



# Spain

Year	2017
Country	Spain
Capital	Madrid

## Preamble:

The questionnaire is divided into eleven sections:

- A. Introduction
- B. Physical Integrity
- C. Prison population
- D. Prison systems
- E. Daily Life
- F. Health
- G. Security
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- I. External Links
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- K. Further Information

**P R I**  
INSIDER  
**S O N**

List of acronyms:

<b>ACAIP</b>	<i>The Association of Administrative Prison Bodies</i>
<b>ACE</b>	<i>Ancillary Education Authorities</i>
<b>APDHA</b>	<i>Andalucian Association for Human Rights</i>
<b>APFP</b>	<i>Professional Association of Prison Officers</i>
<b>CAT</b>	<i>Committee Against Torture</i>
<b>CCOO</b>	<i>Communist Trade Union Federation</i>
<b>CEDH</b>	<i>European Convention on Human Rights</i>
<b>CIE</b>	<i>Detention Centre for Foreigners</i>
<b>CIMI</b>	<i>Detention Centre for Juvenile Offenders</i>
<b>CIS</b>	<i>Social Integration Centre</i>
<b>CPDT</b>	<i>Coordinating Committee for the Prevention and Reporting of Torture</i>
<b>CPT</b>	<i>Committee for the Prevention of Torture</i>
<b>DGSP</b>	<i>General Directorate of Prison Services</i>
<b>ETA</b>	<i>"Euskadi Ta Askatasuna"</i>
<b>FEAPS</b>	<i>Federation of Organisations for People with Learning Difficulties</i>
<b>FIES</b>	<i>Database of Prisoners requiring Special Monitoring</i>
<b>INE</b>	<i>National Institute of Statistics</i>
<b>IR</b>	<i>Radicalised Prisoners</i>
<b>LGBTI</b>	<i>Lesbians, Gays, Bisexuals, Transexuals and Intersexuals</i>
<b>MNP</b>	<i>National Prevention Mechanism</i>
<b>OMC</b>	<i>Organización Médica Colegial</i>
<b>NGO</b>	<i>Non-governmental Organisation</i>
<b>OPCAT</b>	<i>The United Nations Optional Protocol to the Convention against Torture</i>
<b>PAIEM</b>	<i>Comprehensive Support Programme for Mental Health Patients</i>
<b>UNPD</b>	<i>United Nations Development Programme</i>
<b>PP</b>	<i>Popular Party</i>
<b>PPP</b>	<i>Public Private Collaboration</i>

<b>SESP</b>	<i>The Spanish Association of Prison Health</i>
<b>SGIP</b>	<i>General Secretariat of Penitentiary Institutions</i>
<b>SIRECOVI</b>	<i>Registration and Communication System for the Protection of Victims of Institutional Violence</i>
<b>SOAJP</b>	<i>Prison Legal Support and Guidance Services</i>
<b>SPACE I</b>	European Centre for the Collection of Statistics relating to Criminality and Penal Justice.
<b>SPT</b>	<i>Sub-committee for the Prevention of Torture</i>
<b>TPFE</b>	<i>Prison Work and Training for Employment</i>
<b>UNCAT</b>	<i>United Nations Convention Against Torture</i>
<b>UNED</b>	<i>The National University of Distance Learning</i>

## A. Introduction

<b>A1 Population of the country</b>	<b>46 528 966</b>	Date: 2017
Source: <a href="#">Population Data</a>		
<b>A2 Political Regime</b>	Constitutional Monarchy	Date: 2017
<b>A3 Index of human development</b>	27/188	Date: 2015
Source: United Nations Development Programme (PNUD)		

Spain is a good European example for several reasons: The prison population continues to decline, with a reduction in prisoners of 1.3% in 2017. While some establishments are still overcrowded, the national occupancy rate is estimated at 71.8% The publication of statistical data is carried out on a regular basis and is easily accessible to the general public. Conditions of detention are generally considered to be satisfactory, in particular with respect to hygiene, the maintenance of links with family and the opening up of prisons to external volunteers.

However, certain supervisory bodies and society at large warn of deficiencies in terms of access to health care. The prison health system remains under the supervision of the Ministry of the Interior, although a 2003 law transferred these powers to autonomous communities. The number of medical staff is not sufficient to meet prisoner demand, thus access to treatment is limited, especially for those suffering from hepatitis C. Budgetary restrictions are cited as one of the main causes of this deficiency.

The use of restraint is considered excessive and does not meet European standards. In some cases restraint is used as punishment. Prisoners can remain tied to a bed for several hours to up to several days, without adequate supervision or records of these incidents.

In 2017 a minor died in Melilla City detention centre. He lost consciousness due to restraint being applied. On the way to hospital he had a cardiovascular arrest and died. The Ombudsman noted that restraint was applied by six people, using excessive force. The Department of Security and Justice is conducting an investigation.

## B- Physical Integrity

### **B1. Death Penalty**

<b>B1.a Death Penalty:</b> There is no death penalty in Spain. It was abolished in 1978, except for in times of war, under military penal law. However, it was banned under all circumstances, including war, on November 27, 1995.	<i>Details:</i>
<b>B1.b Date of last execution:</b>	27 September 1975  The last executions took place on September 27, 1975 with the death by firing squad of two Euskadi Ta Askatasuna (ETA) militants.

<b>1- Is the reinstatement of the death penalty under discussion?</b>	<p>There is no initiative to restore the death penalty.</p> <p>The death penalty is referred to in article 15 of the Constitution, but its abolition is not recorded under military law.</p> <p>Amnesty International believes that Spain should eliminate the mention of the death penalty in times of war, thus according it the same constitutional value as the abolition of the death penalty for common law crimes. However, this does not overly concern Human Rights organisations as Spain has repeatedly declared its commitment to abolition, especially since it signed Protocol 13 of the European Convention of Human Rights, which bans the use of the death penalty in all circumstances.</p> <p>Spain held the 5th World Congress against the <a href="#">death penalty</a> in 2013.</p>
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### **B2. Deaths in Detention**

<b>B2.a Number of deaths in detention</b>	<p><i>Number:</i>  <b>203</b> prisoners died in 2016:  <b>156</b> in SGIP Institutions (General Secretariat of Penitentiary Institutions)  <b>47</b> in DGSP Institutions (Directorate-General of Prison Services).</p> <p>The SGIP does not include people who die outside prison (during leave, for example) in their total number of deaths.</p>	<i>Date:</i> 2016	<p><i>Source:</i> Ombudsman [<sup>1</sup>]</p> <p>[<sup>1</sup>]: Ombudsman, annexe 3.1 of the "<a href="#">Annual Report 2017</a>" on the SGIP. Ombudsman, annexe IV 3.1 of the "<a href="#">Annual Report 2016</a>" on the DGSP.</p>
<b>B2.b Change in the number of deaths compared to the previous year</b> □ a decrease* of 2.4 %	<p>By 2015, there were 208 deaths registered: 155 in the Spanish prison administration and 53 in the Catalan prison administration.  Source: SPACE I, "<a href="#">Prison Populations, Survey 2016</a>", p.117.</p>		
<b>B2.c Number of deaths by suicide</b>	<p>There were <b>23</b> suicides (20 men and 3 women) in SGIP institutions, and <b>7</b> in DGSP institutions.</p>	<i>Date:</i> 2016	<p><i>Source:</i> Ombudsman [<sup>2</sup>]  [<sup>2</sup>suicides DGSP]</p> <p>[<sup>2</sup>] : Ombudsman, annex 3.1 of the "<a href="#">Annual report 2017</a>" on the SGIP. Ombudsman, annexe IV 3.1 of the "<a href="#">Annual Report 2016</a>" relating to the DGSP.</p>
<b>B2.d Changes to the number of deaths compared to the previous year:</b> □ no changes	<p>In 2015 there were 30 deaths from suicide reported: 23 in the Spanish prison administration and 7 in the Catalan prison administration.  Source: SPACE I, "<a href="#">Prison Populations, Survey 2016</a>", p.117.</p>		
<b>B2.e Publication of statistics concerning deaths in detention:</b> □ regular	<p>Statistics are release annually. However, the figures for 2017 for SGIP institutions have not yet been published.</p>		
<b>B2.f Mortality rate in detention</b>	<i>Rate:</i> <b>34.0</b>	<i>Date:</i> 2016	<i>Source:</i>
<b>B2.g Rate of suicide in prison</b>	<i>Rate:</i> <b>5.0</b>	<i>Date:</i> 2016	<i>Source:</i>
<b>B2.h Rate of suicides outside prison:</b>	<i>Rate:</i> <b>0.76</b>	<i>Date:</i> 2016	<p><i>Source:</i> National Institute of statistics, <a href="#">Deaths according to cause of death</a>, 2016.</p>

<p><b>B2.i Has a suicide prevention policy been implemented?</b>  <input type="checkbox"/> yes</p>	<p><b>B2.j If yes, what events influence the decision to use and implement suicide prevention measures?</b></p> <p>The SGIP is responsible for a suicide prevention programmes implemented in 70 of their prisons. A total of 2,456 prisoners participated in this programme during 2016 [ ^3].</p> <p>The DGSP has not implemented a programme for suicide prevention but plans to implement one in its [establishments [^4].</p> <p>[^3]: General Secretariat of Penitentiary Institutions "<a href="#">General Report 2016 SGIP</a>", 2017, p. 40.</p> <p>[^4]: National Prevention Mechanism "<a href="#">Annual report 2017 MNP</a>", 2018, p. 169.</p>
	<p>Since 2005, Spain developed a programme to train prisoners to help them deal with other depressed prisoners who may attempt to take their own lives. They are trained by psychologists and are known as "<a href="#">guardian angels</a>".</p> <p>The Ombudsman referred to a case of suicide reported in 2017. A prisoner who was placed in an observation cell with enhanced surveillance and a "guardian angel", committed suicide while his partner was asleep. The Ombudsman insisted on the liability of the prison administration to establish policies for the prevention of suicide and does not recommend the delegation of such responsibility to other prisoners [^5].</p> <p>[^5] : Ombudsman, "<a href="#">Annual Report 2017</a>", p.168.</p>
<p><b>B2.k Is an investigation opened after these deaths ?</b>  <input type="checkbox"/> in cases of violent death</p>	<p><b>B2.l Do the authorities do everything possible to ensure an independent and impartial investigation?</b>  <input type="checkbox"/> information not available</p>
<p>The authorities carried out autopsies and open investigations following deaths in custody.</p>	<p>Raquel E.F., held in Brians I, a Barcelona prison, committed suicide on April 11, 2015. The inmate, who had spent the last nine months of her life in solitary confinement, reported on several occasions mistreatment by prison staff. The woman's family took the Generalitat to court, claiming 19,172.54 Euros [^6] for the prison administration's responsibility for Raquel's death.</p> <p>[^6]: Derecho penitenciario, "<a href="#">Noticias</a>", 11 de junio de 2018</p>

<p><b>1- Have any deaths been reported in detention? If Yes, describe the facts.</b></p>	<p>The Coordinator for the Prevention and Reporting of Torture (CPDT) recorded 27 deaths in 2017, in the custody of prison staff. The circumstances of these deaths are not detailed in the report. The CPDT considers that although some of these</p>
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	<p>deaths “do not merit penal reproach [^7], others are as a result of negligence, due to failure to safeguard the rights of the individuals to health and physical integrity whilst in custody”.</p> <p>[^7]: Coordinator for the prevention and reporting of Torture, "<a href="#">Torture in the Spanish State</a>", 2017, p.59.</p>
<b>2-</b> What are the main causes of death in detention?	<p>Natural death is the leading cause of death in detention [^8]. The second main cause is drug overdose. Suicide is the third main cause.</p> <p>[^8]: <a href="#">Definition of natural death in forensic medicine</a>.</p>
<b>3-</b> What are the most common methods of suicide?	<p>Twenty-three suicides occurred in 2016. Twenty were hangings; the other three resulted from self-inflicted injuries.</p>
<b>4-</b> Is a suicide attempt a punishable act? Are repressive measures taken following a threat or an attempt of suicide?	<p>Attempts or threats of suicide are not subject to sanctions. After a suicide attempt, a monitoring system is put in place that includes order and security measures, such as the isolation of the individual and the allocation of a support partner.</p>
<b>5-</b> Have cases of suspicious or unexplained deaths been reported?	<p>The families of the deceased sometimes question the authorities' version, especially when other inmates report incidents involving guards before the suicide takes place.</p>
<b>6-</b> Are the relatives informed within the next few hours about the death of an inmate?	<p>No late communications of the death of inmates have been reported. However, family members complain about the lack of consideration shown by the authorities at these times.</p>

### **B3 Violence in Detention**

<p><b>B3.a Does the Constitution or the Legislation mention the prohibition of torture?</b>  <input type="checkbox"/> yes</p>	<p><b>B3.b Did the country ratify the United Nations' Convention against Torture (UNCAT)?</b>  <input type="checkbox"/> yes  Signed in 1985  Ratified in 1987</p>
<p>Article 15 of the Constitution: "Everyone has the right to life and to physical and moral integrity where no one may be subjected to torture or inhuman or degrading treatment." This right is also included in the Criminal Code and the constitutional law of 2008.</p>	
<p><b>B3.c Is the definition of torture in the legislation consistent with that of the CAT?</b>  <input type="checkbox"/> yes</p>	
<p><b>1-</b> What sanctions do perpetrators face in the case of torture or cruel, inhuman or degrading treatment?</p>	<p>The perpetrators of cruel, inhuman and degrading treatment can be sentenced to imprisonment from six months to two years (article 173 of the Criminal Code).</p> <p>Acts of torture are punishable by one to three years in prison, or two to six years if there are</p>



	aggravating circumstances. In addition, those found guilty of torture are removed from their posts for a period of eight to twelve years (article 174 of the Penal Code).
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### Violence committed by prison staff

<b>B3.d</b> The number of cases of ill-treatment reported during the year:	Number: 59	Date: 2017	Source: <a href="#">Coordination for the Prevention and the Reporting of Torture</a> , p.47
<b>B3.e</b> Change in the number of cases of torture or ill-treatment compared to the previous year: <input type="checkbox"/> increase of 18 %	<b>B3.f</b> Does each establishment keep an updated record of acts of aggression committed by members of prison staff? <input type="checkbox"/> no		
In 2016, fifty cases of ill treatment were recorded.	Reports of ill treatment need to be recorded on a logging system which is not in existence in most prisons. The Ombudsman emphasises the importance of all prisons keeping records, as there currently appears to be imprecise and conflicting information which prevents a full understanding of the nature of the torture or ill-treatment.		
<b>B3.g</b> Are victims persuaded not to report their cases? <input type="checkbox"/> yes	<b>B3.h</b> Do the authorities apply all means to ensure the independence and impartiality of investigations? <input type="checkbox"/> no		
The Coordinator for the Prevention and Reporting of torture (CPDT) has identified a general climate of fear and intimidation that dissuades inmates from making complaints about ill-treatment. Prisoners in Leon prison explained to members of a CPT delegation that they had not reported physical abuse because of intimidation by prison staff.	Investigations are frequently biased and limited, thus the administration is often unable to determine the true version of events in cases of ill-treatment. Prison officers tend not to be criminally convicted for these acts; sanctions consist mainly of professional suspensions. In most cases prison administrations do not carry out full investigations.		

<b>2-</b> If cases of violence have been committed by prison staff, describe them.	The Ombudsman reported the case of a prisoner in Brians 1 prison in Barcelona, who, after having been on hunger strike, suffered cuts to his abdomen which needed medical attention. The man reported that he was beaten by prison officers during his transfer to the isolation unit, where he was held under restraint for one night. He also claimed to have been subjected to another beating the following morning. The Administration launched an investigation, which was later archived, since the prisoner could not prove anything nor identify his attackers. His file is still pending presentation to the Ombudsman [^9].  [^9]: The Ombudsman, " <a href="#">Annual report and discussion in the General Courts</a> ", 2018, p. 182.
<b>3-</b> How are cases of torture or ill-treatment identified? What organisations report on these incidents?	The Coordinator for the Prevention and Reporting of Torture publishes an annual report which exposes cases of ill-treatment and torture. This is based on the information provided by the victims themselves and their relatives, lawyers or organizations which defend human rights, as well as on court rulings and articles from reliable media sources.  The CPDT is aware that the number of cases reported is far from the actual total, as most cases of ill-treatment are not reported for

	<p>fear of reprisals and due to distrust of the justice system.</p> <p>The Ombudsman and the CPT delegations are able to talk confidentially with prisoners during their visits and identify cases of ill-treatment. Details of these conversations are not disclosed.</p> <p>The Observatory of the Penal System and Human Rights, a research centre at the University of Barcelona, logs cases of ill-treatment in prison. The Observatory has created a logging and communication system for the protection of victims of institutional violence (<a href="#">SIRECOVI</a>), a tool that records and communicates incidents to the appropriate authorities.</p>
<b>4-</b> Do the investigations establish the responsibility of the prison authorities in cases of violence between prisoners?	In some cases of violence between prisoners the responsibility of the State has been established due to inaction or failure to follow protocol.
<b>5-</b> When and where does violence usually occur? (transfers, entry into prison, frisking, disciplinary cells, etc.).	<p>The prison administration does not release information about when and where violence by members of staff occurs.</p> <p>Verbal and psychological violence are the most common forms. According to the CPDT, this type of violence is often inflicted on prisoners individually.</p> <p>Human rights organizations regularly report on the excessive use of restraint. On occasions prisoners remain tied to a bed from several hours to up to several days, without adequate supervision. The use of these measures is not included in any records.</p> <p>The use of physical force, in some cases, is employed as a punishment and can constitute a form of degrading treatment, particularly when inmates are forced to forego their basic needs.</p> <p>In his report, the Ombudsman detailed the case of a prisoner in Valencia prison who reported being beaten while she was held face down on a bed without a mattress. The prison management justified the use of such measures due to the violent behaviour of the prisoner. No information on the facts of the case has been provided nor on the follow-up to her complaint of ill-treatment [<sup>10</sup>].</p> <p>[<sup>10</sup>]: The Ombudsman, "<a href="#">2017 annual report and discussion in the General Courts</a>", p. 185.</p>
<b>6-</b> Are the reasons for shelving complaints considered justified?	In the majority of cases, complaints by prisoners are dismissed both administratively and judicially. This is mainly because officers have greater credibility than prisoners, who are assumed to be untrustworthy.

