

CPT/Inf (2025) 33

Response

**of the Portuguese Government
to the report of the European Committee
for the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment (CPT)
on its visit to Portugal**

from 20 to 27 November 2024

The Government of Portugal has requested the publication of this response.
The CPT's report on the 2024 visit to Portugal is set out in document
CPT/Inf (2025) 32.

Strasbourg, 21 October 2025



MINISTÉRIO DOS NEGÓCIOS ESTRANGEIROS
Direção-Geral de Política Externa

Portuguese Response to the CPT's Report

Introduction

The Portuguese Government noted with satisfaction that the delegation recognized real progress in implementing several relevant recommendations made by the CPT after its previous visits to Portugal. This acknowledgment highlights the efforts of the Portuguese authorities to meet their international obligations, particularly the CPT's recommendations.

In particular, the Government is encouraged by the delegation's positive assessment of the protocol established between the Directorate-General of Reintegration and Prison Services (DGRSP), the Inspectorate-General of Internal Administration (IGAI) and the Inspectorate-General of Justice Services (IGSJ) in 2023, which the delegation found to be functioning effectively.

Ill-treatment

§ 15 and § 19(ii) – as regards the Judicial Police (JP):

The report mentions that the delegation received one allegation that deliberate ill-treatment had been inflicted by Judicial Police (JP) officers during questioning of a suspect, in order to extract information. **The Government reiterates the information provided to the CPT in response to its preliminary observations** and refers to the information provided in writing by the JP directly to the CPT delegation in the course of the visit. IGSJ had closed the investigation into this case in October 2024, concluding that there was no evidence of ill-treatment by JP officers.

The Government also highlights that, in this case, the proceedings put in place were strictly followed: the injury report was drawn up by a nurse upon admission to prison, and the prison service reported the case to the IGSJ, as stated in the protocol. Further, the JP has cooperated promptly with the IGSJ in all situations arising from the application of the interagency protocol.

§ 23



MINISTÉRIO DOS NEGÓCIOS ESTRANGEIROS
Direção-Geral de Política Externa

To provide an answer as complete as possible, the IGAI would like to inform the following:

- Regarding the first case (concerning the actions of the PSP Special Unit Intervention Corps 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), it should be noted that IGAI initiated disciplinary proceedings of investigation, reference PND-10/2024, which are still in the inquiry stage and ongoing.

It is also important to clarify that, although several witnesses have already been examined, and steps have been taken that enabled the collection of evidence, the examination of witnesses is not yet concluded, since a number of other witnesses remain to be heard, and additional evidentiary steps are considered necessary.

- In relation to the second case (concerning the alleged ill-treatment of three children aged 16 by four GNR officers in Palmela (Setúbal district) on 10 April 2024), it should also be noted that IGAI initiated four (4) disciplinary proceedings against each four GNR officers, references PND-27/2024; PND-28/2024; PND-29/2024 and PND-30/2024, each targeting a specific GNR officer. It can be reported that all viable evidence that could be obtained under the applicable disciplinary regulations were collected. Considering that criminal proceedings concerning the same facts and individuals are still ongoing, IGAI proposed that, before a disciplinary bill of charge is issued, each PND should be suspended until the conclusion of the criminal case, in order to ensure consistency with the findings of the criminal proceedings.

The IGAI's proposal was accepted by the Ministry of Home Affairs who determined the suspension of the four cases until the conclusion of the criminal proceedings.

All four GNR officers were reassigned, each to a different territorial sub-unit outside of Palmela.



MINISTÉRIO DOS NEGÓCIOS ESTRANGEIROS
Direção-Geral de Política Externa

In view of the seriousness of the facts and the coercive measures ordered in the meantime as part of the criminal investigation, the GNR's Unit Commander, by order of 13 May 2024, deemed it appropriate to apply the provisional measure of 'preventive transfer' to the 4 officers, who were reassigned to other sub-units of the Setúbal Territorial Command to carry out operational duties.

Commenting CPT's reiteration in N 22, the IGAI would like to reiterate and underline the following observations.

IGAI has learned from experience that, when criminal proceedings and disciplinary proceedings concern the same facts and individuals and are ongoing in parallel, concluding the disciplinary process prior to the criminal case may be counterproductive, given that the investigative tools and evidentiary mechanisms available in criminal proceedings are considerably broader than those in disciplinary proceedings.

To illustrate this, in 2017, based on the evidence gathered regarding nine (9) officers from the Alfragide Police Station in relation to events from 2015, IGAI proposed that seven (7) disciplinary cases be closed. This proposal was accepted by the Minister of Home Affairs at the time. In two (2) other cases, IGAI recommended sanctions involving suspension for up to 120 days, which were also approved.

In parallel, criminal proceedings were brought against eight of the nine officers whose disciplinary proceedings had been concluded by IGAI. However, the criminal proceedings concluded at a later stage and resulted in findings that, in some instances, diverged from those in the disciplinary proceedings.

According to the judgment handed down by the Sintra Court on May 20, 2019, six of the officers whose disciplinary proceedings had been closed were convicted by the Sintra Court for various crimes committed against young people in Cova da Moura in 2015.

Involved in the criminal proceedings were eight of the nine police officers against whom disciplinary proceedings had been initiated and concluded. For the crimes of kidnapping, offences to qualified physical integrity, falsification of a document, libel and slanderous denunciation, the Court of Sintra sentenced seven of the eight defendants, in legal



MINISTÉRIO DOS NEGÓCIOS ESTRANGEIROS
Direção-Geral de Política Externa

cumulation, to single sentences of between two months and five years in prison, suspended in their execution for the same period.

One of the eight agents was sentenced to one and a half years in prison, to be effectively served. Thus, IGAI respectfully notes that it does not share the outlook expressed in CPT's reiteration in N 22 of its report.

It is undeniable that disciplinary proceedings provide an additional form of redress for cases of ill-treatment. These proceedings may run in parallel with criminal cases, and the disciplinary responsibility of the police officers involved should be consistently assessed—a task that IGAI indeed carries out—regardless of whether the misconduct is ultimately classified as a criminal offence.

However, when the misconduct does constitute a criminal offence, it is important to highlight that the investigative resources and means of evidence collection available in criminal proceedings are significantly more extensive than those available in disciplinary procedures.

As such, concluding a disciplinary case before the completion of a parallel criminal case may lead to inconsistent or even contradictory outcomes, due to the unequal access to investigative tools in each type of proceeding.

In light of its experience, IGAI considers it advisable that, in cases where a criminal investigation is underway, the disciplinary case should be suspended until the criminal proceedings are concluded.

It is also important to emphasize that, according with article 6, paragraph 5, of the PSP Disciplinary Statute, a conviction with the force of *res judicata* binds the disciplinary investigator to accept the established facts and their authorship as determined by the court. This provision further reinforces IGAI's position and underscores the importance of suspending disciplinary proceedings involving PSP officers until a final decision is reached in the related criminal case.

As a final remark, we would like to say that, searching the tab of IGAI's website where 81 anonymised reports and decisions handed down in disciplinary proceedings conducted



MINISTÉRIO DOS NEGÓCIOS ESTRANGEIROS
Direção-Geral de Política Externa

by the IGAI have been published¹, it is possible to check that, in addition to cases in which criminal proceedings ran in parallel with the disciplinary proceedings, there are also cases of disciplinary proceedings in which the facts under examination were not subject to any criminal investigation.

