

VISIT REPORT

PORTUGAL

NOVEMBER 2024



CPT

**EUROPEAN COMMITTEE
FOR THE PREVENTION OF
TORTURE AND INHUMAN OR
DEGRADING TREATMENT
OR PUNISHMENT**

AD HOC VISIT
20 - 27 November 2024

CPT/Inf (2025) 32

VISIT REPORT

PORTUGAL

NOVEMBER 2024

European Committee for the
Prevention of Torture and Inhuman
or Degrading Treatment or Punishment

Ad hoc visit | 20 - 27 November 2024

Published on 21 October 2025

Contents

KEY OBSERVATIONS	4
EXECUTIVE SUMMARY	5
I. INTRODUCTION	6
A. The visit, the report and follow-up.....	6
B. Consultations held by the delegation and cooperation encountered	6
II. FACTS FOUND DURING THE VISIT AND ACTION PROPOSED.....	8
Law enforcement agencies.....	8
1. Preliminary remarks.....	8
2. Ill-treatment.....	8
3. Effectiveness of investigations	15
4. Safeguards against ill-treatment.....	22
APPENDIX I – Establishments visited.....	28
APPENDIX II – List of the Authorities and other bodies met during the visit.....	29

KEY OBSERVATIONS

PRIORITY TOPICS

■ Police

ILL TREATMENT – Concerted action to completely root out police ill-treatment

INVESTIGATIONS AND IMPUNITY – Measures to guarantee that law enforcement disciplinary bodies can have timely and unfettered access to relevant and reliable medical evidence, in particular forensic medical evidence

Necessity to improve the reporting of possible cases of ill-treatment in police custody to the Public Prosecutor's Office and to strengthen the effectiveness of the associated relevant criminal investigations

SAFEGUARDS– Steps to guarantee the right of access to a lawyer to persons in police custody from the very outset of their deprivation of liberty and to improve the provision of information to these persons on their rights of notification of custody, access to a lawyer and access to a doctor as of that same moment

■ Prison

RECORDING AND REPORTING INJURIES - Measures to improve the quality of the injury reports drawn up upon a person's transfer from police custody to the custody of the Directorate General for Reinsertion and Prison Services (DGRSP) and of the related documentation

GOOD PRACTICES

INVESTIGATION AND IMPUNITY – Interagency protocol (DGRSP, Inspectorate-General for Internal Administration and Inspectorate-General of Justice Services) setting out procedures for the immediate reporting by the prison establishments of possible cases of ill-treatment by law enforcement officials detected upon admission to prisons and for the follow-up of such reports by the relevant disciplinary bodies

THE CPT AND PORTUGAL

Portugal ratified the ECPT in 1990, and the Committee's first visit took place in 1992.

Since ratification, the CPT has carried out 13 country visits to Portugal – 8 periodic and 5 ad hoc – including 107 visits to police establishments, 77 to prisons and 7 to psychiatric institutions.

EXECUTIVE SUMMARY

During the November 2024 ad hoc visit to Portugal, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) focused on the treatment afforded to persons deprived of their liberty by the Public Security Police (PSP), the National Republican Guard (GNR) and the Judicial Police (JP). It also looked into the effectiveness of disciplinary and criminal investigations into possible cases of ill-treatment by law enforcement officials.

As regards ill-treatment, the Committee notes the lower prevalence of allegations received by the CPT delegation as compared to past visits, suggesting that the efforts deployed by the Portuguese authorities to ensure human rights compliance in the treatment of persons detained by the police are yielding results. The CPT recommends that these efforts be pursued in order to completely root out police ill-treatment, notably by improving the reporting of such cases internally and to relevant investigative bodies and by providing appropriate training to law enforcement officials. The CPT further recommends strengthening the effective implementation of a number of additional safeguards, such as the display of visible means of individual identification by law enforcement officials, including for those in special intervention units, the use of body-worn video cameras by officers, and the installation of CCTV systems in police stations and detention facilities.

Excessively tight or prolonged handcuffing of persons apprehended by police, as well as the practice of handcuffing detained persons to fixed objects in police premises remained problematic. Decisive steps should be taken to end these practices.

Progress was noted regarding the detection, reporting and investigation of possible cases of ill-treatment by law enforcement officials. The CPT delegation found that in general, as a result of enhanced interagency cooperation, the prison establishments visited had swiftly reported cases of alleged ill-treatment detected upon a person's admission to prison to the relevant disciplinary bodies, namely the Inspectorate-General for Internal Administration (IGAI) and the Inspectorate-General of Justice Services (IGSJ). In most of the cases examined, IGAI, on whose investigative activity the delegation focused, had promptly followed up on such reports and interviewed the alleged victims. The CPT welcomes these positive developments compared to the situation encountered during its previous visits to the country.

Nevertheless, a number of issues were found to persist. In particular, the quality of the injury reports drawn up upon admission to prisons and of the related documentation remained poor. Further, IGAI continued to face difficulties in securing timely and unfettered access to other relevant medical evidence, in particular forensic medical evidence. There was also a need to ensure that IGAI was suitably staffed with inspectors, in particular seconded judges or prosecutors, and that IGAI disciplinary investigations were in all cases sufficiently thorough. The CPT makes recommendations of remedial actions to address these issues.

As regards criminal investigations, the CPT delegation again identified omissions, at multiple levels, to report allegations of potentially criminal behaviour by law enforcement officials to the Public Prosecutor's Office, as well as cases in which allegations or information indicative of ill-treatment had not been acted upon, or acted upon sufficiently promptly by this service. The CPT expresses deep concern at these persistent flaws in the criminal justice system's response, which carry a risk of undermining public confidence in the Portuguese authorities' adherence to the rule of law. The CPT calls for measures to strengthen the effectiveness of the associated relevant criminal investigations, in line with the procedural requirements of Article 3 of the European Convention on Human Rights.

The fundamental safeguards against ill-treatment, namely notification of custody, access to a lawyer and access to a doctor were also reviewed. The CPT highlights that the right of access to a lawyer did not appear to be guaranteed to persons in police custody from the very outset of their deprivation of liberty and that information on these rights was not uniformly and comprehensively provided to these persons, as of that same moment. Measures to address these shortcomings should be undertaken.

I. INTRODUCTION

A. The visit, the report and follow-up

1. In pursuance of Article 7 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter referred to as “the Convention”), a delegation of the CPT carried out a visit to Portugal from 20 to 27 November 2024.

2. The visit was considered by the Committee “to be required in the circumstances” (cf. Article 7, paragraph 1, of the Convention). Its objective was to examine the treatment afforded to persons deprived of their liberty by law enforcement agencies, in light of the recommendations made in the report on the CPT’s periodic visit carried out in 2022. The delegation also reviewed the effectiveness of criminal and disciplinary investigations into allegations of ill-treatment by law enforcement officials. It was the Committee’s 13th visit to Portugal.¹

3. The visit was carried out by the following members of the CPT:

- Alan Mitchell, President of the CPT (Head of delegation)
- Juan Carlos da Silva Ochoa
- Eleana Fitidou.

They were supported by Laura Ielciu-Erel of the CPT Secretariat, and assisted by an expert, Ignazio Giovanni Patrone, former Deputy Prosecutor General (Italy).

4. The list of establishments visited by the delegation can be found in Appendix I.

5. The report on the visit was adopted by the CPT at its 116th meeting, held from 10 to 14 March 2025, and transmitted to the authorities of Portugal on 24 March 2025. The various recommendations, comments and requests for information made by the CPT are set out in bold type in the present report. The CPT requests that the authorities of Portugal provide within three months a response containing a full account of action taken by them to implement the Committee’s recommendations, along with replies to the comments and requests for information formulated in this report.

B. Consultations held by the delegation and cooperation encountered

6. In the course of the visit, the delegation held consultations with Margarida Blasco, Minister of Internal Administration and with Rita Alarcão Júdice, Minister of Justice.

It also had consultations with Telmo Correia, Secretary of State for Internal Administration, Orlando Carvalho, Director General of Reintegration and Prison Services, Luís Neves, Director General of the Judicial Police, Rui Ribeiro Veloso, General Commander of the National Republican Guard, Luís Carrilho, National Director of the Public Security Police, and other senior officials from relevant ministries and services.

In addition, the delegation met Joana Gomes Ferreira, Deputy Prosecutor General, Gonçalo da Cunha Pires, Inspector-General of Justice Services and Pedro Figueiredo, Inspector General of Internal Administration.

Discussions were also held with Miguel Feldmann, the Coordinator of the Office of the Ombudsman responsible for the operation of the National Preventive Mechanism, set up under the Optional Protocol to the United Nations Convention against Torture (OPCAT).

1. Information on all previous visits is available on the CPT website: [The CPT and Portugal - CPT](#).

At the end of the visit, the delegation provided the Portuguese authorities with its preliminary observations which were subsequently transmitted in writing. On 17 February 2025, the Portuguese authorities communicated a response to some of the matters raised in these observations. This response has been taken into account in the relevant sections of the present report.

7. The delegation received excellent cooperation during the visit from the Portuguese authorities at all levels: it had rapid access to all places of detention it wished to visit, was able to meet in private with those persons with whom it wanted to speak and was provided with access to all the information required to carry out its task.