#### Prevention of torture and ill-treatment:

<b>7-</b> Has a prevention policy been implemented? If Yes, describe it (supervision of interrogations during police custody, training of staff, access to a lawyer, etc.).	The policy for the prevention of torture includes training of staff on human rights issues and frequent inspections by the Ombudsman and the CPT. Thus, on the recommendation of the General Secretariat of Penitentiary Institutions, the installation of surveillance cameras in mechanical restraint cells are stipulated. However, the SGIP decided not to regulate the capture, recording, storage and transmission of images from video surveillance systems of the
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	<p>prisons it manages.</p> <p>The Ombudsman criticized the range of different systems among the different establishments and the lack of transparency that thus ensues. In addition, he also highlighted the absence of staff supervision and the lack of guarantee to rights for prisoners [^11].</p> <p>[^11]: The Ombudsman, "<a href="#">2017 Annual Report and Debates of the General Courts</a>", 2018, pp. 180-181.</p>
<p><b>8-</b> Do medical staff have the required skills to identify signs of torture? Istanbul Protocol</p>	<p>In a <a href="#">study published in May 2014</a>, the Ombudsman proposed the adoption of the Protocol of Istanbul to the Spanish prison system. To date, the Government has not followed up this recommendation.</p> <p>The health personnel are under the authority of the Ministry of the Interior.</p> <p>The CPT delegation criticized the lack of concern of health personnel. One member of the medical team at the Penitentiary Centre in Madrid V did not think it worth reporting injuries found, since prisoners would be examined in hospital before their admission.</p> <p>Suspected injuries to new prisoners are often described superficially and reference is not made as to how they may have occurred.</p>

#### Violence committed by inmates against prison staff

<b>B3.i</b> Number of violent incidents against prison staff	178	From January to August, 2017	Source: <a href="#">Penitentiary Institutions</a>
<b>B3.j</b> Change in the number of cases of aggression compared to the previous year: <input type="checkbox"/> 11% decrease	<b>B3.k</b> Does each establishment keep an updated record on acts of aggression against prison staff? <input type="checkbox"/> yes		
<p>Two hundred assaults against prison staff were recorded in the first nine months of 2016.</p> <p>Over the last ten years there has been a reduction in the number of violent incidents. One of the main reasons for this is the reduction in the prison population.</p> <p>In May 2017 <a href="#">prison officers protested</a> against budgetary cuts and the number of attacks they endure on a daily basis. According to officers the main cause is lack of adequate staffing.</p>		<p>In June 2017, a <a href="#">protocol</a> was signed with the unions for the optimal collection of data. This Protocol has been criticized by human rights organizations and prison doctors, because personal clinical data, such as mental disorders, will become accessible to non-medical staff.</p>	
<b>B3.l</b> Do the authorities do everything possible to ensure an independent and impartial investigation? <input type="checkbox"/> information not available			

#### Violence between inmates:

<b>B3.m</b> Number of cases of violence between inmates recorded during	No information available	Date:	Source:
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the year:			
<b>B3.n Change in the number of violent incidents compared to the previous year:</b> <input type="checkbox"/> information not available  <b>B3.p Do the authorities do everything possible to ensure an independent and impartial investigation?</b> <input type="checkbox"/> yes  The inspection service carries out an investigation if an officer claims to have been subjected to acts of violence.	<b>B3.o Does each establishment keep an updated record of violent incidents between inmates?</b> <input type="checkbox"/> yes		

<b>9- Have violent incidents between inmates been reported? If yes, describe them:</b>  	<p>The CPT has reported a climate of violence among inmates in second degree units (ordinary regimes) of some institutions, such as Puerto III (units 1 and 2), Seville II (units 1 and 5), Port I (unit 1), León (unit 15) and Teixeiro (units 2, 5 and 10). The delegation emphasized the rapid intervention of supervisors during these incidents.</p> <p>The Ombudsman reported on the death of an inmate at the end of June 2017, after being attacked with a knife by one of his companions. The delegation noted that the incident took place in an area that did not have direct staff surveillance. The administrative and judicial proceedings are pending resolution [^12].</p> <p>[^12]: The Ombudsman, "<a href="#">2017 annual report and discussion on the General Courts</a>", 2018, p.173.</p>
<b>10- Which groups of prisoners are the most vulnerable to acts of violence? (LGBTI individuals, foreigners, disabled, etc.).</b>	Sex offenders (rape, paedophilia) are the most vulnerable to violence.
<b>11- When do acts of violence typically occur? (on admission to prison, during collective showers, during recreational walks, in cells, etc.).</b>	In ordinary prison regimes, violence usually occurs in communal areas (corridors, exercise yards, classrooms). Prisoners in closed regimes are the most vulnerable to threats.
<b>12- Have any investigations been carried out into cases of aggression among inmates? Describe them:</b>	The first measure to be applied in cases of violence between prisoners is the isolation of the individuals. The inspection service opens an investigation when it has been informed of the situation.
<b>13- What sanctions are applied? Are they disciplinary or penal?</b>	The sanctions are disciplinary or penal according to the seriousness of the case.

<p><i>Additional comments:</i></p> <p>The <a href="#">increase in violent incidents</a> is due, according to the ACAIP union, to lack of adequate staffing, aging officers and lack of training. There has been an increase in the number of prisoners with mental disorders, which requires a higher level of vigilance from staff.</p>
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*For further information regarding the authority of international organizations, go to the section "NPM and other control bodies".*

*For further information regarding organizations supporting victims of torture, please refer to the section "[External Stakeholders](#)".*

#### **B4. Arbitrary or secret detention**

##### **B4.a Is secret detention authorized?**

☐ yes

The law on Criminal procedure authorizes incommunicado detention (Articles 509, 510, 520 bis and 527). This regime may apply to people suspected of belonging to an armed, terrorist or rebel group. Incommunicado detention can also apply to minors.

Detainees can remain from five to ten days without access to a lawyer, without being seen by a doctor and without their family or consulate being informed of their detainment. Since the reform of the incommunicado detention regime in 2015, the judge must justify the restrictions applied [^13].

[^13]: European Committee for the Prevention of Torture, "[report for the Spanish Government on inspections carried out in Spain from September 27 to October 10, 2016](#)", 2017, pp. 19-20.

<b>1-</b> Does the person have access to a lawyer during the first hours of arrest?	Individuals arrested for offences under ordinary law may have access to their own or an appointed lawyer during police custody.  This right is severely restricted for people in incommunicado detention.
<b>2-</b> Are the individual's relatives informed of their arrest?	<i>Idem.</i>

*For further information regarding remand prison and the non-observance of its duration, go to section "[Individuals on remand](#)".*

*For questions regarding the different categories of prison population, go to the corresponding sections.*

## C. The Prison Population

### C1. The Prison Population

<b>C1.a Do the authorities publish statistics on the prison population?</b> <input type="checkbox"/> regularly		<b>C1.b Does the prison administration keep computerized records?</b> <input type="checkbox"/> yes	
Statistics are release monthly and annually.			
<b>C1.c Total number of prisoners:</b>	<i>Number: 58,814 (not including minors)</i>	<i>Date: December 2017</i>	<i>Source: SGIP</i>
<b>C1.d Rate of imprisonment</b> (on the same date as the prison population statistics)	<i>Rate: 118.7 per 100,000 inhabitants</i>	<i>Date: 2017</i>	<i>Source: SGIP</i>
<b>C1.e Change in the number of inmates compared to the previous year:</b> <input type="checkbox"/> reduction by 1.3 %		In 2016 there were 59,589 inmates; the rate of imprisonment was 128.19 per 100,000 inhabitants.	
<b>C1.f Number of entries to prison:</b>	<i>Information not available</i>	<i>Date:</i>	<i>Source:</i>
<b>C1.g Average length of detention (in months):</b>	<i>Information not available</i>	<i>Date:</i>	<i>Source:</i>
<b>C1.h Are prisoners classified according to how dangerous they are considered to be?</b> <input type="checkbox"/> yes		<b>C1.i Is the classification of inmates ever revised?</b> <input type="checkbox"/> frequently	
<p><a href="#">Article 63 of the General Penitentiary Organic Law</a> allows for the individualisation of treatment according to how dangerous the prisoner is considered to be. "The classification must take into account not only the personality and the individual family, social and criminal history of the inmate, but also the duration of the sentence and penal measures taken. Also considered is the environment the individual will most likely return to and the resources, facilities and difficulties in existence which may affect the success of the treatment".</p> <p>There are three detention regimes:</p> <ul style="list-style-type: none"> <li>-The closed regime (first degree) for the most dangerous inmates;</li> <li>-The ordinary regime (second degree), which applies to the majority of inmates; and</li> <li>- The open regime (third degree), for those who have completed a quarter of their sentence and are considered fit to live in an open centre.</li> </ul>		The classification is reviewed every six months, or every three months for first degree prisoners (Article 65 of the Prisons Act).	
<b>C1.j Are prisons overcrowded?</b> <input type="checkbox"/> no: the percentage of occupancy was 71.8 % in December 2017. Source: SGIP		<b>C1.k Does overcrowding affect certain establishments?</b> <input type="checkbox"/> yes	
		After their inspection in 2016, the CPT commended the lack of overcrowding in prisons.  However, the prison population distribution is uneven. Some establishments or units are still overcrowded. Their representative Diego	

	Cañamero <a href="#">reported</a> overcrowding in Jaén II prison, after an inspection in May 2017.
<b>C1.l</b> Has an international court condemned the country for overpopulation of its prisons? <input type="checkbox"/> no	<b>C1.m</b> Has any regulatory body commented on the overpopulation of prisons? <input type="checkbox"/> yes
	In its 2017 report, the CPT highlights the efforts the Spanish authorities have made to eliminate overcrowding in prisons.

<b>1-</b> Has there been an increase or decrease in the prison population? Explain the reasons.	Since 2010 there has been a decrease in prison population. This is mainly as a result of the increase in non-custodial sentences and legislative reforms that have reduced the duration of penalties for certain offences.
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## **C2. Women**

<b>C2.a</b> The number and percentage of female prisoners:	Number: 4365	Percentage: 4.42 %	Date: December 2017	Source: SGIP
<b>C2.b</b> Changes to the number of female prisoners compared to the previous year: <input type="checkbox"/> a reduction of 1.86 %		4448 in 2016		
<b>C2.c</b> Indicate the number of women on remand:	Percentage: 15.2% (663 women)	Date: December 2017	Source: SGIP	
<b>C2.d</b> Indicate the percentage of foreign women in prison:	Percentage: 7.47 %	Date: December 2017	Source: SGIP	
<b>C2.e</b> Are there women-only institutions, units or cells? <input type="checkbox"/> yes		<b>C2.f</b> Is there overcrowding in female prisons? <input type="checkbox"/> information not available		
80% of women are housed in specific units within male prisons.  20% of female prisoners serve their sentences in four exclusively female prisons (Alcalá de Guadaira in Seville, Brieva in Ávila, Alcalá and Madrid 1).				
<b>C2.g</b> Do all the establishments or units respect the separation between men and women? <input type="checkbox"/> yes		<b>C2.h</b> Are remand and convicted female prisoners held separately? <input type="checkbox"/> yes		
In exceptional cases, men and women share the same block, provided prisoners have given their consent. This is to facilitate specific programmes or to prevent family disintegration ( <i>see the section Women</i> ). Men and women in relationships can meet in visiting rooms reserved for families. Prisoners convicted of sexual offences are not permitted to these rooms (article 99 of Prison Regulations).		According to the regulations, untried female prisoners must be held separately to convicted female prisoners. However, this is not always respected in practice.		



<b>C2.i</b> The wardens are: <input type="checkbox"/> all female	<b>C2.j</b> Are conjugal visits authorized? <input type="checkbox"/> yes, checks are made to verify long-term relationships.
	Female prisoners with young children are eligible for conjugal visits when the child is in the care of a third party or at school.
<b>C2.k</b> Does the law provide for a sentence adjustment for pregnant women or those with young children? <input type="checkbox"/> no	<b>C2.l</b> Are pregnant women accommodated in specific units or cells? <input type="checkbox"/> yes
	Pregnant women can be accommodated in a specific unit for mothers provided there are enough places.
<b>C2.m</b> Do pregnant women receive prenatal care? <input type="checkbox"/> yes	<b>C2.n</b> Childbirth takes place in: <input type="checkbox"/> an external health care institution
Female units must have an obstetric team. Some inmates [^14] claim that the gynaecological services are insufficient.  [^14]: Gómez Ramírez, Sonia, " <a href="#">Women in prison: integration by levels of admission</a> ", 2016, University of the Basque Country, p.61	Births usually take place in hospital, in a specially equipped unit.
<b>C2.o</b> Has the use of restraints on women recently been reported during childbirth? (handcuffs, chains, etc.): <input type="checkbox"/> information not available	<b>C2.p</b> Have members of the prison administration been present during recent births? <input type="checkbox"/> no
	Prison officers remain outside the labour ward.
<b>C2.q</b> Are children able to stay with their mothers? <input type="checkbox"/> yes: up to the age of 3	<b>C2.r</b> Are there specific units to accommodate mothers with young children?: <input type="checkbox"/> yes
Up until December 31, 2017, 87 children were living with their mothers in prison.  Newly incarcerated mothers are able to have their children under the age of three living with them.	The Mothers' Units (* <i>Mothers' Units</i> *), a pioneering European invention of the 80s, are external centres for mothers with children, under control of the prison administration. There are three of these units in Madrid, Seville and Palma de Mallorca. In these centres there is a regime of semi-liberty, where surveillance is carried out by cameras, alarms and detectors, and there are day-care centres for children.  The prison in Aranjuez has a family unit where imprisoned parents can live with their children under three years of age. The objective here is to implement the constitutional principle for the protection of the family in a prison environment, in order to limit, as far as possible, the disintegration of the family.
<b>C2.s</b> Is there specific childcare accommodation for children? <input type="checkbox"/> yes	
There are a range of facilities for children: kindergartens, nurseries, and pre-school facilities	



which offer expertise in early childhood.	
<b>1-</b> Are there specific offences which lead to female imprisonment?	The most frequently identified crimes <a href="#">committed by women</a> are crimes against patrimony and socioeconomic order (38.8%), drug trafficking or consumption (28.8%) and homicides (8.6%).
<b>2-</b> Can cohabitation with male prison officers or prisoners lead to abuse?	There have been no cases of sexual abuse by prison staff <a href="#">reported</a> . The last known case involved two supervisors <a href="#">who were sentenced</a> , in October 2017, to one and a half years in prison for making sexual advances to inmates in a prison in Brieva. In 2013 the seven foreign victims, with no family in Spain, claimed to have been forced to have sexual relations with these supervisors. The inmates withdrew their complaints, however, for fear of reprisals. The prison management conducted an investigation, but the perpetrators were found guilty of sexual advances not rape.
<b>3-</b> Are fully naked strip searches carried out by female staff? Explain the different types.	Naked searches must be carried out by prison officers of the same sex.
<b>4-</b> Are the specific needs of women taken into account? (Gynaecological consultations, access to feminine hygiene products, contraception, etc.)	Gynaecological consultations are usually carried out by external doctors. Inmates complain about the lack of regular contact with gynaecologists in the infirmary.  Certain specific issues such as contraception care during pregnancy and the development of the mother-child relationship (article 38 of the Penitentiary Law) would benefit from follow-up.  Complaints are regularly <a href="#">reported</a> about the lack of access to specialized consultations. The Guardia Civil does not always provide transfers to doctors' consultations on the day of the appointment.  In most institutions, the infirmary is mainly for men. It is difficult for female inmates to gain access.
<b>5-</b> Do women have access to activities, training or work? What are the restrictions?	Female prisoners have more difficulty accessing communal spaces (libraries, sports centres, or theatres); fewer activities are offered to women than to men, although women participate more frequently. 39% of women participated in workshops and professional training in 2016, compared to 27% of men.  <a href="#">Activities for women</a> continue to be stereotyped: workshops in sewing, embroidery and cleaning.
<b>6-</b> Are prison officers dressed in civilian clothes in the presence of children?	No, the prison staff continue to wear uniform in the presence of children.

### **C3. Juveniles**

<b>C3.a</b> Which ministry is in charge of juvenile centres?	The Autonomous Communities (and not the Ministry of the Interior) are in charge of the management of juvenile centres.
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<b>C3.b At what age can minors be incarcerated?</b>		<b>C3.c Do the authorities publish official figures on incarcerated minors?</b> <input type="checkbox"/> no figures are published		
A minor can be imprisoned at the age of 14 years.		The prison administration has no authority over juvenile institutions and does not publish any information about this sector of the prison population.		
<b>C3.d The number and percentage of juvenile prisoners:</b>	Number: Not available	%:	Date:	Source:
<b>C1.e Change in the number of juvenile inmates compared to the previous year:</b> <input type="checkbox"/> information not available		<b>C1.f Are there specific units or cells reserved for minors?</b> <input type="checkbox"/> yes		
		The upholding of family ties is taken into consideration, thus minors are held in establishments as near to their homes as possible.  Article 99 of the prison regulations stipulates that all individuals in custody under the age of 21 must be held in juvenile centres or units.		
<b>C3.g Are boys separated from adult male prisoners?</b> <input type="checkbox"/> in most institutions		<b>C3.g Are girls separated from adult female prisoners?</b> <input type="checkbox"/> information not available		
At the prison in <a href="#">Tarragona</a> separation between minors and adults is not observed.				
<b>C3.i Are minors held in individual cells?</b> <input type="checkbox"/> information not available		<b>C3.j Do minors have access to education?</b> <input type="checkbox"/> yes		
<b>C3.k Does the law prohibit strip searches for minors?</b> <input type="checkbox"/> no		<b>C3.l Does the law prohibit solitary confinement for minors?</b> <input type="checkbox"/> no		
Strip searches for minors are legal. However, in its 2017 report, the CPT recommended to the Spanish authorities that the current practice of this type of body search be revised. The delegation stated that strip searching of minors is an intrusive and demeaning measure which should be done in two stages: firstly, removal of clothes above the waist; then, after these are put back on, removal of the clothes below the waist.		The maximum duration of solitary confinement for minors is seven days.  A delegation of the CPT is aware of some cases where children have been subjected to disciplinary isolation for three consecutive periods of seven days.  The Committee has recommended to the authorities that the disciplinary isolation of minors be abolished.		
<b>1- Is there an adequate justice system for minors? Do minors receive non-custodial sentences? If so, what type?</b>		Sentences for children can range from simple reprimands to prison sentences.  Alternatives to custody are: probation, community service or therapy.		