This is evidence that for the IGAI disciplinary culpability of police officers concerned is (with the resources at its disposal) systematically examined irrespective of whether the misconduct in question is found to constitute a criminal offence.

§§ 27-28:

The report mentions that several persons interviewed by the delegation had been presented to a judge whilst bearing visible injuries, and yet neither the judge nor the appointed lawyer took action, which 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.

The Government conveyed the findings of the CPT contained in §§ 27-29 to the following bodies bearing responsibility for regulating and training of judges, prosecutors and attorneys: High Council of the Judiciary; High Council of the Prosecution Service; Centre for Judicial Studies; Bar Association.

Also, Portuguese authorities remain committed to upholding Human Rights standards and the ongoing training of security force personnel.

Within the GNR, the Register of Detainees and Identified Suspects is governed by Internal Regulation - NEP/GNR - 3.02.01 - approved on 13 September 2013, with compliance monitored through inspections and patrols.

All detention centres are regularly inspected and comply with legal standards, implemented internally through NEP/GNR 4.09.10, which defines the conditions applicable to barracks cells.

¹ <https://www.igai.pt/pt/Publicacoes/RelatoriosDisciplinares/Pages/default.aspx>



MINISTÉRIO DOS NEGÓCIOS ESTRANGEIROS
Direção-Geral de Política Externa

With regard to the use of force, police conducts are defined by law and internal regulations (in the case of the GNR: Circular No. 15/2014-P Use of Force in Police Intervention; Operations Manual, Public Order Manual, etc.), which are provided to personnel through initial and ongoing training.

Since 2020, the PSP has made it mandatory for police officers to report discriminatory practices based on racial and ethnic origin, color, nationality, ancestry and territory of origin to the PSP Inspectorate.

In accordance with the Recommendation of the European Commission against Racism and Intolerance (ECRI), namely, the ECRI General Policy Recommendation No. 11 on combating racism and racial discrimination in policing - adopted on June 29, 2007, the PSP developed the PSP Communication Strategy No.: ASDDN/GDN/01/01 of August 26, 2020, which standardizes internal and external communication and restricts references to ethnic or racial background. Such references are permitted only when they are necessary and appropriate to the outcome of a case involving criminal suspects.

In Portugal, any citizen may report a situation of excessive use of force by a police officer at any police station (PSP), GNR post, court, PJ delegation or online through the electronic complaints system. Whenever a crime is reported, a unique record is assigned to each case, which makes it easier for the parties to monitor the status of the case.

Complainants are always informed of the outcome at every stage of the process. This ensures that they are aware of their rights, including the possibility of appealing to higher authorities.

In addition, it is mandatory for all public services to have a Complaints Book. When a Complaint is submitted, the complainant receives a copy of the form with them, which contains a unique registration number that will allow them to track the progress of the case. For each Complaint, it is mandatory to prepare information for the higher authority and a response to the complainant.



MINISTÉRIO DOS NEGÓCIOS ESTRANGEIROS
Direção-Geral de Política Externa

The use of force by police officers continues to be subject to rigorous biannual theoretical and practical assessments and annual training. The PSP also provides specialized training, with each session comprising 35 hours. Of these, 7 hours are specifically dedicated to topics such as the "Fundamental Principles in Approaching the Individual," handcuffing, control and escort techniques, and baton handling.

In 2023, 551 sessions were held, involving 7.504 officers. Given the total PSP workforce of approximately 20,000 officers, it is expected that training will be renewed for all personnel every three years. Regarding this recommendation, it is important to clarify what is the approach that IGAI has concerning ill-treatment:

1. The IGAI includes in its mandate the investigation of all reports of serious violations of the fundamental rights of the citizens by the services or their officers, especially those pertaining to police officers – article 2, par. 2, subpar. (a), of Decree-Law No. 22/2021², dated March 15, 2021.

Among the various manifestations of a serious violation is the ill-treatment committed in the course of duty, namely torture and cruel, degrading or inhuman treatment, which are constitutionally outlined under two areas: in the scope of the inviolability of the moral and physical integrity of persons (article 25 of the Constitution of the Portuguese Republic) and that of the safeguards of the criminal procedure, considering not valid any proof obtained by means of torture, coercion or bodily or physical harm of a person (article 32, par. 8).

The IGAI closely monitors legal, doctrinal, and jurisprudential concerning the absolute prohibition of torture and inhuman or degrading treatment or punishment, a principle established by article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms and articles 2 and 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

² <https://diariodarepublica.pt/dr/detalhe/decreto-lei/22-2021-159432385>



MINISTÉRIO DOS NEGÓCIOS ESTRANGEIROS
Direção-Geral de Política Externa

2. In light of persistent conceptual ambiguities and semantic challenges, the IGAI has adopted a comprehensive working definition of ill-treatment, which encompasses:

Any act by an officer in serious breach of rules protecting fundamental rights — such as life, liberty, physical and moral integrity, and cultural identity — through the use of physical, psychological, or moral violence against individuals without comparable authority in the context of the act.

This broad sense exceeds by far the definition of torture and cruel, inhuman or degrading treatment as all “act that consists of causing a serious physical or psychological suffering, serious physical or psychological fatigue, or the use of chemical products, narcotics or other means, either natural or artificial, with the intention of disturbing the capacity of determination or the free expression of the will of the victim” (article 243, par. 3, of the Criminal Code; on its turn, article 244, par. 1, lists some examples of especially serious means or methods of torture the beatings, the electric shocks, the simulations of execution and the hallucinatory substances).

Thus, the following actions are comprised in the concept of ill-treatment, and always having as a reference the risks of a physical, psychological, or moral nature:

a) Actions that disturb the abovementioned juridical assets (fundamental rights) and are criminally punishable, whether or not the law requires the perpetrator to hold formal authority [examples: a crime of offence to the physical integrity qualified by reason of a special blamableness or perversity (article 145 of the Criminal Code); ill-treatment committed upon persons that are under the guard or care of the author (article 152 A); threat and coercion against a person especially vulnerable by reason of age, disability, illness or pregnancy, or motivated by racial hate (article 155, par. 1); kidnapping preceded or with torture or other cruel, degrading or inhuman treatment, committed against a person who has the function of prevention, pursuit, enquiry or reception of news of criminal, regulatory or disciplinary offences, the execution of sanctions of the same nature or the protection, guard or surveillance of detainees or an arrested person, with an aggravation in cases of regular use of such treatments or the use of especially serious means or methods of torture (articles 243, par. 1, and 244, par. 2);



MINISTÉRIO DOS NEGÓCIOS ESTRANGEIROS
Direção-Geral de Política Externa

- b)** Actions with unnecessary or excessive use of violence, namely disproportionally resort to coercive means that are available to the author (examples: use of a firearm when the use of a truncheon or a simple verbal order would be enough; use of instruments of physical restraint, such as handcuffs, without the need to safeguard security measures);
- c)** Actions that are clearly of a discriminatory nature, vexing treatments or exploitation of moral weakness (examples: different treatment mainly by reason of sex, race or ethnic origin, disability or the presence of a serious risk for the health; Roma individuals forced to sing songs associated with their ethnic group);
- d)** Actions meant to pursue forbidden purposes, or which are not committed to their author, namely suggestive (example: simulations of violence) or wrongly rewarding (example: in order to obtain a confession, promise of immediate freedom that the author may not determine) police actions;
- e)** Actions with unnecessary exposition of a person to a physical, psychological or moral danger or with aggravation of the risk (examples: to put in the same cell persons of different gender or belonging to rival groups, unsanitary cell conditions);
- f)** Actions that are not ascribed to, but are executed by officers generally with public authority, and claiming it or (unduly) making believe they have that authority (example: an officer that was prevented from the exercise of his function or is using a leave of absence or is already retired);
- g)** Actions that, with the resource, inherently abusive, to the authority accorded to the author, intend to cause physical, psychological or moral damage to a third party (example: an officer offends a father to cause a reaction in the son and then use against him some violent act);
- h)** The affixation or specifications, by who has the power to command, of orders or regulations that may give cause to any of the abovementioned actions (examples: encouragement of a sense of impunity; adoption of a culture of violence).

