ministry of Justice.**

3. An extraordinary regime of administrative leave for convicted prisoners:

- a. The Director-General for Reintegration and Prison Services may grant the sentenced prisoner, with his consent, a leave of absence for a period of 45 days, renewable, provided that the following requirements are cumulatively met:
 - i. Fulfillment of the general conditions and criteria for granting the exit license provided for in article 78 of the Code of Execution of Penalties (namely, founded expectation that the prisoner will behave in a socially responsible manner, without committing crimes; compatibility of the exit with the defense of order and social peace; and a well-founded expectation that the inmate will not escape the execution of the penalty or measure depriving of liberty);
 - ii. The prior benefit of at least one leave granted by the Supervisory Court to the prisoner serving a sentence under the open regime or the previous benefit of two judicial exits to the prisoner serving a sentence under the common regime;
 - iii. The absence of any situation of evasion, illegitimate absence or revocation of parole in the previous 12 months.



- iv. The convict will have the duty to remain in confinement at home and to accept the surveillance of the probation services and elements of the territorially competent criminal police bodies, fulfilling their guidelines and responding to periodic contacts, establish accordingly.
- v. **Under this measure the Director-General granted authorization of leaves to 674 detainees (until 29th of April).**

4. The extraordinary anticipation of release on parole:

- a. After the successful enjoyment of the administrative exit license granted under the terms of the previous measure, the release on conditional release may be anticipated by the Supervisory Court, for a maximum period of six months.
- b. The convicted person will be obliged, during the period of anticipation, in addition to complying with the other conditions imposed, to the regime of permanence in confinement at home, accepting the surveillance of the probation services and of the territorially competent criminal police bodies, fulfilling their guidelines and responding to periodic contacts.

5. Internal Prevention Measures:

Under this scope, the Portuguese Prison and Probation Services (DGRSP) has been defining several measures with the objective of protecting all prison service professionals and the prison population in the face of the COVID-19 pandemic:

- Since February 17, the Contingency Plan for COVID-19 (at the time referring to the containment phase) has been in place and released by the prison system and has been regularly updated following the evolution of the situation.
- The Contingency Plan foresees the following levels:
 - Level 1 – Preventive measures:
 - Constitution of a National Coordination Team to monitor the implementation of the Contingency Plan;
 - Constitution of Local Coordination Teams in each prison unit;
 - Level 2 – Prevention and control of the infection:
 - Guidelines are produced for the adoption of safety behaviors from prison staff;
 - The procedures of cleaning and general hygiene of the working places were reinforced.
 - Identification of special places for the isolation of potential infected persons.



- Procedures were defined on how to respond in case of a confirmed case of a suspicious case.
- Level 3 – Response in case of confirmed cases:
 - Procedures are defined in case of a confirmed case of infection
 - Close articulation protocols with the National Public Health Organisation are in place.
- Since March, 22 thousand masks were received, of which 13,900 were distributed throughout the country, and the stock of masks and other contagion prevention materials will be renewed as needed.
- Likewise, in March an order from the General Director was issued, reinforcing that the masks must be worn by all employees - they are given a mask whenever they start their daily duties.

1. PLACEMENT / TREATMENT OF INFECTED DETAINEES

- In case of a suspected case the Internal Contingency Plan foresees the isolation of the detainee in the Prison Hospital.
- **There are no detainees infected with COVID-19 at the moment.**

2. NEW ARRIVALS

- All sentenced person's that enters the prison or return to the prison environment resulting from the exceptional measures implemented, have to comply with a 14-day quarantine period, under the terms determined by the Internal Contingency Plan.

3. PRISON VISITS AND OTHER MEASURES:

- Among other measures adopted by DGRSP to fight and prevent the pandemic stage, in relation to prison establishments there are in place the following exceptional measures:
 - the definition of internal plans of contingency in each prison establishment;
 - the temporary suspension of visits to all prisons and educational centers;
 - the suspension of transfers of prisoners between prisons;



- the suspension of the open regime to the outside in areas identified as at risk;
- the temporary suspension of all entries inside prison of persons and vehicles except prison staff and authorized personnel;
- the number of telephone calls allowed for family and other significant persons were triplicated during the period of suspension of visits;
- the increasing safety procedures of cleaning and hygiene of common and private facilities for the detainees;

4. STAFF

There are currently 7 professionals infected with COVID-19 and isolated under the supervision of the National Health Authorities, and 4 have recovered from the infection.