	<p>The maximum prison sentence for children between 14-15 years is 6 years and for those between 16-17 years, it is 10 years.</p>
<p><b>2-</b> Are there specific prison regimes for minors? Indicate what these are.</p>	<p>There are <a href="#">three</a> systems of imprisonment for minors, identical to those for adults :</p> <ul style="list-style-type: none"> <li>-Closed (if other measures are considered inadequate due to the seriousness of the crime or their behaviour);</li> <li>- Semi-open (minors reside in the institution but study or work outside it);</li> <li>- and Open.</li> </ul>
<p><b>3-</b> Have there been any cases of death or ill-treatment?</p>	<p>Detained minors in the Sogradio and Tierras de Oria prisons have reported receiving beatings and blows from staff.</p> <p>The CPT itself <a href="#">has reported the use of mechanical restraint systems on agitated minors</a>. Minors from the Tierras de Orias Centre were held face down, tied to a bed for several hours and deprived of access to toilets.</p> <p>The Ombudsman reported on the death of a minor as a result of the use of restraint measures in the juvenile detention centre in the City of Melilla a few days before an inspection. A minor lost consciousness whilst being restrained thus was transferred to hospital. During the transfer he had a cardio-respiratory arrest and died after several days in a coma.</p> <p>The MNP team immediately requested to view camera footage of the incident. Despite resistance from the prison's administration, they were able to analyse 110 videos, where it was observed that six people had restrained him with the use of the force.</p> <p>Similarly, it was found that at the time of admission to hospital, the minor was not examined by a forensic doctor and at no point was he examined for injuries caused by restraint.</p> <p>The clinical and non-judicial autopsy concluded he had died of "natural causes". The Ombudsman's security and justice department is carrying out an investigation into this death [^15].</p> <p>[^15]: National Prevention Mechanism "<a href="#">Annual report 2017 MNP</a>", pp. 228-230</p>
<p><b>4-</b> Are family ties of minors taken into account when assigning them to a prison?</p>	<p>Family ties are taken into consideration. Minors sentenced to custodial sentences are admitted to the juvenile centres closest to their homes.</p>
<p><b>5-</b> Are schooling and professional training provided? Describe what is offered. Evaluate the provision</p>	<p>Most juvenile centres offer an educational programme in three phases: observation or</p>

	<p>admission, development and final phase. At the Sograndio (Asturias) Centre, minors are organized by sex, age and assessment of the risk of conflict.</p> <p>A number of minors have expressed their disappointment at the "lack of access to educational support, or vocational training workshops [^16]".</p> <p>[^16]: <i>Ibid</i>, p. 236.</p>
<b>6-</b> Do minors have access to recreational or sports activities? Which types?	<p>The activities offered to minors are considered satisfactory. Participation in group activities is mandatory.</p>
<b>7-</b> Are the physical and social needs of children met?	<p>The centres conduct medical examinations of minors twenty-four hours before admittance.</p> <p>Psychiatric care varies from one institution to another. The CPT noted during inspections to minors' detention centres in Spain in 2016, that children with mental disorders were held without access to psychiatric treatment. It also warned that several juvenile centres were not fit for purpose.</p> <p>According to the MNP, the Pi i Margall (Valencia) and Can Lluïa (Barcelona) centres provide the best psychiatric care and offer treatment programmes for minors under judicial measures for mental health.</p> <p>The Ombudsman felt that meals were served in sufficient and appropriate quantities. Minors eat five times a day in all institutions visited. The menu is prepared by nutritionists, and special diets for medical or religious reasons [^17] are catered for.</p> <p>[^17]: <i>Ibid</i>.</p>
<b>8-</b> Do the prison staff in contact with minors receive appropriate training? Is there understaffing? Are external bodies permitted to work with minors in the centres?	<p>In 2017, the Ombudsman reported on the work of Ancillary Education Authorities (ACE) in some of the centres visited. ACEs are present for a range of activities with minors and educators, particularly outdoors. The Ombudsman noted that in two prisons, Melilla City and Odiel (Huelva), there is a lack of clear distinction between the roles and responsibilities of the ACE and the security guards [^18].</p> <p>[^18]: <i>Ibid</i>.</p>

For further information relating to the death penalty for minors, please refer to the section 'Death Penalty'.

## C4. Foreigners

<b>C4.a Number and percentage of foreigners in prison:</b>	<i>Number:</i> 16,549	<i>Percentage:</i> 28.1%	<i>Date:</i> December 2017	<i>Source:</i> <a href="#">SGIP</a>
<b>C4.b Change in the number of foreigners jailed from the previous year:</b> <input type="checkbox"/> increase of 23.6 %	<b>C4.c Do foreign nationals have access to a lawyer?</b> <input type="checkbox"/> yes, when in police custody <input type="checkbox"/> yes, during court hearings <input type="checkbox"/> no, during disciplinary commissions			
13 384 foreigners were in prison in December 2016 [^19].  [^19]: General Secretariat of Penitentiary Institutions " <a href="#">General Report 2016</a> ", 2017, p. 20.	All foreigners held in custody have <a href="#">the right to receive legal assistance</a> .  Spanish law does not allow the presence of a lawyer during disciplinary proceedings.			
<b>C4.c Do foreign nationals have access to interpreters?</b> <input type="checkbox"/> yes, when in police custody <input type="checkbox"/> yes, during court hearings <input type="checkbox"/> no, during disciplinary commissions	<b>C4.e Are specific units or cells reserved for foreigners?</b> <input type="checkbox"/> no			
An interpreter must be available to foreign prisoners to inform them of their rights. This regulation is not always followed in practice.				
<b>C4.f Are foreigners imprisoned for illegal residency?</b> <input type="checkbox"/> no	<b>C4.g Can foreigners be extradited after serving their sentence?</b> <input type="checkbox"/> yes			
Foreigners cannot be imprisoned for illegal residency. However, they may receive administrative sanctions (fines or expulsion).	Foreigners serve their sentences in Spain, and are subsequently deported to their country of origin. Foreigners who are going to be deported do not usually benefit from any type of adjustment to their sentences.			
<b>C4.h Are foreign prisoners able to work?</b> <input type="checkbox"/> yes				
Access to work is dependent on good behaviour, as for all prisoners.				

<b>1-</b> What are the nationalities of foreign prisoners?	In 2017, the countries most represented were: Morocco, Romania, Colombia, Ecuador, Algeria, China, and the Dominican Republic.
<b>2-</b> What are the most common offences committed by foreign prisoners?	In 2016, 29.9% of foreign prisoners were convicted of theft, and 20. 8% of drug trafficking.
<b>3-</b> Are foreigners subject to discrimination or ill-treatment because of their nationality?	There are no reported cases of racial abuse of prisoners.
<b>4-</b> Can foreign inmates make international calls?	Foreign prisoners can make calls to their country if they have the financial means to do so.

	Only calls within Spanish territory can be made when in police custody.
<b>5-</b> Do the relatives of foreign prisoners have a specific visiting regime? Describe the provision	<p>There are no specific rules for foreign visitors. Conditions vary from prison to prison.</p> <p>In some establishments, visits can be grouped on the same day when family members have travelled long distances. The decision depends on the director of each centre.</p>

### **C5. Prisoners serving long-term sentences**

<b>C5.a Number and percentage of prisoners serving long-term sentences:</b>	Number: 26,068 people were serving long-term prison sentences in 2016.	Percentage: 43.75 %	Date: 2016	Source: SPACE I, " <a href="#">Prison Populations Survey 2016</a> "
<b>C5.b Changes to the number of prisoners serving long-term sentences compared to the previous year:</b> <input type="checkbox"/> a decrease of around 6.6%	<b>C5.b What length in years is considered to be a long-term sentence?</b> <input type="checkbox"/> five years			
27 903 people were serving long-term prison sentences in 2014				
<b>C5.c Can sentences be cumulated?</b> <input type="checkbox"/> yes	Article <a href="#">76 of the Penal Code</a> stipulates the maximum limit of sentences for a range of offences.			
<b>C5.d Number and percentage of those sentenced to life imprisonment:</b>	No life sentences are imposed.	%:	Date:	Source:
<b>C5.e Change in the number of people sentenced to life imprisonment compared to the previous year:</b> <input type="checkbox"/> the criminal code does not include life sentences.	<b>C5.f Are those sentenced to long-term sentences separated from other prisoners?</b> <input type="checkbox"/> no			
<b>C5.g Is there a system which allows for sentences to be prolonged?</b> <input type="checkbox"/> no				
<b>1-</b> Are individuals serving long-term sentences subject to a specific detention regime?	People sentenced to long-term imprisonment are not subject to any specific detention regime. (See section " <a href="#">Prison Systems</a> ").			

#### *Additional comments:*

Those serving long-term sentences are generally classified as *first degree* (see the section on the organization of the prison system). From Article 89 and onwards of prison [rules](#), first degree inmates are housed in single cells, their activities are more limited, and they are subject to a higher level of control and surveillance. Inmates in closed regimes are not able to obtain leave permits.

## C6. Untried prisoners

<b>C6.a</b> The percentage of untried prisoners:	Percentage: 14.2 %	Date: December 2017	Source: SGIP
<b>C6.b</b> Change in the number of untried prisoners compared to the previous year: <input type="checkbox"/> an increase	<b>C6.c</b> Are there specific institutions or units for remand prisoners? <input type="checkbox"/> yes, in most cases		
In December 2016, there were 7,996 untried prisoners, representing 13.4% of the prison population.			
<b>C6.d</b> Are remand and sentenced prisoners held separately? <input type="checkbox"/> in most institutions	<b>C6.e</b> Is access to bail possible? <input type="checkbox"/> yes		
The separation of untried and sentenced prisoners is not always adhered to.	<p>Bail is calculated based on the gravity of the offence and the risk of the person absconding.</p> <p>Bail is not granted if the person represents a danger to the community, there is a risk they may escape or obstruct the course of Justice, or if they have been accused of a serious or violent crime, or are a repeat offender.</p> <p>If the person meets the conditions of his release, bail is refunded.</p> <p>In 2017, the Supreme Court of Spain granted parole to the President of the Catalan Parliament, <a href="#">Carme Forcadell</a> on the payment of 150 000 Euros bail.</p>		
<b>C6.f</b> Is the legal maximum duration of remand adhered to? <input type="checkbox"/> yes			
<b>1-</b> Is there a maximum legal period for being on remand? If yes, does this period vary according to the category of the crime?	<p>Article 504 of the Criminal Procedure Act limits the duration of detention on remand depending on the crime. This period must not exceed one year if the custodial sentence is equal to or less than three years.</p> <p>The duration of detention on remand can be up to two years if the custodial sentence is greater than three years.</p> <p>The length of time can be prolonged by:</p> <ul style="list-style-type: none"><li>- six months when the sentence is less than three years.</li><li>-two years when the sentence is more than three years.</li></ul> <p>At the end of the maximum period, the untried prisoner must be released. However, if they do not appear at court hearings, the judge may order their</p>		

	re-imprisonment.
<b>2-</b> Is there excessive use of detention on remand?	Detention on remand is automatic in the case of violent crimes. In the majority of corruption cases, individuals are not held in custody before trial.
<b>3-</b> Do untried prisoners have a different prison regime? (visits, work, activities, phone calls, etc.)	Remand prison regimes are very similar to those for convicted prisoners.

## **C7. Ethnic groups**

In Spain information regarding people's ethnic origin is not collected.

<b>C7.a</b> Is the gathering of information about ethnic group and religion allowed? <input type="checkbox"/> no	<b>C7.b</b> Is there a separation between ethnic groups and other inmates? <input type="checkbox"/> information not available
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## **C8. LGBTI persons**

<b>C8.a</b> Can LGBTI persons be imprisoned because of their sexual orientation or their gender identity? <input type="checkbox"/> no	<b>C8.b</b> Are LGBTI persons detained separately from other inmates? <input type="checkbox"/> no
Spain is one of the world's leading countries in terms of the recognition and protection of LGBTI persons' rights.	The admission of transgender people to men's or women's sections occurs after a psychological evaluation.

<b>1-</b> Do LGBTI persons have specific protection in detention?	LGBTI prisoners do not receive any specific protection and must face the same types of exclusion that they experience outside of prison.
<b>2-</b> Does the admission of transsexuals depend on their biological sex, marital status, or on their self-determined gender?	<p>The admission of transgender people to an institution does not systematically depend on their biological sex or marital status; in principle, prison administration takes these decisions on a case by case basis. LGBTI inmates can indicate the section of their preference.</p> <p>In 2016, the Committee for the Prevention of Torture (CPT) met with various transgender prisoners in the León, Puerto III, Sevilla II and Villabona prisons.</p> <p>A transgender prisoner in the Villabona prison, who had made the transition from male to female before being admitted to prison, was assigned to a men's section for an entire year, despite having specifically requested to be moved to a women's section. Throughout this period, the prisoner received recurring insults from penitentiary staff who insisted she should wear men's clothing.</p> <p>The CPT reiterates that it is essential to respect the</p>



	<p>identity of transgender prisoners and considers that these prisoners must be assigned to the applicable sections according to their identity. Furthermore, they should be able to participate in activities with other prisoners of the gender they identify with, wear the clothing that they prefer and be called by their chosen name [^20].</p> <p>[^20]: European Committee for the Prevention of Torture "<a href="#">Informe de la visita del 27 de septiembre al 10 de octubre de 2016</a>", 2017, pp. 79-80.</p>
<b>3-</b> Do transgender persons have specific health (sanitary) care?	Transgender prisoners are allowed to continue or initiate hormonal therapy under the supervision of an endocrinologist.

### **C9. Political prisoners and prisoners of conscience**

<b>C9.a</b> Estimated number of people imprisoned because of their opinions or political engagement:	<i>Number:</i> Not available	<i>Percentage:</i> Not available	<i>Date:</i> Not available	<i>Source:</i> Not available
<b>C9.b</b> Change in number of people detained because of political opinion or conscience in the last year: <input type="checkbox"/> information not available	<b>C9.c</b> Are there any dedicated prison facilities or blocks for political prisoners and prisoners of conscience? <input type="checkbox"/> information not available			
<p>Spain <a href="#">does not recognise the existence of political prisoners</a>. However, various NGOs <a href="#">denounce</a> this lack of recognition.</p> <p>Pablo Hassel, Spanish rapper and poet, was sentenced to two years in prison in 2015 for the lyrics of his songs, as the Audiencia Nacional high court considered them to exalt terrorism.</p> <p>Basque political parties are prohibited. The Spanish Government suggests there are links between these parties and the Basque ETA separatist group. Members of these parties are imprisoned such as <a href="#">Arnaldo Otegi</a>, one of the leaders of the left-wing Basque independence movement, who was released on 01 March 2016 after six years in prison.</p> <p><a href="#">254 Basque prisoners</a> linked to ETA served their sentence in Spain in 2017. This number has reduced since 2013, following <a href="#">a condemnation of Spain by the European Court of Human Rights</a>.</p>				

<b>1-</b> What are the principal reasons for their incarceration?	<p>The existence of political prisoners or prisoners of conscience is a controversial topic, especially since the Catalan referendum in late 2017. Some <a href="#">independence leaders</a> have been imprisoned for rebellion, following the declaration of independence of the 'Catalan Republic'[^21].</p>
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	<p>Around one hundred professors of criminal law mobilised to dispute the accusation of “rebellion”, pointing out the lack of a “violent uprising”.</p> <p><a href="#">Amnesty International</a> spoke out on the topic on various occasions and reiterated the rights of freedom of expression and peaceful assembly. According to Amnesty, the imprisonment of Catalan independence leaders is an excessive and unjustified measure.</p> <p>People belonging to separatist movements are also punished with prison sentences, including members of ETA. Currently, <a href="#">191 people from this movement</a> are in prison for belonging to a terrorist organisation.</p> <p>[^21]: Rebellion, according to Spanish law, is defined as a “<a href="#">violent and public uprising</a>”, particularly with the aim of proclaiming independence.</p>
2- Does this group of prisoners have a special detention regime/system?	<p>95% of Basque political prisoners are classified as Grade 1. Accordingly, they serve their sentence in a closed regime. 27 of them are in a permanent solitary confinement regime.</p> <p>The Supervisory Court (Juzgado Central de Vigilancia Penitenciaria), in charge of enforcing sentences, dismissed 47 requests for a change in grade between July and October 2018. Etxerat, an association which supports families of Basque prisoners, denounced the illegality and discrimination of these decisions.</p>
3- Is the maintenance of family bonds ensured?	<p>Etxerat denounced the Spanish State's implementation of a prison policy of dispersion, designed to “dissolve the cohesion among Basque prisoners of ETA”. Etxerat explained in a <a href="#">2015 report</a>, that prisoners were distributed in institutions located between 190 km (Logroño) and 1100 km (Algeciras) away from the Basque Country. Puerto I and III, located in Cádiz, 1050 km away from the Basque Country, hold the largest group of Basques. There are 28 of them.</p> <p>Relatives have to make long journeys in order to visit prisoners, which represents a risk due to difficult conditions (tight schedules for long journeys, without breaks or stops for safety). 25 relatives of prisoners were injured in road accidents over the course of 2014.</p> <p>Families denounce a “<a href="#">double sentence</a>” imposed on Basque prisoners. In addition to being physically and psychologically stressful, these journeys also represent a high financial cost for the families. <a href="#">Etxerat</a> estimates that visits cost between €1,000 and €1,200 per month.</p> <p>Prisoners must publicly condemn ETA in order to be moved to a Basque prison; a great majority refuses to do so. Amnesty International condemned the Spanish Government's dispersion policy and stated that it is</p>

	against international laws.
<b>4-</b> Have national or international organisations made statements about the situation of political prisoners and prisoners of conscience?	<p>Various organisations have commented on the situation of the Catalan prisoners.</p> <p>Amnesty International does not consider the Catalan prisoners as political prisoners.</p> <p>The organisation called for authorities to abandon the processes and release them immediately, as their detention constitutes an excessive restriction on their rights of freedom of expression and peaceful assembly.</p> <p>In April 2018, David Kaye, <a href="#">United Nations Special Rapporteur</a> for freedom of expression, urged Spanish authorities not to accuse political figures in Catalonia of rebellion. Kaye stated he was "concerned that charges of rebellion for acts that do not involve violence or incitement to violence may interfere with rights of public protest and dissent".</p>

#### **C10. The elderly**

<b>C10.a Number and percentage of elderly inmates*:</b> *(>60 years)	<i>Number:</i> 2,476 elderly people imprisoned, 266 of whom in preventive detention	<i>Percentage:</i> 4.2%	<i>Date:</i> December 2017	<i>Source:</i> <a href="#">Penitentiary statistics from the Interior Ministry</a>
<b>C10.b Change in number of elderly inmates compared to the previous year:</b> <input type="checkbox"/> an increase of 21%		<b>C10.c Does the prison administration keep a specific register listing elderly prisoners?</b> <input type="checkbox"/> yes		
In 2016, there were 2,046 inmates of over 60 years-old.				