It is worth reiterating that IGAI regularly publishes on its website disciplinary reports, which represents IGAI's vision of an open and transparent public administration.



MINISTÉRIO DOS NEGÓCIOS ESTRANGEIROS
Direção-Geral de Política Externa

In IGAI's website it is possible to access summaries, reports and decisions taken in disciplinary proceedings that were investigated and concluded with a report by IGAI.

As of 2024, a total of 81 anonymized disciplinary cases covering incidents from 2016 to 2024 have been made publicly available on its website — many of which involve allegations of ill-treatment³:

Continuing the work that has been done since 2023, IGAI provided training sessions under the Plan for the Prevention of Manifestations of Discrimination in the Security Forces and Services (PPMDFS). In 2024, 12 training sessions were held in the Districts of Castelo Branco, Portalegre, Leiria, Coimbra, Aveiro, Viana do Castelo, Braga, Guarda, Viseu and Faro, in the latter case in the cities of Portimão and Faro and were attended by 298 members of the security forces, 66 from the PSP and 232 from the GNR.

Training sessions have also been multidisciplinary, incorporating the expertise of judges and psychologists from the security forces. These sessions emphasize not only the legal—criminal and disciplinary — consequences of discriminatory behavior, but also the emotional impact on victims.

These sessions aimed to raise awareness among frontline commanders on the importance of preventing, identifying, and addressing discriminatory practices that arise under their command, how to do so and encouraging them to share these insights with their subordinates.

§ 29

Recognizing the demanding environment and the ever-evolving dynamics in which the Security Forces operate, and with a focus on training aimed at reinforcing respect for and protection of fundamental rights, a working group was established in September 2024, by Order No. 11271/2024, of September 25. This group was tasked with preparing and developing a pedagogical strategy to be adopted by GNR and PSP educational establishments, namely in the area of Human Rights. The group includes members from several educational establishments (ISCPSI/PSP, Practical Police School/PSP, Military

³ <https://www.igai.pt/pt/Publicacoes/RelatoriosDisciplinares/Pages/default.aspx>



MINISTÉRIO DOS NEGÓCIOS ESTRANGEIROS
Direção-Geral de Política Externa

Academy/GNR officer training area; Guard School), as well as members of the Security Forces and the IGAI. By Order No. 2701/2025, the mandate of this working group was extended until June 30, 2025.

In addition to the forthcoming strategy for both initial and continuing training, the GNR has already implemented a Plan for the Prevention of Manifestations of Discrimination, namely in training field. This aims to combat discrimination, by prohibiting discriminatory attitudes and practices. Training is one of the plan's main pillars and is structured around two lines of action.

The first line of action seeks to improve the course curricula, to integrate and consolidate content related to human rights and fundamental rights, and the second line of action aims at carrying out thematic training actions.

To fulfill the first line of action, and in order to meet the objectives outlined, a curricular unit related to human rights and fundamental rights was integrated into all initial training courses and promotion courses of GNR. Additionally, a lecture on human rights, fundamental rights and gender equality, was integrated in all specialization and qualification courses.

Thus, GNR now offers 290 courses, all of which either include a dedicated lecture on human rights, fundamental rights, and gender equality or incorporate a relevant curricular unit.

The Public Security Police has two training establishments: one for patrol officers and chiefs (the Practical Police School) and another one, which provides university-level education for senior officers. At ISCPSI, curricular units across training programs comprehensively address equality, fundamental rights, and ethics in police work. Notable examples include:

i. Police Officer Training Course - Bachelor's Degree in Police Sciences:

The subjects, most of which have a legal component (various branches of law) and police (procedures for action, inspection, prevention, among others), explore in depth the



MINISTÉRIO DOS NEGÓCIOS ESTRANGEIROS
Direção-Geral de Política Externa

principles of human dignity, equality before the law and the fight against discrimination, aligning police training with democratic values.

ii. Master's Degree in Public Security:

This course addresses the protection of fundamental rights in the context of public security and promotes reflection on the role of security forces in preventing inequalities and discrimination. The final-year internship allows future officers to apply their academic knowledge in real-world settings, engaging with officers and civil society.

iii. Master's Degree in Police Sciences:

Open to the civil community, this master's degree promotes the exchange of perspectives on safeguarding human rights and social inclusion, promoting interaction between professionals and academics from different areas.

It is also important to stress that ISCPSI welcomes students from Portuguese-speaking countries who take the Police Officer Promotion Course. During their training in Portugal, these students maintain daily interpersonal relationships with their Portuguese colleagues, in an environment based on mutual respect and consideration of fundamental rights. Beyond curricular content, the institution organizes annual workshops and thematic seminars to deepen understanding and prevention of discrimination.

v. The Practical Police School (EPP):

In the 2024/2025 academic year, EPP revised the curriculum of the subject Fundamental Rights and Citizenship within the Agents Training Course (CFA). Furthermore, PSP's Human Rights Officer delivered awareness-raising lectures to 400 trainees in the Promotion Course to Chief Coordinator (CPCC), and 482 trainees in the CFA.

These lectures addressed the special challenges of promoting, protecting and respecting Human Rights by the Police.



MINISTÉRIO DOS NEGÓCIOS ESTRANGEIROS
Direção-Geral de Política Externa

PSP also offers continuing professional and specialization courses that include modules on non-discrimination and the promotion of equality. In 2024, 16 actions were carried out, covering 441 trainees.

Still concerning the fight against discrimination and the promotion of equality, during 2024 PSP, in partnership with IGAI, carried out 8 training actions, which were attended by 46 PSP trainees. Also, and following the CPT visit to Portugal in 2022, PSP developed the course ‘*Human Rights – From Standards to Practice*’. The course covers topics such as the categories and limits of human rights; the instruments of protection and the human rights control system; the role of the Police and international recommendations for police activity, inspired by the manuals of the Council of Europe and the FRA. From 2022 to the present, 323 PSP officers have completed this course (163 in 2023 and 160 in 2024).

Thus, a total of 1.251 police officers have received the different training actions on “non-discrimination and the promotion of equality”.

In this context, it is also important to highlight the Code of Ethics of the Police Service⁴.

Adopted as a self-regulatory initiative by police officers themselves, the Code is recognized in the first paragraph of Council of Ministers Resolution 37/2002⁵, of February 28, 2002.