The Committee wishes to express its appreciation for the assistance provided to its delegation during the visit by the management and staff in the establishments visited, as well as for the support offered by the CPT liaison officer from the Ministry of Foreign Affairs, Sara Ágoas.

8. The principle of cooperation between Parties to the Convention and the Committee requires both taking steps to facilitate the task of a visiting delegation and taking decisive action to improve the situation in light of the CPT's recommendations. In this respect, the delegation was pleased to note that real progress has been achieved in implementing a number of the recommendations the CPT made following its previous visits to Portugal with a view to strengthening protection from ill-treatment by law enforcement officials and effectiveness of relevant disciplinary investigations. On the other hand, the findings of this visit also show that significantly more resolute action is required to guarantee an effective criminal law response to allegations or information indicative of ill-treatment by law enforcement officials.

The Committee trusts that the Portuguese authorities will pursue their efforts and will take concrete measures to address the recommendations in this report, including as regards the effectiveness of criminal investigations, in accordance with the principle of cooperation set out in Article 3 of the Convention.

9. Regarding publication of CPT visit reports, since the CPT's very first visit to Portugal more than 30 years ago, the Portuguese authorities have considered it important to follow the standard practice of requesting the publication of the Committee visit reports together with the corresponding government responses. The CPT welcomes this approach.

However, in recent years, both the Committee of Ministers and the Parliamentary Assembly of the Council of Europe have been encouraging member states, in the interest of transparency, to commit to the automatic publication procedure for future CPT visit reports and related government responses. This would allow CPT visit reports to be published around one month after they have been transmitted to the authorities. The procedure envisages the possibility for a state to delay publication in a particular case.

The CPT invites the Portuguese authorities to consider signing up to the automatic publication procedure as set out above.

II. FACTS FOUND DURING THE VISIT AND ACTION PROPOSED

Law enforcement agencies

1. Preliminary remarks

10. Since its first visit to Portugal, in 1992, the CPT has advocated for decisive action to root out ill-treatment by law enforcement officials and to guarantee the effectiveness of the associated relevant investigations.

11. The Portuguese authorities have adopted measures over the years to implement some of the recommendations the CPT has made for these purposes. However, after its 2022 visit to Portugal, the CPT reported again that ill-treatment by law enforcement officials was not an infrequent practice; it was a resilient phenomenon and more remained to be done to create a policing culture robust enough to firmly reject and effectively sanction ill-treatment within its ranks. The CPT also found that significant shortcomings remained in the system for investigating alleged ill-treatment by law enforcement officials and recommended measures to address these.

12. In their response² to the report on the 2022 visit, the Portuguese authorities informed the CPT of the steps taken to implement a number of its recommendations, notably the adoption of a legislative framework to regulate the use of body-worn video cameras by law enforcement officials, and of measures to improve the reporting and follow-up of possible cases of ill-treatment detected upon admission to prisons. The authorities also provided information on several concrete cases which the CPT had brought to their attention after the 2019 and 2022 visits to the country.

13. During the 2024 ad hoc visit, the delegation visited seven Public Security Police (PSP) stations in the Lisbon metropolitan area (including the PSP Lisbon Metropolitan Command Headquarters at Moscavide Avenue) and one National Republican Guard (GNR) station (Sintra). It also interviewed persons detained on remand in several prisons and in the Lisbon Campus da Justiça, who had recently been apprehended and detained by the PSP, the GNR or the Judicial Police (JP).

14. The legal framework governing the deprivation of liberty by law enforcement officials in Portugal remains the same as in previous visits. In brief, Article 28 (1) of the Constitution and Article 254 of the Code of Criminal Procedure (CCP) limit the time for which a person suspected of a criminal offence may be detained in a police station to 48 hours. In practice, other than at the weekends, persons are rarely kept longer than 24 hours in detention and the vast majority are released on police bail after a few hours. Further, Article 250 (6) of the CCP allows law enforcement officials to take a person to a police station for identification purposes, for a maximum duration of six hours.

2. Ill-treatment

15. In the course of the visit, the delegation received a number of allegations of physical ill-treatment, including excessive use of force, by officers of the PSP or the GNR, although less prevalent than in the past.

The ill-treatment was alleged to have occurred at the time of the apprehension, after the persons detained had been brought under the control of law enforcement officials and, in a few cases, also on the way to and thereafter at police stations. The alleged ill-treatment consisted primarily of slaps, punches, kicks to the body and/or head and, occasionally, the use of batons. The allegations also included being thrown against a wall, exerting pressure to the head with the foot or to the neck with a knee or a baton, despite the apprehended persons having already been brought under control.

2. CPT/Inf (2023) 36.

The delegation also received one allegation that deliberate ill-treatment had been inflicted by JP officers during questioning of a suspect, in order to extract information.

16. Although their quality remained poor (see paragraph 50 below), the injury reports drawn up by prison nurses upon admission to prison attested to the presence of injuries and concluded that there was, or that there may be, in most of these cases, compatibility between the allegations of ill-treatment made and the medical findings.

17. The delegation also received a few allegations of detained persons having been subjected to or forced to perform humiliating acts (such as being spat upon, forced to perform push-ups or squats, or having objects forced into their mouths). A few allegations of threats and of verbal abuse were also received and one of the detained persons interviewed, a foreign national of African descent, alleged having been the target of racist comments from the arresting PSP officers.

18. When examining the relevant documentation, the delegation found that foreign nationals appeared to be overrepresented in the cases concerning possible ill-treatment by law enforcement officials which Lisbon Judicial Police Prison had referred to the relevant supervisory and disciplinary bodies, namely the Inspectorate General for Internal Administration (IGAI) for the PSP and the GNR, and the Inspectorate General of Justice Services (IGSJ), for the JP, during 2024.

19. By way of illustration, the CPT wishes to refer to the following cases:

(i) A man apprehended by the PSP stated that once they had brought him under their control and he was on the ground, the intervening PSP officers kicked and punched him, subjected him to blows with a baton to the head, and thereafter put the baton on his throat and used it to choke him. He was then thrown into a police van and continued to be hit on the way to and after arrival at the named PSP station. He stated that there had been nine intervening police officers and almost all had taken turns to hit him. Only one officer had a name tag on his uniform and death threats were reportedly made against the detained man were he to report the ill-treatment. At the station, the man was cuffed with both hands behind his back and then had one hand attached to a bench. He was informed of his rights in writing, taken to the public prosecutor for investigative purposes and from there to prison.

Upon admission to prison, he was examined by a nurse on the same day and his injuries were photographed. The nurse's injury report noted the presence of abrasive lesions about the face, namely to the left side, all over his neck, both wrists and hands, his left forearm, back and buttocks. The report concluded that there was compatibility between the medical findings and the detained person's statement that he had been assaulted during apprehension.

The injury report, including a body chart, and the photographs were sent to IGAI the next day. IGAI inspectors interviewed the person concerned by videoconference a few days later.

(ii) A man alleged that, after being apprehended and handcuffed behind his back following a chase, PSP officers put him on the ground, then put a knee on his neck and punched him. He was taken by car to the named PSP station and punched again after he fell walking to the station, whereupon sand and straw were placed in his mouth by PSP officers. At the station, he was punched in the face, kicked, and slapped by a number of officers. He was then taken to a JP facility for questioning, where inspectors slapped and kicked him, and one stamped on his groin asking for information while the detained man was sitting on the floor.

The injury report drawn up by a nurse upon admission to the prison where the delegation met him set out that he had peri-orbital haematoma on the right side, a healing injury on the inguinal region and bruising on his nose. It concluded that there might be a level of compatibility between the detained person's statement that he had been assaulted and the medical findings. The prison then reported the case to IGSJ.³

3. In their communication of 17 February 2025, the Portuguese authorities informed the CPT that IGSJ had closed the investigation into this case in October 2024 based on a report received from the Judicial Police. This report indicated that the person concerned

20. The attention of the CPT was also drawn to two other incidents prior to the visit, which were extensively reported in the media.

The first concerns the actions of the PSP Special Unit Intervention Corps (*Corpo de Intervenção da Unidade Especial da PSP*) during demonstrations and counter-protests which took place at *Praça do Município*, in Lisbon, on 3 February 2024, and the alleged physical assault on two journalists who were covering the events and on other participants, by PSP officers. This intervention caused an alert to be posted on the Council of Europe Safety of Journalists Platform on 1 March 2024, to which the Portuguese authorities responded on 11 June 2024.⁴

At the time of the visit, disciplinary and criminal investigations were underway in relation to the incident. IGAI had opened a disciplinary investigation of its own motion on 6 February 2024, following newspaper reports on the intervention. For its part, the Public Prosecutor's Office (PPO) started a criminal investigation on 22 May 2024, after it received information from the Prime Minister's Cabinet about the alert on the Council of Europe platform. On 4 June 2024, IGAI notified the PPO about the ongoing disciplinary investigation and requested information about the scope of the criminal investigation. At the time of the CPT visit, a response from the PPO to IGAI's request was still pending.

21. The second case concerns the alleged ill-treatment of three children aged 16 by four GNR officers in Palmela (Setúbal district) on 10 April 2024. In this case, a complaint was filed on 11 April 2024 with the head of the local GNR station by the director of a children's home, that three children sheltered there had been assaulted by GNR officers on the street and in various other locations, including the GNR station, before being released to return to the home. The complaint alleged that the children had been slapped with open hands and subjected to baton blows. The same day, upon receiving the complaint, the head of station requested medical assistance for the children; two of them were taken to hospital, where one was found to have a broken arm. The head of station then reported the case to IGAI and to the judicial authorities and the GNR officers involved were taken into police custody.