<b>1-</b> Do elderly inmates have an appropriate detention regime? Is medical care considered adequate?	<p>2.8% of prisoners over 70 years-old are held in specific units in SGIP correctional facilities. 56% of them are imprisoned in ordinary prisons; 34% in medical units; 1.6% of these people are in open regime[^22]. 22.6% need physical or psychological care[^23].</p> <p>The programme for comprehensive care of older people (Directive 8/211) applies to nine SGIP prisons, and eight other institutions have similar programmes.</p> <p>The Alcázar de San Juan centre holds the greatest number of elderly inmates. Following a visit to this institute in 2017, the ombudsman noticed some failures in the program, such as the lack of an occupational therapist or multidisciplinary team. Similarly, the ombudsman warned that its implementation is not accompanied by training</p>
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	<p>activities for penitentiary staff<sup>[^24]</sup>.</p> <p><sup>[^22]</sup>: General Secretariat of Penitentiary Institutions, "<a href="#">General report 2016</a>", 2017, p. 117.</p> <p><sup>[^23]</sup>: <i>Ibid</i>, p. 114.</p> <p><sup>[^24]</sup>: Ombudsman, "<a href="#">Annual report 2017 MNP</a>", pp. 159-160.</p>
<p><b>2-</b> Does the law provide early release for seniors? If yes, from what age? What are the conditions required?</p>	<p>Early release may be granted to seniors if:</p> <ul style="list-style-type: none"> <li>- They are older than 70 years-old</li> <li>- They are classified as Grade 3 (open regime)</li> <li>- They have a favourable prognosis for social reintegration</li> </ul>

### **C11. Persons with disabilities**

<p><b>C11.a</b> Are penitentiary establishments adapted to the needs of inmates with disabilities?</p> <p><input type="checkbox"/> some establishments</p>	<p><b>C11.b</b> Are prison staff trained to take care of inmates with disabilities?</p> <p><input type="checkbox"/> yes, in certain specific units</p>
<p>The SGIP, in collaboration with the Federation of Organisations of People with Intellectual Disabilities (FEAPS), implemented a programme for prisoners with physical, sensory, physical or intellectual disabilities. The programme includes early detection of disability, assignment to appropriate facilities or sections with official certification and without architectural limitations. The scheme also aims to support people with intellectual disabilities, in order to provide them with autonomy. The programme is active in 63 prisons and the average quarterly participation was 788 prisoners in 2016 <sup>[^25]</sup>.</p> <p><sup>[^25]</sup>: General Secretariat of Penitentiary Institutions, "<a href="#">General report 2016 SGIP</a>", p. 40.</p>	<p>Two of the 63 establishments, Segovia and Estremera, have specific units which are adapted to people with disabilities. In these units, staff are trained to provide care for inmates. These centres are supported by FEAPS.</p>
<p><b>C11.c</b> Are some prisoners with disabilities incapable of autonomously performing daily tasks?</p> <p><input type="checkbox"/> yes</p>	

*For more information about access to health care see section "The health".*

## D-The penitentiary system

### D1. Organisation

<b>D1.a Name of the authority in charge of the prison administration:</b>	The authorities in charge of prison administration are: - The Ministry of the Interior: for all Autonomous Communities except Catalonia. - The Department of Justice of Catalonia.		
<b>D1.b Budget of the penitentiary administration:</b>	1.145 billion Euros  72 % of this budget (823 million Euros) is allocated towards remuneration of staff.  In 2015, the budget for penitentiary administration increased to 1.547 billion Euros.	Date: 2017	Source: Ministry of Finance and Civil Service, " <a href="#">Presentation of general State budgets</a> ", 2017, p. 82
<b>D1.c Percentage of the budget of the authority in charge reserved for the penitentiary administration:</b>	Percentage: 14.3%	Date: 2017	Source: <i>Ibid.</i>
<b>D1.d Does the penitentiary administration classify the establishments according to the prison population they admit?</b> (Untried prisoners, convicted prisoners, prisoners condemned to long sentences, etc.) <input type="checkbox"/> in most cases	<b>D1.e There is a reception area in:</b> <input type="checkbox"/> all establishments		
In the majority of establishments, untried prisoners are housed in the same units as convicted prisoners.	All new prisoners spend a short period (sometimes one or two hours) in a reception area before being assigned to a cell. The health service conducts a medical examination and a technical team composed by different professionals (educator, social worker, and psychologist) meet with the new arrival to assign them to the most appropriate place according to separation and classification criteria. Their personality and criminal record are also taken into account.		
<b>D1.f Indicate the price of a day in detention:</b>	<b>D1.g Does the private sector participate in the management of establishments?</b> <input type="checkbox"/> yes		
In 2015, The State <a href="#">allocated</a> , almost 2,000 Euros per month towards the detention of one person (65 Euros per day).	Perimeter surveillance of penitentiary centres has been gradually privatised. In the pilot project, started in 2013, 21 institutions participated; in October 2014, this was expanded to the other centres. The budget allocated to this project reached 48 million Euros. <a href="#">ACAIP harshly criticised this initiative</a> and called it "enormous and nonsensical". The union denounced the links between the Partido Popular (PP) and security companies.		
<b>D1.h Has the penitentiary system been recently reformed?</b> <input type="checkbox"/> yes			

Important reforms to the Penal Code were implemented in 2010. The modifications had the effects of:

- Reducing the maximum duration of sentences and the number of people incarcerated. Revisions to sentences mainly referred to drug and road safety-related crimes;
- Imposing alternative sentences, such as community service
- Introducing the principle of “proportionality” referring to the seriousness of actions, and the principle of “exceptionality” with the aim of reducing the number of untried prisoners.

In December 2016, prison population reached 59,589. [In December 2009](#) this number had reached 76,079.

In 2015, a reform was introduced to change the incommunicado detention regime. This regime now requires a special order from a judge according to imposed restrictions. This reform continues to be ignored [^26].

[^26]: European Committee to the Prevention of Torture "[Report to the Spanish Government on the visit to Spain from 27 September to 10 October 2016](#)", 2017, pp. 19-21.

<p><b>1-</b> How is the penitentiary administration organised? (Regional directorates, independent directorates for the federated states, centralised administration, etc.)</p>	<p>The Spanish penitentiary system is divided into two administrations:</p> <ul style="list-style-type: none"> <li>- General Secretariat of Penitentiary Institutions (SGIP) for all Autonomous Communities except for Catalonia. This is under the supervision of the Ministry of Interior.</li> <li>- General Directorate of Prison Services (DGSP). This is under the supervision of the Department of Justice.</li> </ul> <p>A joint committee allows coordination between the two administrations.</p>
<p><b>2-</b> Name the different categories of prison facilities and the prison populations they house (persons in pre-trial detention, for convicted persons, for minors, etc.)</p>	<p>Penitentiary centres are divided into four categories:</p> <ul style="list-style-type: none"> <li>- 69 closed institutions under SGIP and nine under DGSP;</li> <li>- 56 semi-open social integration centres (CIS) under SGIP and four under DGSP;</li> <li>- three units for mothers under SGIP;</li> <li>- two psychiatric hospitals in SGIP prisons, and one in a DGSP prison.</li> </ul>
<p><b>3-</b> What are the applicable detention regimes?(Closed, half-opened, mixed, opened)</p>	<p>The detention regime is based on an inmate classification system:</p> <ul style="list-style-type: none"> <li>- First grade (Primer grado): the penitentiary administration refers to first grade prisoners as potentially dangerous, and they are subject to a closed regime.</li> <li>- Second grade (Segundo grado): This is an ordinary closed regime.</li> <li>- Third grade (Tercer grado) People designated as third grade serve their sentence in semi-custodial regime. Personal situation (being a mother, being ill...), the seriousness of the crime and the behaviour of the prisoner are taken into account when assigned to this grade.</li> </ul>
<p><b>4-</b> Do prison conditions differ considerably by region or category of institution? If so, what are the main reasons for these differences?</p>	<p>Living conditions vary according to the administration (SGIP or DGSP) in charge of the penitentiary centre, the state of facilities and the detention regime.</p>

## **D2. Prison facilities**

<b>D2.a Total number of establishments:</b> <input type="checkbox"/> nine centres are administered by the DGSP (Catalonia), and 69 by the SGIP (all other Autonomous Communities in Spain).	<i>Date: 2017</i>	
<b>D2.b Total capacity:</b>	Capacity is 84,478 places. The rate of occupancy is 71.8%. 23,823 places are unoccupied.	<i>Date: September 2016</i> <i>Source: SGIP</i>
<b>D2.c Change in capacity compared to the previous year:</b> <input type="checkbox"/> information not available	<b>D2.d Does the penitentiary system include units or establishments designated “supermax” or with a high security level?</b> <input type="checkbox"/> yes	
	Segregation units or high-security units hold inmates classified as first grade who are considered dangerous and people who are sanctioned for serious misconduct.  The Herrera de La Mancha Penitentiary Centre was one of the first maximum security prisons to be built in Spain.  <a href="#">Alicante II prison</a> is one of the most secure.	
<b>D2.e Does the prison system have penitentiary complexes with more than 5,000 places?</b> <input type="checkbox"/> no	<b>D2.f Prison facilities are located on the outskirts of the cities:</b> <input type="checkbox"/> most establishments	
The largest penitentiary complexes house a little over 1,000 prisoners, such as Sevilla I-Morón de la Frontera or Madrid VII-Estremera.	Most establishments are in the outskirts of cities.  La Modelo, a prison for men - especially untried prisoners- which was situated in the centre of Barcelona was an exception. This prison closed permanently in 2017. The penitentiary centre for women known as Wad-Ras is located in the centre of Barcelona.	
<b>D2.g Were new establishments opened during the last year?</b> <input type="checkbox"/> yes	<b>D2.h Were establishments closed during the last year?</b> <input type="checkbox"/> yes	
	The Modelo prison closed in 2017.	
<b>D2.i Are new establishments under construction?</b> <input type="checkbox"/> yes	<b>D2.j Are building sites under public-private partnership (PPT)?</b> <input type="checkbox"/> yes	
The Archidona centre in Malaga was opened in early-2018, <a href="#">after five years under construction</a> . However, the SGIP website states that construction finished in 2017.	The administration outsources construction of penitentiary centres to private companies.	
<b>D2.k Are renovation works involved in international partnerships (architectural, financial, logistical)?</b> <input type="checkbox"/> information not available		



<b>1-</b> Do the sizes of institutions vary significantly? Name the smallest and largest.	The sizes of institutions vary significantly. Some penitentiary centres are complexes which have numerous sections, such as penitentiary centres Madrid VII, Leon, and Malaga II, which have over 1,000 places. Others have no more than 100 places, such as the Cuenca prison which <a href="#">has 60 cells</a> .
<b>2-</b> Are any special units for specific categories of inmates provided? (Units for sexual offenders, military, politicians, public servants, radicalised inmates, LGBTI, etc.)	Some units are reserved for certain specific categories of prisoners. Sexual offenders, for example, are held in solitary confinement. There are also units for mothers incarcerated with their children.

### **D3. The staff**

<b>D3.a Number of guards:</b>	There are 18,339 penitentiary guards: 15,031 in SGIP facilities, and 3,308 in DGSP facilities.	Date: 1 September 2016	Source: SPACE I, " <a href="#">Prisons Populations Survey 2016</a> ", 2017, p. 132.
<b>D3.b Guard to inmate ratio:</b>	One guard for every 3.3 prisoners (2.6 in Catalonia and 3.5 in the rest of Spain)	Date: 1 September 2016	Source: <i>Ibid</i> , p. 144
<b>D3.c Number of social and education workers:</b>	<p>There are two categories of social and education workers.</p> <p>The number of psychologists and professionals in charge of evaluating prisoners is 806 (579 under SGIP and 227 under DGPS).</p> <p>The number of people in charge of educational activities (social workers, teachers and educators) is 1,896 (1,430 under SGIP and 439 under DGPS).</p>	Date: 2016	Source: <i>Ibid</i> , p.132
<b>D3.d Social and education worker to inmate ratio:</b>	One professional for every 22 prisoners	Date: 2016	Source: <i>Ibid</i> , p.132
<b>D3.e Change in number of guards compared to the previous year:</b> <input type="checkbox"/> no considerable change	<b>D3.f Can agents of the penitentiary administration join trade unions?</b> <input type="checkbox"/> yes		
In 2014, the number of guards reached 18,397.	The most influential trade union is ACAIP (Agrupación de los Cuerpos de la		



	<p>Administración de Instituciones Penitenciarias).</p> <p>The APFP (Asociación Profesional de Funcionarios de Prisiones) is a group of staff from the penitentiary administration.</p>
<p><b>1-</b> What are the different functions of the personnel in the penitentiary administration?</p>	<p>In 2016, a total of 23,952 people performed the different penitentiary administration functions.</p> <p>Penitentiary supervisors represented 78.5% of all staff.</p> <p>Jurists, psychologists, sociologists, teachers, social workers, health personnel and educators <a href="#">carry out other functions</a>.</p>
<p><b>2-</b> Do penitentiary supervisors have special training? What are the criteria for accessing this training? Is this considered sufficient?</p>	<p>Penitentiary supervisors must pass an exam in order to join penitentiary administration. Three procedures are eliminatory: these evaluate their personality, knowledge and physical aptitude. Selected guards carry out sandwich training.</p> <p>There are certain requirements to be workers in prisons: being Spanish, at least 16 years-old and not having reached retirement age, having a bachelor's or technical degree, and not having been sentenced to a term of imprisonment of over three years for an intentional crime.</p>
<p><b>3-</b> Describe the working conditions of prison staff (hours, commute to work, workload, etc.).</p>	<p>In April 2018, unions denounced the "lack of staff and resources" after an inmate set fire to their cell in La Luna prison. In a press conference, unions ACAIP, CO and ATP warned about possible violations of physical integrity, both of prisoners and staff, which could cause this situation.</p>
<p><b>4-</b> Were staff movements recorded during the previous year? If yes, what were the reasons for this?</p>	<p>Many demonstrations took place in 2017. <a href="#">More than 3,000 prison staff in the country mobilised</a> to denounce a deterioration in their working conditions: daily attacks, lack of staff, low salaries and violations of labour legislation.</p> <p>The shortage of staff, guards, nurses, administrators and technicians is one of the most significant problems. Between 2011 and 2015, 1,429 positions were left vacant.</p> <p>85% of institutions do not have sufficient staffing. <a href="#">According to ACAIP</a>, 3,647 people must be hired in order to meet immediate needs.</p> <p>In its 2015 report, ACAIP expressed its concern about the ageing penitentiary staff: while in 1995, 79% of staff were less than 40 years-old, in 2015, this percentage was below 21%; currently 40.9% of prison staff are over 50 years-old.</p> <p>A great number of workers will soon retire. In addition, drops due to illness are frequent and working conditions are considered a triggering factor.</p> <p>On 6 February 2017, staff from the Modelo jail in Barcelona mobilised against the closing of the</p>

	establishment.
<b>5-</b> Describe the functions of the social and educational staff, the quality of the service, and the profiles of recruited staff.	Social and educational staff includes psychologists, sociologists, teachers, social workers and educators. The official functions of social and education staff in prisons are under the administration of the same entities as the professionals who work outside of prison. This is intended to equalise their skills and guarantee a similar quality of work. There are no qualitative comparative studies on the work of social and educational staff. Occasionally, prison staff must participate in social and educational activities in the centre, performing support and coordination functions.
<b>6-</b> Is the internal management of institutions left to the inmates? Explain the organisation and the impact on daily life during incarceration.	<p>Penitentiary establishments have introduced Respect Modules (<a href="#">Módulos de Respeto</a>, areas of respect). These <i>modules</i> are separate areas within the prison which are designed to establish a climate of coexistence, maximum respect between residents, and collective solidarity.</p> <p>In the respect modules, inmates are responsible for maintain common areas, in which they perform daily activities. For this, they are divided into different groups, with each one responsible for one area in the module.</p>

*Additional comments:*

In 2015, 24,328 people working for the penitentiary administration: 18,704 under SGIP and 5,624 under DGSP. In 2016, this number rose to 29,183; the number of medical and paramedic staff reached 1,263. [^27]

18271 · SPACE I "[Prisons Populations 2016 survey](#)" 2017 p. 132

**E1. Cells**

<b>E1.a Does the law specify a minimum surface area per inmate?</b> <input type="checkbox"/> yes: 9.71 m2/person on average	<b>E1.b Are inmates housed on individual cells?</b> <input type="checkbox"/> in most establishments
<p>A maximum of two prisoners can share one cell, on the condition that each has a minimum space of 9.71 m2. This principle is not respected in practice. The size of the cells varies according to establishments. For example, in the Herrera de la Mancha prison (Ciudad Real) they measure between 6 m2 and 7 m2, and in the Alcalá de Henares prison (Madrid) they are between 9 m2 and 10 m2.</p>	<p>Recently constructed penitentiary centres are designed to hold more than two prisoners per cell.</p>
<b>E1.c Inmates have in their possession:</b> <input type="checkbox"/> bed and mattress	<b>E1.d Is there strict regulation of window sizes?</b> <input type="checkbox"/> no
<b>E1.e Can windows be opened entirely?</b> <input type="checkbox"/> no	<b>E1.f Natural lighting allows inmates to exercise and carry out activities:</b> <input type="checkbox"/> in some cases
<p>Windows are sealed in various institutions. An inmate of the Sevilla II prison <a href="#">reported on the lack of locks on windows of isolation cells</a>, which let rain in, and the cold in winter.</p>	<p>Prisons visited by the CPT (2017 report) have satisfactory natural lighting according to regulations<sup>[^28]</sup>.</p> <p>[^28]: European Committee for the Prevention of Torture, "<a href="#">Report to the Spanish Government on the visit to Spain from 27 September to 10 October 2016</a>", 2017, pp. 17-30.</p>
<b>E1.g Are cells equipped with heating or air conditioning?</b> <input type="checkbox"/> only heating	<b>E1.h Do inmates have an extra electric light?</b> <input type="checkbox"/> in some cases: must be bought by prisoners
<p>The administration has observed that very high temperatures affect the aggressiveness of prisoners.</p> <p>In Cordoba, cells have an air conditioning unit, but it is out of order. But in general, facilities are not equipped with these systems.</p> <p>Deputy of Congress Diego Cañamero <a href="#">denounced "the unbearable heat" in 2017</a> which prisoners experience in the south of Spain. In his visit to the Jaén II prison, the prisoners, staff and the director reported on the "extreme temperatures which can be reached inside the prison". The deputy pointed out that the materials used, such as the sheet metal roofs, for example, increased the sensation of heat, without air being able to circulate due to the cells</p>	

being hermetically sealed. Some prisoners complain about the lack of heating and state that only common areas are heated.	
<b>E1.i Are cells well-equipped with all necessary items?</b> <input type="checkbox"/> yes	<b>E1.j Is it prohibited to smoke in cells?</b> <input type="checkbox"/> no

<b>1-</b> What are the criteria for assigning prisoners to cells?	Assigning prisoners, in accordance with penitentiary regulation, is based on complete segregation based on sex, physical and mental condition, age, criminal record and type of prison sentence.  Prisoners are assigned to cells following a psychological evaluation, which should be taken into consideration by guards responsible for each unit. Assignment is mainly based on the number of places available.
<b>2-</b> Describe the conditions within the most ill equipped and best-equipped cells.	Generally, a cell is equipped with a concrete bed, a seat, a table and a shelf. This is doubled in the case of shared cells. Some cells have a shower, toilet and sink.

*For more information related to the impact of overcrowding on the daily life of inmates see the section “Prison population”*

## **E2. Food**

<b>E2.a The price of meal per inmate*:</b>  *per day, per month or per year	3.78 Euros per inmate, per day	Source : <a href="#">El Digital Castilla – La Mancha</a>
<b>E2.b Number of meals per day:</b>	3	Breakfast, lunch and dinner
<b>E2.c Is drinking water always available?</b> <input type="checkbox"/> yes	<b>E2.d Are special diets respected? (for religious, health, or cultural reasons)</b> <input type="checkbox"/> yes	
Access to water is unlimited.	10% of Spanish prisoners follow a Halal diet.  <a href="#">44% of inmates in the Cuenca</a> prison follow a special diet for medical reasons.  In February 2017, a prisoner in Navalcarnero requested a vegan diet via his lawyer. The establishment only offered a vegetarian diet which included animal products. The Penitentiary Surveillance Court (Juzgado de Vigilancia Penitenciaria) agreed to the request and ordered a medical follow-up to check his health status.  The court’s decision was based on article 226 of the prison regulations which stipulates that all centres must provide a diet which meets the dietary requirements of the penitentiary population and to particularities of age, health work, climate, customs, and as far as possible, personal and religious convictions.	