It aligns with Resolution 690 of the Parliamentary Assembly of the Council of Europe of 8 May 1979 and Resolution 34/169 of the United Nations General Assembly of 17 December 1979.

Paragraphs 2 and 3 of Resolution 37/2002 foresee the following:, in:

i) - Instruct the Ministry of Home Affairs to publicize the Code of Ethics of Police Service through appropriate means, namely by displaying it in a visible location in GNR posts and PSP police stations, and by distributing a copy to all police officers upon taking up their post and entering service.

⁴ <https://files.diariodarepublica.pt/1s/2002/02/050b00/16691671.pdf>

⁵ <https://diariodarepublica.pt/dr/detalhe/resolucao-conselho-ministros/37-2002-254790>



MINISTÉRIO DOS NEGÓCIOS ESTRANGEIROS
Direção-Geral de Política Externa

ii) – Establish a compulsory training module on police ethics within the curricula of both practical and higher-level training courses provided to police officers. This module must explicitly include the principle of equality between women and men as a fundamental element of police ethics, within a framework that ensures appropriate responses.

Compliance with paragraph 2 of the Council of Ministers Resolution 37/2002 is regularly verified during unannounced inspections of GNR units and PSP precincts, in accordance with the Regulation on the Material Conditions of Detention in Police Premises (RMCDPP), annexed to Ministerial Order No. 5863/2015 of 26 May 2015.

§§ 30-32

As regards the Judicial Police (JP), by its nature and in view of its mission and legally reserved competence, its officers do not wear a uniform. They identify themselves by badge and in some circumstances - crime prevention operations, taking detainees to court, etc - with identification vests clearly marked “Polícia Judiciária”. It should be borne in mind that JP is a senior criminal police force whose focus is on highly organized criminal investigations, and thus does not assume the role of a local/street police force like the PSP and GNR.

Detection, recording and reporting of injuries upon admission to prison

Regarding the **quality of injury reports** drawn up by prison nurses, the DGRSP is committed to enhancing the quality of these reports. The National Institute of Legal Medicine and Forensic Sciences (INMLCF) has already provided training, and the Directorate-General has recently reiterated instructions to prison governors and staff to ensure strict adherence to the established procedures in the protocol.

GNR internal regulations require all military personnel to wear nameplates. This requirement also applies to members of special forces, public order units, and other



MINISTÉRIO DOS NEGÓCIOS ESTRANGEIROS
Direção-Geral de Política Externa

divisions where displaying names may pose risks. In such cases, a coded identifier is used, allowing for proper identification at a later stage.

The individual identification of police officers while on duty has long been a matter of concern to IGAI. As such, IGAI issued a specific recommendation on this matter, which is accessible on its website⁶.

The Ministry of Home Affairs is currently preparing the implementation of a Unified Video Surveillance Systems Security Platform, which will centralized management of CCTV systems installed in GNR and PSP facilities.

§ 35

On 10 January 2025, the Supreme Administrative Court ruled in favour of the Government regarding the use of body-worn cameras by police officers (bodycams). The court upheld the first-instance decision rejecting the challenge brought by a company against the public tender process related to the video surveillance platform and police bodycams. The implementation process will now proceed, and the Ministry of Home Affairs remains committed, as stated during the visit, to implementing this recommendation by the CPT. As of June 2025, the related public procurement process is under review by the Court of Auditors.

The installation of CCTV systems in GNR facilities has been implemented gradually and is usually limited to access points. When required, this implementation is preceded by obtaining prior authorisation from the National Data Protection Commission (CNPD).

According to GNR internal regulations (NEP 2.24 of 04 November), the CCTV implementation plan for GNR facilities must include at least one camera in the reception area and in the antechamber of the cells, in accordance with article 10 of the Regulation on the Material Conditions of Detention in Police Establishments.

⁶ <https://www.igai.pt/pt/Atividades/RecomendacoesIG/Pages/default.aspx>



MINISTÉRIO DOS NEGÓCIOS ESTRANGEIROS
Direção-Geral de Política Externa

It is also worth noting that article 8 of the Regulation of the Material Conditions of Detention in Police Premises (RMCDPP), approved in annex to Ministerial Order 5863/2015, of 26 May 2015, addresses the construction or structural alteration of detention facilities. As foreseen in article 8, paragraph 4:

Upon completion of construction, the contractor must request a joint inspection by the Inspectorate-General of Home Affairs (IGAI) and the DSPPI (responsible for construction projects) within 30 days.

While article 8, paragraph 5 foresees:

The inspection shall conclude with either the approval of the detention area, confirming its compliance with the regulation, or its disapproval. In the latter case, the area must not be used until full compliance is achieved.

The Portuguese authorities remain firmly committed to improving the operational and working conditions of the Security Forces under the Ministry of Home Affairs, in alignment with the 2022–2026 programming period of the Law on the Programming of Infrastructure and Equipment of the Forces and Services of the Ministry of Home Affairs (LPIEFSS), approved by Law No. 10/2017 of 3 March, and Decree-Law No. 54/2022 of 12 August. In line with this commitment, in April 2025, 24 rehabilitation protocols were signed with GNR and PSP, totalling an investment of €6.7 million.

This investment is intended for the refurbishment and requalification of central administrative buildings; special operations units; training facilities; territorial posts; and police commands and divisions across the country.

§ 38

Handcuffing procedures are conducted in accordance with the Guard's current Operations Manual. Its use is intended to ensure the safety of both the detainee and third parties, and they are generally applied behind the back for security reasons. However, the recommendations issued on this matter have been accepted, with the understanding that handcuffing should be limited to strictly necessary situations, namely those in which the safety of the detainee and/or the military personnel may be at risk.



MINISTÉRIO DOS NEGÓCIOS ESTRANGEIROS
Direção-Geral de Política Externa

In the event that the use of handcuffs somehow results in injuries to the detainee, these should be duly recorded in the file drawn up following the arrest, and the detainee must receive medical assistance if the injuries warrant it.

During 2024, the PSP issued a Permanent Internal Implementation Standard concerning search procedures.

The document was previously submitted for analysis by the IGAI, receiving a favourable opinion, and aimed to standardize police procedures, adapting them to different realities, while strictly upholding the principles of necessity, adequacy, proportionality, prohibition of excess and human dignity with respect to the integrity and modesty of those targeted.

In light of concerns regarding the operational practices followed by police officers during handcuffing procedures—as evidenced in certain disciplinary proceedings—the IGAI also issued a specific recommendation on this matter. The recommendation is publicly accessible on the IGAI website⁷.

§ 53

The training provided by the INMLCF to prison staff in 2023 took 7 hours and comprised two groups, each with around 40 participants. The course was taught again in November 2024. 92 nurses attended.

The topics covered included:

- Identification and description of injuries (evolution of injuries)
- Self-inflicted and hetero-inflicted injuries - differential diagnosis
- Importance of records and providing documentation
- Death in custody - Basic procedures
- Procedures and referral in alleged sexual assaults
- Discussion

⁷ <https://www.igai.pt/pt/Atividades/RecomendacoesIG/Pages/default.aspx>



MINISTÉRIO DOS NEGÓCIOS ESTRANGEIROS
Direção-Geral de Política Externa

(see annex for the full programme of the training provided in 2023 and in 2024).

