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Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Visit to Spain undertaken from 15 to 26 October 2017: observations and recommendations addressed to the State party

Report of the Subcommittee*, **

* In accordance with article 16 (1) of the Optional Protocol, the present report was transmitted confidentially to the State party on 15 March 2018. On 11 January 2019, the State party requested the Subcommittee to publish the report, in accordance with article 16 (2) of the Optional Protocol.

** The annexes to the present document are being circulated in the language of submission only.

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I. Introduction

1. In accordance with the provisions of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment carried out a regular visit to Spain from 15 to 26 October 2017. It held meetings with government authorities, civil society and persons deprived of their liberty and visited 31 places of deprivation of liberty in Madrid, Valencia, Bilbao, San Sebastián, Melilla, Málaga, Algeciras and Cádiz-Jerez.

2. The Subcommittee was represented by its members Felipe Villavicencio Terreros (head of delegation), Lorena González Pinto (Vice-Chair of the Subcommittee), Nora Sveaass (Vice-Chair of the Subcommittee), Roberto Michel Fehér Pérez and Abdallah Ounnir.

3. The Subcommittee members were assisted by three human rights officers and two security officers from the Office of the United Nations High Commissioner for Human Rights (OHCHR).

4. The Subcommittee had planned to include the Autonomous Community of Catalonia in its visit. However, during the mission, the Subcommittee decided it would be more appropriate to postpone the analysis of the circumstances of persons deprived of their liberty in that region owing to the highly publicized domestic political situation that arose during the visit.

5. At the end of the visit, the delegation presented its confidential preliminary observations orally to government authorities. In the present report, the Subcommittee sets out its findings and recommendations relevant to the prevention of torture and ill-treatment of persons deprived of their liberty. The present report uses the generic term "ill-treatment" to refer to any form of cruel, inhuman or degrading treatment or punishment.[1] Together with this report, the Subcommittee is forwarding a report on its observations specifically relating to the national preventive mechanism.

6. **The Subcommittee requests the Spanish authorities to provide a reply to the present report within six months from the date of its transmission, including a full account of the actions taken to implement the recommendations.**

7. The present report will remain confidential until such time as the State party decides to make it public. The Subcommittee firmly believes that the publication of the present report would contribute positively to the prevention of torture and ill-treatment, as the widespread dissemination of the recommendations would help to lay the groundwork for a transparent and fruitful national dialogue on the issues covered in the report.

8. **The Subcommittee recommends that Spain request the publication of the present report in accordance with article 16 (2) of the Optional Protocol, as has been done previously by other States parties.**

9. The Subcommittee wishes to express its gratitude to the authorities of Spain for the manner in which they facilitated the visit. Access to places of detention was quick and unfettered. The authorities and the staff of the places visited by the Subcommittee readily cooperated with it. The Subcommittee notes that it had unrestricted access to the persons deprived of their liberty whom it wished to interview in private and to the reports and records it requested. When there was a delay, access was arranged quickly and effectively by the focal points designated by the State party.

10. The Subcommittee acknowledges that the State party has taken a number of legislative and other measures with regard to the prevention of torture and other cruel, inhuman or degrading treatment or punishment, including Organic Act No. 13/2015, which amended the Criminal Procedure Act, in particular articles 118, 509 and 520, to expand the

[1] In accordance with article 16 of the Convention against Torture.

rights of detainees. This law also amended the rules governing incommunicado detention by reducing its duration from 13 to 10 days and introducing safeguards.

11. The Subcommittee wishes to draw the State party's attention to the Special Fund established under article 26 of the Optional Protocol. Recommendations contained in reports that have been made public can be used by the State party as a basis for applying for funding from the Special Fund for specific projects.

II. National preventive mechanism

12. With respect to the question of financial independence, the Subcommittee noted that the national preventive mechanism does not have a budget of its own but, rather, is included in the budget allocated to the Ombudsman. This hinders its efforts to expand its work on the prevention of torture and ill-treatment. If it is not possible to allot the mechanism its own budget, the amount currently being allocated for the performance of its functions should be increased. The Subcommittee's guidelines on national preventive mechanisms explicitly state that: "[t]he NPM should enjoy complete financial and operational autonomy when carrying out its functions under the Optional Protocol" (CAT/OP/12/5, para. 12).

13. Among the Subcommittee's various observations on the activities of the national preventive mechanism, it has noted that the mechanism has not managed to establish its own identity as a distinct entity. It appears to have failed to develop a sufficiently effective strategy for carrying out its visits and fostering dialogue in its capacity as the national preventive mechanism or for differentiating itself from the Ombudsman. As a result, it has an extremely low profile in the eyes of persons deprived of their liberty, government authorities and civil society. In most of the centres that the Subcommittee visited, people were not aware of either the mandate or the existence of the national preventive mechanism.

