

Prison conditions in Spain

Monica Aranda Ocaña

European Prison Observatory. Detention conditions in the European Union



With financial support from the
Criminal Justice Programme of
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Monica Aranda Ocaña
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THE EUROPEAN PRISON OBSERVATORY

The European Prison Observatory is a project coordinated by the Italian Ngo Antigone, and developed with financial support from the Criminal Justice Programme of the European Union. The partner organizations are:

Università degli Studi di Padova - Italy

Observatoire international des prisons - section française - France

Special Account of Democritus University of Thrace Department of Social Administration (EL DUTH) - Greece

Latvian Centre for Human Rights - Latvia

Helsinki Foundation for Human Rights - Poland

ISCTE - Instituto Universitário de Lisboa - Portugal

Observatory of the Penal System and Human Rights - Universidad de Barcelona - Spain

Centre for Crime and Justice Studies – United Kingdom

The European Prison Observatory studies, through quantitative and qualitative analysis, the condition of the national prison systems and the related systems of alternatives to detention, comparing these conditions to the international norms and standards relevant for the protections of detainees' fundamental rights.

The European Prison Observatory highlights to European experts and practitioners 'good practices' existing in the different countries, both for prison management and for the protection of prisoners' fundamental rights.

Finally it promotes the adoption of the CPT standards and of the other international legal instruments on detention as a fundamental reference for the activities of the available national monitoring bodies.

www.prisonobservatory.org

PRISON CONDITIONS IN EUROPE

The collection and organization of available data on the penitentiary systems of each country has been coordinated by the Università degli Studi di Padova, that developed and tested a comprehensive data collection grid to collect the information required to describe the different national penitentiary systems. The data collection grid has been developed having in mind as main reference the European Prison Rules (Council of Europe. Recommendation Rec(2006)2. Adopted on 11 January 2006), and the information collected in every country monitored by the Observatory, and presented in these Reports on prison conditions, describe every national penitentiary system, focusing in particular on its compliance with the European Prison Rules.

The research activities have been carried out by the project partners, that drafted a report on prison conditions in their country. Further information and all the national reports can be found on the project website.

GENERAL DATA*

*updated to December 2012 for daily data and to the entire 2012 for flow data

1. **Total population of the country:**47.265.321 (January 2012 Spain); 7.570.908 (January 2012 Catalonia)
2. **Total prison population rate per 100,000 inhabitants:**147,76 Spain (State Administration); 133,46 Catalonia

Adult prisons¹

3. **Number of prisoners (including pre-trial detainees):**67.047 Spain (State Administration); 10.062 Catalonia
4. **Number (and % of the total number of inmates) of detainees serving a final sentence (i.e. excluding pre-trial detainees):**56.109 (83,68%) Spain (State Administration); 8.293 (82,42%) Catalonia
5. **Total capacity of penal institutions (with reference to legal criteria. If legal criteria are not available explain the reasons for this lack of information):**66.477 Spain (January 2012); 8.295 Catalonia (January 2012)
6. **M² provided per prisoner (legal criteria):**not available
7. **Actual surface for prisoner (m²) (i.e. m² available divided per total number of prisoners):** in all the new prisons in Spain the surface is between 9 or 10 m² per cell.
8. **Prison density – total number of prisoners in relation to capacity (%):**91,8% Spain (State Administration) (December 2011– Space 1); 120,6% Catalonia (December 2011 – Space 1)

¹ Council of Europe, SPACE I 2011

<http://www.ine.es/jaxi/tabla.do>

<http://www.idescat.cat/pub/?id=aec&n=245&lang=es>

<http://www.institucionpenitenciaria.es/web/portal/documentos/estadisticas.html>

http://www.gencat.cat/justicia/estadistiques_serveis_penitenciaris/1_pob.html

<http://www.prevenciontortura.org/wp-content/uploads/2013/05/INFORME-CPT-2012-final.pdf>

Council of Europe, Annual Penal Statistics <http://www3.unil.ch/wpmu/space/space-i/test/#.US0AXZF38Yw>

International Centre for Prison Studies, http://www.prisonstudies.org/info/worldbrief/wpb_country.php?country=165

- 9. Number of foreign prisoners (and % of the total number of inmates):** 22.893 (34,14%) Spain (State Administration); 4.554 (45,26%) Catalonia
- 10. Number of foreign pre-trial detainees (and % of the total number of inmates):** 7.126 (31,3%) Spain (State Administration) (September 2009); 1.123 (24,66%) Catalonia
- 11. Number (and % of the total number of inmates) of female detainees:** 5.225 (7,62%) Spain (State Administration); 665 (6,61%) Catalonia (December 2012)
- 12. Number of female foreign inmates:** 1.807 Spain (State Administration); 278 Catalonia (December 2012)
- 13. % of female foreign prisoners of the total number of female prisoners:** 34,58% Spain (State Administration); 41,8% Catalonia
- 14. % of female foreign prisoners of the total number of foreign prisoners:** 7,89% Spain (State Administration); 6,10% Catalonia
- 15. Number of prisoners (including pre-trial detainees) between 18 and 20 (inclusive) years of age (and % of total prison population):** 539 (0,96%) Spain (State Administration); 430 (4,27%) Catalonia
- 16. Total number of entries to prison facilities:** 43.043 Spain (State Administration) (2008); 7.303 Catalonia
- 17. Total number of deaths in penal institutions (specify if this datum includes only the detainees who died inside the prisons or if it also includes those who died outside the prisons – for example, in ambulances, in hospitals etc.):** 461 Spain (State Administration) (2011). According to the Report of the Coordinadora Para la Prevención de la Tortura, Muertes bajo Custodia 2012, there have been 39 confirmed deaths and 12 unallocated to confirm on 2012. 44 in Catalonia
- 18. Total number of suicides in penal institutions (specify if this datum includes only the detainees who died – from suicide – inside the prisons or if it also includes those who died outside the prisons – for example in ambulances, in hospitals etc.):** 19 Spain (State Administration) (2008); 5 Catalonia
- 19. Budget for the Justice System and % of Gross Domestic Product:** penal institutions in Spain are under the Home Affairs Department.
 Budget from Justice Ministry on 2012: 1.574 Million €
 Budget from Home Affairs 2012: 8.610 Million €
 The Gross Domestic Product in Spain on 2012 was 1.049.525 Million €
 The budget for the Justice System represented the 0,149 % of the Gross Domestic Product for the Justice Ministry and 0,82 % of the Gross Domestic Product for Home Affairs.

The budget for the Justice Department in Catalonia in 2012 was 907.724.748,46€ which represented 0,46 % of the Gross Domestic Product.

20. Specific budget aimed at penal institutions and % of the previous: the specific budget aimed at penal institutions in Spain in 2012 was 1.196,4 Million €, the 0,114 % of the Gross Domestic Product.

In Catalonia, the specific budget aimed at penal institutions in 2012 was 372.024.594,07 € which represented 37,3% of the total Department's budget. It represented the 0,19 % of the Gross Domestic Product.

21. Specific budget for staff and % of budget for penal institutions: the specific budget for staff on 2012 was 831,8 Million €. This budget represented the 69,53 % of the total budget for penal institutions.

The Specific budget for staff in Catalonia in 2012 was 237.460.725,28 € which represents the 63,83 % of the budget for penal institutions.

22. Specific budget for prison facilities and % of budget for penal institutions: the budget for prison facilities on 2012 was 31,8 Million € which represented the 2,66 % of the budget for penal institutions. The distribution was on leases, repairs, maintenance and conservation.

The budget for Catalan prison facilities in 2012 was 116.527.626,27€ taking account what is called in the budget as "cost of goods and services" which represents the 31,32 % of the budget for penal institutions.

23. Specific budget for inmates (support, activities, etc.) and % of budget for penal institutions: according to the General Budget of Home Affairs for the Penitentiary Institutions on 2012 the specific budget for inmates was 156,4 Million € which represented the 13,07 % of the total budget for penal institutions. It was distributed as follows:

Inmates feeding 81,3€ Million

Healthcare and pharmaceutical expenditure 75,1€ Million

The Catalan budget for inmates isn't specified as such. The discrimination of the budget contains only the following items: staff cost; current expenditure on goods and services; interest expense; transfers; real investments; capital transfers; financial assets and change on financial liabilities.

Juvenile prisons²

- 24. Number of juvenile prisoners (including pre-trial detainees):** 414
- 25. Number (and % of all juvenile inmates) of juvenile detainees serving a final sentence (i.e. excluding pre-trial detainees):** 230 (55,56%)
- 26. Total capacity of juvenile penal institutions (with reference to legal criteria):**The Administration doesn't offer this datum, but we can construct it from the capacity of each "educational centre", as detention centres for young people in Catalonia are called:
- 60 places on E.C. L'Alzina
 - 12 places on E.C. Folch i Torres
 - 30 places on E.C. El Segre
 - 14 places on C.E. Oriol Badia
 - 60 places on C.E. Can Llupià
 - Total 176 places
- 27. M² provided per juvenile prisoner (legal criteria):**N/A
- 28. Actual surface available per juvenile prisoner (m²) (i.e. m² available divided per total number of prisoners):**N/A
- 29. Prison density – total number of juvenile prisoners in relation to capacity (%):** considering that of the total number of young people in educational centres in December 2012, 259 young people enjoyed some kind of open regime, we can establish that the density was near 88%.
- 30. Number of foreign juvenile prisoners (and % of the total number of juvenile inmates):** 288 (43,5%)

² The Spanish penal code designates in its article 19 that children under 18 years of age are not liable criminally and when they committed a criminal act will be judged by the law of criminal responsibility of the minor (the 5, 2 January 2000) and not by the penal code. This law applies to persons over 14 and under 18, and involves a separate juvenile justice system. The State Prison Administration has no competence concerning juvenile offenders, matter managed by autonomous communities.

Management can be public, private or mixed and in the majority of cases is attributed to non-lucrative natures that are responsible for implementing the measures. The management of youth penalty is only fully public in Catalonia, for that reason is that just in this community you can obtain the necessary data for its analysis. An example of this it is one research conducted by this Observatory in the year 2010, *Deprivation of freedom in the countries of the South of Europe*, during this research the data were requested to all the autonomous communities of Spain and only three of them answered our request. For these reasons is that this section can only offer the data of Catalonia.