The Setúbal criminal investigation and action department (DIAP) of the PPO opened a criminal investigation into the offences of unlawful deprivation of liberty in aggravated form, qualified bodily harm, abuse of power, document forgery, false accusation, and aggravated threats. On 20 April 2024 the PPO filed a motion with the court seeking prohibition on contact between the officers under investigation and the alleged victims, and suspension of the former from their duties, as a precautionary measure. The courts imposed the prohibition of contact but denied the motion to suspend the officers from duty, both at first instance and following an appeal lodged by the PPO.

IGAI opened a disciplinary investigation and on its proposal, the Minister of Internal Administration decided on 18 September 2024 to initiate disciplinary proceedings against the four GNR officers involved. The inspector in charge of the case later proposed that these proceedings be suspended pending the outcome of the criminal case. At the time of the CPT visit, IGAI was awaiting a response from the PPO to a request for updated information on the status of the criminal proceedings.

22. The CPT reiterates that disciplinary proceedings provide an additional type of redress against ill-treatment, and may take place in parallel to criminal proceedings. Disciplinary culpability of the officials concerned should be systematically examined, irrespective of whether the misconduct in question is found to constitute a criminal offence.

had been apprehended after a car chase which had caused multiple car collisions; that he, as well as a second person involved, had violently resisted the arrest and continued to be very resistant and physically aggressive in the police vehicles used for their transportation and attempted to escape, and that the force used by the police officers involved had been strictly necessary and proportionate.

4. The alert and the response by the Portuguese authorities can be found here: <https://fom.coe.int>.

23. **The Committee would like to be informed of the outcome of the disciplinary and criminal investigations carried out in these two cases. As regards the second case, the CPT also wishes to know whether precautionary measures, such as suspension from duty or transfer to other duties in respect of the officers implicated, have been considered or taken in the context of the disciplinary proceedings and if not, for what reasons; it would further like to be kept informed of any developments with regard to the imposition of such measures in the criminal or disciplinary proceedings.**

24. During the 2024 visit, the delegation received detailed information from the Portuguese authorities, supplemented in writing thereafter, indicating that the initial and in-service training for PSP and GNR officers on various aspects of the treatment of persons detained had been intensified,⁵ including with a view to combatting discrimination in the police services. Further, a working group had recently been tasked with preparing a new strategy for the initial and in-service training of PSP and GNR officers, with a focus on human rights from both legal and operational perspectives, in line with the relevant Council of Europe and other international standards.

25. The CPT notes the lower prevalence of allegations of ill-treatment received in 2024 as compared to previous visits, which suggests that the efforts deployed by the Portuguese authorities to improve the treatment of persons detained by the police are yielding results.

Nevertheless, the CPT wishes to stress that it is important for the authorities to remain vigilant and pursue their efforts to completely root out police ill-treatment. This requires that prompt and effective action be taken by all relevant actors who may become aware of ill-treatment, including *ex officio* lawyers, and the prosecutors and judges before whom detained persons appear before being committed to prison or released.

26. In this connection, the handling by the relevant GNR official of the complaint received in relation to the case described at paragraph 21 above can be highlighted as an example to be followed.

However, during the visit, the delegation examined other cases in which the persons apprehended had presented visible signs of injury upon arrival at various police stations, and yet no action had been taken by officers in those stations to report them either to the internal disciplinary bodies, notably IGAI, or to the PPO, not even when medical assistance had been requested and provided to the person concerned. Similar omissions were noted on the part of the staff at the PSP Lisbon Metropolitan Command Headquarters detention facility, and of officials of criminal investigative bodies before whom some of these persons had appeared whilst in police custody.

27. Further, as was the case during past visits, several persons interviewed by the delegation had been presented to a judge whilst bearing visible injuries, and yet neither the judge nor the appointed (*ex officio*) lawyer inquired about them, or took any action to have the origin of those injuries ascertained.

In the CPT's view, such passivity on the part of judicial officers and lack of diligence of appointed lawyers may be seen as evidence of common acceptance of the presence of injuries post-arrest and may be conducive or contribute to a perception of impunity for any abuses committed.

5. In particular, the training provided to GNR personnel at the initial stage (cadets) and for promotion and specialisation purposes includes the topics of human rights, ethical use of force, risk assessment, and diversity and inclusion. For PSP personnel, in addition to the human rights protection courses included in the initial and continuing training curricula, there is an annual plan to provide specific training on the fundamental principles in approaching an individual, handcuffing techniques, control and escort techniques and baton techniques (more than half of all serving PSP officers received such training in 2023 and 2024).

28. In light of the findings outlined above, the CPT reiterates its recommendation that the Portuguese authorities pursue a policy of “zero tolerance” of police ill-treatment, in particular by delivering the firm message, through instructions and regular briefings from police leadership and management, as well as through appropriate in-service training, that police officers will be held accountable for having inflicted, instigated or tolerated any form of ill-treatment, including threats, verbal abuse and racist remarks.

Every police officer should have a clear understanding that the ill-treatment of detained persons is a criminal offence, and that treating persons in custody correctly and reporting any information indicative of ill-treatment by colleagues to the competent authorities is their duty (and will be duly recognised). It is essential to continue to promote a police culture in which it is regarded as both unprofessional and illegal to tolerate the conduct of colleagues who resort to ill-treatment.

This implies the existence of a clear reporting line as well as the adoption of whistle-blower protective measures (namely a policy framework and an effective mechanism for the legal protection of individuals who disclose information on ill-treatment and other malpractice). In 2021, Portugal adopted a law establishing the general regime for the protection of whistleblowers (Law No. 93/2021);⁶ however, the delegation was not in a position to examine the effectiveness of this legislation. The CPT would like to be informed of the practical application of Law No. 93/2021 in relation to combating ill-treatment by law enforcement officials.

It should also be reiterated to police officers, including through practical training exercises, that no more force than is strictly necessary is to be used when carrying out an apprehension and that, once apprehended persons have been brought under control, there can be no justification for striking them.

29. The CPT also recommends that the precepts above, together with other relevant human rights concepts, be duly incorporated in the new strategy for the initial and continuing training of PSP and GNR officers which is under preparation, and would like to be informed of developments in and the outcome of this process. Such training should be compulsory.

Further, the CPT reiterates its recommendation that all (*ex officio*) lawyers be reminded through the Bar Association of the importance of their role in preventing and, if necessary, reporting ill-treatment by the police. This could include organising training for these lawyers on a regular basis in order to increase their awareness of these aspects.

As regards judges, even in the absence of an explicit allegation of ill-treatment, steps should be taken to ensure that they request a forensic medical examination whenever there are other grounds to believe that a person brought before them could have been the victim of ill-treatment. This could include measures to strengthen the awareness of judges of the importance of their role in ensuring the proper detection and the effective investigation of possible cases of ill-treatment by law enforcement officials, as well as their capacity to fulfil this role.

30. The CPT has consistently advocated for appropriate safeguards to be put in place in order to ensure that police officers may be identified and held accountable for their actions (for example, by way of a clearly visible means of individual identification on the uniform, such as a name or a number). This concerns in particular those police officers wearing overalls, masks/balaclavas, or other equipment that may hamper

6. This law transposed Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law.

their identification. Such a requirement is also likely to have a preventive effect and significantly reduce the risk of excessive use of force and other forms of ill-treatment.

31. During this visit, as in the past, some of the persons interviewed by the delegation stated that the PSP or JP officers who had apprehended them had not displayed such means of identification.

Although the police officers met during the visit were wearing name tags on their uniforms, the delegation found among the cases investigated by IGAI one in which it appeared from a video recording that the PSP officers involved were not displaying any means of identification on the outer layers of clothing they were wearing.⁷ The delegation's interlocutors from the PPO also referred to such difficulties in identifying law enforcement officials in some of the cases under their investigation.

Further, video recording of the PSP intervention of 3 February 2024 at *Praça do Município* relayed in the media showed that the officers involved had only displayed identification codes on the back of the protective helmets they had been wearing. In this regard, it is significant that, shortly before that intervention, IGAI recommended⁸ that it be made mandatory for PSP and GNR officers in special intervention units to display visible and frontal means of identification (name or numbers).

32. In light of these findings, the CPT recommends that the Portuguese authorities take additional measures to ensure that officers in all police services in Portugal wear clearly visible means of individual identification, at all times when they are on duty.

The CPT further recommends that the authorities introduce systematic video recording by a dedicated member of staff of planned police interventions, as this would offer an additional safeguard against the risk of excessive use of force and other forms of ill-treatment in such a context, as well as providing protection to law enforcement officials against any unfounded allegations of ill-treatment, and serving as a training tool.

33. During the visit, the Portuguese authorities referred to the legislation passed in December 2023 to introduce and regulate the use of body-worn video cameras by law enforcement officials. They indicated that some legal obstacles had been met in the process of procuring such equipment, but assured the delegation that the Ministry of Internal Administration was committed to implementing the CPT recommendation and was seeking avenues to overcome the obstacles. In their communication of 17 February 2025 to the CPT, the Portuguese authorities indicated that this had been achieved and that the process of introducing body-worn video cameras would be resumed.