<b>E2.e Meals are prepared by:</b> <input type="checkbox"/> trained inmates	<b>E2.f Are meals considered sufficiently varied?</b> <input type="checkbox"/> varies between establishments
	Penitentiary centres in Valencia ensure that <a href="#">diets are varied and balanced</a> , and so try to include vegetables, pulses and proteins, catering to the local cuisine. Menus suggested by the cooking and medical staff of each prison are validated by a nutritionist at the state level.
<b>E2.g Are meals distributed at a standard time?</b> <input type="checkbox"/> yes	<b>E2.h Where do inmates take their meals?</b> <input type="checkbox"/> varies depending on detention regime
Breakfast is served before 9:00, lunch between 13:00 and 14:00, and dinner at 19:30.	In ordinary regimes, meals are served in a canteen.
<b>E2.i Can prisoners buy food products?</b> <input type="checkbox"/> yes	<b>E2.j If it is possible to buy food products, the prices are:</b> <input type="checkbox"/> the same price as outside
Article 303 of the prison regulations states that prisoners can buy food products which do not need to be cooked.  First grade prisoners are <a href="#">able to buy fewer products than in second grade</a> . Metallic objects are not allowed to be sold (canned foods or drinks) in the commissary. Fruit, vegetables or other foods like salads, tomatoes, garlic or onion are also prohibited. Fruit can only be consumed during meals.	Prices of products cannot be higher than the average prices of where the establishment is located.
<b>E2.k Inmates can cook for themselves:</b> <input type="checkbox"/> no	<b>E2.l Are there refrigerators in the cells?</b> <input type="checkbox"/> no
Authorised food products in cells should not need to be cooked.	Cells do not have a refrigerator; inmates can neither receive nor buy fresh products.
<b>E2.m Are cells equipped with a suitable hotplate?</b> <input type="checkbox"/> no	<b>E2.n Can visitors bring food products:</b> <input type="checkbox"/> in some cases
	Visitors cannot bring food products but they can buy products in the commissary to give to inmates they are visiting.

<b>1-</b> What are the criteria for the calculation of food portions? Are variations in food portions depending on the establishments?	Meals always comprise a starter, main and dessert.  Apart from the normal menu, special fat-free or Halal menus, adapted to culinary customs of Muslims are also made. Each establishment manages its own food portions, but they are generally very similar.
<b>2-</b> Describe the meals served (quality, quantity, and variety)	Portion sizes are comparable to those of an ordinary restaurant.
<b>3-</b> Are diseases related to poor food quality reported? (Malnutrition, intoxication, gastroenteritis)	There have been no registered cases of disease caused by the consumption of poor-quality food in 2017.

### **E3. Hygiene**

<b>E3.a</b> Inmates have all necessary items needed to ensure good hygiene: <input type="checkbox"/> yes	<b>E3.b</b> Inmates have access to a water source: <input type="checkbox"/> in the cell
The penitentiary administration provides basic cleaning and personal hygiene products to guarantee the cleanliness of prisoners and cells.	All cells have a sink.
<b>E3.c</b> Showers are situated: <input type="checkbox"/> in the cell	<b>E3.d</b> Are toilets situated within the cell? <input type="checkbox"/> yes
	The CPT recommends that toilets in shared cells are completely closed in order to protect the privacy of inmates.
<b>E3.e</b> Has the presence of mould due to humidity been reported? <input type="checkbox"/> no	<b>E3.f</b> Does the penitentiary administration provide hygiene products? <input type="checkbox"/> yes
During its last visit, the CPT observed that cells in all the centres visited were in good condition.	The penitentiary administration distributes a hygiene kit monthly with soap, toothpaste, condoms, lubricant, razor blades, shaving cream and other products. It also provides sheets and cleaning products to maintain cells.
<b>E3.g</b> Do the prison authorities supply cleaning products? <input type="checkbox"/> yes	<b>E3.h</b> Bed linens are changed: <input type="checkbox"/> once per month
<b>E3.i</b> Do inmates wear a uniform? <input type="checkbox"/> in some cases	<b>E3.j</b> Has the presence of pests been reported: <input type="checkbox"/> in most establishments
The penitentiary administration distributes clean clothes without any particular branding; prisoners can also wear their own clothing.	

<b>1-</b> Describe the organisation of showers: - Are schedules or durations provided? - Are there enough of them? - Are they in good condition? - Is the water temperature suitable?	There is no limit imposed on the number of showers per week. Prisoners complain about the lack of hot water in winter.
<b>2-</b> Describe the state and functioning of toilets (number, state of hygiene, access conditions)	Every unit and courtyard has toilets. The newest prisons have baths and showers in the cells.
<b>3-</b> How is the maintenance of cells and common parts organised?	Prisoners must keep the establishment clean and in good condition. They are responsible for cleaning their cells with products provided by the penitentiary administration <sup>[^29]</sup> . In the <i>respect modules</i> (see “the Staff section”), prisoners are organised into groups to guarantee the maintenance of common areas. Clothes are washed once a week in the <a href="#">prison laundry</a> .  <sup>[^29]</sup> : General Secretariat of Penitentiary Institutions “ <a href="#">Prison step by step</a> ”, pp. 15-20.
<b>4-</b> How is waste management organised? What is the pickup frequency?	Waste is collected every day.

<b>5-</b> If the level of hygiene is considered insufficient, is it causing health problems?	The level of hygiene is considered normal and is not a cause for health problems.
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*For more information related to the specific needs of women see the section “Women”.*

#### **E4. Activities**

<b>E5.a</b> Number and percentage of inmates that participated in socio-cultural activities in the previous year:	<i>Number:</i> The average monthly participation in socio-cultural activities is: - 20,517 people in professional training; - 18,214 in cultural training; - 1,456 in cultural training and productions.	<i>Percentage:</i> Around 40% of inmates participate in sociocultural activities.	<i>Date:</i> 2016	<i>Source:</i> SGIP [^30]  [^30]: General Secretariat of Penitentiary Institutions <a href="#">"General report 2016 SGIP"</a> , 2017, p. 87.
<b>E5.b</b> Number and percentage of inmates that participated in sport activities in the previous year:	<i>Number:</i> The average monthly participation in sport activities is: - 29,444 people in recreational sport activities; - 4,477 in competitive sport activities; - 5,084 in training and sport-oriented activities.	<i>Percentage:</i> Around 60% of inmates participate in sport activities.	<i>Date:</i> 2016	<i>Source:</i> <i>Ibid</i> , p.86
<b>E4.c</b> The penitentiary administration organises activities: <input type="checkbox"/> in all establishments				
<b>E4.d</b> Are there specific places for physical activities? <input type="checkbox"/> in most establishments		<b>E4.e</b> Are there specific places for cultural activities? <input type="checkbox"/> in all establishments		

	<p>There are two types of activities which are particularly well-developed:</p> <ul style="list-style-type: none"> <li>- The library and reading programme, carried out in collaboration with the Directorate General for Cultural and Book Policy and Industries, aims to promote or reinforce reading habits of inmates in different prisons. During 2016, 52 establishments received tools to promote reading.</li> <li>- Workshops aimed at promoting cultural creation from inmates (theatre, music, radio, television, classes for writing, painting, photography, sculpting, ceramics, etc.).</li> </ul>
<b>E4.f There are libraries:</b> <input type="checkbox"/> in all establishments	
All establishments have a library, but not always a reading room.	

<b>1-</b> How much time should inmates spend outside of their cells during the day? Is it dependent on the type of establishment or detention regime? Describe.	<p>The time spent by inmates outside of their cells varies according to the penitentiary centre and the detention regime.</p> <p>In most cases, inmates on an ordinary regime can spend up to 10.5 hours outside of their cells; they are allowed to leave their cell between 8:00 and 14:00 and from 16:30 to 21:00 (whether staying in common areas in their unit, or participating in an activity).</p> <p>Normally, first grade prisoners spend four hours per day outside of their cells.</p>
<b>2-</b> Can access to the boardwalk be restricted? If yes, explain the reasons (Understaffing, disciplinary sanction, etc.)	<p>Article 93 of the prison regulations provides for the access to the exercise yard.</p> <p>First grade prisoners must go to the yard at least three hours per day. A maximum of two inmates can stay there at the same time.</p> <p>Prisoners in solitary confinement regime have certain restrictions to access. Security staff carry out searches, often thorough, after each visit to the yard. These visits, which can last up to four hours, alternate every day between morning and afternoon, meaning sometimes there can be 26 hours between two visits.</p>
<b>3-</b> Who can organise activities in prison facilities? (e.g.,	<p>Activities are generally carried out in association</p>



associations, penitentiary administration, inmates).	<p>with other structures and organisations. The library and reading programmes, for example, are organised by the Directorate General for Cultural and Book Policy and Industries [^31].</p> <p>Penitentiary centres have infrastructure and material resources to carry out a wide range of activities.</p> <p>Inmates can actively participate in the development of activities which are available in establishments.</p> <p>[^31]: General Secretariat of Penitentiary Institutions "<a href="#">General report 2016 SGIP</a>", 2017</p>
<b>4-</b> Is access to activities dependent on conditions?	First grade prisoners have limited access to prison activities.
<b>5-</b> Is the cancellation or prohibition of access to activities frequent? If yes, explain the reasons	<p>Prohibition of access to activities only occurs in extraordinary circumstances. Activity programmes must be evaluated and approved by penitentiary centres.</p> <p>The institution and external actors sign two-year cooperation agreements. Establishments rarely reject the proposed activities.</p> <p>The most common reason for cancelling activities is the lack of coordination or communication, but this only occurs occasionally. This is mostly due to the large number of social organisations (700) and participants (8,000).</p>
<b>6-</b> If inmates participate little in activities, explain the reasons.	Inmates show real interest in activities and their participation is considered satisfactory.

*Additional comments:*

The CPT stated that it is "unfortunate that the swimming pools in the Puerto III and Sevilla II prisons were not in service (even though remunerated prisoners maintain them adequately) seemingly due to an internal instruction from the SGIP" [^32].

[^32]: European Committee for the Prevention of Torture, "[Report to the Spanish Government on the visit to Spain from 27 September to 10 October 2016](#)", 2017, p. 47.

For more information related to religious activities see "Religion".

For more information related to books in foreign languages see "The foreigners".

For more information related to the objects (games, books) that can be brought by relatives see "The Visits".

## **E5. Work**

<b>E5.a Number and percentage of working inmates</b>	<p><i>Number:</i> In 2017, more than 12,000 inmates worked in productive workshops in penitentiary centres.</p>	<p><i>Percentage:</i> 23.90%</p>	<p><i>Date:</i> 2017</p>	<p><i>Source:</i> <a href="#">Penitentiary Institutions</a></p> <p><a href="#">El País</a></p>
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<b>E5.b Change in number of workers compared to the previous year:</b> <input type="checkbox"/> information not available	
<b>E5.c Do inmates receive a salary for work?</b> <input type="checkbox"/> yes: the average salary is 222 Euros per month	<b>E5.d Do paid inmates contribute towards social security?</b> <input type="checkbox"/> yes
	Legislation does not provide a work contract for inmates. Inmates who work, even though they have a particular status, have the same social advantages as other workers and are enrolled on the general social security system.
<b>E5.e Do paid inmates contribute towards retirement?</b> <input type="checkbox"/> yes	<b>E5.f Do paid inmates contribute towards unemployment?</b> <input type="checkbox"/> yes
Enrolment on the social security system allows inmates access to retirement rights.	Generally, the subsidy for unemployment is very low. It overrides the subsidy for freed people which is higher and lasts longer (430.27 Euros per month for a maximum period of five months).
<b>E5.g Do inmates have the right to join trade unions?</b> <input type="checkbox"/> no	<b>E5.h Does work favour penalty adjustment?</b> <input type="checkbox"/> no
Inmates cannot create or join a trade union.	Work does not help to provide a penalty adjustment, but it does facilitate obtaining an early release.
<b>E5.i Salary is calculated:</b> <input type="checkbox"/> on an hourly fee basis	<b>E5.j Salary received by inmates is:</b> <input type="checkbox"/> slightly below the national minimum salary
According to the latest figures available (2015), working inmates are paid between 2.59 and 4.51 Euros per hour, depending on their category. The minimum wage in Spain in 2017 is 5.54 Euros per hour.	Half of the inmates work in precarious conditions and earn less than 200 Euros; the other half earns just over 400 Euros. The highest salaries are much lower than the inter-professional minimum wage (which was 707.60 Euros in 2017).

<b>1-</b> What are the different jobs offered? Are internal chores at the prison considered a job? Are they paid?	Inmates can work directly for the prison, generally with the aim of self-sufficiency: textiles, metalworking and carpentry, printing and agricultural activities; or working directly in managing penitentiary services: kitchens, bakeries, laundry, maintenance, shops, gardening, and auxiliary activities inherent to any prison. Inmates can work for private companies in jobs which generally involve handling or making products.
<b>2-</b> Where do professional activities take place? How is a work day organised? (Time, breaks, checks, etc.)	Professional activities take place within penitentiary centres. When private companies offer jobs to inmates, they contribute towards providing the necessary infrastructure within prison workshops.  Inmates on a semi-custodial regime can work outside of prison.  The work day can vary according to the type of work of the company's needs. A day in a Spanish prison is often the following:

	07:00: Inmate count 08:00-09:00: breakfast 09:00-13:00: professional activities (work, classes, social activities) 13:00-17:00: break 17:00-20:00: professional activities resume 20:00-21:00: dinner
3- Are there any conditions for access to employment in detention? Does it depend on the level of risk attributed to an inmate?	<p>The prison regulations establish criteria for applying for a job. In practice, getting a job is a reward for good behaviour.</p> <p>People classified under first grade (see “<i>Prison population</i>”) can have access to a job under exceptional circumstances. The Treatment Assembly of the institution is in charge of examining, approving and monitoring the application.</p> <p>Untried prisoners cannot work.</p>

*For more information related to how inmates can use their salary see “The financial resources and destitution”.*

## **E6. Education and professional training**

<b>E6.a</b> Number and percentage of inmates registered for academic training in the last year:	<i>Number:</i> The number of inmates registered for academic training in 2016 reached 17,357 (15,516 men and 1,841 women).  There was a decrease of 520 students compared to the previous year.	<i>Percentage:</i> 37.2 %	<i>Date:</i> October 2016	
		<i>Source :</i> Secretaría General de Instituciones Penitenciarias “ <a href="#">Informe general 2016 SGIP</a> ”, 2017, p.100.		
<b>E6.b</b> Number and percentage of inmates registered for professional training in the last year:	<i>Number:</i> 20,517 in SGIP penitentiary centres	<i>Percentage:</i> 40.2 %	<i>Date:</i> October 2016	<i>Source:</i> <i>Ibid.</i> p. 83.
<b>E6.c</b> The Ministry in charge of education:		<b>E6.d</b> Academic training is accessible: <input type="checkbox"/> in all establishments		
Penitentiary Work and Employment Training (TPFE) is the state entity responsible for work for inmates in Spain. This is attached to the Ministry of Interior, through the SGIP.		All inmates are able to access academic training; basic elementary education is available to all those who request it. Inmates can also request higher level distance training courses. People on a closed or isolation regime face greater difficulties in accessing training.		
<b>E6.e</b> Does the administration put in place measures to combat illiteracy? <input type="checkbox"/> yes		<b>E6.f</b> Can inmates obtain diplomas and take part in examinations? <input type="checkbox"/> yes		
Basic training is given to illiterate, young and foreign inmates.				

<b>E6.g Is professional training accessible?</b> <input type="checkbox"/> yes	<b>E6.h Are distance training courses offered?</b> <input type="checkbox"/> yes
Professional training programmes are organised according to the scope and resources of the prison and are accessible to the entire prison population. The monthly average of activities carried out in SGIP institutions was 687 in 2016. Training and professional integration programmes are also offered to inmates on open regimes.	University distance studies are carried out with the National University of Distance Education (UNED). 17 penitentiary centres offer support for the courses. The UNED offers summer courses, when academic activity is lower. In the case of distance learning, the exam is carried out in the centre.

<b>1-</b> Do the teachers responsible for training depend on the prison administration or outside organisations? (NGOs, associations)	Teachers for training and the administration depend on the Ministry of Education and education boards of autonomous communities. The Education Council is responsible for hiring teachers.  Educational and professional workshops are organised with funds from the European Union and the Government of Spain. Social organisations contracted by the penitentiary administration carry out more technical workshops such as those related to health or drugs.
<b>2-</b> Can some inmates organise training courses? If yes, what are the skills required and the expected salary?	Inmates can organise courses which do not have a significant training impact; for example, they can direct theatre groups, as is the case in four prisons in Madrid. The activities are carried out under the supervision of social organisations. Inmates do not receive any remuneration for this training, but their activity is taken into account for social security.

## **E7. Media**

<b>E7.a Can inmates have access to a television?</b> <input type="checkbox"/> yes, purchased	<b>E7.b Can inmates have access to a radio?</b> <input type="checkbox"/> yes, purchased
In common areas, inmates can watch television freely. They are allowed to have a television in their cell, but they must pay for it.	
<b>E7.c Do inmates have access to the press?</b> <input type="checkbox"/> varies between detention regime	<b>E7.d Does the penitentiary administration provide internet access?</b> <input type="checkbox"/> in some establishments
First grade inmates have restricted access to the media. Inmates must pay to access the press.	Inmates can access the internet during IT courses. However, access is restricted to certain sites.
<b>E7.e Does the penitentiary administration censor content?</b> <input type="checkbox"/> yes: teletexts	

## **E8. Religion**

<b>E8.a Do inmates have the right to freedom of worship?</b> <input type="checkbox"/> yes	<b>E8.b Dedicated places for worship are available:</b> <input type="checkbox"/> in all establishments
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According to article 54 of the General Penitentiary Organic Law, the administration must guarantee the freedom of religion of inmates and facilitate means to exercise it. In addition, article 230 of the prison regulations states that the management of establishments must allow people to follow the diet, rituals and holidays of their respective religions, taking into account budget, safety, and life of the institution, as well as the fundamental rights of other inmates.	
<b>E8.c Cultural mediators are paid by the penitentiary administration:</b> <input type="checkbox"/> no	<b>E8.d Are certain inmates grouped according to their religion?</b> <input type="checkbox"/> no

<b>1-</b> Which religions are the most represented in detention?	The most represented religions in Spanish prisons are: Jehovah's Witnesses, Evangelical Protestant Churches, Catholic Church, Islam and Orthodox Church.
<b>2-</b> Do the day-to-day requirements of prison life interfere with religious activities? (e.g. prayers, services, ceremonies)	Inmates on closed regimes have greater difficulty in accessing religious activities due to the limited number of hours which they may spend on collective activities.
<b>3-</b> Has a policy to prevent radicalisation been introduced? Describe it.	<p>Spain has been implementing a programme to prevent radicalisation for a few years. Penitentiary staff must observe the religious practices of radicalised inmates (IR) attentively: what they eat, if they fast during Ramadan, which books they read, how strictly they practice rituals, how they shave or dress, and if they stop smoking and listen to music.</p> <p>In 2018, penitentiary institutes have distributed a new "tool to evaluate the risk of violent radicalism" to directors of Spanish penitentiary centres. The document must be completed by penitentiary psychologists for all inmates sentenced for jihadist terrorism or those who have shown signs of religious radicalisation.</p> <p>Psychologists must observe if the attitudes of inmates tend to isolate themselves from others, if they stop participating in activities, change their habits, pay special attention to those who have converted to Islam, show indifference to victims of violent acts and turn religion into "the pillar of their identity and their dominant interpretation".</p> <p>Psychologists must also determine which inmates have "low self-esteem" and evaluate if they have a "violent tendency", a "history of violence specifically related to extremism" or if their social environment was "related to violent radicalism". In addition, psychologists must observe if inmates show "the intention of committing acts to defend their ideology", seem to have "an attack target", have shown signs of "behavioural impulsivity" and "psychopathic traits" or suffer from some type of "severe mental disorder". Finally, psychologists they must observe if inmates'</p>