Budget of Justice Ministry, 2012

Budget Home Affairs, 2012

General Budget of Generalitat of Catalonia, 2012

Justice Department of Generalitat of Catalonia Report 2012

<http://www.datosmacro.com/pib-ccaa/cataluna>

- 31. Number of foreign juvenile pre-trial detainees (and % of the total number of juvenile inmates):** 129 (70%)
- 32. Number (and % of the total number of juvenile inmates) of female juvenile detainees:** 1.128 (17,6%). The datum refers to the juveniles serving technical advisory programs, mediation, open regime or in internment. The official datum don't offer any discrimination.
- 33. Number of female juvenile foreign inmates:** 2.589 (40,3%). The official data don't offer any discrimination between male and female, so we can offer the global data, the total of juvenile foreign inmates.
- 34. % of female juvenile foreign prisoners of the number of all female juvenile prisoners:** N/A
- 35. % of female juvenile foreign prisoners of the total number of juvenile foreign prisoners:** N/A
- 36. Number of prisoners (including pre-trial detainees) between 18 and 20 (inclusive) years of age (and % of total juvenile prison population):** 539 (0.96%) Spain (State Administration); 430 (4.27%) (Catalonia).
- 37. Total number of entries to juvenile prison facilities:** 510
- 38. Total number of deaths in juvenile penal institutions (specify if this datum includes only the detainees who died inside the prisons or if it also includes those who died outside the prisons – for example, in ambulances, in hospitals, etc.):** N/A
- 39. Total number of suicides in juvenile penal institutions (specify if this datum includes only the detainees who died inside the prisons or if it also includes those who died outside the prisons – for example in ambulances, in hospitals, etc.):** N/A

GENERAL DESCRIPTION OF THE SPANISH PENITENTIARY SYSTEM

The Spanish prison system is ruled by a 1979 law, the first Law after our Constitution, and this Law is developed with a Decree from 1981. The law and the Decree are based on the concept of penitentiary treatment directed to re-education, so that the observation of the personality of each prisoner should take place in order to identify the best individual path to be reintegrated in the society. It's important to say that the daily life in prison is regulated by orders and circulars approved by the administrations, which is in clear violation of the principle of legality in affecting fundamental rights through regulations of lower range. The punishment that the convicted receives in the sentence is set temporarily but it is possible to reduce the stay inside prison if the prisoner behaves according to the prison and the treatment rules. Treatment and security are the two antipodes of the system. Prison staff is devoted to the one or to the other. The warden, who has accomplished a civilian course of studies, is at the top of the entire hierarchy. He or she is responsible for security matters and for treatment matters, as well as for the balance sheet. The warden is supposed to be something like a manager looking for funds outside the prison system. The external security of prisons up to state security forces according to the law, but since 2012 there are already 11 Spanish prisons whose external security has been transferred to private security, in breach of the Law. The Spanish prison system has two different penitentiary administrations: Catalan administration (which depends on Department of Justice) and Spanish administration, from the rest of the country, which depends on Ministry of Home Affairs since 1992. So, just one penitentiary code but two different and independent administrations (own personnel, with its own budget...). There are 68 Spanish prisons and 11 Catalan prisons, actually in Catalonia there're two prisons built that cannot be opened for lack of funds. Some of these prisons are so old that suffer from lack of conditioning minimum to be inhabited with dignity.

The penitentiary system is it divided into 4 penitentiary degrees which correspond with different life regimes: closed regime (first degree), half open (second degree, prisoners can start to get penitentiary benefits), third degree (open regime, just sleep in prison) and probation.

CONDITIONS OF IMPRISONMENT³

ADMISSION

a. At admission many details concerning the prisoner shall be immediately recorded (for example, the identity of the prisoner, the reason for commitment, etc.). What kinds of data are recorded? Among the information collected are any visible injuries and complaints about prior ill-treatment also recorded?

The Penitentiary Law sets that at admission the prison will be opened a personal file concerning to the procedural and penitentiary situation of the prisoner, that will have right to be informed, and for every convict will be formed a protocol of personality. Also, it will proceed to check the personal identity, effecting the alphabetical, finger and photographic review, as well as the inscription in the book of income and the opening of a personal file relative to the procedural and penitentiary situation of the convict, that will have right to be informed. Alike, it will proceed the personal frisk and the record of effects, withdrawing the chattels and not authorized objects. The Direction of the establishment will admit the children younger than three years, who should accompany her mothers in the moment of the revenue. When they request to support them in her company inside the prison, it must be accredit the filiation and that the situation does not have risk for the minors, putting in knowledge of the Attorney General's office the decision. The person can have access to this information at any time, and request to the Penitentiary Administration any necessary rectification. Among these information complaints are usually related to the delay I the delivery of these documents when they are requested by the inmate.

b. At admission all prisoners shall be informed in writing and orally, and in a language they understand, of the regulations governing prison discipline as well as of their rights and duties within prison. Do the institutions in Spain follow this rule?

Our Penitentiary Decree sets that the inmate must be informed of his rights and of his obligations, as well as of the procedures to make them effective. So, the inmates will receive to his ingress written information about his rights and obligations, the regime of the establishment, the disciplinary norm and the means to formulate requests, complaints and resources. For this purpose, it will be given to them a copy of the booklet or informative general leaflet and of the internal rules of the penitentiary centre that the Directive Centre of the penitentiary Administration will edit necessarily in Spanish and

³<http://www.institucionpenitenciaria.es/web/portal/documentos/estadisticas.html?r=m&adm=TES&am=2012&mm=12&tm=EDAD&tm2=GEN>
http://www.gencat.cat/justicia/estadistiques_serveis_penitenciaris/7_pob.html

in the coo language of the Autonomous Region where the penitentiary Centre is. The foreign inmates will be informed, in addition, about the possibility of request the application of conventions or international treaties signed by Spain for the translation to other countries of condemned persons, as well as about the substitution of the sentence imposed or to impose for the expulsion of the national territory, in the cases and with the conditions prescribed law. An information leaflet is delivered in different languages: Spanish, Arabic, French, English and Romanian (see English version): http://www.iipp.es/web/export/sites/default/datos/descargables/publicaciones/Paso_a_Paso_en_ingles.pdf.

c. Upon admission to prison, in the event of a prisoner's death, serious illness, serious injury, or the transfer to a hospital, the authorities shall, unless that prisoner expressly requested them not to do so, immediately inform the spouse or partner of the prisoner, or, if the prisoner is single, the nearest relative or any other person previously designated by the prisoner. Do the institutions in Spain follow this rule?

Initially, our institutions follow this rule. In fact, under our prison regulations, the inmates authorized to report from time to time, by oral and written way, in his own language, with his relatives, friends and representatives justified by organisms and institutions of penitentiary cooperation, except in the cases of judicial incommunicado detention. The Penitentiary Law sets that in the cases of death, disease or serious accident of the inmate, the director will inform the nearest relative or the person designated by that one, at the same way, it will be report to the inmate the death or critical illness of a relative or of a person intimately linked with him. Each inmate has right to communicate the income immediately to the family and lawyer, as well as the transfer to another establishment in the income moment. In this point the main complaints of inmates are related to the absence of communication of these circumstances, in many times their families or lawyers don't know that inmates have been hospitalized or transferred from prison (sources: inmates, lawyers).

d. As soon as possible after admission, the information about the health of the prisoner on admission shall be supplemented by a medical examination (in accordance with rule 42 of EPR). Does this examination really happen in Spain? How long does it take for the medical examination to be accomplished?

The Spanish penitentiary Law sets that the arrested and prisoners will occupy a cell in the incomes department, where they will have to be examined by the Doctor in 24 hours and if the Doctor does not dispose another thing, they will go to the department that corresponds to them. The stay of preventive or convicts in the incomes department will be, at the maximum, five days and it will possible to extend only for sanitary motives or to preserve the security. From the prolongation must know the corresponding Judge of Execution. Generalizes the complaint in this area is that prisoners never saw the Doctor in these incomes department.

e. In Spanishprison are there measures in place aimed at the prevention of prisoner self-injury and suicide?

Yes, in Spanish prisons it's provided the so called Protocol of self-harm grave behaviors prevention. The general aims of the Prevention of self-harming grave behaviours protocol are the detection of risk groups and the prevention of those behaviours. They are differentiated conditions of each penitentiary centre that have to be value in the prevention and action in the suicidal behaviours, the variables

relatives to: population that the prison receives (men, women, young person, adults, preventive, convicts, etc.), architectural characteristics (modernity of the installations, control system, overcrowding, isolation, etc.), professional resources available (vigilance, rehabilitation, etc.) and programmatic design of the inner classification (skilled areas, progressive phases, etc.).

f. In Spanish detention facilities are there some sections used for solitary confinement of the prisoners? What is it used for (for example, punishment, protection etc.)? Are there different kinds of solitary confinement?

Yes, in all institutions there are sections used for solitary confinement of the prisoners. The closed regime, in agreement with the Penitentiary Law, will be applied to those convicts that, initially or for a regression in the personality or conduct, are classified under the first degree because they are extremely dangerous inmates or manifestly maladjusted to the ordinary and opened regime. The characteristics of these sections are: individual cells, with a limitation of the common activities of the inmates and by a higher control and vigilance, being demanded, in a special way, the obedience of all the measures of security, order and discipline elaborated by the Council of Direction. If there is a mutiny, physical aggression with weapon or dangerous object, capture of hostages or violent attempt of escape, the transfer of the convict to an Establishment of closed regime will be able to be fixed by the Directive Centre, though classificatory resolution has not been produced in first degree, which, in any case, it will have to be done in fourteen following days, notifying immediately of the movement to the Judge of Execution. It's during this solitary confinement where inmates denounce the majority of cases of ill-treatment, abuses and humiliations; in fact Amnesty International and the European CPT have been reported most of these situations.