The INMLCF expresses its full readiness to repeat this training or to carry out other training for DGRSP personnel, in addition to the other training courses that the Institute organizes every year.

The Government agrees with this recommendation and informs that the Prison Service is committed to improving the quality of the reports. The DGRSP is considering concrete measures to that end, which could include updating Circular No. 1/2017 on the recording of injuries, namely - revising the model for the report (more legible images similar to the existing INMLCF forms, allowing for standardized information; a larger space for description, so that the description is more accurate of the injuries presented, as well as the prisoner's account). As a technological update of the DGRSP's information system is underway, it will also be considered adopting a digital form for the report, facilitating its further transmission.

The recruitment of 91 new nurses for the prison system is currently underway. This reinforcement of the nursing staff will also be positive for improving these procedures. For new nurses, it would be crucial to have induction training for the prison environment, which would not only focus on this issue, but also on the legal and ethical issues they face on a daily basis.

Disciplinary investigations

§ 62

Concerning the **ability of the investigative bodies to obtain timely forensic medical evidence**, the Government informs that the law permits the IGAI and/or the IGSJ to request forensic medical examinations from the National Institute of Legal Medicine and Forensic Sciences (INMLCF), as provided for in Article 3(2)(i) of Decree-Law No. 166/2012, of 31 July (law establishing the organization of the INMLCF).



MINISTÉRIO DOS NEGÓCIOS ESTRANGEIROS
Direção-Geral de Política Externa

According to this provision, the Institute can provide services to public and private entities, as well as individuals, in areas involving the application of medico-legal knowledge and other forensic sciences. In this context, the INMLCF regularly carries out expert examinations at the request of various public and private entities and individuals.

Therefore, given the statutes of the IGAI and the IGSJ, it is permissible to carry out medico-legal investigations at the request of the IGAI or the IGSJ, within the scope of their legal powers.

There are, however, exceptions to this possibility, namely in situations where medico-legal expertise is requested from the INMLCF if the same facts are under investigation in a criminal case. For the same reasons (the legal and functional status of the INMLCF in criminal proceedings, and the subordination of expert information to criminal proceedings and the competent judicial authority), it is not possible for the INMLCF to provide those inspection services with copies of expert documents that are part of criminal proceedings, without such access having been authorized by the competent judicial authority.

Following the CPT's report and preventing the possibility of the Inspectorates-General not having a clear understanding of this regime, a meeting was organized between the INMLCF, the IGAI and the IGSJ, which took place on 6 May 2025, where the procedures to be adopted in these situations were clarified and cooperation between the three bodies on this matter was strengthened. It was decided to formalize this cooperation by means of an addendum to the 2023 interagency protocol, adding the INMLCF as a party to the protocol and allowing IGAI and IGSJ to request forensic examinations from the Institute where needed.

Also, the IGAI may access evidence obtained in criminal proceedings under Article 86(11) of the Criminal Procedural Code, which provides: “The judicial authority may authorize the issue of a certificate in which the content of an act or document that is under legal confidentiality is disclosed, provided that it is necessary for criminal proceedings or for the investigation of disciplinary proceedings of a public nature.”. However, it is important



MINISTÉRIO DOS NEGÓCIOS ESTRANGEIROS
Direção-Geral de Política Externa

to highlight that since 2017, IGAI has faced ongoing challenges in increasing its staffing levels — both in general terms and, more specifically, within its inspective body.

From a strategic standpoint, IGAI has expressed a strong commitment to reversing this situation. To fully understand the current context, it is essential to consider how the specific recruitment process for the IGAI's inspection positions is regulated.

The requirements candidates must meet are outlined in Article 11 of Decree-Law no. 22 /2021⁸, of 15 March.

According to Article 11(1), inspection positions may be filled by workers with a public employment relationship of indefinite duration, originating from public institutes or public companies, with at least six years of service and adequate professional knowledge and experience. Six eligible professional domains for recruitment are listed:

- Inspection or audit activity within the scope of public services;
- Criminal investigation;
- Legal consultancy, especially in matters of public law and, in particular, disciplinary and administrative law;
- Research, study and design of technical-scientific methods and processes within the scope of Public Administration and public procurement;
- Command, direction or coordination, particularly within the scope of security forces or services;
- Inspection activity, of economic and financial audit.

According to Article 11(2), when recruitment involves workers from public companies or employers outside the scope of the General Labour Law in Public Functions (LGTFP)⁹ a public interest agreement is required. This must include the worker's consent and authorization from the Minister for Home Affairs. If the worker is from outside the public administration entirely, the Ministers for Finance and Public Administration must also grant authorization.

⁸ <https://diariodarepublica.pt/dr/detalhe/decreto-lei/22-2021-159432385>

⁹ https://www.pgdlisboa.pt/leis/lei_mostra_articulado.php?nid=2171&tabela=leis



MINISTÉRIO DOS NEGÓCIOS ESTRANGEIROS
Direção-Geral de Política Externa

It is also important to note that, under the terms of Article 11(3), one third of the inspection posts in IGAI's staff structure must be filled by judicial or Public Prosecution magistrates with a minimum of six years of professional experience, seconded for three years (renewable), in accordance with their respective statutes. Article 11(4) requires that these appointments be preceded by authorization, as set forth in those same statutes.

Article 11(5) further stipulates that, when the recruitment involves personnel from Security Forces, adherence to the applicable statutory laws is imperative.

Finally, appointments to inspection positions are made by order of the Ministry for Home Affairs, following a proposal from the Inspector General. Such appointments are carried out under a secondment regime, for a renewable term of three years.

It is anticipated that one-third of the inspector positions in the Staff Map will be occupied by judges or prosecutors, with at least six years of professional experience. However, the IGAI has encountered enormous difficulties in obtaining the necessary authorization from the Superior Councils.

Since November 12, 2024, IGAI has been under the leadership of a new Inspector General.

It is noteworthy that, among the current eleven (11) IGAI's inspectors, seven (7) are women and four (4) are men.

It also should be noted that, to date, no authorization has been granted from the High Council of the Public Prosecution Service, a prerequisite pursuant to the Statute of the Public Prosecution Service¹⁰, as established in Article 178(1) and (3). During the period under review, IGAI submitted three recruitment proposals for public prosecutors that fully complied with the required standards; regrettably, all were declined by the High Council.

The IGAI Staff Maps¹¹ (which detail the staffing requirements necessary to fulfill the organization's objectives) for both 2024 and 2025 foresee a total of 55 positions distributed across various categories, including inspector roles.

¹⁰https://pgdlisboa.pt/leis/lei_mostra_articulado.php?ficha=101&artigo_id=&nid=3119&pagina=2&tabela=leis&nver=sao=&so_miolo=

¹¹ <https://www.igai.pt/pt/InstrumentosDeGestao/MapaDePessoal/Pages/default.aspx>



MINISTÉRIO DOS NEGÓCIOS ESTRANGEIROS
Direção-Geral de Política Externa

During 2025, IGAI will continue to make every effort within its capacities and competences ascribed by law until it is able to recruit the entire expected number of its worker force.

Criminal investigations

§§ 63- 69

The report also addresses **the effectiveness of criminal investigations** into situations of alleged ill-treatment by members of law enforcement officials.