The authorities further indicated that the installation of CCTV systems in PSP and GNR stations continued. As regards the PSP, all ongoing projects for the construction of new facilities or for major renovation of existing stations include the installation of such systems in the most critical areas (cells, weapons storage area, public reception area, façades/external perimeter). As regards the GNR, 103 stations out of 255 are presently equipped with video surveillance systems; in addition, the GNR stations across the country, including their detention premises, are currently being refurbished.

34. The CPT reiterates that the systematic use during any intervention of body-worn video cameras represents an additional safeguard against abuse by law enforcement officials, as well as a protection against unfounded allegations of ill-treatment. The recordings thus obtained can moreover be a significant tool in the investigation of allegations of police ill-treatment and related issues, such as unlawful detention and the application in practice of safeguards against ill-treatment. The cases mentioned at paragraphs 19 and 31 above are illustrative in this regard. These considerations equally apply to equipping police stations with CCTV systems.

7. PND-32/2024, PND-33/2024, PND-34/2024 and PND 35/2024.

8. Recommendation No. 1 of 18 January 2024.

35. **The CPT would like to be kept informed of the progress made in introducing body-worn video cameras for law enforcement officials. As regards the installation of CCTV systems, the CPT wishes to receive detailed information about the state of play in the existing PSP facilities (how many have operational CCTV systems and what is the timetable for equipping the remaining ones with such systems); the timetable to install CCTV systems in the remaining GNR stations; and the projects to build new PSP facilities and carry out major renovation works to existing ones, as well as the projects to refurbish the GNR facilities across the country. In this regard, bearing in mind the remarks set out at paragraphs 37 and 38 below, the CPT would like to receive confirmation that these projects include creating rooms designated for detention purposes offering appropriate security arrangements in every facility where persons may be deprived of their liberty, for any length of time.**

36. As was the case during previous visits, the delegation received a few allegations of excessively tight handcuffing upon apprehension, from detained persons whose injury reports drawn up upon admission to prison indicated the presence of marks on wrists, and several allegations of prolonged handcuffing. Some detained persons stated that they had been transported to police stations with their hands cuffed behind their back.

The delegation heard from PSP staff that the standard procedure in place, which they follow, requires handcuffing the persons apprehended from the moment of their arrest, during transport and while they are being processed at police stations, without an individual assessment of the necessity to maintain this measure throughout.

The procedure also requires, with some exceptions, that hands be tied behind the back, including during transport, a practice which the CPT has already cautioned against and has recommended be avoided.⁹

37. Most regrettably, the practice of handcuffing persons detained to fixed objects in police stations also persists, despite the CPT's repeated recommendations that measures be taken to end this practice, as well as in contravention of a recommendation¹⁰ issued by IGAI to the same effect in September 2022.

Some of the persons interviewed complained of having been handcuffed to benches or handrails and the delegation found benches with marks of handcuffing in two of the PSP stations that it visited. Staff in one of these stations pointed out that no other avenue was open to them if detained persons had to be there for a longer period or were agitated, as the station was not equipped with a room suitable for the short time holding of detained persons. This was a common issue in all the police facilities visited by the delegation, apart from the PSP Lisbon Metropolitan Command Headquarters and the PSP Cascais Police Division.

38. **The Committee calls upon the Portuguese authorities to take all necessary measures, including by reviewing the operational procedures in place, to ensure that, where it is deemed essential, after an individual assessment, to handcuff a person, the handcuffs are under no circumstances excessively tight¹¹ and are applied only for as long as is strictly necessary.**

Further, the CPT calls upon the authorities to take decisive action to stamp out the practice of persons held by the police being attached to fixed objects, including by ensuring that every police facility where persons may be deprived of their liberty, for any length of time, is equipped with one or more rooms designated for detention purposes offering appropriate security arrangements.

In light of the allegations by apprehended persons that their hands had been cuffed behind their backs during transport, the CPT reiterates its recommendation that such a practice be avoided given the potential to cause unnecessary pain to the person concerned and the risk of injury in the case of accident.¹²

9. See CPT/Inf (2020) 33.

10. Recommendation No. 1 of 28 September 2022.

11. It should be noted that excessively tight and prolonged handcuffing can have serious medical consequences (for example, sometimes causing a severe and permanent impairment of the hand(s) or thrombophlebitis in the arms).

12. The application of handcuffs to detained persons during transportation should only be resorted to when the risk assessment in an individual case clearly warrants it. When the use of such means is considered absolutely necessary, it should be done in such a way as to minimise any risk of injury to the detained person.

3. Effectiveness of investigations

39. The effectiveness of action taken when ill-treatment may have occurred constitutes an integral part of the CPT's preventive mandate, given the implications that such action has for future conduct. For this reason, the CPT paid particular attention to this matter during its previous visits to Portugal and advocated for action to ensure that such cases are properly detected, documented and reported, and to guarantee the effectiveness of disciplinary and criminal investigations into allegations of ill-treatment by law enforcement officials.

40. During the 2024 visit, the delegation assessed the progress made by the Portuguese authorities in implementing the CPT's recommendations.

a. Detection, recording and reporting of injuries upon admission to prison

41. It is recalled that in Portugal, when a person suspected of a criminal offence is placed in detention on remand, that person is transferred from police custody to a prison establishment. The JP has its own detention facilities, in Lisbon and in Porto, for detained persons who are to appear before investigating judges, must remain at their order, or whose presence is otherwise necessary for investigative purposes. All these establishments are managed by the Directorate General for Reinsertion and Prison Services (DGRSP), under the authority of the Ministry of Justice.

42. By law,¹³ persons newly admitted to prison must be screened by a nurse within 24 hours and undergo a medical examination within 72 hours of admission. Visible injuries or allegations of ill-treatment prior to admission must be recorded and, if the prisoner consents, the injuries must be photographed.

In such cases, Circular No. 1 issued by the DGRSP in January 2017 clarified that the medical examination must take place as soon as possible and that a medical report must be drawn up. This report should contain:

- (i) a full account of the examination;
- (ii) a statement by the prisoner relevant to the medical findings, including any allegations of torture or ill-treatment; and
- (iii) the clinical observations of the healthcare professional, including on the consistency between the medical findings and any such allegations.

43. A ministerial order¹⁴ issued in 2016 made it mandatory for the prison service to report cases of visible injuries and/or allegations of ill-treatment while in police custody to IGAI (where the allegations concern PSP or GNR officers) or to IGSJ (where they concern JP officers). Prisons had to send their reports to the DGRSP, which would then forward the information to IGAI or IGSJ.

44. During the 2019 and 2022 visits, the CPT found that there had been significant delays, of up to several months, in the transmission of such reports to IGAI or IGSJ, and that these bodies had not always acted promptly on the information received.

45. Ahead of the 2024 visit, the Portuguese authorities informed the CPT that in March 2023 the DGRSP, IGAI and IGSJ had concluded a protocol to implement the CPT's recommendations for measures to be taken to ensure that such cases are reported to the relevant investigative bodies as a matter of priority, and that these bodies follow up swiftly on such reports.¹⁵

13. Sections 53 and 11 of the General Regulations for Prison Establishments approved by Decree-Law No. 51/2011.

14. Order No. 11838/2016 of the Minister of Internal Administration and of the Minister of Justice.

15. CPT/Inf (2020) 33 and CPT/Inf (2023) 35.

Under this protocol, prisons must directly report either to IGAI or to IGSJ the cases in which a detained person, upon admission, presents injuries and/or alleges to have been ill-treated whilst in police custody. To this end, prisons must forward a report by prison staff recording the injuries or allegations and, with the consent of the persons concerned, the medical report drawn up upon admission and the photographs taken as part of that report.

Further, the protocol sets out arrangements for IGAI or IGSJ inspectors to hear the detained person concerned, in person or by videoconference, within 48 hours of receipt of such reports. It also ensures the availability of interpretation at IGAI or IGSJ expense, where necessary.

46. During the 2024 visit, the delegation examined how the new procedure had functioned in the cases which Lisbon Judicial Police Prison, Lisbon Central Prison and Tires Prison had reported to IGAI or IGSJ in the course of 2024.¹⁶

47. All these establishments had forwarded their reports by e-mail directly to IGAI or IGSJ and kept separate files with all the communications and documentation relating to such reports.

At Lisbon Judicial Police and Lisbon Central Prisons, the information submitted included a narrative of the detained person's statement relating to the injuries and a standardised injury report drawn up by a nurse, with a body chart. At Tires Prison, the information included a report by the guard who had processed the admission, endorsed by the head guard, attesting to the presence of injuries and setting out the person's statement relating to these. If IGAI or IGSJ requested it, and the detained person gave consent, the prison would forward the injury report drawn up by a nurse. At all three prisons, photocopies of the photographs taken of the injuries were in general attached to the reports.

48. The delegation found that a nurse had carried out a medical examination and drawn up an injury report in most cases within 24 to 48 hours of the person's admission to prison. Thereafter, in a marked improvement from the situation encountered during the 2022 visit, the prisons had sent the reports to IGAI or IGSJ within 48 hours at most; in a few cases, the report had been sent within the week.

49. The CPT welcomes the progress made in streamlining the reporting timelines and procedures, and it invites the Portuguese authorities to persevere in their efforts to ensure that prison services, in all cases, immediately forward the information and documentation which constitutes potential evidence of ill-treatment by law enforcement officials to the relevant investigative bodies.