ALLOCATION AND ACCOMMODATION

- a. Prisoners shall be allocated, as far as possible, to prisons close to their homes or places of social rehabilitation. Allocation shall also take into account the requirements of continuing criminal investigations, safety and security and the need to provide appropriate regimes for all prisoners. Does this happen in Spain?**

The location of the centres will be fixed by the penitentiary administration depending of the territorial areas that are designated. In any case, it will be tried that each one has the sufficient number of centres to satisfy the penitentiary needs and to avoid the social uprooting of the convicts. Not as a general norm, it is the Administration who has exclusive competence in the determination of the place of fulfilment. It's possible to revenue voluntarily in the centre. Penitentiary legislation also allows the inmates can request a transfer to prison for work o family reasons but the granting of the transfer depends on the possibilities of the administration.

- b. As far as possible, prisoners shall be consulted about their initial allocation and any subsequent transfers from one prison to another. Does this happen in Spain?**

In conformity with the Penitentiary Law, the directive centre has exclusive competence to decide, with ordinary or extraordinary character, the classification and destination of the prisoners in the different penitentiary centres. This decision is based on the proposition formulated to the Board Treatment. In

many cases, prison transfers are used by Penitentiary Administration as covert punishment, so that such transfers are not consulted, even sometimes, they aren't communicated in time to warn the family or lawyer or to collect their belongings.

c. Do the accommodations of penitentiary institutions respect human dignity and, as far as possible, privacy, as well as meet the requirements of health and hygiene, with due regard being given to climatic conditions and especially to floor space, cubic air space, lighting, heating and ventilation?

The Penitentiary Law sets that the dependences destined for the night of the imprisoned and those destined to the common life will have to satisfy the necessities of hygiene and be conditioned so that the volume of space, ventilation, water, system of illumination and heating adjusts to the climatic conditions of the locality. In the same way it's established that the cells and collective bedrooms must have the sufficient space, light, natural ventilation and furniture to make them inhabitable, as well as of hygienic services. In this point, the inmate's complaints are related with lack of window panes, the lack of hot water in winter and we must remember the rat extermination that occurred in the prison of Valencia, or the bedbug infestation suffered in jail Model in Barcelona recently.

d. In all buildings where prisoners are required to live, work or congregate, are there alarm systems that enable prisoners to contact the staff without delay?

There is alarm system that enables prisoners to contact the staff without delay only in the centres of new construction and the main problem is that it doesn't always.

e. Prisoners shall normally be accommodated in individual cells during the night, except where it is preferable for them to share sleeping accommodations. Does this happen in Spain?

According to the Law the penitentiary system will be orientated by the cellular rule, so that every inmate has a cell, except that one which dimensions and conditions of habitability allow, preserving the intimacy, to stay more than one person, in which case will be able to be authorized to share cell by request of the inmate, providing that there do not exist reasons of treatment, medical, of order or security that do not suggest. Temporarily, when the penitentiary population overcomes the number of individual available places, it will be possible to stay more than one inmate for cell. In fact, in the special establishments and the prisons with opened regime there will be able to have collective bedrooms, previous suitable selection of the inmates who occupy them. The reality of the situation in this point is that this rule isn't fulfilled practically never in Spanish prisons, in the prisons of new construction the cells are designed with two beds directly, but we've a lot of examples of prisons that the cells are occupied by more than two people.

f. Are untried prisoners separated from sentenced prisoners?

The Penitentiary Law establishes that it's necessary to separate untried from sentenced prisoners and they will occupy departments in establishments of men that constitute units with absolute separation and with organization and own regime. That's the rule but it isn't true in all the cases, so in Model prison (Barcelona), centre for preventive, where coexist preventive and sentenced prisoners without any separation or difference.

g. Are male prisoners separated from females prisoners?

Yes.

h. Are young adults prisoners separated from older prisoners?

That's the rule, but it happens that it may live together prisoners between 18-21 years old with older prisoners.

HYGIENE

a. When prisoners are admitted to prison, the cells or other accommodation to which they are allocated shall be clean. Does this happen in Spain?

According to the Law with the periodicity determined by the sanitary service according to the procedure established by the Directive Centre, it will proceed to a complete disinfection, insect disinfection and rat-extermination of the different dependences of each Centre. There will correspond to the sanitary services the follow-up and the evaluation of the campaigns that are realized. As it's said before it has found rat infestation and bedbugs, at least.

b. Prisoners shall have ready access to sanitary facilities that are hygienic and respect privacy. Does this happen in Spain?

The sanitary services of the penitentiaries centres are coordinated and use the public network of sanitary attention. Each centre has assigned a public hospital and it depends from the zone where it is located, to give assistance to the inmates that need the services. The managing organism is the Coordination of Penitentiary Health, with range of General Sub directorate, which in addition of the sanitary attention must administer the drug dependences policies, the maintenance of the sanitary information system and the epidemiological vigilance. The specialized medical care is provided in the public sanitary hospitals, both in external consultations and in hospitalization regime, in specific units (Units of restricted access) enabled by the Penitentiary Administration, which guarantee an attention adapted to the patient with a minimal social cost without damage of the personnel security and of the rest of the users. Some specialties of high demand have the consultation inside the centres (odontology, psychiatry and gynaecology), avoiding the displacement of the persons that stay in prison.

c. Do prisoners have access to a bath or shower, at a temperature suitable to the climate, daily, if possible, but at least twice a week (or more frequently if necessary) in the interest of general hygiene?

There is no limit of weekly showers.

d. Do prison authorities provide inmates with the necessary means to maintain personal hygiene and sanitation, including toiletries and general cleaning implements and materials?

According to the Law (art.222 Penitentiary Decree) in the moment of the income each inmate will receive the articles and products necessary for the personal daily hygiene, as well as condoms and the clothes of personal and bed use. It is named "hygienic set" according to the 2007 Instruction: one is the ORDINARY MONTHLY MEN BATHC and the ORDINARY MONTHLY WOMEN BATHC. The general complaint of prisoners is that these products are not always replacement time and for a couple of years not all products pointing to rules are delivered.

CLOTHING AND BEDDING

a. Prisoners who do not have adequate clothing of their own shall be provided with clothing suitable for the climate. Does this happen in Spain?

According to the Law (art. 20 Penitentiary Law), each inmate has the right to dress the own clothing, providing that they appropriate, or he has the right to choose that the prison gives, which has to be correct and it must be adapted to the climatological conditions and without factor that could concern the dignity inmate. The main complaint in this area is that when prisoners are transferred from jail their belongings are slow to arrive or never come.

b. Is this clothing degrading and humiliating?

No, the clothes are not marked with any penitentiary symbol.

NUTRITION

a. Prisoners shall be provided with a nutritious diet that takes into account their age, health, physical condition, religion, culture and the nature of their work. Does this happen in Spain?

According to the Law (art. 21.2 Penitentiary Law) the administration will provide to the inmates one controlled feeding by the doctor, which must be prepared and which responds in quantity and quality to the dietetic and hygienic norms, bearing in mind the healthy, the work and if it's possible, the philosophical and religious convictions. Each inmate will have in normal circumstances, drinkable water all the time. The penitentiary administration declares that in the kitchen department is prepared the food for the inmates. Four types of diets are elaborated: general, of nursing (lower salt diet, diabetic, allergic, etc.), vegetarian and a different diet for Muslims (in which food is not included aliments like the pork). The bakery is included in the kitchen department, in which approximately 5.000 daily breads are realized in a Centre type of 1008 cells. The complaint of the prisoners in this point is that they say that the food is recycled and it has no taste. The reality of Spanish prisons in this field is that in most prisons the food enters through a catering company, but it's true that usually respect the different diets. The main complaints about nutrition by inmates is that the food they receive does not have any flavour and is very repetitive.

b. How many meals a day are prisoners served? How many of those are warm meals?

4 eaten ones a day, last year the parliament wanted to suppress the snack but finally it wasn't approved.

c. How are the requirements of a nutritious diet decided?

The Administration decides it. In some prisons that there is some experience of being able to choose weekly menu of a list that (by most prisoners).

LEGAL ADVICE

a. Is there a recognized scheme of free legal aid?

Since the late 90 operates what is called The Prison Legal Advice Service: by agreement between the Prison Service and the various bar associations in Spain. The service is the latest in Catalonia, in operation since 2005 whose convention entered into force on February 24, 2009. This is the guidance to prisoners by lawyers. In addition, prisoners are entitled to request legal aid common, except in the case of Catalan imprisoned where a report will be required prescriptive guidance that highlights the need for such assistance, otherwise it will be denied. Service Competences: a) Guidance on the content of the prison regulations, the classification of degrees of penitentiary treatment, prison disciplinary proceedings, the work in schools Prisons and benefits, among others; b) The writing of letters of request and / or administrative resources in relation to the matters above, and monitor the situation to the competent bodies. Excluded in all cases, the presentation of judicial resources, which must be the lawyers who have been assigned the defence in Court by the interested, except in the case of reform resources that is not mandatory the intervention of the lawyer; c) The orientation on those issues of sentences of imprisonment and penal measures, accumulation of sentences, review of sentences, remand discount and measures to be applied to foreigners; d) An initial legal advice on general issues and to inform inmates of requirements of the law in order to get the right to legal aid, if you have the right, to read the request from the presentation to the competent Bar Association; e) Ensure the communication of the inmates with their lawyers on duty if, for some reason, this communication would not have been possible.

b. Where there is a recognized scheme of free legal aid, do the authorities bring it to the attention of all prisoners?

It's recognized on art. 119 of Spanish Constitution, this article is developed on Law 1/1996, January 10, about Legal Aid and Royal Decree 996/2003, July 25, by approving the regulations of legal aid (Spain). In Catalonia we must pay attention to art. 17 Order 252/1996, relative to the creation of commissions of legal aid and the subsidy to the professional activities of lawyers and solicitors in Catalonia.

c. Are the consultations and other communications (including correspondence about legal matters) between prisoners and their legal advisers confidential?

According to the Law (art. 51.2) the communications of the inmates with defence lawyer or the lawyer expressly named in relation to criminal matters and the procurators representing them, Those are held in appropriate departments and may not be suspended or intervened except by order of the judicial authority and the suspected of terrorism. The oral and written communications provided for in this article may be suspended or treated accordingly by the director of the establishment, informing the competent judicial authority. In the same way it's established on the art. 48 Penitentiary Bylaw.

d. Do prisoners have access to, or are allowed to keep in their possession, documents relating to their legal proceedings?

According to the Penitentiary Decree (art. 51) prisoners are allowed to keep in their possession all the documents relating to their legal proceedings because they aren't unauthorized objects.