In the CPT's view, 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. The report formulates several recommendations in that sense. The Government reiterates that the duty of police authorities to report to the Public Prosecution any suspected cases of violence committed, inter alia, by law enforcement officers, is clearly established by law.

The Government conveyed the recommendations contained in §§ 63-69 to the Public Prosecution Service.

Within the Prosecutor General's Office, a proposal has been made and is currently under consideration to engage with IGAI and DGRSP with the view to establishing a protocol of cooperation between them, in order to speed up the communication to the competent prosecutorial authorities of all cases of alleged violence or ill-treatment perpetrated by law enforcement officers, ensure the timely collection of evidence in these cases and share relevant information. Such a measure could improve the speed and effectiveness of investigations.

Regarding the recommendation that **cases of alleged 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 (§ 69)**, the Government informs that the internal Audit and Inspection Service (SAI) of the DGRP issued an opinion in



MINISTÉRIO DOS NEGÓCIOS ESTRANGEIROS
Direção-Geral de Política Externa

that regard, dated 19 May 2021, stating that, whenever facts are reported that could indicate the commission of a crime, the prison administration shall inform the Public Prosecutor's Office, in order to initiate the respective criminal proceedings. This opinion was disseminated among all prison directors, and will soon be reiterated by the DGRSP by the means of a Circular.

Concerning the final part of Recommendation N 69, it is worth mentioning that Article 5, Paragraph 3 of Decree-Law 276/2007¹², of July 31, 2007 provides clear guidance on this matter:

Access to relevant information shall be provided on a reciprocal basis between:

- a) Inspection services;
- b) Inspection services and the Tax and Customs Authority;
- c) Inspection services and criminal police bodies;
- d) Inspection services and any other public legal persons.

The recommendation to promptly report cases of mistreatment to the Public Prosecutor's Office and higher-ups was mentioned in a recommendation issued to the GNR Units.

§ 74

Detainees duly informed of their rights, including the right to lodge a complaint if they believe they have been subjected to ill-treatment, including inhuman or cruel treatment. This information is not only communicated verbally, but is also visibly posted near the detention areas in several languages.

Concerning this recommendation, it is worth noting that IGAI performs, on a systematic basis, unannounced inspections of GNR units, PSP precincts and centres for temporary confinement or similar facilities now under PSP. These inspections occur at any time, day or night, and on any day of the week. These actions, in addition, seek to have a preventive purpose in relation to the activity of the GNR and PSP, focusing particularly on detention areas (cells) and the conditions provided to detainees. The detailed regulation of these

¹² https://www.pgdlisboa.pt/leis/lei_mostra_articulado.php?nid=1627&tabela=leis



MINISTÉRIO DOS NEGÓCIOS ESTRANGEIROS
Direção-Geral de Política Externa

matters is set forth in the RMCDPP, approved in annex to Ministerial Order 5863/2015, of 26 May 2015. Further insights on this topic can be found in the 2023 report, available on the IGAI website.

During those inspections, special attention is given to the documentation related with the detention of individuals. This includes verifying whether the detained person was duly informed and allowed to notify a lawyer, family member, or trusted person from the outset of their deprivation of liberty. This aspect is consistently addressed in the annual global inspection reports, which are also accessible on the IGAI website.¹³.

Safeguards against ill-treatment - Access to a lawyer

§ 79

The legal framework on legal aid is governed by Law No. 34/2004, of 29 July. Pursuant to article 16, legal aid comprises the following forms:

- a)* exemption from court fees and other case-related expenses;
- b)* appointment of legal counsel and payment of their fees and other expenses;
- c)* payment of fees of an officially appointed *ex officio* lawyer;
- d)* payment of court fees and other case-related expenses in instalments;
- e)* appointment of legal counsel and payment of their expenses in instalments;
- f)* payment of the fees of the officially appointed *ex officio* lawyer in instalments.

If legal aid is granted in the form of an officially appointed *ex officio* lawyer, the Bar Association is responsible for the appointment.

Under article 7 of Law No. 34/2004, the following categories of natural persons are entitled to legal aid:

- Portuguese and European Union citizens;
- Foreign nationals and stateless persons with a valid residence permit in a European Union Member State;

¹³ <https://www.igai.pt/pt/Atividades/RelatoriosInspetivos/Pages/default.aspx>



MINISTÉRIO DOS NEGÓCIOS ESTRANGEIROS
Direção-Geral de Política Externa

- Foreign nationals without a valid residence permit in a European Union Member State insofar as the same right is given to Portuguese citizens by the laws of their country of origin;
- Persons domiciled or habitually resident in a European Union Member State other than the Member State where the proceedings are to take place (cross-border disputes).

Law No. 34/2004 includes specific provisions on criminal proceedings which complement the Code of Criminal Procedure (CCP).¹⁴ Under article 39 (2), before the official appointment of an *ex officio* lawyer, the defendant is warned that he/she has the right to choose a lawyer. The warning must take place in the context of the first interrogation of the defendant, whether detained or not.

Where the defendant has not chosen a lawyer, article 39 (3) states that, at the moment that the defendant fills in a Statement of Identity and Residence (*Termo de Identidade e Residência*), he/she must provide a statement regarding his/her household's income, assets and permanent expenditure. This aims to determine his/her economic situation in relation to the costs of the defence bearing in mind that in most procedural acts it is mandatory to be assisted by a lawyer. The court registry must assess the defendant's economic insufficiency in the light of the statement and the criteria established in Law No. 34/2004. If it considers the defendant to be financially insecure, an *ex officio* lawyer will be appointed or, if not, he/she is warned that must retain a lawyer. The official appointment is by nature temporary and depends on the granting of legal aid by the social security services.

It should be emphasized that, under article 61 (1) of the CCP, the defendant may retain a lawyer at any stage of proceedings. The functions of an *ex officio* lawyer officially appointed cease whenever the defendant designates a lawyer (article 43 (1) of Law No. 34/2004).

¹⁴ A translation to English of the CCP is available at https://dcjri.ministeriopublico.pt/sites/default/files/documentos/pdf/code_of_criminal_procedure_english.pdf.



MINISTÉRIO DOS NEGÓCIOS ESTRANGEIROS
Direção-Geral de Política Externa

According to article 41 of Law No. 34/2004, the appointment of an *ex officio* lawyer **i)** to assist in the first interrogation of a detained defendant; **ii)** for a hearing in summary proceedings; or **iii)** for other urgent measures provided for in the CCP, is carried out under article 39 above-mentioned. Prevention timetables of lawyers and trainee lawyers are organised for those purposes in the conditions established in Order No. 10/2008, of 3 January.

Pursuant to article 64 (1) (a) of the CCP, the presence of an *ex officio* lawyer is mandatory in the interrogation of an arrested or detained defendant. It should be borne in mind that criminal procedural law distinguishes between pre-trial detention (article 202 of the CCP) and mere detention (article 254 (1) of the CCP), the latter in order to:

- a)** the detainee be brought before a judge for trial in the context of summary proceedings, for the first interrogation and for the application or enforcement of a coercive measure within a maximum period of 48 hours; or
- b)** to ensure that the detainee appears before the judicial authority immediately or, if this is not possible, as soon as possible but in no case later than 24 hours, to intervene in procedural acts.