50. On the other hand, as in the past, the quality of the injury reports drawn up by prison nurses, to whom this responsibility had been entirely delegated, remained poor. The reports seen by the delegation invariably contained only cursory entries, both when it came to medical findings, including the description of injuries, and the detained person's account of the alleged ill-treatment. While most of these reports included the nurse's conclusions on the consistency between the allegations made and the medical findings, at times this conclusion was still lacking. From the prison management, the delegation understood that this was mainly because the healthcare staff responsible did not feel that they were sufficiently trained to reach such conclusions.

Further, the injury report form used in all three prisons was the same as during the previous visits, having apparently been in use since 2009. The body chart on the form thus remained small and of a poor-quality print, rendering marks of traumatic injuries difficult to distinguish. This was also the case for the photographs of the injuries received by IGAI or IGSJ, as the prisons did not send them in digital format but instead attached black and white photocopies to the transmission e-mail.

16. At the time of the visit there had been 16 such reports by Lisbon Judicial Police Prison, 19 by Lisbon Central Prison and 22 by Tires Prison; of these 22, four concerned allegations of ill-treatment in police custody and the remaining ones, injuries which, according to the statements of the detained persons, had been sustained in circumstances which did not involve actions of state agents.

51. Such deficiencies in the recording and documenting of injuries naturally hamper the effectiveness of subsequent investigations, and the CPT has already found that in many cases, investigations into allegations of ill-treatment could not be pursued due to a lack of reliable medical evidence.¹⁷

52. In their communication to the CPT in response to the delegation's preliminary observations, the Portuguese authorities indicated that the National Institute of Legal Medicine and Forensic Sciences has already provided training to prison nurses in order to enhance the quality of the injury reports. On its part, the DGRSP has reiterated its instructions to prison governors and staff to ensure strict compliance with the procedures laid down in the protocol concluded in March 2023.

53. **The Committee wishes to receive detailed information on the content of the training provided to prison nurses by the national forensic medical institution and its outreach in terms of participants.**

Further, the CPT calls upon the Portuguese authorities to take additional steps to improve the quality of the injury reports drawn up upon admission to prisons and of the related documentation, including by:

- **providing training on techniques of interviewing persons who may have been ill-treated to prison healthcare staff;¹⁸**
- **ensuring that prison healthcare staff responsible for the recording of injuries have successfully followed such training;**
- **ensuring that the prison medical doctor exercises active supervision of the quality of injury reports;**
- **upgrading the quality of the injury report forms and the body charts provided to prison healthcare staff, to ensure that markings are clear;**
- **providing prison healthcare staff responsible for the recording of injuries with adequate equipment, including imaging equipment (photo cameras and scanners).**

b. Disciplinary investigations

54. Disciplinary investigations into possible cases of ill-treatment by PSP or GNR officials fall within the remit of the PSP and the GNR internal investigation services respectively, and that of IGAI. In principle, whenever an action of PSP or GNR officers results in allegations of grievous bodily harm or in death, IGAI is responsible for carrying out the investigation. IGAI is also responsible for investigating cases of possible police ill-treatment detected upon admission to a prison, and may also take up other cases of its own motion based, for example, on reports or complaints received (even anonymously) via its website, or on information relayed by the media.

55. During the 2024 visit, the delegation examined IGAI's response to the reports of cases of possible ill-treatment by PSP or GNR officers received from Lisbon Judicial Police Prison, Lisbon Central Prison and Tires Prison in 2024. It also examined several other investigative files concerning similar incidents which had occurred mainly in 2023 or 2024. The delegation highly appreciated IGAI's cooperation in enabling it to access those files, and for the open dialogue throughout the visit.

17. CPT/Inf (2018) 6.

18. Reference is made in this context to Chapter IV of the 1999 United Nations Manual on Effective Investigations and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ("Istanbul Protocol").

56. From the exchanges with IGAI and with other interlocutors, the delegation learned that, of 14 inspector posts allocated to IGAI, only 10 were currently filled. As was the case at the time of the 2022 visit, three of the posts reserved for judges or prosecutors remained vacant. The delegation understood that this was due to difficulties in securing secondments of such officials due to staff shortages in courts and public prosecution services. Its interlocutors expressed concerns about the negative impact this has on IGAI's investigative capacities.

57. The shortage of inspectors notwithstanding, the delegation found that IGAI had responded promptly to the reports of possible cases of ill-treatment sent by the three prisons visited and had interviewed the detained persons concerned by videoconference, in general within 48 hours. Most of the detained persons with whom the delegation spoke described these interviews as thorough. With one exception, those with no or with insufficient command of Portuguese had been assisted by an interpreter, procured by IGAI. These are positive developments. Going forward, IGAI should strive to inform the persons concerned of the outcome of its investigations, as none of the persons interviewed by the delegation appeared to have received any feedback in that regard.

58. The delegation did, however, find that in several cases it appeared that, apart from interviewing the persons concerned, the only other investigative step taken by IGAI had been to gather information relating to the arrest from the law enforcement agency concerned. Some of these investigations concerned allegations of serious ill-treatment, for example:

(i) In case PA-601/2023, IGAI received a report from Lisbon Judicial Police Prison concerning allegations that PSP officers had inflicted ill-treatment with the purpose of extracting a confession. The injury report described broken teeth and haematomas around the left eye and to the head, and indicated that the detained person concerned had complained of a broken rib. When interviewed by IGAI, the person stated that he had been taken to a named hospital for treatment whilst in police custody, gave the name of a witness to the incident, and specified that three other detained persons had been present at the police station where he had been taken after arrest.

IGAI requested from the PSP the arrest report, a copy of the custody records concerning the alleged victim and the list of the officers who had been present at the station on the day of the arrest. There was no indication in the investigative file that IGAI had taken steps to seek information from the hospital, to identify and interview possible witnesses, nor to interview the arresting PSP officers. IGAI closed the investigation based on a report from its inspector which contained summaries of the detained person's allegations and of the facts described in the arrest report, and the conclusion that "there are no indications of the police concealing any results of their intervention that could have affected illegitimately the health and the legal sphere" of the alleged victim.

(ii) In case PA-622/2023, IGAI received a report from Lisbon Central Prison concerning allegations of ill-treatment after apprehension by PSP officers, with medical documentation describing a 3cm sutured wound in the occipital region, a fracture of the right side of the collarbone and pain in the ribs. When interviewed by IGAI, the person stated that he had been apprehended together with two other persons, had received baton blows to the head after the police had handcuffed him, and had been taken to a named hospital for treatment on the day of his arrest.

IGAI requested and received from the PSP the arrest report, which stated that the detained man had sustained a blow to the head after jumping in an attempt to escape the police. Again, there was no indication in the file that IGAI had taken steps to seek information from the hospital, to identify and interview possible witnesses, or to interview the arresting PSP officers. IGAI closed the investigation based on a report concluding that the inspector could not discern any violation of applicable rules, since the detained person and the PSP had given differing accounts of the origin of the injuries.

59. During the visit, it further appeared that IGAI's investigative efforts continued to be, at times, hampered by difficulties in obtaining relevant medical evidence.

Most significantly, the delegation's interlocutors from IGAI reiterated¹⁹ that as an administrative body, IGAI does not have the legal power to order medical examinations, including forensic. Nor does IGAI have legal standing to request the judicial authorities to order such examinations and it is not allowed access to their results when these are ordered by the judicial authorities. IGAI thus remains unable to secure evidence which in most cases is crucial to the effective investigation of allegations of ill-treatment (as illustrated by case ii described in the preceding paragraph).

In addition, although rare, the delegation did identify a case (PA 808/2019) in which the treating hospital had denied IGAI access to the description of the injuries of a person deprived of liberty who had received hospital care. Such a refusal appeared to contravene the legislation on access to administrative documents, which grants IGAI and other similar investigative bodies access to medical documentation for the purpose of investigating disciplinary offences.²⁰

60. In sum, the findings of the 2024 visit indicate that, following the conclusion of the March 2023 protocol, there has been a clear improvement in IGAI's first response to reports of cases of possible ill-treatment received from prisons. However, a more active, thorough and consistent approach to gathering evidence is needed to strengthen the effectiveness of IGAI investigations. It also remains crucial to ensure that IGAI and other similar investigative bodies can have timely and unfettered access to relevant and reliable medical evidence, including forensic medical evidence.

61. In their communication of 17 February 2025 to the CPT, the Portuguese authorities indicated that there are provisions in the domestic legislation which allow investigative bodies such as IGAI to request the national forensic medical institution to conduct forensic medical examinations. The authorities referred in this regard to a legislative act passed in 2012 which regulates the activity of this institution and includes provisions stating that it can provide medico-legal and other forensic services to public and private entities, as well as to private persons.²¹

However, in their exchanges with the CPT since 2016, officials from IGAI have repeatedly stated that IGAI does not have the legal power to request forensic medical examinations. Furthermore, in their response to the CPT report on the 2016 visit to Portugal, the Portuguese authorities indicated that under the existing legislation, only judicial authorities, namely the prosecution service, the investigating judges and the courts, had the power to request forensic medical examinations and that granting such power to IGAI would require legislative change.²²

62. The Committee welcomes the protocol concluded in March 2023 between the DGRSP, IGAI and IGSJ, setting up procedures for the immediate reporting by the prison service of possible cases of ill-treatment by law enforcement officials, and for the follow-up of such reports by IGAI or IGSJ, as well as the first indications of the proper functioning of these procedures in the cases referred to IGAI.