	<p>attitudes reflect “affinity with violent groups”, if they have started “physical training”, resist obeying institutional rules and if any material has been found in their cells.</p> <p>These evaluations must be carried out every six months to detect signs of radicalisation as early as possible.</p>
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### **E9. External participants**

<b>E9.a Number of interventions in the course of the previous year</b>	<i>Number:</i> 1862	<i>Date:</i> December 2016	<i>Source:</i> General Secretariat of Penitentiary Services, “ <a href="#">General report 2016</a> ”, p. 108.
<b>E9.b Change in the number of interventions compared to last year:</b> <input type="checkbox"/> decreased by 1.7 %	<b>E9.c Exterior individuals or organisations are authorised to intervene:</b> <input type="checkbox"/> in all the facilities		
1 895 intervention programmes were implemented in 2015. 867 NGOs and collaborating entities participated.	The penitentiary administration has collaborated with external organizations (both public and private) since 1979. The collaborating entities intervene in various areas: health, drug addiction, education, professional training and raising society's awareness of the prison environment. 7635 collaborators, both volunteers and professionals, participated in the realization of these programmes		
<b>E9.d Authorisations to intervene are issued by:</b> <input type="checkbox"/> the prison Governor <input type="checkbox"/> the Ministry responsible for penitentiary administration	<b>E9.e Actions are organized for friends and relatives of the prisoners:</b> <input type="checkbox"/> no		
<b>E9.f The participants can communicate freely about the situations that they observe in the institutions:</b> <input type="checkbox"/> yes			
The participants can express their opinions in front of the institution’s governors, in front of the penitentiary administration itself, the ombudsman (mediator) or the judges.			
<b>1- Which interventions are the most common? most often? (humanitarian, access to law and justice for friends and family, accompanying newly freed prisoners, school children, social and cultural, sporting, sanitary, recreational)?</b>	The most common interventions in 2016 concerned education and professional training (26%), social integration (23%), health and drug addiction (21%).		
<b>2- Do participants receive remuneration on behalf of the</b>	Some of the intervening organizations receive subsidies. The association “ <i>Solidarios</i> ”, for		

State or from an international instance (foundations, money from an international organization)?	example, received different types of public grants for their social and cultural activities in prison. <a href="#">89% of their budget in 2017, came from public subsidies.</a>
<b>3-</b> Are there any obstacles that have been reported as hindering the proper functioning of the activities? What are they?	One of the problems is the lack of facilities. This is due to the large number of activities and participants. Getting prisoners to participate in a closed prison environment is often more complicated. Security standards in prisons are strict and they limit what one can do. Before any activity can take place, the public authorities at City Hall must provide an authorization.
<b>4-</b> Which violations or breeches on the part of the penitentiary administration do humanitarian organizations deal with?	The prison administration takes care of the prisoner's basic needs. No humanitarian intervention is organized.
<b>5-</b> Do organizations accompany prisoners when they leave the prison?	In an open prison environment, there are organizations which intervene and provide programmes to help accompany the prisoners leaving the prison. In 2016, there were 6,985 people in an open prison environment. There were the same types of intervention programmes in the open prison environment as for the closed prison environment. In 2016, 255 participating NGOs were in charge of 1094 activities [ <sup>33</sup> ].  [ <sup>33</sup> ]: General Secretary of penitentiary institutions, " <a href="#">General report 2016</a> ", pp.128-129.
<b>6-</b> Is confidentiality guaranteed between prisoners and the people who intervene in the activities?	The law provides for the confidentiality between the interveners and the prisoners. The confidentiality can be breeched for security reasons or in order to stop behavior that could have a negative effect on the prisoner's rehabilitation process.

## **E10. Financial resources and indigence**

### **E10.a The penitentiary administration offers help to destitute prisoners:**

☐ yes

People with no financial resources cannot have access to the telephone or any other paid service inside the prisons.

Every six months, the penitentiary administration offers work and clothes to prisoners in need.

<b>1-</b> Describe the typical social and economic profiles of the prisoners.	The typical prisoner profile is: a male, approximately 39 years old, with a precarious situation, a low level of education, coming from a context of exclusion and vulnerability and possibly with mental health issues. The prisoners are predominantly from the most disadvantaged social groups.  <a href="#">Women prisoners</a> also experience a sort of social exclusion before their incarceration, in particular
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	poverty.
<b>2-</b> Does the penitentiary administration provide for basic necessities? (meals, water, hygiene products...) If it is not the case, how can prisoners meet their own basic needs?	The penitentiary administration takes care of the <a href="#">prisoner's basic needs</a> . It provides: meals, free access to drinking water, hygiene and cleaning products (soap, shampoo, clothes, bed sheets) as well as medical assistance.
<b>3-</b> Can prisoners buy these products in the prison? How is the buying and selling of products organized? Which products are bought most often?	In addition to the products that the prison administration provides, the prisoner can buy the products directly in the prison shop. Certain products are forbidden. The prisoners are allowed to buy: food that does not need to be cooked, tobacco, coffee, tea, clothes and toiletries. Items such as books or televisions can be bought outside of the facilities through a "messenger".
<b>4-</b> Does the administration authorize cash to circulate within the prison? If it is the case, explain how it works, daily. If it is not the case, explain how prisoners use alternative means of exchange.	The circulation of cash in prison is not authorized.
<b>5-</b> If the circulation of cash is forbidden, is the cash deposited onto a nominative account (or another type of account)? Who is authorized to deposit money on this account? What is the procedure?	<p>Banking operations are made through bank transfers and money orders at the counter. The first option, the bank transfer, results in fees charged to the person who is sending the money. The operations done at the counter must be carried out in the prison where the person is incarcerated. The penitentiary staff point out that these new rules create more work.</p> <p>The Ombudsman drew attention to deteriorated conditions concerning the circulation of money on the prisoners' personal accounts. The prisoners have difficulties receiving money on their bank accounts.</p> <p>The prisoners' families reported that they were not informed of the changes. This resulted in a considerable number of setbacks and losses [^34].</p> <p>[^34]: Ombudsman, "<a href="#">Annual Report 2017</a>", 2018, p. 203.</p>

### **E11. The prisoners' expression**

<b>E11.a</b> Are prisoners allowed to submit individual requests to the authorities? <input type="checkbox"/> yes	<b>E11.b</b> Do prisoners with the right to vote have the possibility of doing so? <input type="checkbox"/> yes
<p>The 1995 criminal code implemented this right. The prisoner cannot, however, run as a candidate.</p> <p>Any person who is imprisoned has the right to submit requests and file complaints concerning his or her treatment and the functioning of the correctional facility.</p> <p>The prisoner can submit requests orally or in writing to: the penitentiary authorities (to the staff, the head of service, the director of the establishment), the judicial authorities, the Ombudsman and the</p>	<p>Every prisoner has the right to vote except if this right was taken away by judicial authorities.</p> <p>Prisoner participation in the electoral process is very low. Only 3,681 prisoners exerted their right to vote in the 2011 elections.</p>



prosecutor (public ministry).	
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<b>1-</b> Do prisoners have the right to meet or group together? Give examples.	Prisoners do not have the possibility of creating associations, but they are allowed to meet up in groups (respect units) as specified in the section entitled: Personnel - the penitentiary system.
<b>2-</b> Can the prisoners create a newspaper or a radio programme? If the answer is yes, how is the broadcasting ensured?	There are radio programmes organized for the prisoners. This is notably the case in the prison "A Lama" in Pontevedra.

*Additional comments:*

The article 49.5 of Penitentiary Regulations requires that requests for communication with journalists, solicited by the prisoners, be authorized by the Prison Governor. An association for human rights in Andalusia alerted the Ombudsman in 2017 about the difficulties that the prisoners encountered when trying to meet with journalists or obtain interviews. The association denounced a case where a prison director refused an interview with a journalist without any justification (no written procedure). The Ombudsman pointed out that even though a refusal can be given at the discretion of a Prison Governor, it must be legally justified [^35].

[^35] Ombudsman "[Annual Report 2017](#)", 2018, p. 206.

## **E12. Protest movements**

<b>E12.a</b> How many protest movements were reported over the course of last year? <input type="checkbox"/> information not available	<b>E12.b</b> The evolution in the number of protest movements compared to the previous year: <input type="checkbox"/> information not available
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<b>1-</b> Which protest movements were most frequently reported?	The penitentiary administration does not make the numbers of collective movements over the course of the year public.
<b>2-</b> What did the prisoners request? Describe last year's most striking events.	In March, a Catalan prisoner in « <a href="#">La Modelo</a> » climbed onto the prison's roof and stayed there for 11 hours. He was protesting his forthcoming transfer to a prison which was located far away from his family and friends.  Shortly afterwards, in June, "La Modelo" was permanently closed. An increase in incidents was observed during the months preceding its closure. The prisoners were worried about being transferred to unfamiliar prisons.
<b>3-</b> Do protest movements ever generate violent reactions on the part of agents or cellmates? What are the consequences? (number of victims, material damage, disciplinary actions)?	Force feeding is authorized, in the case of a hunger strike, if the doctor reports an immediate danger for the prisoner.

**F1. Health care organisation**

<b>F1.a The ministry responsible for the Prison Health system :</b> <input type="checkbox"/> Ministry of the Interior <input type="checkbox"/> The Health Ministry in Catalonia and in Basque country.	<b>F1.b The budget that is allocated to the prison health system:</b> <input type="checkbox"/> information not available.
<p>Several organizations in the civil society advocate for the transfer of the distribution of responsibilities concerning penitentiary health care to each autonomous community. This would make it easier to coordinate health programs, transfer medical files and follow up on treatments. A law was promulgated in 2003 but has not yet been enacted.</p> <p>In Catalonia and in Basque country, the responsibilities of this service were transferred to the Health Ministry. In these two communities, the number of hospitalizations decreased.</p>	
<b>F1.c A nurse or a care unit is present in each prison:</b> <input type="checkbox"/> yes	
Each facility has a first aid room with beds.	

<b>1- What is the gradation of health care provided in the different prisons (primary for general medicine, secondary for specialized medicine, tertiary if hospitalization is possible) Are disparities identified according to the institutions? If so, describe them.</b>	<p>A medical team dedicated to first aid is present in each establishment. It provides outpatient health services.</p> <p>The team consists of at least one general practitioner and two nurses. A psychiatrist, a dentist and sometimes a pharmacist, intervene periodically. Other specialists such as ophthalmologists, gynaecologists or dermatologists are rarely present. Requests for medical consultations are not honoured promptly. There are generally not enough doctors. The ratio is sometimes one professional per 1,000 prisoners.</p> <p>A psychiatrist visits the <a href="#">Almeria prison</a> once a month. On this occasion he consulted three patients while the prison accommodated 810 people, 32 of whom had serious psychiatric disorders.</p> <p>Sixteen prisons have a pharmacy service: nine are under the supervision of a hospital pharmacy specialist and seven are under the responsibility of a non-specialist pharmacist. The other prisons do not have a pharmacy. In spite of this, access to treatment is nevertheless guaranteed.</p> <p>Some patients with special needs consult directly at the hospital.</p>
<b>4- Do medical staff have sufficient independence from the prison administration?</b>	<p>Three Spanish organizations, the Collegiate Medical Organisation (WTO), the Prison Health Society (SESP) and the Association for Human Rights in Andalusia (APDHA), point out the dysfunctions resulting from the <a href="#">dependence of the health system on the Ministry of the Interior</a>. They find it difficult to combine prison rules with medical treatment. Doctors in prisons are limited by budgetary, safety and regulatory criteria. Health care imperatives may be</p>

	compromised. Physicians are subordinate to non-professional health supervisors.
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*Additional comments:*

The legislation provides that persons deprived of their liberty are entitled to medical assistance equivalent to that provided to other citizens. Civil society organizations report non-compliance with this legislation. This clearly leads to inequality concerning access to care.

The MNP denounces the lack of medical staff [^36].

[Four doctors per 1000 prisoners](#) are present at Zuera prison. Nurses sometimes perform on-call duty without doctors being present. A doctor denounces the lack of interest given to prisoners, despite favourable legal provisions.

Each prison organizes medical assistance according to the number of staff and/or neighbourhoods. The unwritten standard is a ratio of 100 patients to one doctor.

[^36]: Ombudsman, "[Annual Report 2017](#)", 2018, pp. 197-198.

## **F2 Access to care**

<b>F2.a A medical examination is carried out on entering prison:</b> <input type="checkbox"/> yes	<b>F2.b A medical file is opened on entering prison:</b> <input type="checkbox"/> yes
<p>New incoming prisoners are subject to blood tests and other medical examinations.</p> <p>The CPT recommends that all institutions keep a register of the trauma suffered by prisoners before admission or during their detention.</p>	
<b>F2.c Access to healthcare is subject to a charge:</b> <input type="checkbox"/> no	<b>F2.d Access to the infirmary is via:</b> <input type="checkbox"/> oral request
	<p>The CPT's delegation received complaints in all the establishments visited, indicating that requests for consultation are processed late. Supervisors are responsible for responding to these requests.</p> <p>The CPT recommends that prisoners should be able to contact the health service directly and confidentially. He suggested the installation of mailboxes exclusively managed by the nursing staff.</p>
<b>F2.e The respect of medical confidentiality is guaranteed:</b> <input type="checkbox"/> in most cases	
<p>Medical confidentiality is breached when the patient is examined in hospitals. The results of the tests carried out are not given to him personally.</p> <p>Sometimes police officers are present when the doctor</p>	

comments on the patient's medical results. APDHA reported the case of a prisoner who refused to be examined by her gynaecologist because of the presence of guards in the consultation room.

<p><b>1-</b> Is medical follow-up of prisoners provided during incarceration? Is the staff equipped to respond to medical emergencies?</p>	<p>The union at Jaén's prison denounced the death of a prisoner who was the victim of a heart attack during the night. No medical personnel were present. Supervisors handle emergencies at night. The Ombudsman considers that the permanent presence of a health service at night could prevent this type of death [^37].</p> <p>[^37]: Ombudsman, "<a href="#">Annual Report 2017 and debates in the General Courts</a>", 2018, p. 174.</p>
<p><b>2-</b> Describe access to drug treatments:</p> <ul style="list-style-type: none"> <li>- Access to medicines</li> <li>- Availability</li> <li>- Distribution (nurses, supervisors, inmates?)</li> </ul>	<p>The administration is responsible, according to the legislation, for the prisoners' health. The prison administration is required to provide medicines. According to SGIP, the average amount spent on pharmaceutical products in 2016 was 28 euros per prisoner, per month (12.5% less than the previous year)[^37].</p> <p>The OMC, the SESP and the APDHA criticize</p> <p>The WTO, SESP and APDHA <a href="#">criticize the difficulties of accessing health care throughout the country</a>. These associations claim that "the State does not guarantee it", and that "prisoners" access to healthcare is precarious". They highlight the difficulties of accessing treatment, particularly for hepatitis C.</p> <p>[^37]: General Secretariat of Penitentiary Institutions, "<a href="#">General Report 2016 SGIP</a>", 2017, pp. 147-165.</p>
<p><b>3-</b> Do hospitals have units dedicated to prisoners?</p>	<p>Each facility is attached to a reference hospital and must have a secure hospital unit to receive patients (hospital beds with police guard).</p>
<p><b>4-</b> Is deficient or absent medical care reported during the year?</p>	<p>Many reports have indicated that access to prescribed treatment, which is essential, is not possible. This is due to the budgetary restrictions imposed.</p> <p>APDHA reports treatment deficiency in cases of hepatitis C. This disease affected more than 22% of the prisoners in 2014, that is to say 13,003 people. The organization estimates that only 1 to 3% of infected people receive treatment (between 130 and 390 people). This results in complications and a significantly reduced life expectancy [^38].</p> <p>[^38]: The Association for Human Rights of Andalusia, "<a href="#">Health in prison, stolen health from within four walls</a>", 2016, p. 35.</p>

### **F3. Somatic care**

<p><b>1- What are the most common diseases in prison?</b></p>	<p>The most common diseases in 2016 in institutions under the authority of PIMS were [^39]:</p> <ul style="list-style-type: none"> <li>- tuberculosis (5%)</li> <li>- HIV/AIDS (5.2%)</li> <li>- Hepatitis C (18.7%)</li> </ul> <p>[^39]: General Secretariat of Penitentiary Institutions, "<a href="#">General Report 2016 SGIP</a>", 2017, pp. 164-170.</p>
<p><b>2- Are measures to prevent epidemic or communicable diseases implemented (segregation, vaccination, treatment, condom distribution, syringe distribution, fumigation, mosquito nets, etc.)</b></p>	<p>The prisoner is subject to medical examinations at the time of admission in order to prevent epidemic and communicable diseases.</p> <p>A needle and syringe exchange programme has been in place in prisons since 1997. The prevalence of HIV/AIDS among injecting drug users is 40%. Condoms are available.</p> <p>The evaluation of this controversial program showed:</p> <ul style="list-style-type: none"> <li>- that it does not increase drug use and injection</li> <li>- that it reduces risk behaviour and disease transmission, including HIV and the hepatitis C virus</li> <li>- that it has positive results on the health of prisoners, with a drastic reduction in overdoses</li> <li>- that it is efficient in a significant number of prisons.</li> </ul> <p>Tuberculosis is common. An X-ray is taken of all prisoners who show the first symptoms of the disease. This examination is carried out by a doctor.</p>

#### **F4. Psychological care**

<p><b>F4.a Percentage of inmates with mental disorders:</b></p>	<p>40% of the prison population has mental disorders.</p> <p>8% concern serious mental illnesses</p>	<p>Date: 2016</p>	<p>Source: APDHA [^40]</p> <p>[^40]: The Association for Human Rights of Andalusia, "<a href="#">Health in prison, health stolen from within four walls</a>", 2016, p. 23.</p>
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<p><b>1-</b> Please describe the organization and quality of psychiatric care provided in prisons.</p>	<p><a href="#">Few institutions have psychiatric units</a>, despite legal provisions.</p> <p>Almost 8% of the people detained in Spain suffer from serious mental disorders (about 4,700 people). Since 2005, the prison administration has been setting up a specific programme for prisoners suffering from certain mental illnesses (PAIEM, <i>Programa de Atención Integral a Enfermos Mentales</i>). The number of prisoners participating in this programme in 2017 was 2,029 (1,892 participants in SGIP prisons and 137 in Catalonia), representing 3.4% of the prison population.</p> <p>PAIEM is present in the majority of institutions. NGOs play an important role in the implementation of the programme. The Ombudsman reports that the programme does not function properly in most of the prisons visited. Care is limited to diagnosis and pharmacological follow-up. Appropriate therapeutic treatment is often lacking.</p> <p>The Ministries of Health and Justice signed an agreement in 2017 to include mental health teams in all prisons. The Catalan prison administration <a href="#">allocates, since 2018, 6.5 million euros</a> in total, 18.5 million per year to mental health in prisons.</p>
<p><b>2-</b> Are persons with mental disorders detained in specific institutions (e.g. a unit which has been created in the penitentiary institution or in psychiatric hospitals)? If so, are they separated from other patients? Which ministry is responsible for these institutions?</p>	<p>There are two psychiatric prisons, in Seville and Alicante. They are under the supervision of the Ministry of the Interior.</p> <p>The Brians 1 prison in Catalonia has a penitentiary psychiatric hospitalization unit. The Brians II facility houses a psychiatric rehabilitation unit with 22 places. It also has a partnership with Sant Joan de Déu Hospital for the intensive treatment of people with severe mental disorders. Both units operate under the supervision of the Catalan Department of Justice.</p>
<p><b>3-</b> Are supervisors and health personnel (nurses, general practitioners) trained to care for people with mental disorders?</p>	<p>The Ombudsman observed a shortage of specialized professionals, particularly in the Seville prison psychiatric hospital. In 2017, at the time of the delegation's visit, the hospital had only one psychiatrist to meet the needs of 169 prisoners. The list of jobs for this department shows that there were supposed to be 4 medical specialists in psychiatry working in this department [^41].</p> <p>[^41]: National Preventive Mechanism, "<a href="#">Annual Report 2017 MNP</a>", 2018, p. 168.</p>
<p><b>4-</b> Do the people who are dependent on products benefit from special follow-up? (alcohol, tobacco, narcotics, psychotropic drugs) Can they access substitution treatment?</p>	<p><u>Smoking</u>: the percentage of smokers in prisons is higher than that of the general population. Since 2012, the prison administration has been expanding information and awareness campaigns on tobacco use. It organizes conferences and specific weaning programs. The duration of the programs varies from two to three months. After the program is completed, participants are monitored to assess the results. This program was implemented in 2016 in 18 institutions. It led to the treatment of 315 prisoners.</p> <p><u>Alcoholism</u>: the program provides information on the risks associated with alcohol abuse, suggests strategies to stop drinking and organizes group workshops to increase patient motivation. The average quarterly participation in 2016 was 1,300 inmates.</p> <p><u>Drug addiction</u>: Combating drug addiction in prisons is one of the priorities of the health programmes. Several intervention programmes were developed around three interdependent fundamental areas: prevention, assistance and social reintegration. Specific therapeutic areas were set up. People who are dependent on products have access to substitution treatment, including methadone.</p>