Trials under summary proceedings encompass persons detained in *flagrante delicto* for an offence punishable by imprisonment for a maximum of 5 years when the detention was made:

- a)** by a judicial authority or police force; or
- b)** by another person and, within a period not exceeding 2 hours, the detainee has been handed over to judicial authority or police, and the latter has drawn up a summary record of the handing over.

Examples of other urgent measures include procedural acts related to defendants who are detained or arrested or indispensable to guarantee people's freedom (article 103 (2) (a) of the CCP).

Pre-trial detention (the most serious of the coercive measures) is only applicable, under article 202(1) CCP, when other measures are inadequate or insufficient and:

MINISTÉRIO DOS NEGÓCIOS ESTRANGEIROS
Direção-Geral de Política Externa

- a)* There are strong indications of the commission of an intentional crime punishable with a maximum prison sentence of more than 5 years;
- b)* There are strong indications of the commission of an intentional crime that corresponds to a violent crime. The latter includes offences against life, physical integrity, personal freedom, sexual freedom and self-determination, public authority, provided that they are punishable with a maximum prison sentence of 5 years or more;
- c)* There are strong indications of the commission of an intentional crime of terrorism or highly organised crime punishable with a maximum prison sentence of more than 3 years;
- d)* There are strong indications of the commission of an intentional crime of aggravated physical injury, aggravated theft, aggravated damage, computer and communications fraud, abuse of a guarantee card or payment card, device or data, theft, forgery or counterfeiting of a document, an attack on the safety of road transport, punishable with a maximum prison sentence of more than 3 years;
- e)* There are strong indications of the commission of an intentional crime of possession of a prohibited weapon, weapons and other devices, of products or substances in prohibited places or a crime committed with a weapon under the legal framework for weapons and their ammunition, punishable with a maximum prison sentence of more than 3 years;
- f)* Where the person concerned has entered or remains illegally in national territory or is being subject to extradition proceedings or expulsion from the territory.

In addition, article 64 (1) establishes other cases where the assistance of an *ex officio* lawyer is mandatory:

- During the interrogation by a judicial authority;
- During the preliminary hearing and court hearings;
- In any procedural acts other than the formal declaration as defendant, whenever the accused person has any visual, hearing or speaking impairment or is illiterate,

MINISTÉRIO DOS NEGÓCIOS ESTRANGEIROS
Direção-Geral de Política Externa

cannot speak or understand the Portuguese language, is less than 21 years old, or where the issue of his excluded or diminished criminal liability has been raised;

- In case of ordinary or extraordinary appeal;
- In cases provided for by Articles 271 and 294;
- Where the trial hearings take place in absence of the defendant;
- Any other case determined by law.

Apart from the situations provided for in article 64 (1) of the CCP, where the specific circumstances of the case show the need or the convenience for the defendant to be assisted, an *ex officio* lawyer may be appointed at the court's or defendant's request (article 64 (2) CCP).

Without prejudice to the previous paragraphs, if the defendant has not chosen a lawyer or an appointed *ex officio* lawyer, the appointment of an *ex officio* lawyer is mandatory as of the moment when the person is formally charged. The identification of the *ex officio* lawyer shall be mentioned in the court order that closes the inquiry. In this case, the defendant shall be informed, on the charge document, that, if he is found guilty, he/she must pay the *ex officio* lawyer's fees (except if legal aid has granted), and that he/she may replace the *ex officio* lawyer by a lawyer of his choice (Article 64 (3)(4) of the CCP).

The same goes for the preliminary hearing: in the court order determining the opening of the preliminary hearing, the examining judge (*juiz de instrução*) must appoint an *ex officio* lawyer if the defendant is not represented by a lawyer or an *ex officio* lawyer (article 287 (4) CCP).

It should be underlined that the absence of the *ex officio* lawyer at procedural steps where his presence is mandatory is a ground of nullity of the procedural acts adopted therein (article 119 (c) of the CCP).

In addition to strict compliance with the procedures established in the Code of Criminal Procedure, the National Republican Guard, in order to ensure that detained citizens are not victims of ill-treatment, reinforces this procedure by approving internal regulations



MINISTÉRIO DOS NEGÓCIOS ESTRANGEIROS
Direção-Geral de Política Externa

(Circular 08/2000-P and Circular 06/2000-P). These regulations outline the procedures for appointing a defence counsel in criminal investigations and set forth the rules that the Guard must observe regarding detainee contacts within the Territorial Posts. These measures consistently uphold the detainee's right to communicate with a defense lawyer if desired, a process that has been further streamlined by the introduction of the SINOA system.

The Portuguese legal framework, particularly Article 64 of the Criminal Procedure Code, provides for circumstances under which a person may be deprived of liberty.

If the prisoner does not have a lawyer appointed of his choice, the appointment of a defender is made through the computerized system of the Portuguese Bar Association - SINOA.

Concerning this recommendation, and as referred previously on the observations to recommendation on Paragraph no. 74, the detainee's access to a lawyer is also checked during IGAI's unannounced inspections of GNR units and PSP precincts.

§ 82

To address challenges related to the timely identification of detention cases where healthcare has been requested for detainees, as well as inconsistencies in the thoroughness of injury descriptions, an immediate directive was issued mandating the preparation and dissemination of a procedural note to all police units. This measure aims to reinforce the existing protocols.

The description of the injuries, along with diagrams of the human body, are transposed onto the detainee's Individual Bulletin (if they are filled in on the 'Detention' form).

In criminal matters and to determine the extent of physical damage, and even for legal purposes (essential for classifying a crime as public/semi-public), criminal police agencies attach all medical reports provided by health services.



MINISTÉRIO DOS NEGÓCIOS ESTRANGEIROS
Direção-Geral de Política Externa

These reports are an intrinsic part of the proceedings, serving as documentary evidence or even expert evidence. However, it is not mandatory for such reports to be attached by criminal police agencies, and they may be submitted by the injured party.

There are reports that, due to their complexity, can only be produced at a later stage of the proceedings and forwarded/requested directly by the Public Prosecutor's Office to the Health Units.

Concerning this recommendation, and as referred previously on the observations to recommendation on Paragraph no. 74, this is also checked during IGAI's unannounced inspections of GNR units and PSP precincts.

Information on rights

§ 85

As regards the Judicial Police (JP), it strictly complies with the provisions of the Code of Criminal Procedure with regard to the guarantee of the right of access to a lawyer (Articles 57 to 67 of the CCP). Article 92 of the CCP is clear on the rules regarding the appointment of an interpreter for written and oral procedural acts, with the interpreter being appointed by the judicial authority or criminal police authority. These rules are exhaustively explained in the initial training course for JP inspectors (60 hours).

Also, all aspects mentioned in this point are provided for in Portuguese legislation, namely in Articles 58 and 61 of the Code of Criminal Procedure. Every detained individual is required to be informed of these provisions and to acknowledge their understanding; however, signing this acknowledgment remains optional. Detainees are not only verbally informed of their rights but also have access to this information displayed in multiple languages near detention areas. Leaflets with information on rights and duties were also distributed to detainees in several languages in June 2024.

Again, and as referred previously on the observations to recommendation on Paragraphs nos. 74 and 82, this is also checked during IGAI's unannounced inspections of GNR units and PSP precincts.