To complement these efforts and strengthen the effectiveness of the relevant disciplinary investigations, the CPT recommends that the Portuguese authorities ensure that IGAI has either the legal power to order forensic medical examinations or the legal standing to request the judicial authorities to do so, and that IGAI is granted, in either case, access to the results of such examinations.

In addition, the CPT recommends that the Portuguese authorities take steps to ensure that, as provided for by the national legislation, IGAI and similar investigative bodies have effective access to other medical documentation which may constitute evidence of ill-treatment.

19. See on this point CPT/Inf (2018) 6, paragraphs 16, 19 and 20 and CPT/Inf (2023) 35, paragraph 28.

20. Opinion No. 44/2012 of the Commission for Accessing Administrative Documents (CADA), which is an independent administrative body attached to Parliament, responsible for ensuring compliance of public authorities with the law that regulates access to administrative documents.

21. Decree-Law No. 166/2012 of 31 July on the organisation of the National Institute of Legal Medicine and Forensic Sciences (Article 3 (2) (i)).

22. CPT/Inf (2018) 7.

Further, the CPT recommends that the Portuguese authorities make more sustained and concerted efforts to ensure that all the posts allocated to IGAI, particularly those reserved for seconded judges and prosecutors, are filled so that the body can operate effectively. In addition, IGAI should be capable of carrying out prompt and thorough investigations into all possible cases of ill-treatment by law enforcement officials. This includes securing medical evidence, interviewing the officials concerned and identifying and interviewing possible witnesses.

c. Criminal investigations

63. The CPT has long held the view that, although disciplinary proceedings may provide an additional type of redress, allegations of ill-treatment or information indicative of ill-treatment of persons deprived of their liberty require first and foremost a prompt and effective response on the part of the criminal justice system.²³

64. In the course of its five visits to Portugal since 2012, the CPT has examined extensively the effectiveness of criminal investigations into possible cases of ill-treatment by law enforcement officials and found persistent shortcomings, notably that:

- such cases were not systematically reported to the prosecutorial authorities, despite the fact that officials in the police, in the prison system and in disciplinary bodies such as IGAI or IGSJ, are under a legal obligation to report all cases which, if proven, would amount to criminal conduct to the PPO, who alone is empowered to institute criminal proceedings;²⁴
- when such cases were reported to the prosecutorial authorities, they were not always investigated;²⁵
- where criminal investigations were opened, these were not always sufficiently prompt; essential investigative steps, such as interviews with the alleged victim, were delayed and, as with disciplinary investigations, criminal investigations too were hampered by the lack of reliable medical evidence, in particular forensic medical examinations;²⁶
- criminal investigations and related court proceedings were lengthy.²⁷

The CPT also found that some prosecution services competent to investigate allegations of ill-treatment by law enforcement or other state officials, such as the Regional criminal investigation and action department (DIAP) for Lisbon, required an increase in staff in order to ensure that such cases could be investigated effectively, notably in a prompt and thorough manner.²⁸

65. In the course of the 2024 visit, the delegation again identified omissions, at multiple levels, to report allegations of potentially criminal behaviour by law enforcement officials to the PPO.

Specifically, none of the cases of possible ill-treatment by law-enforcement officials detected upon admission to the three prisons the delegation visited, had been referred to the PPO by the prisons or by IGAI or IGSJ, to which the prisons had reported the cases. In addition, in none of the cases examined by the delegation in which injuries were found did police officers notify the PPO.

23. The European Court of Human Rights has well-established case law that, where an individual makes an “arguable claim” or a “credible assertion” that they have suffered ill-treatment at the hands of, *inter alia* the police or other similar authorities, there should be an effective official investigation of a criminal nature. Even in the absence of a formal complaint, once the matter has come to the attention of the authorities, this gives rise *ipso facto* to an obligation under Articles 1 and 3 of the European Convention on Human Rights that the state carries out an effective investigation. If this were not the case, the general legal prohibition of torture and inhuman and degrading treatment and punishment, despite its fundamental importance, would be ineffective in practice (see the Grand Chamber judgment in *Nicolae Vergiliu Tănase v. Romania*, Application No. 41720/13, § 115 and the case law referred there).

24. See CPT/Inf (2023) 35, paragraphs 36 and 39.

25. See CPT/Inf (2013) 35, paragraph 56 and CPT/Inf (2018) 6, paragraph 15.

26. See CPT/Inf (2018) 6 and CPT/Inf (2020) 33.

27. See CPT/Inf (2020) 33, paragraphs 25 and 29.

28. See CPT/Inf (2020) 33, paragraphs 31, 32 and 34.

66. Further, it appeared that, even when allegations or information indicative of ill-treatment had been reported to the prosecutorial authorities or otherwise brought to their attention, these were still not always acted upon, or acted upon sufficiently promptly.

It is recalled that, after the 2019 and 2022 visits, the CPT engaged in a dialogue with the Portuguese authorities on the follow-up given to several cases involving allegations which, if proven, would have amounted to criminal conduct by police officers. In these exchanges, the CPT emphasised that, since the PPO had been informed of those cases, it was under a legal obligation to investigate them.

The Portuguese authorities provided information on these cases in their response to the CPT report on the 2022 visit and in written exchanges²⁹ with the delegation during the 2024 ad hoc visit.

According to this information, of the 21 cases which were the focus of this dialogue, in six the PPO had carried out criminal investigations, and in four of these, the law enforcement officials involved had been committed to stand trial. In 13 cases, however, the authorities communicated to the CPT that the PPO had no record of any criminal investigation having been opened into the allegations.³⁰

67. Furthermore, during the 2024 visit, the delegation was concerned to learn that, despite extensive reports in the media about the PSP intervention described at paragraph 20 of this report, the PPO had only opened a criminal investigation some three months after the events, upon receiving information from the Prime Minister's Cabinet about the alert posted on the Council of Europe Safety of Journalists Platform.

It also emerged that this case was illustrative of difficulties in the communication and information-sharing between criminal and disciplinary investigative bodies, as the delegation was told that the PPO could take as long as a year to respond to requests for information from IGAI in those cases where disciplinary and criminal proceedings run in parallel.

68. The Committee is deeply concerned that such fundamental flaws persist despite its repeated recommendations that steps be taken to guarantee an effective criminal law response to allegations or information indicative of ill-treatment by law enforcement officials.

The CPT wishes to recall that, as stated by the European Court of Human Rights, a proper response by the relevant authorities in investigating such cases in compliance with the standards of Article 3 of the European Convention on Human Rights, may generally be regarded as essential in maintaining public confidence in their adherence to the rule of law and in preventing any appearance of impunity, collusion in or tolerance of unlawful acts.³¹

69. The CPT reiterates its recommendation that the Portuguese authorities commission a fully independent review of the current system for the investigation of possible cases of ill-treatment by law enforcement officials, with a view to ensuring that it complies fully with the procedural requirements of Article 3 of the European Convention on Human Rights. This should include measures to ensure that:

- cases of alleged ill-treatment or indicative of ill-treatment detected at a person's entry to prison are also reported by the prison services, as a matter of priority, to the Public Prosecutor's Office, possibly drawing on the mechanism established in 2023 for the communication of such cases by the prison services to IGAI or to IGSJ;

29. These exchanges also concerned other cases, including those described at paragraphs 20 and 21 of this report.

30. The authorities indicated that the PPO had been unable to identify two of the cases highlighted by the CPT.

31. See for example *Lyapin v. Russia*, Application No. 46956/09.

- prosecutorial authorities promptly act upon such reports and upon any other information, from any source, indicating that ill-treatment of persons deprived of their liberty may have occurred, and make full use of their legal powers in order to discharge, in all cases, their responsibility to effectively investigate and, where warranted, to prosecute and bring to trial law enforcement officials suspected of ill-treatment; to this end, the Portuguese authorities should ensure that the prosecution services competent to deal with such cases have adequate and sufficient resources at their disposal; further, the authorities could consider providing specialised training to prosecutors in these services in order to increase their awareness of and to strengthen their capacity to observe and apply the procedural requirements of Article 3 of the ECHR;
- prosecutorial authorities and disciplinary investigative bodies promptly communicate and share relevant information, whenever necessary, for the proper conduct of their respective investigations into possible cases of ill-treatment by law enforcement officials.

4. Safeguards against ill-treatment

a. introduction

70. As part of its preventive mandate, the CPT has consistently highlighted the importance of three procedural safeguards, namely the right of access to a lawyer, the right of access to a doctor and the right to have the fact of one's detention notified to a relative or another third party of one's choice. This presupposes that persons deprived of their liberty are duly informed of these rights, both orally upon apprehension and, as soon as possible, in writing, in a language and form they understand. These rights should apply as from the very outset of deprivation of liberty by the police – that is, when the person concerned is obliged to remain with the police. The main reason for this has repeatedly emerged from the CPT's findings: it is during the first hours of deprivation of liberty by the police that the risk of ill-treatment is at its highest.