So, they can have such documentation inside their cell and everything that is not considered unauthorized or prohibited. The problem here for prisoners is to have free and quickly access to all the documentation that is relevant to their criminal or penitentiary status, especially when they demand documentation related to their sanitary documentation.

CONTACTS WITH THE OUTSIDE WORLD

a. How many phone calls can a prisoner make per week? Is there a limit to the number of letters that can be sent out? Are there other forms of communication that prisoners can use?

Prisoner can make 2 calls per week, unlimited letters sent or received. The Law (art. 47) sets a maximum of 5 calls per week, but it cannot be implemented by the large number of inmates.

The main problem in Spanish prisons is the monopoly that the company Telefónica has over the phone blast on to be used by prisoners, there isn't any other company and the price of this blast is more expensive than you can buy outside prison.

b. How many visits can a prisoner receive per week? Do the arrangements for visits allow prisoners to maintain and develop family relationships?

It is established by article 42.1 Penitentiary Law that there will be a minimum of 2 visits per week but this issue is not always easily solved, many prisoners in Spain have an economic level very low so they cannot afford travel to prison, much less at this time of crisis. On the other hand, in several cases are given the circumstance of not wanting to know anything from the rest of the family located in freedom, situation that is exacerbated when there are minor children. All prisons will have premises suitable for family visits or relatives of those inmates who do not enjoy ordinary exit permits⁴. The boards of direction will establish times of celebration of these visits.

c. Whenever circumstances allow, can prisoners be authorized to leave prison, either under escort or alone, in order to visit a sick relative, attend a funeral or for other humanitarian reasons?

According to the Law (art. 47) in case of death or serious illness of parents, spouse, children, siblings and others intimately linked with the inmates, birth of the wife, as well as proven and important reasons, with appropriate security measures, it will be granted exit permits, unless there are exceptional circumstances. On the other hand, according to de Penal Code (art. 92) the sentenced who had reached the age of 70 years, or meet this age during the extinction of the sentence, and meet the requirements established, except extinct three-fourths of that, or in other case, two-thirds, they may obtain the granting of parole. The same criteria will apply when, according to the medical report, it is very seriously ill with incurable diseases. The danger for the life of the inmate, because of his illness or his advanced age, was patent, thus being accredited by the opinion of the forensic medical and the penitentiary medical services penitentiary the Judge of Execution may, previous appropriate grade progression, authorize probation without further formality that require prison report of prognosis final

⁴ Exit permits are a penitentiary benefits that allow inmates to go out the prison in order to prepare the life of freedom, they can be ordinary or extraordinary depending on the inmate's circumstance, with a specific duration.

in order to be able to make the assessment that is It concerns the preceding paragraph, without prejudice to the monitoring and control provided for in article 75 of the Penitentiary Law. We have been shown that very few releases that are approved by reason of serious illness, in fact many of these releases end in deaths up outside the jail when it's spent very little time. Our Constitutional Court has established, for this matter, the theory of "functional autonomy". It means that it doesn't correspond to the release as long as the prisoner can fend for himself.

d. Can prisoners keep themselves regularly informed of public affairs by subscribing to and reading newspapers, periodicals and other publications, and by listening to radio or television transmissions?

Yes, just prisoners who are in first degree of treatment or in isolation cells have restricted this right.

e. Can prisoners communicate with the media (unless there are compelling reasons to forbid this for the maintenance of safety and security, in the public interest or in order to protect the integrity of victims, other prisoners or staff)?

According to the Law (art. 44) the Head of Service may order the suspension of oral communications, on its own initiative or on a proposal from the civil servant in charge of the service, in the following cases: when there are reasonable grounds to believe that the callers might be preparing any criminal action or that violates the coexistence or the safety of the establishment, or that they are spreading false news which may harm or would be seriously prejudicial to security or good order of the establishment. These reasons established by Law become a discretionary weapon for management to be able to claim under any circumstances without any further justification.

f. Can prisoners participate in elections and referenda?

According to the Spanish Constitution, detainees held in a prison may vote in elections provided that the conviction that entered in prison does not specify that their deprivation of liberty carries the suspension of their right to vote. Procedure: in all prisons are exposed to internal population electoral rules that regulate the vote by mail and organized sessions for explanation and clarification on the voting procedure. In accordance with this, the Director of each prison - or the person delegated - requests the State's society of Post and Telegraph that an official of this service to move on a date determined by the prison. This person goes to the prison provided with the application for registration in the census forms that may be required for that, there, the applications are filled by inmates who want to exercise their right to vote. If any of the inmates was ID, just the document of identity inside that all inmates have provided he shows the photograph of the holder. Subsequently, the Electoral Census Office must refer to the prison where the prisoner stay, envelopes and enough ballots to be delivered it personally by the postal officer. The prisoner will choose the corresponding ballot; he will introduce it in the envelope, and this envelope in another that will be aimed at the polling station that corresponds. The postal officer is in charge of these envelopes to the corresponding polling the voting day.

PRISON REGIME

a. Does the prison regime offers a programme of activities?

According to the Penitentiary Decree (art. 110 and 118) the penitentiary administration designs training programmes to develop the inmate's skills, enrich their knowledge, improve their technical or professional capacities and compensate for its shortcomings. It will use programs and character psychosocial techniques that are aimed to improve the capabilities of inmates and to address those specific issues that may have influenced their previous criminal behaviour. Educational, training, cultural and sports activities will be determined by the Board of Directors, taking into account the action plans of the Directing Centre, starting from the individual programmes developed by the treatment board. Foreign prisoners will have the same opportunities of access to training and education as nationals. To this end, the penitentiary administration shall endeavour to provide adequate means to learn the Spanish language and the co-official language of the autonomous community where the prison is located. The problem here is that the treatment is only for sentenced not for pre-trials, also, prisoners only entitled to participate in the different programs from having serving half of the sentence no earlier.

b. How many hours a day do prisoners spend outside their cells to improve human and social interaction?

Each prison has its own internal regulatory organization, but, as a general rule, prisoners are outside their cells from 8 to 14 and from 16.30 to 21.

c. Is there any particular attention given to the needs of prisoners who have experienced physical, mental or sexual abuses?

In Spanish penitentiary Law there isn't legal provision for this need.

WORK

a. Do prison authorities provide work opportunities (either on their own or in co-operation with private contractors, inside or outside prison)?

In this point we must differentiate between what it happens in Spain and what it happens in Catalonia. In Catalonia: companies, for which the penitentiary administration works, will installed in buildings located in the same prison. The Department of Justice provides work (prisoners) and space while companies contribute machinery and raw materials. Under this premise, the Department of Justice, through its Centre of public company for Reinsertion (CIRE), has developed a comprehensive plan of vocational training and productive work. Productive work that is developed: clothing industry, printing and graphic arts, carpentry, locksmith and assembly and handling.

In Spain: to carry out this activity, managed exclusively by the Autonomous Organism Prison Work and Training for Employment (OATPFE), this organism has the Plan of training and professional integration of the INEM budgets and with funding from the European Social Fund. In 2011, were held inside prisons 917 training courses for employment aimed at covering shortfalls 15.589 inmates that might improve their qualification training professional. And 88 more, overseas courses, attended by 1,300 inmates. The main problem is due to the number of prisoners per prison it's impossible that all prisoners which can and which want to work (The pre-trial cannot fill these positions) gaining a seat in the workshops. On the other hand, our Constitutional Court has established that work is a right of

progressive implementation, it means, it will ensure compliance as long as the administration is willing to offer, although the penitentiary legislation sets work as a right-duty.

b. Are work opportunities encompassing vocational training provided for prisoners able to benefit from them (especially for young prisoners)?

In the field of vocational training, it's offering a wide variety of courses in order to become familiar with the inmates a trade or a profession, serving the needs and demands of the labour market. Courses imparted to them are:

- Industries: construction, textile printing, installation of gas, metal constructions, plumbing, industrial clothing, heating and cooling, maintenance and repair of buildings, Electricity building, carpentry, mechanical-tronics light vehicles, installation of air conditioning, painting.
- Services Sector: geriatric nursing assistant, waiter restaurant, beauty, hospitality, office, and hairdresser.
- Agricultural sector: agriculture, gardening.

c. The organization and methods of work in the institutions shall resemble as closely as possible those of similar work in the community in order to prepare prisoners for the conditions of normal occupational life. Does this happen in Spain?

Non-discrimination is articulated as a basic principle of the universal system of human rights (10 December 1948). Articles 22 and 29 collect, among others, the right to work, free syndication, rest, health, welfare, education and cultural life. The European Union, with the European strategy for Social Inclusion (Lisbon strategy of 2000) has developed specific strategies for combating discrimination and promoting social integration, whereas the employment and occupation as an essential element to ensure equal opportunities for all and, to a large extent, contribute to the full participation of the / as citizens in economic life social and cultural. Law 43/2006, of 29 December, for the improvement of growth and employment (BOE of 30) defines the inmates, parolees and ex-inmates, within the collective in a situation of social exclusion.

In addition, the National Plan for Social Inclusion of Spain includes inmates and ex-inmates with the aim of developing socio-labour insertion programmes for inmates in third grade and parolees.

d. Are prisoners remunerated fairly in relation to the outside world? Are there some restrictions in the use of remuneration?

According to the received salary corresponds to the national minimum wage which is established for the worker outside prisons.

There are no State data and data of Catalonia are: the payroll by daily working day to December 2012 was €10.99 (source: http://www.gencat.cat/justicia/estadistiques_serveis_penitenciaris/9_pob.html, visited 25 March 2013). In some researches, we could found payslips with number of social security affiliation 0. There is no specific legislation on prison labour.

e. Are there any health and safety precautions for prisoner workers in order to protect them adequately? Are these the same precautions that are applied to workers outside?

There is no specific legislation on prison work, so the health and safety precautions to protect prisoners are under the common labour law.

f. Are prisoners who work included in the national social security system?

Remunerated work of inmates is considered an employment relationship of special character by the workers ' Statute (law 8/1980 of 10 March), and it has social benefits attributable to any other work self-employed. All these inmates are affiliated to the general Social security scheme. And earnings are referenced to the national minimum wage. That's what is established by our legality, but sometimes you can find payrolls without the number of the security social.