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**G1. Security measures**

<b>G1.a The safety functions are assigned to:</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> the prison administration</li> <li><input type="checkbox"/> the police or gendarmerie</li> <li><input type="checkbox"/> private companies</li> </ul>	<b>G1.b The penitentiary park has institutions, districts or cells equipped with highly reinforced security devices (surveillance cameras, continuous isolation, limited visitation regime):</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> yes</li> </ul>
<p>The Security Department of the Ministry of the Interior is responsible for managing prison security.</p> <p>The Ministry of the Interior delegates external security of the prisons to private companies.</p> <p>However, article 63 of the Prison Regulations states that "the external security of institutions is the responsibility of the State Security Forces and Corps (FFCCSE) or, where applicable, the police bodies of the Autonomous Communities".</p>	<p>Among the enhanced security measures are:</p> <ul style="list-style-type: none"> <li>- individual cells</li> <li>- solitary walks</li> <li>- reduced contact with supervisors</li> <li>- frequent cell changes</li> </ul> <p>There is no time limit on the assignment to this type of regime.</p>
<b>G1.c Supervisory personnel have access to:</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> firearms</li> <li><input type="checkbox"/> non-lethal weapons (tasers, tear gas, others)</li> </ul>	<b>G1.d Search techniques that are used:</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> pat down or frisk searches</li> <li><input type="checkbox"/> strip searches</li> <li><input type="checkbox"/> body cavity searches</li> </ul>
<p>Personnel is authorized to use firearms only in cases of imminent danger to persons or to the institution.</p>	
<b>G1.e Family members are subjected to searches:</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> pat down or frisk searches</li> <li><input type="checkbox"/> strip searches</li> <li><input type="checkbox"/> body cavity searches</li> </ul>	<b>G1.f Professionals (lawyers, doctors, visitors, external interveners) are subject to searches:</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> pat down or frisk searches</li> <li><input type="checkbox"/> strip searches</li> <li><input type="checkbox"/> body cavity searches</li> </ul>
<p>Visitors for the prisoner must pass through an electric gate. Article 45 of Decree 190/1996 allows a visitor to be strip-searched if there is reason to believe that the visitor is concealing an unlawful object ; in the event that the visitor refuses to allow the search to be carried out, he/she is prohibited from communicating with the prisoner.</p>	<p>Lawyers, religious personnel and other accredited persons are searched with a metal detector.</p>
<b>G1.g The searches of prisoners are recorded on film:</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> no</li> </ul>	<b>G1.h Body cavity searches are carried out by a doctor :</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> no</li> </ul>
<p>The cells are not equipped with cameras. The searches are not filmed. Strip searches are carried out in a room provided for this purpose.</p>	<p>Intimate searches (body cavity searches) are not carried out by a doctor, but must be carried out by officials of the same sex as the detained person. They are carried out in an enclosed place, without the presence of fellow prisoners, and preserving, as far as possible, privacy (in accordance with the provisions of Article 68 of Royal Decree 190/1996).</p>



**G1.i** The personnel carrying out the searches are clearly identifiable:  
☐ yes

<b>1-</b> Do staff use means of restraint (handcuffs, shackles) when travelling within the institution? Who are the persons concerned? Is the use of shackles and handcuffs systematic in the event of a transfer (to the hospital, the court, between institutions)?	Constraints are used only in the event of a transfer to solitary confinement or the high security district after an incident.
<b>2-</b> Do cell searches lead to abuse or damage?	According to the Observatory of the Penal System and Human Rights, abuses such as the deterioration of a person's personal belongings persist.

## **G2. Incidents**

<b>G2.a</b> Evasions occurred during the previous year: <input type="checkbox"/> yes	<b>G2.b</b> Mutinies took place in the previous year: <input type="checkbox"/> yes
<a href="#">Two escapes took place</a> in July 2017 at Villabona prison, by means of food carts.	A prisoner detained in a closed regime, put fire to two cells over three days, in August 2017, in Teixeiro prison (Galicia). During the second fire, he tried to escape with six other inmates. They broke the security gate and used homemade weapons. The ACAIP supervisor union <a href="#">reported in a press release</a> the recurrence of this type of event.
<b>G2.c</b> Fires occurred during the previous year: <input type="checkbox"/> yes	<b>G2.d</b> Specialized staff intervene when an incident is so serious that order cannot be restored: <input type="checkbox"/> yes
Two prisoners in Picassent prison (Valencia) <a href="#">attempt, in December 2017</a> , to set fire to the mattress that is in their cell. They are placed in a closed district when public servants see a large amount of smoke in the corridors. Fireproof mattresses release a large amount of smoke that prevents breathing. The other inmates in the district were evacuated. One of the prisoners responsible for the incident had already set fire to his cell a few days earlier.	Article 72 of the Prison Regulations provides that, in cases of serious disturbance of order and serious danger to persons or facilities, the Director of the prison may request the intervention of the police ("Fuerzas de Seguridad de guardia"). Law enforcement agencies may, unlike supervisors, use firearms, which are used within the limits established by the legislation for FFCCSEs and by the General Prison Organization Act.

**H1. Disciplinary regime**

<b>H1.a</b> Disciplinary offences are investigated: <input type="checkbox"/> in most cases	<b>H1.b</b> The imposition of a disciplinary sanction is the subject of a contradictory debate: <input type="checkbox"/> in most cases
The instruction file must include the instructor's identification number and position. These surveys are sometimes trivialized.	The prisoner has three working days after receiving notification of the sanction, to present a written defence or to appear in front of the instructor and plead verbally.
<b>H1.c</b> The detained person may be assisted by a lawyer: <input type="checkbox"/> yes	<b>H1.d</b> In the event of disciplinary action deemed abusive, recourse is possible: <input type="checkbox"/> yes
	Appeals are submitted to the Director of the establishment, who forwards them to the judicial authority. A sealed copy is also given to the prisoner.  Cases of appeal concern disciplinary sanctions, initial classification and grade progressions and regressions, as well as any resolution affecting fundamental rights or prison rights and benefits.
<b>H1.e</b> The disciplinary sanctions can be collective : <input type="checkbox"/> no	

<b>1-</b> How is the disciplinary regime framed? (Code of Criminal Procedure, Rules of Procedure, other). Who decides to apply a sanction?	Discipline within prisons is regulated by <a href="#">the General Prison Organization Act</a> of 1979 and by <a href="#">the Prison Regulations</a> , promulgated in 1981 and amended in 1996.
<b>2-</b> Who decides on the imposition of a sanction? (Judge of enforcement of sentences, collegiate body, director of the institution, other categories of staff, prisoners...) If a collegiate body is a decision-maker, who is it composed of ?	Any disciplinary measure is pronounced by a collegial body: the Disciplinary Commission. Article 276 of the Penitentiary Regulations stipulates that the Disciplinary Commission is chaired by the Director of the institution and composed of the following persons: the Deputy Director of the regime, the Deputy Director of Security, a Legal Officer of the institution, a Head of Department and a member of the prison staff (chosen annually)
<b>3-</b> What are the possible disciplinary sanctions? (placement in disciplinary block, deprivation of correspondence, deprivation of visits, transfers, suspension of activities, physical violence...). Are they provided by law ?	Article 42 of the 1979 Prison Act provides for various disciplinary sanctions: (a) Solitary confinement, which may not exceed 14 days (b) Isolation for up to seven weekends (c) Deprivation of exit permits for a maximum of two months (d) Limitation of oral communications, for a maximum of one month (e) Deprivation of common walks and recreational activities, up to a maximum of one month. (f) A warning

## **H2. Solitary confinement**

<b>H2.a An inmate can be placed in solitary confinement for :</b> <input type="checkbox"/> disciplinary reasons <input type="checkbox"/> protection reasons	<b>H2.b Can minors be placed in solitary confinement ?</b> <input type="checkbox"/> yes
<p>Persons who have committed sexual offences or persons belonging to the LGBTI community may be placed in isolation areas to ensure their safety. They may also be placed informally in the infirmary or in the arrivals' ward. Sentenced state officials are also placed in separate quarters to avoid attacks.</p> <p>Placement in solitary confinement, as a disciplinary measure, is applied in cases of serious misconduct. In the event of aggression, obvious violence or recurrent and serious disruption of normal coexistence in the institution (article 42 of the Prison Act).</p> <p>An inmate may also be placed in solitary confinement if prohibited items, such as weapons or narcotics, are discovered during a search.</p>	<p>The legal duration of placement of minors in solitary confinement may not exceed seven days</p> <p>During its visit in 2016, the CPT identified cases where minors spent 21 days in solitary confinement. The measure was allegedly applied three times, with an interval of one night before its renewal [^42].</p> <p>[^42]: European Committee for the Prevention of Torture, "<a href="#">Report of the visit from 27 September to 10 October 2016</a>", 2017, p. 8.</p>
<b>H2.c Is the decision to place a prisoner in solitary confinement subject to adversarial debate ?</b> <input type="checkbox"/> in most cases	<b>H2.d The decision to impose solitary confinement is made by:</b> <input type="checkbox"/> prison guards <input type="checkbox"/> enforcement judge <input type="checkbox"/> the director of the prison
<p>The CPT notes, contrary to its visit in 2011, that the classification of prisoners in the FIES file does not automatically imply their placement in a specific block. Several prisoners classified in the FIES register are housed in the Puerto III and Villabona prisons in ordinary quarters while being subjected to first-grade security measures. For example, their exit time is limited to four hours per day.</p>	<p>The judge must approve the solitary confinement measure if it exceeds 14 days (article 76 of the Prison Act).</p>
<b>H2.e Is the decision to place a prisoner in solitary confinement subject to adversarial debate ?</b> <input type="checkbox"/> in some cases	<b>H2.f Is the length of solitary confinement limited ?</b> <input type="checkbox"/> yes, for disciplinary measures  <b>Is renewal possible?</b> <input type="checkbox"/> yes, for disciplinary measures
<p>The isolation provided for in Article 75 of the Prison Regulations, at the initiative of the Director, does not provide for a defence for the party concerned, nor the possibility of making written or verbal allegations. Preventive solitary confinement should only be applied to "protect the life or physical integrity of the prisoner and for the safety and good order of the institution" but it is sometimes used as an arbitrary sanction.</p>	<p>Article 42 of the Prison Act regulates the duration of placement in disciplinary isolation. Isolation may not exceed fourteen days or seven consecutive weekends in the case of a single disciplinary offence. A maximum of 42 days is set by law when the prisoner has committed several disciplinary offences.</p>
<b>H2.g Is the length of solitary confinement respected in practice?</b> <input type="checkbox"/> no	<b>H2.h Can inmates ask for a re-examination of the situation?</b> <input type="checkbox"/> yes, for disciplinary measures

During its last visit, the CPT noted that in several institutions, consecutive periods of solitary confinement for disciplinary purposes were interrupted for a single day and then renewed.	The appeal does not suspend the application of the isolation measure.
<b>H2. The frequency of phone calls:</b> <input type="checkbox"/> the right for phone calls is removed	
The administration must indicate the time duration of the telephone call ban.	

<b>1-</b> Does the solitary confinement take place in special blocks or specific facilities? Describe places	Isolation measures are carried out in a dedicated area. An isolation area is present in all institutions. The cells have a surface area of about 10m <sup>2</sup> . They are equipped with a metallic bed and a table attached to the wall, a shelf and a chair. A toilet, a sink and a shower are also inside the cell. Brightness and ventilation are considered satisfactory. The areas have a small gymnasium, a classroom and walking paths of various sizes [^43].  [^43]: European Committee for the Prevention of Torture, " <a href="#">Report of the visit from 27 September to 10 October 2016</a> ", 2017, p.34.
<b>2-</b> How many hours per day does an inmate spend in solitary confinement?	A detained person in solitary confinement spends 21 hours a day in a cell. A maximum of two prisoners may be together during the walk time. There may be an exception of five if activities are planned. The courtyards are not very welcoming: grey, without decoration, without vegetation and a view that does not exceed ten metres.
<b>3-</b> If an inmate is regularly involved in activities, can they continue to participate in these during the solitary confinement?	Persons placed for disciplinary misconduct lose the right to participate in cultural or sporting activities. This right is gradually restored by the processing commission so that the detained person can demonstrate good conduct.
<b>4-</b> Is the visiting regime changed? (i.e. the frequency or limited duration...)	Prisoners sanctioned by isolation in a cell or isolation during the weekend are not eligible for visits.

## I- Links with the outside world

### 1. Visiting rights

<b>1.a</b> Do all inmates have the right to receive visits ? <input type="checkbox"/> yes	<b>1.b</b> The time it takes to obtain permission for a visit permission is: <input type="checkbox"/> less than one week
<b>1.c</b> Persons authorised to visit are: <input type="checkbox"/> Relatives and friends	<b>1.d</b> Can children be present during visits ? <input type="checkbox"/> yes, specific arrangements are planned

<p>To obtain a visit permit, family members must schedule an appointment with the facility. During the appointment, the name, address, identification, the day and time of the visit, and the relationship with the detained person (through the family record book) should be provided.</p> <p>The regime is different for relatives outside the family. The prisoner must apply for the visit permit by means of a letter addressed to the prison director. It must indicate the name and identity of the relative. The Director may decide whether or not to authorize it.</p>	<p>Family visits are specifically arranged for children. Such visits may be requested by detained persons who are not on ordinary leave. They take place in a specially adapted place where activities for children are organized. These visits take place once a month or more. They last between one and three hours. A maximum of four members per visit is allowed.</p>
<p><b>1.e Are conjugal visits authorised ?</b>  <input type="checkbox"/> yes</p>	<p><b>1.f If the conjugal visits are authorized, inmate should attest:</b>  <input type="checkbox"/> an emotional bond of at least five months</p>
<p>Conjugal visits, called "vis-à-vis intimes", are possible for detained persons who do not have ordinary leave. They take place at least once a month. They last between one and three hours and are carried out in appropriate premises that guarantee confidentiality. These visits are possible for a prisoner and a free person, between two imprisoned persons and between two persons of the same sex.</p> <p>Another type of visit is possible: "shared life visits". These visits are reserved for prisoners, whether married or not, but who, before their imprisonment, were in a stable relationship. Instruction 4/2005 provides for at least one "communal life visit" per term, for a maximum duration of six hours. The premises in which these visits take place must be furnished and equipped with vending machines for drinks and food products. The duration of these visits may be reduced by half in establishments that do not yet have sufficient and adequate premises.</p>	<p>A stable emotional relationship must be demonstrated, in order to benefit from conjugal visits. Instruction 4/2005 of the General Directorate of Prisons specifies that intimate visits are subject to written proof of a stable emotional relationship of at least six months, which is not always easy. The sexual orientation of the persons concerned is not taken into account</p> <p>Some prison judges accept relationships established by correspondence. The visitor must have a clean criminal record.</p>
<p><b>1.g Are there visiting rooms with separation devices?</b>  <input type="checkbox"/> yes</p> <p>Regular weekend visits are made in an individual cabin with a thick glass between the inmate and his or her family.</p>	
<p><b>1-</b> Describe the procedures for the visit. (i.e. an individual visiting room, a collective visiting room, the possibility of sharing the meal, etc.).  Indicate the number of people allowed to visit an inmate at the same time.</p>	<p>Each prisoner is entitled to two "ordinary" visits per week, each lasting at least 20 minutes, or one visit per week of 40 minutes. These take place towards the end of the week, usually at weekends, and are limited to four visitors. They are carried out in an individual cabin separated by thick glass. Only family and friends who have been previously authorized may visit an incarcerated relative.</p>
<p><b>2-</b> Indicate the length of visits and their frequency for untried and convicted prisoners, or any difference according to the type of establishment.</p>	<p>"Ordinary" visits apply to 1st and 2nd grade detainees. Prisoners in the 3rd grade can meet their relatives as many times as they wish according to their working hours.</p>

	<p>Vis-a-vis meetings take place once a month for three hours.</p> <p>The "communal life visits" last six hours and take place every three months.</p> <p>Emotional ties tend to deteriorate, either because the family or the prisoner does not want to maintain contact or because they do not have the resources to regularly fund trips to prison.</p>
<b>3-</b> What objects are visitors allowed to bring in? (i.e. food, clothes, books...)	<p>Visitors can bring food, drinks, books and clothing. The distribution of these objects varies according to the type of visit.</p> <p>For ordinary visits, the objects are kept at the entrance, inspected and then handed over to the prisoner. For other visits, where supervision is less important, relatives hand over the objects themselves to the person concerned, but the latter is often searched at the end of the visit</p>
<b>4-</b> For the assignment of an inmate to an establishment is taken into consideration whether their relatives may visit them?	<p>The assignment of a detained person to an institution primarily takes into account the interests of the prison administration. The case of Basque prisoners, who are far from their families, illustrates this situation.</p> <p>For more information on the family ties of Basque prisoners, see "<i>Political prisoners</i>".</p>

*For information related to searches of visitors see the section on 'Security'.*

## **12. Correspondence and phone calls**

<b>12.a</b> Is correspondence authorised ? <input type="checkbox"/> yes	<b>12.b</b> Is correspondence subject to censorship ? <input type="checkbox"/> yes, for prisoners under the FIES regime
<p>The sending and receiving of letters is unlimited, but the cost is at the prisoner's expense.</p>	<p>All envelopes must be scanned but letters are not censored unless it is deemed necessary for regulatory, security or to protect those affected by the crime. For the same reasons, a letter may be refused.</p> <p>Letters received are normally opened in the presence of the detained person to check their content.</p> <p>Letters sent from a closed prison or penal institution are checked before being sent. Letters are generally not checked before being sent to open prisons.</p>
<b>12.c</b> According to internal regulation the correspondence can be received in a sealed envelope: <input type="checkbox"/> information not available	<b>12.d</b> Is the receipt of parcels allowed? <input type="checkbox"/> yes, but there are some restrictions
<b>12.e</b> Are phone calls authorised ? <input type="checkbox"/> yes	<b>12.f</b> Is the cost of phone calls in line with market prices? <input type="checkbox"/> no