71. In Portugal, the legal safeguards for persons deprived of their liberty by the police are set out in the CCP and supplemented by two ministerial orders, which also establish how these safeguards are to be implemented respectively in PSP and GNR stations and detention facilities, and in JP facilities. These are Order of the Minister of Internal Administration No. 5863/2015 on Material Conditions in Police Premises of 2 June 2015, and Order of the Minister of Justice No. 12786/2009 regulating the Conditions of Detention in JP facilities and in the detention premises attached to Courts and to Public Prosecution Services.

b. notification of custody

72. Order No. 5863/2015 provides that people detained by the PSP or the GNR must be permitted to inform their families immediately about their situation and must be provided with all reasonable facilities to this end (for example by using the police station's telephone).

Order No. 12786/2009 provides that those detained by the JP have the right to inform a family member or trusted person of their situation. It also specifies that the rights of a detained person may be exercised from the outset of the deprivation of liberty.

73. During the 2024 visit, the delegation found that this safeguard was in general properly implemented, although a few of the detained persons it interviewed stated that they had not been afforded such an opportunity while in PSP or JP custody and did not know the reasons for the refusal.

74. **The CPT encourages the Portuguese authorities to persevere in their efforts to ensure that all detained persons effectively benefit from the right of notification of custody as from the outset of their deprivation of liberty.**

c. access to a lawyer

75. Under Article 20 (2) of the Constitution, subject to the terms of the law, everyone has the right to legal information and advice, to legal counsel and to be accompanied by a lawyer before any authority. In a criminal law context, this constitutional prerogative has been made operational through various provisions of the CCP, as follows:

- any person arrested by the police in connection with a criminal offence must be formally declared³² a defendant (*arguido/a*) (Article 58 (1) c)). As such, the person has the right:
 - (i) to appoint a lawyer or to request the appointment of a defence counsel;
 - (ii) to be assisted by a defence counsel in all the procedural acts in which the person participates; and
 - (iii) to communicate with the counsel, including in private (Article 62 (1) e) and f)).

When security reasons so require, the communication takes place in plain sight, but out of the hearing of the person in charge of surveillance (Article 62 (2)). In most cases, whilst the defendant is in police custody, legal assistance is mandatory and will be provided *ex officio* if the person does not have a lawyer, only during questioning by the police or by the judicial authorities³³ (Article 64).

- persons brought in by police for identification have the right of access to a lawyer if and when they are formally granted defendant status. They themselves can request to be granted such status when they have indications that they are being suspected of a criminal offence and the police must grant them defendant status whenever, during questioning,³⁴ reasonable suspicions emerge that the person might have committed such an offence (Article 59 (1) and (2)). Thereupon, they will enjoy the rights attached to this status, as detailed above.

76. During the 2024 visit, as in the past, the delegation interviewed many detained persons who indicated that they did not have access to a lawyer of their choice and that they had only met their officially appointed (*ex officio*) lawyer at the first court hearing before a judge, which takes place up to 48 hours after the moment of apprehension.

Senior police officers with whom the delegation spoke stated that, in accordance with the law, persons in police custody have the right of access to a lawyer only from the moment they have been formally granted defendant status. In most of the cases, this is done by written notice, once the police have ascertained the identity of the person, verified the facts and determined that the conditions to grant such status are met. If the defendant can afford a lawyer, the latter can meet the client at the police station. Otherwise, since legal assistance is not mandatory during police custody as a rule, an *ex officio* lawyer would in most cases only be appointed to them for the first appearance in court.

77. The CPT reiterates that its objective of guaranteeing an effective right of access to a lawyer during police custody is not primarily linked to issues of due process or the right to a defence; it is aimed at preventing ill-treatment. Accordingly, the right of access to a lawyer should apply as of the moment of deprivation of liberty, namely, when the person concerned is obliged to remain with the police, irrespective of the precise legal status of the person; more specifically, enjoyment of the right should not be made dependent on the person having been formally declared to be a “suspect”. Further, in order for the right of access to a lawyer during police custody to be fully effective in practice, appropriate provision should be made already at this early stage of the criminal procedure for persons who are not in a position to pay for a lawyer.

32. This is done through an oral or written communication made to the person concerned by a judicial authority or a criminal police body that they are henceforth to be considered a defendant and the indication and, if necessary, explanation of the procedural rights and duties attached to this status (Article 58 (2)).

33. There are some categories for whom legal assistance is mandatory for every procedural act, apart from the constitution of defendant (namely when the person is blind, deaf, mute, illiterate, does not speak Portuguese, is under 21 years of age, or when the question of responsibility or diminished responsibility is raised).

34. The police are authorised to question these people to gather information relating to an offence and, in particular, to the discovery and preservation of evidence that could be lost before the intervention of the judicial authority. If during such questioning, a reasonable suspicion emerges that the person might have committed a criminal offence, the police must stop the interview, formally declare the person a defendant and inform them of their rights as such (Article 250 together with Article 59).

78. The CPT observes that the relevant provisions in Portuguese law, as construed and applied by law enforcement officials, make the right of access to a lawyer dependent upon the person in police custody having been formally granted defendant status. They therefore do not appear to guarantee this right as from the very outset of the deprivation of liberty to every person suspected of a criminal offence, nor to those persons obliged to remain on police premises for other reasons, such as identification purposes. Further, it appears that at present, even where the status of defendant has been granted, the effective exercise of this right during police custody depends, in most cases, on the person detained being in a position to retain a lawyer.

79. The Committee recommends that the Portuguese authorities take the necessary steps to bring the relevant domestic legislation and practice into line with the precepts set out at paragraph 76 above regarding the right of access to a lawyer (that is, from the moment a person is deprived of their liberty by the police).

Further, the CPT would like to receive information about the current system of legal aid in criminal proceedings in Portugal, with a focus on how this system applies at the pre-trial stage.

d. access to a doctor

80. Order No. 5863/2015 relating to the PSP and the GNR provides for the right of access to a doctor, including a doctor of one's own choice at the detained person's expense (Article 22). Order No. 12786/2009 has analogous provisions in relation to persons deprived of their liberty by the JP (Article 29).

81. The delegation found that the procedure uniformly followed in the police facilities it visited was to call in the medical emergency service (National Institute for Medical Emergency) when persons in custody requested medical assistance and, at least in some facilities, also when they bore visible signs of injury.

The delegation received no complaints from detained persons about the provision of medical assistance during the period of police custody. Several persons interviewed had received such assistance at police stations, and some had been transferred to hospital for treatment.

However, as was the case in the past, a few stated that they had not received copies of the emergency medical reports drawn up by the treating physicians following their hospitalisation.

From interviews with staff and an examination of records, the delegation further learned that some hospitals hand over copies of such emergency medical reports to the police without the permission of the person concerned, in breach of medical confidentiality, and that the police thereafter include such reports in the custody records.³⁵

82. The Committee reiterates its recommendation that the Portuguese authorities take all necessary steps to ensure that a copy of any documentation relating to medical examinations and interventions concerning persons in police custody is made available to those persons and to their lawyers.

Further, the CPT recommends that the Portuguese authorities take measures to end the practice of some hospitals of handing over medical documents to the police, without the permission of the person concerned, when a person in police custody receives hospital treatment, including by reminding hospitals of their obligation to strictly observe the confidentiality of medical examinations and of the related documentation.

35. At the PSP Lisbon Metropolitan Command Headquarters, copies of such reports were filed in a separate register.

e. information on rights

83. Under the CCP, when the legal conditions are met for the detained person to have the right of access to a lawyer (paragraph 74 above), that person must be informed of this right and of the other rights and duties attached to their status. The information must be provided orally and in writing, in a language they understand, if necessary, through an interpreter.³⁶

Order No. 5863/2015 requires that posters explaining the rights and duties of detained persons and of defendants be displayed in a clearly visible place in the public attendance area and the detention area of PSP and GNR stations.³⁷ Information leaflets in several languages summarising these rights and duties must be available and handed out to every detained person, in a language they understand. The information on the rights to appoint a lawyer and to communicate with a family member or a trusted person, must be provided through an interpreter where necessary. The provision of the information on these rights and of the leaflet must be documented.

Order No. 12786/2009 includes similar provisions for JP detention facilities; it further specifies that the information must be provided immediately and that the rights can be exercised from the moment of the material deprivation of liberty.³⁸

84. During the 2024 visit, as was the case in the past, several persons interviewed by the delegation said that they had only received written information on their rights at police stations, while others stated that they had not been informed of their rights at all, either verbally or in writing.

In the police stations visited, posters setting out the rights of detained persons and of defendants were displayed in the public attendance areas, sometimes in several languages.

Staff in these stations explained to the delegation that the information on the right of access to a lawyer was provided to the persons concerned in writing, through a notice of rights, as soon as the police were certain of their status as defendants. The standard notice of rights, examined by the delegation,³⁹ set out the procedural rights of defendants in criminal proceedings in general, including the right of access to a lawyer and the right to request legal aid. It made no mention of the right of access to a doctor and of the right to have the fact of one's detention notified to a relative or another third party of their choice. As regards the latter right, some police officers indicated that, upon arrival at the police station, they informed detained persons verbally thereof and offered to contact the families.