EXERCISE AND RECREATION

a. Does every prisoner have opportunity for at least one hour of exercise every day in the open air, weather permitting?

Yes, even those who are in closed regime can have at least 1 hour, but it always depend on the within each prison regulations, regulation that is not public and after apply at several times to the Administration it has not been possible to obtain.

b. Are there appropriate installations and equipment, in order to facilitate such activities?

All prisons have prison yard by module, and those of new creation, have a large sports centre to turn. Since 1991, in the new type Centre, conceived as multipurpose centres, sport has been addressed. The new centres have fields of sport, sports areas, modular gyms, etc. The problem is that there a lot of inmates in each prison, so they must request permission to visit these sports areas, so they can't go when they want in their free time.

EDUCATION

a. What kind of educational programmes are there in Spanish institutions?

According to our legislation there are Educational Programs: The basic training given to illiterate inmates, young and foreign persons and those who have specific problems to access to education, as well as the promotion and empowerment of any educational activity internal and internal is a priority; Regulated non-university education. The Educational Programs offered at the correctional institution are: Adult Literacy; Consolidation of knowledge; Adult secondary education; Literacy and Spanish for foreigners; High school; Vocational training of medium and top grade; Official school of languages. It's possible to get Formal University Education: As development of the penitentiary legislation, there are signed a collaboration agreement with the Universidad Nacional de Educación a Distancia (UNED), whereby persons in prison can make studies that imparts the UNED (direct access to older than 25 years, grades, degree and doctorate), under identical conditions as the rest of the citizens. The student has appropriate mentoring, support for distance and didactic material. Two Module UNED in prisons (Madrid V - Soto del Real and Madrid VI - Aranjuez), there is a specific module for students of the Open University, with internal organization, infrastructure, and resources that facilitate these studies.

b. How many prisoners are attending an educational programme (for each kind of educational program)?

School education:

Adult basic education: 10.661 men; 1.251 women

High School: 3.947 men; 4.416 women

Languages: 44 men; 55 women;

Higher degree Entrance Exams: 22 men; 22 women

Vocational College Higher degree: 8 men; 8 women

University Education: 1.004 men; 1.127 women

Languages: 859 men; 1.023 women

UNED access: 148 men; 183 women

c. Do these educational programmes take place under the auspices of external educational institutions?

The penitentiary administration carries out different conventions depending on the level of education concerned, e.g.: UNED, agreements with the Autonomous University of Barcelona, etc.

For the biennium 2012/2013 we currently have 657 NGOs that collaborate in 834 programs. The number of employees amounts to 7.009. However over the two years are producing new additions, both entities and programs and partners. Collaborating entities are all those non-governmental organizations, associations and entities carrying out one or more intervention in the penitentiary field programs, aimed at the rehabilitation and social reintegration of inmates, the paroles and the convicts to alternative measures to imprisonment. This collaboration has been developed in accordance with the catalogue of intervention programs presented by instruction 2/2012, in the following areas: employment, social integration, performances with specific groups, health programs and with drug addicts, educational and training programs, awareness-raising and communication of the prison society environment and other programs.

d. Does every institution have a library? Is it adequately stocked with a wide range of both recreational and educational resources, books and other media? Are books available in different languages? Is it connected with public libraries in the outside community?

According to the Penitentiary Decree (art. 127) in each establishment, there will be a library and a reading room under the responsibility of the teacher to be determined, but they aren't connected to the other public library of the outside community. It's established that depending on the number of foreign inmates in prison, library available publications published in the most common foreign languages. To this end, the cooperation of consular services and appropriate private organizations will be requested.

In 2011, 67 libraries give this service in Spanish prisons and the readers monthly average loan were 12.356.

FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION

a. Is the prison regime organized so far as is practicable to allow prisoners to practice their religions and follow their beliefs, to attend services or meetings led by approved representatives of such religions or beliefs, to receive visits in private from such representatives of their religions or beliefs and to have in their possession books or literature relating to their religions or beliefs?

Consistent with the constitutional regulations which, in its article 16 guarantees freedom ideological, religious and cult, and with the international commitments of the State, the Penitentiary Law guarantees, in its article 54, the religious freedom of the inmates, pointing out the duty by the penitentiary administration to facilitate the media so that such freedom can be exercised. This religious activity can be played by any registered religious confessions, without another limitation that respect the rights of other people. Instruction 6/2007 of religious assistance (21 February 2007), which develops the cooperation agreements signed by the State with the Federation of Evangelical religious entities of Spain, the Federation of Jewish communities of Spain and the Islamic Commission of Spain, in the area of Prison religious assistance. Authorized Ministers of religion should be duly affiliated to Social security when it thus arises from the rules applicable to the respective confession. If the religious assistance is played by volunteers, they will have to meet the requirements of authorization required in the present instruction, and they must be covered by an insurance signed by the Church or community who is responsible. Authorization will be valid annual; its understanding successively renewed for periods of one year provided that there is a reasoned in the opposite ruling. The request for religious assistance for inmates who wish to receive it, and for the sole purpose of facilitating the Organization of such assistance, it will be directed by them to the Direction of the prison, which will put it to the attention of the Minister of religion accredited to it. For the provision of the religious assistance in prison, it can enable premises according to the requests of existing, and it can be used for these purposes multi-purpose spaces.

INFORMATION

a. Are all prisoners informed about any legal proceedings in which they are involved and, if they are sentenced, the time to be served and the possibilities of early release?

Those prisoners who have legal aid tend to be aware of all its penal and penitentiary situations; it isn't the case when they do not have such assistance.

In any case, already for the first prison classification, after the period of observation and interviews at the Department of revenue, it is determined in a model/form which determines, among other facts, the offence committed, the sentence imposed at sentencing, the date in which the responsibility is extinguished, and dates in which the prisoner can begin to apply for prison benefits and probation. But, in this matter, there are many complaints and requirements in relation to their ignorance because most of the prisoners in Spain do not have legal assistance, so it's very difficult to know anything about the possibilities of the early release or alternative measures.

PRISONERS' PROPERTY

a. Are prisoners entitled to purchase or obtain goods, including food and drink for personal use? Are the prices of these goods similar to those charged for comparable goods in free society? Is the quality of these goods the same as that of comparable goods in free society?

According to the Penitentiary Decree (art. 123) for public health reasons is not permitted the entrance of perishable foods by those conduits that could alter its characteristics and compromising the health of consumers. On the other hand, they have a prison shop (so called "economato") to purchase different products, working as a shop. Each prison has a central prison shop that serves as the warehouse of products which are distributed in the module's prison shops. These "economatos" provides the stores of all modules and control their sale. It offers an errand boy who is in charge of acquiring overseas products that are not found in the prison shop, if they are authorized by the management of the prison. Prisoners often complain that the prices in the prison shop tend to be quite higher than the prices for the same product outside prison.

RELEASE OF PRISONERS

a. Are released prisoners provided with immediate means of subsistence; are they suitably and adequately clothed with regard to the climate and season, and are they afforded sufficient means to reach their destination?

All objects that had been held back at the time of entry are delivered to the person and the Administration gives money for the expenses account. If the released person doesn't counted with his own means, the penitentiary administration will facilitate the ticket of transport or the amount of money needed to reach his residence and to meet the first expenditures. Out in freedom, if they met more than 6 months in prison was accessible to a non-contributory allowance (allowance release). Currently, said grant has duration of six months, extendable by two periods of equal duration. The economic perception is 80% of indicator public income. It's covering the benefits of health care and protection to the family. There are no complaints in this matter.

b. Are released prisoners assisted in finding suitable accommodations and work?

Currently there are developing orientation programs for social and vocational reintegration, accompanying programs (such programs are intended to support individualized to the inmate which starts its stage of semi-liberty or probation who is unemployed to make it so the inclusion in the labour market). Generally, it is very difficult to access to some kind of program, so usually they are released from prison with nothing.

WOMEN

a. Are special provisions made for the sanitary needs of female prisoners?

The assistance to women-specific services are: 1. Of groups of risk and diagnosis early detection of gynaecological cancer and breast in a manner coordinated and legalized with specialized care, according to the Organization of the corresponding health service; and 2. Indication and follow-up of non-surgical contraceptive methods and advice on other methods of contraception and voluntary termination of pregnancy. On the other hand, Care during pregnancy: 1. Uptake of the pregnant woman in the first trimester of gestation and detection of pregnancy risk; 2. Monitoring of normal pregnancy in a manner coordinated and legalized with specialized care, according to the Organization of the corresponding; health service; 3. Maternal education, including the promotion of breastfeeding, prevention of urinary Continence and the birth preparation.

In this matter there's a lot of women complaints in the sense that they do not get a specialized medical care to their needs as women, they unable to attend whenever they need a gynaecologist because he/she isn't inside prison. Most of the research conducted in this matter show that women say they feel abandoned in this matter and strongly medicalized.

b. Are prisoners allowed to give birth outside prison?

Yes, women will give birth in the hospitals of the public health network that have agreement with the penitentiary administration.

JUVENILE PENITENTIARY SYSTEM

a. Are minors (aged less than 18) detained in establishments specially designed for the purpose?

The State Prison Administration has no competence concerning juvenile offenders, matter managed by autonomous communities.

b. Does every prisoner young enough to yet be subject to compulsory education have access to such education?

The State Prison Administration has no competence concerning juvenile offenders, matter managed by autonomous communities.

INFANTS

a. How many infants are there in Spanish detention facilities?

In Catalonia the data is the number of mothers who have with them their children under the age of 3 years in prison. Thus, to December 2012 had in Catalan prisons 16 women in this situation. At the State level, it is estimated that more than one hundred but there are no official figures.

b. How many years after birth can the infants stay in the institution?

According to the penitentiary Law the infants can stay in the institution since three years old (art. 38 PL).

c. Are there nurseries, staffed by qualified personnel, where the infants may be placed when the parents are involved in activities which do not permit for the infants to be present?

Inside the nurseries there are specialists in early childhood education which are responsible for educational and recreational programming for children. The infant school has classroom of psychomotor skills, classroom, dining room and garden for outdoor games areas. It is served by fixed workforce scheduling classes as in any other early childhood education centre.

d. Are there special accommodations in the prison to protect the welfare of the infants?