<p>The prisoner may make calls but cannot receive any. In practice, two calls per week are allowed, although the prison regulations allow five calls per week (article 47). Calls should not exceed five minutes. The number of appeals allowed may vary depending on the facilities or detention regimes.</p> <p>Prior authorization must be granted by the management of the establishment, indicating the contact details of the persons, their address, telephone number and the relationship maintained.</p>	<p>The cost of calls is at the expense of the prisoner.</p> <p>The Telefónica company has a monopoly on the sale of telephone cards and they are more expensive than they would be outside the prison.</p>
<p><b>[2.g] Can phones calls be wiretapped ?</b>  <input type="checkbox"/> yes, for prisoners under the FIES regime</p>	<p><b>[2.h] Is the use of cell phones authorised ?</b>  <input type="checkbox"/> no</p>
<p><b>[2.i] Do inmates and their correspondents have access to video calls ?</b>  <input type="checkbox"/> yes</p>	<p><b>[2.j] Is e-mailing possible ?</b>  <input type="checkbox"/> no</p>
<p>Prisoners who have not received visits for a period of at least four months may request access to videoconferencing facilities after authorization by the prison management.</p>	

<p><b>1-</b> Is the mail always distributed ? If not, why and in which cases ?</p>	<p>All incoming letters must be scanned before being introduced into the centre.</p>
<p><b>2-</b> Indicate the duration and frequency of telephone calls for different categories of inmates or different prison facilities.</p>	<p>Anyone in detention can make up to ten calls per week, regardless of their grade. Calls do not accumulate from one week to the next.</p>
<p><b>3-</b> Where are the phones located ? (i.e. cabins, cells, etc.). Describe the terms for accessing these.</p>	<p>Telephone booths are located in common areas, thus limiting the privacy of calls</p>
<p><b>4-</b> If cell phones are banned, can inmates get them ? Is the procedure known ? Does having a cell phone lead to disciplinary sanctions ?</p>	<p>Although mobile phones are prohibited, detainees are able to acquire them. They buy them through prison officers. A circuit of loan and telephone rent between prisoners is set up. The discovery of a prisoner in possession of a mobile phone leads to disciplinary sanctions, such as isolation for a several days or a ban on recreational walks.</p>

*For information related to confidential exchange with lawyers see the section on 'Access to legal rights'.*

*For information related to phone calls abroad see the section on 'Foreigners'.*

### **[3. Sentences adjustment policies**

<p><b>[3.a] Has a penalty adjustment system been implemented?</b>  <input type="checkbox"/> yes</p>				
<p><b>[3.b] Nombre de personnes exécutant des peines non privatives de liberté :</b></p>	<p>Nombre:</p>	<p>%:</p>	<p>Date:</p>	<p>Source:</p>



<p><b>13.c Can the sentence be adjusted as soon as it is pronounced (ab initio) ?</b></p> <p><input type="checkbox"/> yes</p>	<p><b>13.d Can penalty adjustments be made during ongoing sentences?</b></p> <p><input type="checkbox"/> yes</p>
<p>A sentence can be adjusted as soon as it is pronounced, by means of alternative sentences.</p> <p>Articles 88 and 89 of the Criminal Code provide that judges may replace prison sentences that do not exceed two years with a fine or community service.</p> <p>Community service is regulated and cannot be imposed. Such work is unpaid. Its daily duration may not exceed eight hours, and it requires the consent of the person concerned.</p> <p>The prison sentence may be replaced by security measures, such as a ban on travel to certain places, internment in a psychiatric institution, etc.</p> <p>The custodial sentence may be suspended when the judgment is pronounced under several cumulative conditions. The subject must be sentenced to less than two years' imprisonment and it must be a first time offender. Foreigners may choose to be deported instead of serving the sentence imposed.</p>	<p>According to the provisions of article 90 of the Penal Code: the prison supervision judge may decide to suspend the execution of the remainder of the sentence and grant conditional release to convicted persons who meet the following conditions:</p> <p>The conditions for applying for a sentence adjustment are:</p> <ul style="list-style-type: none"> <li>- Being classified in third grade; having served three quarters of the sentence; and having good behaviour</li> <li>- Having served two thirds of the sentence; having maintained employment or participated in cultural training or activities; and having demonstrated good behaviour</li> <li>- Prisoners serving their first prison sentence, if it does not exceed three years, and who have served half of their sentence while demonstrating good behaviour.</li> <li>- Third grade prisoners over 70 years of age, with no sentence quantum required.</li> <li>- Third grade prisoners with a serious illness.</li> </ul>
<p><b>13.e Can some categories of inmates have their sentences adjusted ?</b></p> <p><input type="checkbox"/> yes</p>	<p><b>13.f In case of refusal of sentence adjustment, can the inmate contest this decision ?</b></p> <p><input type="checkbox"/> information not available</p>
<p><b>13.g Do special permissions for going out exist ?</b></p> <p><input type="checkbox"/> yes</p>	<p>There are three types of exit permits: regular, extraordinary and weekend.</p> <p>1. Ordinary exit permit: To be granted an ordinary exit permit, you must have served a quarter of the total sentence, be classified in second or third grade and demonstrate good conduct. Prisoners in pre-trial detention are not eligible for a permit, as a final sentence must be imposed. Compliance with these requirements does not guarantee that the permit will be granted by the court.</p> <p>2. Extraordinary exit permit: Extraordinary exit permits may be granted to remand prisoners and first-grade prisoners. These permits are granted for specific reasons: death or illness of a family member, childbirth of the prisoner's wife. Monitoring during these permits is stricter. Generally, the detainee remains handcuffed. The duration of the extraordinary permit corresponds only to the time of the event.</p> <p>3. Weekend Outing Permits: To benefit from a weekend exit permit, the detained person must be classified in the third grade.</p> <p>The check-out usually takes place from 4PM on</p>



		Friday until 08:00 on Monday at the latest.	
<b>l3.h</b> Number of inmates eligible to presidential pardon or amnesty in the previous year:	26	Date :2017	Source : <a href="#">Civio – "Buscador de indultos"</a>

<b>1-</b> Who authorises the adjustment of sentences? Are decisions made independently?	The prison supervision judge makes decisions on sentence adjustments (article 90 of the Criminal Code).
<b>2-</b> If pardons or amnesties are granted, what are the reasons and beneficiaries?	<p><a href="#">"The Law of Pardon"</a> is based on the aim of rehabilitating the convicted person and requires the person concerned to provide proof of his or her regrading.</p> <p>This pardon consists in releasing a person before he or she carries out the entirety of his or her deprivation of liberty (before a final sentence if the person has already proven that he or she has been reintegrated into society), or after a partial execution.</p> <p>The pardon is granted by the King, on the proposal of the Ministry of Justice. This power is provided for in the Constitution.</p> <p>Pardons can be granted to persons detained for any type of crime. The offence remains on the person's criminal record.</p> <p>Repeat offenders cannot benefit from this scheme.</p> <p>Amnesty has not existed since 1978. The last amnesty law was passed in 1977, the beneficiaries of which were political prisoners during the democratic transition.</p> <p>A divorced Spanish mother was sentenced in July 2018 to five years in prison for running away and hiding with her two children after a court ordered her to hand them over to their Italian father, whom she accused of violence. Several women's associations have submitted 258,000 signatures to the Ministry of Justice <a href="#">ask for a pardon for Juana Rivas</a>, to ask for Juana Rivas' pardon in order to put an end "as soon as possible" to her "suffering", her "suffering" and that of her children.</p>
<b>3-</b> Is it possible to obtain a sentence adjustment for medical reasons ? If yes, what are the conditions ?	Article 92 of the Criminal Code provides for an early release regime for detainees suffering from a serious and incurable disease. A medical report and the judge's agreement are mandatory.

For information related to penalty adjustment and disciplinary sanctions see the section on 'Disciplinary sanctions'.

### J1. Legal defence

<p><b>1-</b> What are the conditions for receiving assistance from a lawyer ?</p>	<p>Legal aid may apply to Spanish citizens, nationals of other Member States of the European Union and foreigners in Spain, when they prove that they have insufficient resources (as provided for in Article 2 of the Law on Free Justice.</p> <p>Insufficient resources are calculated on the basis of all household income, not just the income of the person concerned by the incarceration. The resources taken into account are the gross resources.</p> <p>The income thresholds in 2017 for applying for legal aid were:</p> <ul style="list-style-type: none"> <li>- single person: the applicant may not exceed the gross monthly income of €1,065.</li> <li>- person integrated in a family unit up to three members: gross monthly income of the family unit may not exceed €1,331.</li> <li>- person integrated in a family unit of four or more members: the gross monthly income may not exceed 1,597 euros.</li> </ul>
<p><b>2-</b> Can interrogation be carried out without a lawyer present ?</p>	<p>Interrogations generally take place without the presence of the lawyer in the case of incommunicado detention.</p> <p>For more information, see "<i>Arbitrary detention</i>".</p>

*For information related to pre-trial detention see the section on 'Persons in pre-trial detention'.*

#### Additional comments:

Spain has about 45,000 public defenders. The Madrid region has 5,500 public defenders. They criticized [their low income](#).

### J2. Guarantees

<p><b>J2.a</b> Do inmates receive a copy of the internal prison rules ?</p> <p><input type="checkbox"/> no</p>	<p><b>J2.b</b> Are the internal prison rules translated for foreign inmates?</p> <p><input type="checkbox"/> no</p>
<p>A brochure entitled "Life in prison" was published until 2010. The publication stopped being published following the economic crisis. Prisoners now learn about prison rules from their fellow prisoners or lawyers in the Legal Prison Guidance Service.</p>	

**J2.c Do prisoners have access to a legal aid centre?**

☐ yes

In various provinces, law schools offer legal assistance to prisoners through legal and prison assistance and guidance services (SOAJP -*Servicios de Asistencia y Orientación Jurídico-Penitenciaria*). SOAJP counsellors represent prisoners who wish to appeal a decision of the prison supervisory judge.

**J3. Complaints**

<b>J3.a Number of complaints registered in the last year:</b>	804	Date : 2017	Source: People's Advocate [ <sup>44</sup> ] [ <sup>44</sup> ]: Ombudsman, " <a href="#">Annual Report 2017</a> ", 2018, p. 164.
<b>J3. Change in number of complaints compared to the previous year:</b> <input type="checkbox"/> Increase of 18.4%	656 complaints were filed in 2016 [ <sup>45</sup> ]. [ <sup>45</sup> ]: <i>Ibid.</i>		

<b>1- Can inmates file complaints against the penitentiary administration?</b>  If yes, what are the recurring reasons for these complaints?	Prisoners may make requests ( <i>peticiones</i> ) or complaints ( <i>quejas</i> ). The most frequently cited reasons in 2015 are: refusal of communications (115), services considered deficient but not identified (89), infrastructure, hygiene and equipment conditions, etc.
<b>2- How can complaints be made? (e.g. oral, written, through a lawyer, etc.)</b>	Requests and complaints may be made verbally or in writing.
<b>3- Is there a specific body dealing with complaints? Is it linked to the penitentiary administration ?</b>	Complaints can be made to prison staff. It is forwarded to the director of the establishment (Prison Governor) who then decides on the measures to be adopted. Complaints can also be addressed directly to the MNP or the prison supervision judge  All prisons have a centralized computerized registry for the recording of requests and complaints.  Some inmates of the León prison reported threats of reprisals against them by prison guards to a CPT delegation if they filed a complaint of ill-treatment.
<b>4- Do inmates have the right to an effective remedy for the breach of their detention conditions?</b>	All persons in prison have the right to appeal against a decision affecting their conditions of detention. Appeals are submitted to the director of the institution, who forwards them to the judicial authority, issuing a sealed copy to the prisoner.  Appeals may relate to disciplinary action deemed abusive, classification granted at the outset, grade progressions and regressions, as well as any resolution violating fundamental rights or prison benefits.

#### **J4. National preventive mechanism (NPM) and others monitoring bodies**

<b>J4.a Optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) is:</b> <input type="checkbox"/> signed : 13 april 2005 <input type="checkbox"/> ratify : 4 april 2006		<b>J4.b Has the NPM been established ?</b> <input type="checkbox"/> yes	
		The Spanish MNP, created in 2009, is the Ombudsman. The autonomous community of Catalonia has its own MNP, called <i>Sindic de Greuges</i> .	
<b>J4.c Name of NPM :</b> "Defensordel Pueblo" (Défenseur du peuple)		<b>J4.d Has the NPM come into office ?</b> <input type="checkbox"/> yes	
Francisco M. Fernandez Marugan represents this institution.		The first Ombudsman was elected in December 1982.  Following the ratification of the OPCAT, the Parliament assigned the functions of the MNP to the Ombudsman in November 2009.	
<b>J4.e The composition of NPM:</b> <input type="checkbox"/> collegial authority: three members		<b>J4.f Is the NPM independent from the Ministry in charge of the penitentiary system?</b> <input type="checkbox"/> yes	
The MNP is assisted by two delegates.		The MNP and the Ministry in charge of prison administration are, in theory, independent. The MNP exercises its functions with independence, impartiality, autonomy and at its discretion. It carries out periodic visits to prisons and can make recommendations to public authorities.	
<b>J4.g Term of office of the NPM:</b> <input type="checkbox"/> five years  <b>Is the term of office renewable ?</b> <input type="checkbox"/> yes  <b>Is the term of office revocable ?</b> <input type="checkbox"/> yes		<b>J4.h The NPM has been appointed by:</b> <input type="checkbox"/> the Congress of Deputies and the Senate	
- His/Her term of office is four years - His/Her mandate can be revoked - If he/she acted with gross negligence in the performance of his obligations. - If he/she has been convicted, by a final judgment, of an intentional crime.		The MNP is elected by a three-fifths majority.	
<b>J4.i Number of visits made by the NPM in the last year:</b>	16 prisons	Date: 2017	Source: Ombudsman, " <a href="#">Annual Report 2017</a> ", 2018, p. 146.

<b>J4.j</b> Change in the number of visits of the NPM in the last year : <input type="checkbox"/> increase	<b>J4.k</b> Can the NPM make unannounced visits ? <input type="checkbox"/> yes
Eight establishments were visited in 2016.	<p>In theory, the MNP can make unannounced visits. In fact, in most cases, he or she must announce his or her arrival.</p> <p>An unannounced visit was made in November 2017 to <a href="#">Archidona Prison</a> (Malaga). Initially unoccupied, it accommodated approximately 500 people in an irregular situation, despite the fact that the law grants this function to internment centres for foreigners (CIE).</p>
<b>J4.l</b> Is confidentiality in communication between inmates and the NPM guaranteed? <input type="checkbox"/> no	<b>J4.m</b> Are there some facilities or blocks that cannot be monitored by the NPM? <input type="checkbox"/> no
<b>J4.n</b> Are the NMP reports published? <input type="checkbox"/> yes	<b>J4.o</b> Are the recommendations made by the NPM mandatory/binding? <input type="checkbox"/> no
The conclusions of these visits are reflected in the report submitted annually to Parliament and to the United Nations Subcommittee on Prevention of Torture, based in Geneva.	
<b>J4.p</b> Has the Subcommittee for the Prevention of Torture (SPT) already visited the country? <input type="checkbox"/> yes: from 15 to 26 octobre 2017	<b>J4.</b> If the country was already visited by the SPT, was the report of the visit published? <input type="checkbox"/> no
<b>J4.r</b> Is there any regional body that monitors the places of deprivation of liberty? <input type="checkbox"/> yes	<b>J4.s</b> If a regional body monitors places of deprivation of liberty, are their reports published? <input type="checkbox"/> yes
The Council of Europe's Committee for the Prevention of Torture (CPT) visits places of deprivation of liberty every two years.	The last report made public was in 2017 and concerns a visit from the previous year. All reports are available <a href="#">here</a> .

<b>1-</b> Who can refer a matter to the NPM? What are the conditions?  Have prosecutions already been initiated following a referral? If yes, give examples.	Any citizen, Spanish or foreign, can contact the Ombudsman and the MNP free of charge, directly on their website, by mail, fax or in person. The MNP may also take up the matter ex officio.
<b>2-</b> Is there a mechanism for following up NPM	In his annual reports, The Ombudsman presents, the status of the implementation of

recommendations? (new scheduled check , report delivered regularly by the penitentiary administration...)	<p>the recommendations he issues.</p> <p>It develops a framework of the main elements subject to evaluation in each prison visited. The framework follows the criteria assessed in the previous year and indicates how they are progressing. It includes four types of scoring:</p> <ul style="list-style-type: none"> <li>- sufficiently accomplished</li> <li>- partially accomplished</li> <li>- not adequately achieved</li> <li>- not evaluated</li> </ul>
<b>3-</b> Are there other monitoring mechanisms planned for prisons? If yes, what are they?	<p>The Spanish Parliament also has a mechanism for monitoring prisons. Parliamentarians participated 241 times in an audit during the year 2016. This was done in the form of written questions, petitions, reports, motions, etc.[^46]</p> <p>[^46]: General Secretariat of Prisons, "<a href="#">General Report 2016</a>", 2017, p. 364.</p>

*Additional comments:*

The CPT considers that the main function of prison supervision judges is to validate the decisions of the prison administration. They do not exercise the role of controlling the proportionality and adequacy of the measures in a satisfactory manner. The detained persons expressed their distrust of this supervisory authority to the CPT's delegation [^47].

[^47]: European Committee for the Prevention of Torture, "[Report of the visit from 27 September to 10 October 2016](#)", 2017, p. 54.

## K- Further information

### Key websites:

- [General Secretariat of Penitentiary Institutions](#)
- [Ombudsman](#) (Defensor del Pueblo)

### Legal texts:

- [Spanish Constitution of 1978](#)
- [Penal Code](#)
- [Penitentiary Law](#)
- [Penitentiary Regulations](#)

### Official sources:

- Ombudsman, "[Annual Report 2017 and debates in front of the General Courts, Volume I](#)", 2018
- European Committee for the Prevention of Torture, "[Informe para el Gobierno español on the visit of 2016](#)", 2017.
- General Secretariat of Penitentiary Institutions, "Annual Report 2016"
- Council of Europe, "[Council of Europe report on the organisation of health services in prisons in the Member States](#)"
- Ministry of the Interior, "[National Plan to Combat Violent Radicalisation](#)"
- Ombudsman, "[Annual Report 2016](#)"

### Reports by NGOs and International Organizations:

- Coordinator for the Prevention of Torture, "[Torture in the Spanish State in 2017](#)", 7 June 2018.
- Pro-Human Rights Association of Andalusia "[Health in Prison](#)", 2016.

### Academic articles:

- Sonia Gómez Ramírez, "[Women in prison: reinserción de la mano de la familia](#)", 2016.
- Ángel Colmenar Launes, "[The disciplinary regime and its procedure in the Spanish system](#)", National University of Distance Education, 2015.

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