85. Bearing in mind the remarks set out at paragraphs 76 to 78 above regarding the right of access to a lawyer, the Committee reiterates its recommendation that the Portuguese authorities take steps to ensure that all persons detained by the police – for whatever reason – are fully informed of the right of access to a lawyer, the right of access to a doctor and the right to have the fact of one's detention notified to a relative or another third party of one's choice, orally, as from the very outset of their deprivation of liberty (that is, from the moment when they are obliged to remain with the police, for example when a person is apprehended) and, as soon as possible thereafter, in writing, in a language and form they understand.

This should be ensured by provision of clear verbal information at the very outset, to be supplemented at the earliest opportunity (that is, immediately upon their arrival at police premises) by provision of a written form setting out their rights in simple and accessible language. This form should be available in an appropriate range of languages. The information should be explained to detained persons and care should be taken to ensure that they are actually able to understand their rights; it is incumbent upon police officers to ascertain that this is the case.

36. Article 58 (2), (5) and (6) in conjunction with other CCP provisions.

37. Article 15.

38. Articles 3 and 4.

39. Available in several languages in some police stations.

f. custody records

86. The custody records in the establishments visited were well kept, apart from the fact that the entries on injuries presented by persons apprehended remained cursory.

87. Nevertheless, despite previous recommendations made by the CPT, in most of the police stations visited by the delegation, medical interventions continued to be recorded only in the individual files of the persons detained, and the existing custody record system did not enable cases where medical assistance had been requested⁴⁰ and/or provided to be readily identifiable. At the PSP Lisbon Metropolitan Command Headquarters, a separate register was kept with copies of emergency medical reports handed over by hospitals to which detained persons had been transferred for treatment. This, however, as set out above, amounts to a breach of medical confidentiality.

88. **The Committee reiterates its recommendations that the Portuguese authorities take the necessary steps to ensure that:**

- **law enforcement officials responsible for detention systematically verify the physical and mental wellbeing of everyone detained, and properly record their observations regarding the physical condition and in particular any signs of injury borne by detained persons upon admission to a police facility;**

- **cases where medical assistance has been requested and/or provided to detained persons can be readily identified in every police station, for example by updating the electronic police detention register used by the PSP. The CPT wishes to stress that the relevant information to be recorded for this purpose is: the date and time the detained person was examined, the name of the hospital or healthcare service providing the treatment, the reason for sending the person to hospital for treatment, and a reference to the detention/criminal file (the name of the person or any information covered by medical confidentiality should not be recorded).**

89. Further, the delegation found that it was somewhat difficult to swiftly establish the custody timeline when a detained person had been transferred between various police stations, law enforcement agencies and/or criminal investigative bodies, as it required consulting the records in each of these facilities. This can be detrimental to transparency and accountability and to the work of the investigative bodies, inspection services and monitoring bodies. **The CPT would like to receive the comments of the Portuguese authorities on this point.**

g. conduct of interviews

90. In the view of the CPT, electronic (audio and/or video) recording of police interviews represents an important additional safeguard against the ill-treatment of detained persons. Such a facility can provide a complete and authentic record of the interview process, thereby greatly facilitating the investigation of any allegations of ill-treatment. This is in the interest both of persons who have been ill-treated by the police and of police officers confronted with unfounded allegations that they have engaged in physical ill-treatment or psychological pressure. Electronic recording of police interviews also reduces the opportunity for defendants to later falsely deny that they have made certain statements.

91. In the course of the visit, the delegation heard from senior JP officials that electronic recording of interviews of suspects conducted by JP officers, is implemented only where it has been specifically ordered by the PPO or by the investigating judge, and in those cases where the law makes it mandatory. The CPT considers that this should be a generalised practice with specifically equipped rooms for carrying out police interviews that are subject to audio/video recording.

40. The delegation found a few cases where, according to the registers, the police had called in the medical emergency service, but the person concerned had refused medical assistance.

92. **The CPT recommends that the Portuguese authorities promote the use of electronic equipment for recording police interviews as standard practice, including by ensuring that every facility where such interviews take place has dedicated rooms with suitable audio and/or video equipment.**

93. In addition, the delegation was informed that the curricula for initial and in-service training of JP officers includes the protection of human rights, ethics and deontology, both as stand-alone courses and as part of courses on the disciplinary law applied to them. The delegation could not, however, ascertain whether these or other capacity building activities for JP officers cover training in research-based investigative interviewing techniques.⁴¹ **The CPT would like to receive information on this specific point from the Portuguese authorities.**

41. See “Preventing police torture and other forms of ill-treatment – reflections on good practices and emerging approaches”, Extract from the 28th General Report of the CPT, published in 2019 (CPT/Inf(2019)9-part), as well as the Principles on Effective Interviewing for Investigations and Information Gathering ([Méndez Principles](#)).

APPENDIX I – Establishments visited

Establishments under the authority of the Ministry of Internal Administration

Public Security Police (PSP)

- PSP Metropolitan Command Headquarters, Moscavide Avenue, Lisbon
- PSP 2nd Police Station, Rua da Prata 38, Lisbon (Baixa Pombalina)
- PSP 3rd Police Station, Travessa da Água da Flor 33, Lisbon (Bairro Alto)
- PSP 18th Police Station, Rua Afonso Lopes Vieira 2 A, Lisbon (Campo Grande)
- PSP 65th Police Station, Estrada Da Brandoa, Amadora, Lisbon
- PSP 78th Police Station, Rua Adriano José de Oliveira 12, Loures, Lisbon (Camarate)
- PSP Cascais Police Division, Rua Afonso Sanches 26, Cascais

National Republican Guard (GNR)

- GNR Sintra territorial subdivision, Rua João de Deus 6, Sintra

Establishments under the authority of the Ministry of Justice

- Lisbon Judicial Police Headquarters, Rua Gomes Freire 174, Lisbon
- Lisbon Judicial Police Prison*
- Lisbon Central Prison*
- Tires Prison*
- Monsanto Prison*

- Campus de Justiça, Court Detention Area (Block B), Alameda dos Oceanos, Lisbon*

*Targeted visits primarily to interview remand prisoners.

APPENDIX II – List of the Authorities and other bodies met during the visit

A. National authorities

Margarida Blasco, Minister of Internal Administration

Rita Alarcão Júdice, Minister of Justice

Ministry of Internal Administration

Telmo Correia, Secretary of State

General Secretariat of the Ministry of Internal Administration

Ricardo Carrilho, Deputy Secretary General for International Relations and EU Funds Management

Sílvia Lopes, Head of the International Relations Division

Leonor Ferreira, Desk officer for Human Rights

Inspectorate-General for Internal Administration (IGAI)

Pedro Figueiredo, Inspector-General

Alexandra Costa Gomes, Deputy Inspector-General

Eurico Silva, Inspector

National Republican Guard (GNR)

Lieutenant-General Rui Ribeiro Veloso, General Commander

Lieutenant-General Jorge Manuel Ribeiro Goulão, Inspector

Colonel João Carlos Silva Fernandes, Deputy Inspector

Lieutenant-Colonel António Vitorino, Deputy Inspector

Lieutenant-Colonel Alfaro Pereira, Deputy to the Head of Division for Strategic Planning and International Relations

Public Security Police (PSP)

Superintendent Luís Carrilho, National Director

Intendent Hugo Guinote, Human Rights Officer and Head of the Public Prevention and Outreach Division

Ministry of Justice

Inês Horta Pinto, Advisor to the Deputy Minister of Justice

Inspectorate-General of Justice Services

Gonçalo da Cunha Pires, Inspector-General

Directorate General for Reinsertion and Prison Services

Orlando Carvalho, Director General

Judicial Police

Luis Neves, National Director

Ministry of Foreign Affairs

Sara Ágoas, Head of the Human Rights Unit

Eduarda Gomes, Desk officer for the Council of Europe, Human Rights Unit

Public Prosecutor's Office

Joana Gomes Ferreira, Deputy Prosecutor General

Jorge Malhado, State Prosecutor, Advisor to the Prosecutor General

Sofia Rocha, State Prosecutor, Department of Judicial Cooperation and International Relations

Raquel Tavares, Department of Judicial Cooperation and International Relations

B. Office of the Ombudsperson and National Preventive Mechanism

Miguel Feldmann, Coordinator of the National Preventive Mechanism

“NO ONE SHALL BE SUBJECTED TO TORTURE OR TO INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT”

Article 3 of the European Convention on Human Rights

Established in 1989 by the Council of Europe Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the CPT's aim is to strengthen the protection of persons deprived of their liberty through the organisation of regular visits to places of detention.

The Committee is an independent, non-judicial preventive mechanism, complementing the work of the European Court of Human Rights. It monitors the treatment of persons deprived of their liberty by visiting places such as prisons, juvenile detention centres, police stations, immigration detention facilities, psychiatric hospitals and social care homes. CPT delegations have unrestricted access to places of detention, and the right to interview, in private, persons deprived of their liberty. They may access all the information necessary to carry out their work, including any administrative and medical documents.

The CPT plays an essential role in promoting decency in detention, through the development of minimum standards and good practice for states parties, as well as through coordination with other international bodies. The implementation of its recommendations has a significant impact on the development of human rights in Council of Europe member states and influences the policies, legislation and practices of national authorities regarding detention.



Secretariat of the CPT
Council of Europe
67 075 STRASBOURG Cedex – FRANCE
+33 (0)3 88 41 23 11
cptdoc@coe.int – www.cpt.coe.int

ENG

www.coe.int

The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.