Since the end of the 1980's: Dependent units: small homes for inmates in regime of semi-liberty. The treatment Board may propose that a mother, rated in third grade or second under the regime of flexibility that makes the article 100.2, can be transferred with her child to dependent unit outside prison, provided that this proposal is specifically authorized by the Executive Centre; Units of mothers: specific modules inside prison, but architecturally separated from the rest of the modules. Modules fully equipped with nurseries.

And even a family module where sharing the upbringing of minors with the members of the couple when both are in prison. It extends the constitutional principle of protection family to the prison area. It is breaking, if possible, the family dislocation and provide specialized assistance to children under three years old who live in prison. We call "mother school" to a series of initiatives that cover each and every one of these needs of women prisoners, according to their status of mothers, that cover a training itinerary focused on their employability. In these units, administration guarantees the minor hours of rest and of game that he needs. Likewise, it provides enough for the child if the mother had no means.

External units for mothers: created from "Amortization schedule and creation of penitentiary centres 2005" and functionally dependent on a Centre of Social inclusion (CIS), to which are annexed, which receive administrative support and fundamental benefits, telling turn with workers assigned exclusively to the specifically formed unit. The aim is to create a suitable environment so that children can develop emotionally and educationally during the time they have to stay in the Centre, while favouring social reinsertion of mothers. The creation of these new structures aims to definitively segregate units of mothers which are in prison, and provide them with complete autonomy prison to establish specific arrangements for coexistence by facilitating a harmonious development of children and an appropriate subsidiary maternal relationship. They have security systems based in control systems of electronic surveillance which are sustained through cameras, alarms and detectors along the perimeter, in such a way that they constitute a "non-aggressive" surveillance. All these structures are implemented in order to facilitate harmonious development of children living with their mothers. All visits are carried out in such a way that they allow direct contact between children with visitors: parents, grandparents, brothers or relatives. When mother asks for a conjugal visit, it will be when the child is absent, schooling, or being in charge of any partner. The regime of visits of the child can only be restricted temporarily for reasons of order and security of the prison. It facilitates too the access of mothers to external social resources of job placement, training courses and cultural activities. All the above can be considered good practice, though largely insufficient.

FOREIGN NATIONALS

a. Can prisoners who are foreign nationals request contact, and be granted reasonable means to communicate with the diplomatic or consular representatives of their state?

Yes, according to the Penitentiary Decree (art.15.5 and art. 49) the foreign inmates have the right to be made known of the relevant diplomatic or consular authorities his entry into prison. To this end, at the time of the entry, including the volunteer referred to in the following article, it will inform them in understandable way, preferably in their own language, of this law, seeking written authorization to proceed, when it was necessary, to such communication. They may communicate, in local appropriate, with the diplomatic or consular representatives of their country, or people showing the respective embassies or consulates, prior permission of the Director of the prison, to nationals of countries which do not have diplomatic or consular representative, as well as to refugees and stateless persons, it shall be granted to communications under the same conditions with the representative of the State that have been in charge of their interests or national or international authority which has the Mission of protecting them, or with persons in whom those delegate.

b. Are prisoners who are foreign nationals informed of the possibility of requesting that the execution of their sentence be transferred to another country?

According to the Law, as it was said before, all the prisoners will be informed of their rights in language they understand when they enter prison. The reality in this matter is that this situation isn't the normality, so the foreign prisoners who don't understand the Spanish language only informed by his lawyers, when they have lawyer which happens to be almost never, or by other colleagues prisoners.

c. Are prisoners who are foreign nationals divided by country of origin within the sections of each institution?

There is no legal provision about it and it doesn't happen in Spanish prisons.

d. Are interpreting services available to foreign nationals?

According to the Penitentiary Decree (art. 242.2 j) the legislation provides the possibility of a non-national who doesn't know Spanish language to be assisted as an interpreter by an official or inmate who know their language in a disciplinary file. There are no official interpreters in prison, so this possibility does not apply in Spanish prisons in most cases.

ETHNIC MINORITIES

a. Are there any particular ethnic minorities among the prison population? What is their percentage of the total prison population?

Taking into account different sociological studies which have been conducted on the Spanish prison system, they show that we can observe, depending on the criminal typology, particular ethnic minorities among the prison population. This is clearly visible, for example, in the case of women

imprisoned for drug-related offenses, where most women are of gypsy ethnicity. But, there aren't specific studies or official data about it.

HEALTH

a. Are medical services in prison organized in close relation with the general health services of the community or nation?

Prisons have own sanitary personnel in order to guarantee the right to health of the people who are in prison. These professionals are responsible for both individualized healthcare and the application and development of health programs through which such care is articulated. All prisons have a nursing department equipped with: rooms for consultation, dental Cabinet, cures room, pharmacy deposit and a variable number of beds for patients requiring increased vigilance. These bays have the technical means and the necessary instruments for the development of their work. The residential modules also have medical consulting rooms. The managing body is the Coordination of Prison Health, with the rank of General Subdirectorate, which, in addition to health care, has among its powers the implementation of policies in terms of drug addiction, the maintenance of the system of health information and epidemiological surveillance. Each penitentiary establishment has primary care teams composed by doctors, graduates in nursing and auxiliary of nursing, in variable number according to its size and the prison population. Some prisons also have pharmaceutical and technicians in Radiology. The main complaints here are that nursing facilities are not always well equipped; some prisons use of nursing beds to fulfill prisoners with psychiatric problems, other prisons were opened without the possibility that the nursing could be used. Prisoners complain that the only treatment offered is the medicalization.

b. Are all necessary medical, surgical and psychiatric services (including those available in the community) provided to the prisoners?

To care for detainees, prisoners or sentenced inmates, who suffer some kind of disorder or psychiatric pathology, the penitentiary administration has the following resources: Penitentiary psychiatric hospitals and Programme of comprehensive care for people with mental disorders (PAIEM).

It is obvious that there aren't all necessary psychiatric services provided to the prisoners when the own Administration publicly acknowledges that over 40% of prisoners in Spain suffer from some form of mental disorder and the 4% of them suffers a serious mental illness (Directorate General for Prison Health- Report 2010). It would be necessary to allow entry of psychiatrics who can diagnose these diseases and they can make referrals to specialized centres.

c. Is there at least one qualified general medical practitioner in every institution?

According to the penitentiary legislation each penitentiary establishment has primary care teams composed by doctors, graduates in nursing and auxiliary of nursing, in variable number according to its size and the prison population.

In 2001 the medical personnel was distributed as follows

Medical Assistant Directors: 43

Doctors: 388

Nurses:	576
Auxiliary infirmary:	387

d. Are the services of qualified dentists and opticians available to every prisoner?

Yes, service of dentists is covered with private professionals or service companies, so they don't stay inside prison every day.

e. Are prisoners suspected of infectious or contagious diseases isolated for the period of infection and provided with proper treatment?

Yes, when it was found that there is the possibility of infection to other recluses. Population, prisoners who are suspected of infections or contagious conditions will be isolated and provided them with proper treatment.

f. Are sick prisoners who require specialised treatment transferred to specialty institutions or to civil hospitals, when such treatment is not available in prison?

Yes, in some exceptional cases, for exceptional reasons, inmates can be transferred to the public health network in specific units (units of restricted access) enabled by the penitentiary administration.

g. Are persons who are suffering from mental illness and whose state of mental health is incompatible with detention in a prison detained in an establishment specially designed for the purpose?

As we said before, the penitentiary administration has two psychiatric hospitals in Sevilla and Alicante reserved for patients in preventive situation or paying security measures imposed on the basis of complete or incomplete situation of not imputable. Catalonia has specialized units in some prisons as Quatre Camins, Men from Barcelona (the Model) and Brians I. Also it has a psychiatric prison hospital unit located in the prison of Brians I. But, as already said, they are insufficient as recognized by the administration itself.

h. What is the treatment available for drug users and for drug addicts in prison? Are there harm reduction programmes?

Programmes of harm reduction that have been implemented in Spanish prisons are:

Needle exchange: Strategy of reduction of risks and harm to the individual and collective health in injecting drug users. Its aim is to prevent the transmission of infectious diseases among them, avoiding the sharing of syringes and injection equipment through the dispensation of sterile injection equipment, and modification of risky health behaviours to promote information and education in health. (on 27 prisons 7.016 spread in 2011)

Methadone dispensing: It allows to reduce the harmful effects to health, psychological and social level of heroin use, contributing to the abandonment of the injected via for consumption and preventing the transmission of diseases acquired in this way. (13621 inmates in 2011)

Also it has been created in some prisons the so-called therapeutic modules, for detoxification programs. There are various forms of these modules:

-UTE: Educational Therapeutic Unit: during 2011 it has developed in the following prisons: II-Villena Alicante, Castellón II - Albocàsser, Huelva, Jaén, Las Plamas, Madrid VI-Aranjuez, Madrid VII-Estremera,

Murcia II, Murcia CIS, Puerto III, Sevilla, Sevilla II-Morón de la Frontera, Tenerife, Villabona and Teixeiro.

-Intrapenitenciaria therapeutic community: with own and specific treatment Board. During 2011 it has developed in II Alicante-Villena, Córdoba, Madrid III-Valdemoro, Madrid V-Soto del Real, Ourense and Valencia.

-Therapeutic drug users module: for 2011 has been developed in 5 prisons: A Lama, Daroca, Leon, Zaragoza and Madrid IV-Navalcarnero. In Catalonia it has been created the so called A Department of specialized care in drug addictions (DAE) the first of which has functioned in the prison of Ponent (Lleida), followed by Quatre Camins, Brians I, Brians II.

-Mixed therapeutic module: drug addicts in detoxification process coexist with other types such as disabled, mental patients or inmates without pathologies, etc. For 2011 they have been developed in 11 centres: Albolote, Alcázar de San Juan, Algeciras, Badajoz, Cáceres, Herrera de la Mancha, La Moraleja, Mallorca, Segovia and Topas.

ORDER

a. Are there any special commissions composed of prisoners with the aim of discussing issues related to detention conditions? How are they constituted?

No.

SECURITY

a. What are the main security measures applied to individual prisoners? How are they applied?