MINISTÉRIO DOS NEGÓCIOS ESTRANGEIROS
Direção-Geral de Política Externa

§ 88

The file prepared upon the arrest of a detainee includes a dedicated section for recording any use of force and the detainee's physical condition, particularly noting any injuries sustained during the arrest or pre-existing injuries.

When necessary, clear guidelines ensure that detainees receive prompt medical assistance.

There is also a procedure adopted by the prison services whereby, upon receiving a detainee from a security force, a report is compiled detailing the detainee's physical condition at the time of handover, including any visible injuries or complaints expressed by the detainee.

The Strategic Information System (SEI) is currently under review to better align with evolving technological and policing needs. The process does not yet have an explicit schedule, so it is not possible to assume a time reference for when the issues addressed will be registered for analysis and implementation.

Nevertheless, the system currently in use allows for the recommendation expressed here by the CPT to be met, albeit in descriptive fields.

The PSP has instituted an internal protocol requiring periodic monitoring of detainees in police facilities. This includes surveillance intervals ranging from 30 to 60 minutes, or continuous observation in cases where health, safety, or other circumstances warrant such attention.

During IGAI's unannounced inspections of GNR units and PSP precincts, particular attention is devoted to the documentation substantiating whether the physical and mental well-being of detainees has been duly recorded in the detainee file. This includes noting any signs of injury observed upon admission, as regulated by Article 17, paragraph 2 of the RMCDPP, annexed to Ministerial Order 5863/2015 of May 26, 2015.

As foreseen in Article 17, paragraph 2:

“An individual detainee's form will be drawn up, using an approved model, to record all the circumstances and measures relating to the detainee, in particular the time and cause



MINISTÉRIO DOS NEGÓCIOS ESTRANGEIROS
Direção-Geral de Política Externa

of the deprivation of liberty, the time when rights were informed, injury marks, contacts with family members, friends or lawyers, incidents that occurred during the detention, the time of presentation to the judicial authority and the time of release. This form must be signed by the police officers involved and by the detainee.”

Compliance with this regulatory standard is systematically checked during IGAI’s unannounced inspections of GNR and PSP facilities, assessing if the form is duly drafted, has all the relevant information and contains the detainees’ signature, further checking whether the information in the arrest warrant and the form are compatible, or whether there are inconsistencies between the two.

§ 89

There is currently a field labelled ‘Handed over to another Guard agency’, which states which agency has custody of the detainee. There is also a ‘Detainee handover note’ form. The system’s functionality is being enhanced to allow each sub-unit to accurately record custody data for the period during which it assumes responsibility.

All custody of citizens detained by PSP is recorded in the SEI Cells and Detainees module. The date/time of entry, date/time of exit and eventual return to the detention zone are recorded.

In addition, it is also recorded in the Individual Detainee Bulletin available in the SEI.

The transfer of a detained citizen to another criminal investigation body is recorded in a file accompanying the detainee (Detainee Handover Form).

Conduct of interviews

§§ 90-92

As regards the Judicial Police (JP), the Government informs that it is in the process of digitizing and acquiring computer equipment to equip all its facilities nationwide with the technological means to make electronic recording, audio or video, of interrogations a



MINISTÉRIO DOS NEGÓCIOS ESTRANGEIROS
Direção-Geral de Política Externa

systematic practice. In any case, the PJ always strictly complies with the CCP when conducting interrogations.

Also, GNR and PSP facilities are equipped with designated spaces designed to ensure the necessary privacy for individuals undergoing procedural steps, whether they are witnesses, defendants, or victims. However, the use of audio and video recording is not yet routinely implemented in these proceedings, particularly during the questioning of defendants or suspects.

§ 93

The CPT asked to receive specific information on **capacity building activities for JP officers** covering **training in research-based investigative interviewing techniques**.

Below are the objectives and content of the 34-hour module of the **initial training course for JP inspectors**, on “**Interview and Interrogation Techniques**”:

OBJECTIVES:

At the end of the module the trainee should be able to identify:

- 1. Understand and describe the importance of Personal Evidence Collection Techniques in Criminal Investigation;*
- 2. Identify and describe the main factors that affect the collection of personal evidence;*
- 3. List and characterize the attitudes and skills required of the Inspector as an interviewer/interrogator;*
- 4. Identify the differences between interviews and interrogations;*
- 5. Characterize the cognitive interview and specify in which situations it is applicable;*
- 6. Characterize the types of approach to the defendant and the interrogation models;*



MINISTÉRIO DOS NEGÓCIOS ESTRANGEIROS
Direção-Geral de Política Externa

7. *Identify and systematize interview and interrogation procedures and good practices;*
8. *Apply the theoretical knowledge in role-playing exercises.*

CONTENTS

1. *The importance of Personal Evidence Collection Techniques in Criminal Investigation*
2. *Factors conditioning the collection of personal evidence*
3. *The interview and interrogation as communication processes*
 - i. *The interpersonal communication process as an information-gathering strategy*
 - ii. *Verbal and non-verbal indicators*
 - iii. *The social role of lying*
 - iv. *Analysis of veracity indicators vs. lie detection*
 - v. *Memory and information retrieval*
 - vi. *Factors affecting the memorization process*
 - vii. *False memories*
 - viii. *Situational context*
 - ix. *Assertiveness*
4. *Pre-Interview/Pre-Interrogation Phase*
5. *The police officer's attitudes and skills as an interviewer/interrogator*
6. *Characterization of those involved and the most common profiles:*
 - i. *The defendant*
 - ii. *The victim*



MINISTÉRIO DOS NEGÓCIOS ESTRANGEIROS
Direção-Geral de Política Externa

iii. The witness

7. Types of interview

i. Cognitive Interview

8. Interrogation models

9. “Collaborating” defendants / ‘Non-collaborating’ defendants

10. The confession

11. Systematization of Procedures and Good Practices

12. Conducting mock interviews/interrogations (Roleplaying)



MINISTÉRIO DOS NEGÓCIOS ESTRANGEIROS
Direção-Geral de Política Externa

Annex

(information requested in §53 of the report)

Programme of the training provided by the INMLCF to prison staff in 2023:

Grupo 1 - Dias 16 e 17/11/2023 (6:30h de aula e 30min de discussão): cerca de 40 participantes	Duração (h)
Dia 16 das 14:30 às 18 horas	
Identificação e descrição das lesões (evolução das lesões)	1:30
Lesões auto e heteroinfligidas - diagnóstico diferencial	1:30
Importância dos registos e cedência da documentação	0:30
Dia 17 das 14:30 às 18 horas	
Morte sob custódia - Procedimentos básicos	1:30
Procedimentos e encaminhamento em alegadas agressões sexuais	1:30
Discussão	0:30
Grupo 2 - dias 22 e 23/11/2023 (6:30h de aula e 30min de discussão): cerca de 40 participantes	
Dia 22 das 14:30 às 18 horas	
Identificação e descrição das lesões	1:30
Lesões auto e heteroinfligidas - diagnóstico diferencial	1:30
Importância dos registos e cedência da documentação	0:30
Dia 23 das 14:30 às 18 horas	
Morte sob custódia - Procedimentos básicos	1:30



MINISTÉRIO DOS NEGÓCIOS ESTRANGEIROS
Direção-Geral de Política Externa

Procedimentos e encaminhamento em alegadas agressões sexuais	1:30
Discussão	0:30