According to the Penitentiary Decree (Art. 65) actions aimed at ensuring the internal security of prisons consist of watching inmates, prison population counts, records, the searches, recalls, controls, cell changes, the appropriate allocation of destinations, activities and precautions of outputs both outside modules outside the establishment. The intensity of the measures referred to in the preceding paragraph shall be subject to the potential endangerment of inmates that are applied, particularly in cases of inmates belonging to terrorist groups, organized crime or extreme danger.

The legislation shows how the measures must be applied but the main part of the prisoners complaints are in this matter showing the excesses of staff, the use of some of these measures as a covert punishment that prisoners can't prove in any way so they feel completely helpless in this matter.

b. According to the training course of the prison staff, how should security measures be applied?

According to the course of training of the prison staff, the security measures must be applied respecting the dignity, integrity and privacy of prisoners; strict compliance with the law and in the circumstances and manner specified by law; their use should be reported immediately to the prison's Direction and it should be recorded.

SEARCHING AND CONTROLS

a. How are visitors (such as legal representatives, social workers, volunteers, etc.) controlled by the prison staff? Is special equipment, such as metal detectors, used?

Yes, to enter of each prison it must pass a first metal detector, in the event of suspicion of prohibited objects can register the belongings, including the caching, sometimes searches occur with nudity if there is suspected to be introducing prohibited items.

DISCIPLINE AND PUNISHMENT

a. Are disciplinary procedures used as a mechanism of last resort?

According to the penitentiary legislation the disciplinary procedures must be used as mechanism of last resort but that isn't real some very times. This mechanism is used for the civil servant as a constant threat powerful weapon against prisoners in order to keep calm, discipline and obedience.

b. What are the main types of punishment of prisoners? How are they applied?

According to the Law (art. 42) the sanctions which will be imposed are: Isolation in cell, which may not exceed fourteen days; Isolation of up to seven weekends; Deprivation of exit permits for a period which may not exceed two months; Limitation of oral presentations to the minimum time allowed by regulation, for one month; Deprivation of rides and recreational acts common, insofar as it is compatible with the physical and mental health until one month; and warning.

They are applied, according to the Law (art. 43 to 45) as follows: Disciplinary sanctions will be imposed by the respective collegial body, whose organization and composition will be determined in the regulation; no inmate shall be punished without being previously informed of the violation that is attributed to him and without that he has allowed presenting his defence, in verbal or written way. Only may be used, with the permission of the director, the coercive means established by law in the following cases: To prevent acts of evasion or domestic violence; to prevent damage if inmates themselves, other people or things; to overcome active or passive resistance of the inmates on the orders of prison staff in the exercise of his Office. The use of coercive measures will be directed exclusively to the restoration of normality, and it shall survive only the time strictly necessary and in the performance of its monitoring functions the prison officials may not use firearms.

It's here where prisoners have the main part of their complaints in relation with fundamental rights violations including physical integrity. Most of the complaints related to torture or ill-treatment are produced in compliance with the sanction of isolation, in fact the European CPT has asked Spanish authorities to eliminate this isolation for this reason in countless reports, including the last of 2011. When these issues have come to court only been sanctioned by "unnecessary severity".

c. Can a prisoner who is found guilty of a disciplinary offence appeal to a competent and independent higher authority?

Prisoner can appeal to the Judge of Execution.

INSTRUMENTS OF RESTRAINT

a. What are the main instruments of restraint used in prison? How are they used?

According to the Penitentiary Decree (art. 72) coercive measures are, to the effects of article 45.1 of the Penitentiary Law, the provisional isolation and personal physical strength, rubber fenders, appropriate action sprays and handcuffs. Its use will be proportional to the purpose and never will be a disguised penalty shall only apply when there is no other less burdensome way to achieve the aim pursued and for the time strictly necessary. The use of coercive measures will be previously authorized by the Director, unless reasons of urgency these measures aren't permitted, in that case it will be communicated immediately to Director. The Director immediately communicated to the Judge of Execution the adoption and the end of coercive measures, with detailed expression of the facts which have given rise to such use and the circumstances that could advise its maintenance. In cases of serious nuisance with imminent danger to persons or installations, the Director may request the assistance of the security forces on duty at the establishment, who have to use firearms will do so for the same reasons and with the same limitations that establishes the laws of the State security bodies and forces, without prejudice to the final first provision of the Penitentiary Law.

WEAPONS

a. Can prison staff hold and use lethal weapons within the prison perimeter?

No.

USE OF FORCE

a. Under which conditions can prison staff use force against prisoners?

According to the Penitentiary legislation, as said before, when it was deemed severely alters the internal order, in cases of aggression among inmates or officials, riots, etc...

b. Can other law enforcement agencies be involved in dealing with prisoners inside prison? If so, under which circumstances?

No, our legislation prohibits the entrance of the police forces except (Dispo. Final. 1St PL): Rights to inmates in this law may be suspended partially and temporarily by agreements of the ministries of Justice and Home Affairs in the event of serious nuisance in a Centre, that force the prison authority to require the intervention of the State security bodies. From the moment involving these forces will assume the direction of the penitentiary establishment in terms of custody, surveillance and restoration of order the head of these forces, without prejudice to continue the penitentiary authority in the direction of treatment activities, administrative procedure in relation to the judicial authorities, administrative regime and welfare functions. Regardless of the course considered in the previous issue, the ministries of Justice and Home Affairs may agree, for reasons of public security, that custody and

surveillance inside a closed establishment or a special Department of the appropriate bodies of the security of the State. It's happened in very few occasions in our country.

REQUESTS AND COMPLAINTS

a. Do prisoners (and their families) have the opportunity to make requests or complaints to the director of the prison or to any other competent authority?

Yes, according to the Penitentiary Decree (art. 53-54) all inmate has the right to formulate complaints, verbally or in writing. The requests and complaints that inmates make will be registered and resolutions adopted in this regard shall be notified in writing to stakeholders, with expression of resources that apply deadlines for such remedies and organs that have been present. In addition, inmates may submit requests and complaints to the Ombudsman, who may not be subject to censorship of any kind. Inmates can directly formulate petitions or complaints or recourse to the Judge of Execution.

Usually these complaints are answered, but sometimes when the prisoners give their complaints to civil servants to communicate/give such information these complaints are not coming because the officials break the complaints in front the prisoner, thus abusing their position of privilege and power.

MANAGEMENT AND STAFF

a. Give number of administrative staff, prison officers, and educational staff (per prisoner) that work inside prison facilities.

In Catalonia: in 2012, 4.694 people working on penitentiary administration. The distribution is: 3,30 %: surveillance area, 14,90 %: treatment area.

In the rest of Spain in 2011, with a budget of 839.337,78 euros, total public employees of the penitentiary Administration:

Civil servant: 23.278

Labour personnel: 2.199

b. Give percentage of staff gender per function (i.e. administrative, officers, educational).

Data not available.

c. Are there some special units among prison officers?

No.

SENTENCED PRISONERS

a. Are there individual sentence plans for sentenced prisoners (including work, education, other activities, and preparation for release)?

In principle although it is the administration through the Board of treatment that prepares the individualized program of treatment (PIT) for each inmate proposing certain activities, it is true that refusal to participate in such activities does not entail disciplinary sanction, because treatment is enshrined as a volunteer, but it is true too that non-participation may involve the delay or inability to access to certain prison benefits.

b. Are sentenced prisoners encouraged to participate in drawing up their individual sentence plans (that should include work, education, other activities, and preparation for release)?

According to the Penitentiary Decree (art. 55) inmates participating in schedule and organization of the activities of educational, recreational, religious, work, cultural or sports. The only participation of the prisoner in the draw up of his individual sentence plan is accepting or not to participate in the proposed activities.

c. Is there a system of prison leave as an integral part of the overall regime for sentenced prisoners?

Yes, inmates can get ordinary or extraordinary permissions according to the penitentiary legislation. If they meet the requirements of the law these permissions are granted on a regular way.

d. Can prisoners be involved in programmes of restorative justice and in making reparations for their offences?

Mediation processes are reserved, at least, for the field of Juvenile Justice. It is true that they begin to develop these programs but for the strict scope of conflicts in prison, without participation of victims of crime. On the other hand, since the permanent ceasefire declared by the terrorist group ETA certain movements are taking place in this respect through the so-called Via Nanclares, but participate in these meetings does not imply any prison benefits.

e. How many prisoners are serving sentences of more than 10 years of imprisonment?

Catalonia (December 2012): total: 2.280 prisoners.

Spanish Men:	1.115
Spanish Women:	106
Foreign men:	487
Foreign women:	15
Juvenile:	11

Spain (December 2012): On 2012 were imposed 142.444 prison sentences, 91,3% with a duration of zero to two years, the 7,0% lasting between two and five years and 1,6% with a duration of more than five years. 34,2% of prison sentences fell on offenses relating to heritage and socioeconomic order, 18,5% of offenses relating to collective security and 15,1%.

LIFE SENTENCE

a. Is the sentence of “life in prison” available the penal code?

It isn't available in this moment, but our Justice Ministry is trying to modify the Penal Code in order to incorporate the so called “reviewable life imprisonment”, but it isn't incorporate and its incorporation will be very controversial because it is considered by many jurists contrary to the constitution.

b. Are there any alternative measures for prisoners serving life sentence provided in the criminal justice system?

N/A

c. Are there prisoners serving *actual life sentence* (i.e. a life sentence without any possibility of reduction or admission to leaves or any measure alternative to life imprisonment)?

N/A

d. How many inmates with life sentence are there (and their percentage of the total prison population)?

N/A

e. Are special sentence plans (regarding work, education and other activities) provided for prisoners serving life sentence? Are these sentence plans drawn up individually, taking into account the needs of each inmate serving such a sentence?

N/A

f. Do prisoners serving life sentence stay in a single cell or share it with other inmates?

N/A

ALTERNATIVE MEASURES

a. How is the notion of “alternative” to detention defined?

In the current Penal Code, the possibilities referred to as alternatives to detention are, among others, the following:

- Penalty work to benefit of the community.
- Suspension of Condemn.
- Substitutions of Condemn.

This is intended to avoid the desocializing effects of detention.

b. What are the main alternative measures to detention being used (give absolute numbers)?

1. Reprieve (articles 80 to 87 Penal code + Royal decree 840/2011, 17th June).

1.1. It's applicable to sentences not exceeding two years and just if it's the first time that the person has committed a crime. The convicted cannot commit a crime during the period specified in the

judgment and sometimes the offender is subject to the fulfilment of other obligations (prohibition to go to certain places, participate in training programs, labour, cultural or driver education programs...).

1.2. Reprieve for persons that have a severe disease with incurable ailments. It's applicable to every case and it's not necessary to fulfil requirements, but it's not applicable in case that the person has already another suspended sentence for the same reason.

1.3. Reprieve for persons that had committed the crime because of his dependence on drugs. It's possible the suspension of the execution of prison sentences not exceeding five years but only if the condemned is under detoxification treatment or has an evidence of no drug dependence.

* Total sentenced 2012: 15.090.

2. Substitution (articles 88 and 89 Penal code + Royal decree 840/2011, 17th June)

2.1. Fine. For one year sentences, the penal code offers the possibility of replacement of each day in prison for two instalments of fine.

2.2. Community service. It's also possible to do the substitution of one year sentence with community service: one day in prison is going to be replaced for one day of work.

* Total sentenced: Spain (State Administration) 85.919; Catalonia 4.431.

2.3. Permanent location. In the cases of six months sentences: each day in prison is going to be replaced for one day of permanent location.

In the three cases the convicted cannot be recidivist or habitual offender and the tribunal can require compliance of other obligations (prohibition to go to certain places, participate in training programs, labour, cultural or driver education programs...).

2.4. Foreigners that live without legal residence in Spain. Prison sentences to less than six years, may be substituted with the expulsion and the prohibition of come back to Spain in a period of five to ten years. It's applicable to all kinds of conviction (without time limits) if the offender is in third grade prison treatment or has completed three quarters of the conviction.

c. Are they imposed before (as alternative to punishment) or during conviction (as alternative to prison)?

1. Reprieve: after serving the sentence.

2. Substitution: it can be before or during the conviction.

INSPECTION AND MONITORING

a. Has Spain signed/ratified/acceded the OPCAT? If yes - when?

Yes, Spain ratified the OPCAT on 3rd march 2006.

b. Is the National Preventive Mechanism (NPM) set up, designated or maintained? If yes - when?

The National Preventive Mechanism (NPM) in Spain is the Ombudsman. It was designed by Organic Law 1/2009, 3 November, in effect from 5th November 2009.

In Catalonia it was designated as a NPM the Catalan Ombudsman, Sindic de Greuges, by Law 24/2009, 23rd December.

c. If the NPM exist, which type of the NPM is it (a separate body; a separate department within the National Human Rights Institution (NHRI)/Ombudsman's Office; NHRI or Ombudsman's Office itself; NHRI or Ombudsman's Office together with non-governmental organisations/experts; several separate bodies etc.)?

In Spain the NPM is exercised by the Ombudsman, with an Advisory Council as a body of technical and legal cooperation in the exercise of the functions of NPM.

In Catalonia, It creates the Group of work on the Prevention of Torture and other Cruel, Inhuman or Degrading Treatment and the Advisory Council for the Prevention of Torture and other Cruel, Inhuman or Degrading bodies should assist and advise the Ombudsman in the exercise of their duties in this field, and to ensure compliance with the principles of participation of civil society, independence, publicity and plurality, which the Protocol pays special attention.

d. Are the mandate and powers of the NPM clearly set out in a constitutional or legislative text?

Yes, there´re in the Organic Law 1/2009, 3rd November (Spain), and in Law 24/2009, 23rd December in Catalonia.

e. Is the visiting mandate of the NPM extended to all places of deprivation of liberty?

Yes, according to the Law (art. 19.2 and art.22 Organic Law) for the Spain NPM, and in Catalonia the NPM can visit all places of deprivation of liberty which are in Catalan territory and for the rest of Spain the Catalan NPM must make agreement with Spain NPM (art. 3 Law 24/2009).

f. Does the NPM have its own budget? If yes - please, indicate its annual amount. If not - please, specify how the NPM is financed.

The budget for the NPM is integrated inside the budget for the Ombudsman; there isn't a particular budget for the NPM neither in Spain nor in Catalonia.

Spain Ombudsman, 2012: the total budget was of 14.492.900€

(<http://www.defensordelpueblo.es/es/Transparencia/Presupuesto/ejecucion.html>)

Catalan Ombudsman, 2012: the total budget was of 6.998.820€

(http://www.sindic.cat/site/files/180/Pressupost_SGC_2012_aprovat.pdf)

g. Does the NPM have its own staff? If yes, how many people are employed there, and what is their professional background? If not, please, specify who fulfils the duties of the NPM?

Yes. The members of the Advisory Council of the Spain NPM are represented by:

- 1 person designed by the General Council of Spanish Lawyers.
- 1 person designed by Medical Organization Collegiate-General Council of Official Colleges of Physicians of Spain.
- 1 person designed by General Council of Psychologists of Spain.
- 5 persons chosen from nominations submitted to the Ombudsman personally or on behalf of organizations or associations representing civil society.

Catalan NPM: according to the art. 76 and 77 Law 24/2009, the members of the Group Work "must be involved in defending and protecting human rights of acknowledged competence and professional experience and contrasted expertise" (art. 76), and the members of the Advisory Council must be independent experts in human rights, with professional knowledge, skills and recognized prestige. The composition of the Council should reflect the gender balance (art. 77):

- a) Two members proposed professional associations of lawyers.
- b) Two members proposed professional associations in the field of health.
- c) Four members nominated by nongovernmental organizations defending human rights, especially those working for the prevention of torture.
- d) Two members proposed university research centres in the field of human rights.
- e) Two professionals with experience in the field of torture prevention and working with persons deprived of liberty.

h. Are there any other inspection and monitoring bodies dedicated to prisons, and if so what are they?

Special Judges of Executions and other international organisms as the European CPT.

ILL-TREATMENT

a. Who investigates prisoners' complaints of ill-treatment by prison staff or by other prisoners (inter-prisoner violence) in Spain (internal investigative body of the prison; external investigative body; prosecutor's office, etc.)?

The Administration is required to investigate any allegations by prisoners on ill-treatment. This issue is engaged by the Inspection Services whose will open a confidential Report in this regard. It's possible to denounce this situation to the Judges of Execution; and, known facts, the human rights organizations can also complain to different organizations such as ombudsmen or international organizations.

b. Is it possible for a prisoner to appeal the decision of the investigative body? If yes - to whom?

Yes, prisoner can appeal the decision of the Inspection Service of the Administration to the Judges of Execution. The decision of the Judge of Execution can be appealed to the Provincial High Court, then, its decision to the High Court of Justice of Autonomous Community. This new decision can be appealed to the Supreme Court. That's what is established in our legislation but it's impossible to make all these appeals because it's very expensive the access to Justice in our country.

c. Are statistics available on the number of prisoner complaints of ill-treatment by the prison staff and by other prisoners (inter-prisoner violence)? If yes, please provide the numbers.

There isn't official data about it. According to the Report 2012 from the Coordinadora para la Prevención de la Tortura, there were 288 situations of abuse to detainees in prisons and in police stations. Specifically, we highlight 80 cases of complaints of prisoners to prison officials.

d. Are statistics available on disciplinary/criminal proceedings initiated with regard to ill-treatment by the prison staff and by prisoners (inter-prisoner violence)? If yes, please provide the numbers.

No, you can only have public access to the total number of proceedings initiated in what it's called as "incidents", but it isn't possible to specify what it means. And these data are offered only by Catalan Administration.

e. Are statistics available on the outcome of disciplinary/criminal proceedings with regard to ill-treatment by the prison staff and by prisoners (inter-prisoner violence)? If yes, please provide how

many proceedings have resulted in disciplinary/criminal sanctions. If possible, please specify which kinds of sanctions (fines, suspended sentence, imprisonment, etc.) are most applied.

No, there aren't statistics on it. The experience of lawyers shows that when we're talking about inter-prisoner violence, it usually ends with a penalty of isolation and regression grade prison; when we're talking about ill-treatment by the prison staff it usually ends filing the case for lack of evidence, changing the official to another prison, or, if the complaint arrives at Court, with a minimum sentence for "excessive use of force", or as a crime of injury or offense against moral integrity.

EFFECTS OF THE ECONOMIC CRISIS

The economic crisis is hitting hard Spanish penitentiary system. Thus, it is noted: the completion of the assistance service and legal defence of prisoners in some autonomous communities; the end of different health care services (e.g.: only in the community of Madrid, the "budget cuts" policy causes to leave without the delivery of new treatments in the middle of the prisoners with hepatitis C. We can say that, at present, approximately the percentage of detainees affected by this disease in Spanish prisons is 22,4%, about ten times more than outside prison (v. Servimedia 16 de noviembre de 2012); cuts of treatment programs in different prisons in Catalonia, programs where near 160 organizations are working on to a set of some 6.000 prisoners. Many professionals claim to have received a communication from the Department of Justice that announces the end of some types of economic subsidies with immediate effect; incentive of the orders of expulsion of foreigners imprisoned in Spain. Stands out, however, that in the worst years of the economic crisis, the number of inmates has fallen by 10%, which gives rise to different interpretations that we can quickly summarize as follows: those who stand out a significant number of foreign prisoners expelled from Spain (Brandariz 2013); those which include a legal change in the crime of drug trafficking that has reduced some sentences prior to this type of criminal offence (Forero and Jimenez 2013); those who stress the importance of so-called "back door strategies" which are causing prison leaks, such as suspension of the execution of the penalty, more conditional and similar liberties awards. (Larrauri and Rodriguez 2012).

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UNIVERSITY OF BARCELONA- OBSERVATORY OF PENAL SYSTEM AND HUMAN RIGHTS

The Observatory of the Penal System and Human Rights from the University of Barcelona is composed by teachers, students, graduates, professionals and It works on research, teaching and observation and inspection of the institutions of the criminal justice system trying to work for culture of human rights, defending the rights and freedoms of individuals and strengthen the principles and values of the democratic State of law. The OPSHR: 1. Observes, analyses and reports on the functioning of the institutions of the criminal justice system, prisons, police stations, detention centres for foreigners, security forces; 2. seeks to contribute to human rights, increasingly threatened by security policies, monitoring and control; 3. oversees compliance with the strict law in the criminal justice system and works to promote transparency.



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