14. **The Subcommittee recommends that the State party allocate, as a matter of priority, the financial resources needed by the national preventive mechanism, as required by the Optional Protocol and the Subcommittee's guidelines for such mechanisms (see CAT/OP/12/5, para. 11), and as set out in the national preventive mechanism assessment matrix developed by the Subcommittee. In addition, the State party should consult directly and in a constructive manner with the mechanism with a view to ascertaining the nature and extent of the resources needed for it to properly fulfil its mandate in accordance with the Optional Protocol.**

III. Legal and institutional framework for the prevention of torture and ill-treatment

A. Definition of torture

15. The Subcommittee is concerned that article 174, read in conjunction with article 24 (2), of the Criminal Code still does not fully reflect the definition contained in article 1 of the Convention against Torture. It does not provide for the possibility of the offence's being committed by a private individual with the "consent or acquiescence" of a public official or include "intimidating or coercing the person or a third person" among the purposes of torture. The Subcommittee is also concerned that a distinction is made between severe and non-severe torture and that the applicable penalties are grossly insufficient for the seriousness of the offence.

16. Although article 607 bis (8) of the Criminal Code recognizes the offence of torture as a crime against humanity when committed as part of a widespread or systematic attack directed against part or all of the civilian population, this is the only situation where the offence is not subject to limitation under Spanish law. However, the Subcommittee is of the view that no act of torture should be subject to limitation.

17. **The Subcommittee recommends that the State party:**

(a) **Harmonize the content of article 174 of the Criminal Code with international norms, in particular article 1 of the Convention against Torture;**

(b) **Remove the distinction between severe and non-severe torture established in article 174 of the Criminal Code;**

(c) **Establish appropriate penalties for perpetrators of torture which take into account the seriousness of the offence in accordance with article 4 (2) of the Convention;**

(d) **Establish the non-applicability of statutory limitations to all acts of torture.**

B. Incommunicado detention

18. The Subcommittee acknowledges that the Criminal Procedure Act was amended by Organic Act No. 13/2015, which introduced changes to the rules governing incommunicado detention. One of the most salient changes is that incommunicado detention will be permitted in only two situations: (a) when there is an urgent need to avoid serious consequences that might pose a threat to a person's life, freedom or physical integrity; (b) when there is an urgent need for immediate action by the investigating judges in order to avoid seriously compromising criminal proceedings. Furthermore, incommunicado detention can be applied only by judicial order and is limited to 10 days in duration (an initial period of 5 days with the possibility of a single 5-day extension). Nevertheless, the Subcommittee is concerned that the State party has not implemented all of the reforms it mentioned during the universal periodic review, such as the audio and video recording of persons held in incommunicado detention in police stations and a visit every 8 hours by a forensic doctor and a doctor appointed by the national preventive mechanism. It is further concerned that incommunicado detention continues to be applied to children between the ages of 16 and 18.

19. **The Subcommittee recommends that the State party consider abolishing incommunicado detention and that, in the interim, it put in place the safeguards mentioned during the universal periodic review which have yet to be included in the Criminal Procedure Act. It also recommends that the State party take into account the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and, in particular, rule 67 of the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, which prohibits the application of incommunicado detention to juveniles between the ages of 16 and 18.**

C. Mechanical restraints

20. Article 45 of the Prison Act and article 72 of the Prison Regulations govern the use of coercive measures. They establish that such measures should be proportional and limited to situations where there is no lesser means of achieving the desired effect and should be applied for no longer than is strictly necessary. Over the course of its visit, the Subcommittee observed that all detention centres have security cells and that, as previously noted by the national preventive mechanism, the use of coercive measures, especially mechanical restraints, differs from one centre to the next.

21. In addition, the Subcommittee was informed that mechanical restraints and other coercive measures are used fairly frequently. In most of the centres of deprivation of liberty that it visited, there were individuals who were being subjected to restraints, including restraint beds. The Subcommittee is of the opinion that, before resorting to mechanical restraints, proper first- and secondary-stage preventive action should be taken by means of a tailored programme for each person and the early detection of crises that have the potential to lead to disruptive behaviour.

22. **The Subcommittee recommends that the State party, in keeping with rules 47 and 48 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), ensure that coercive measures are used only on an exceptional basis, as a last resort and only when there are no alternatives or lesser means available and in a manner that respects the fundamental rights of persons deprived of their liberty. In addition, the Subcommittee urges the State party to take the necessary steps to ensure that daily medical supervision is provided on an ongoing basis for as long as the coercive measures are in place and that such measures are used for the shortest amount of time possible. The Subcommittee also recommends that the State party ensure that mechanical restraints are not used as a punishment for persons deprived of their liberty who are at risk of committing suicide.**

23. **The Subcommittee recommends that the State party pursue its efforts to keep appropriate records of the use of coercive measures, including information on the circumstances justifying the decision to apply the measures, the staff member who applied the restraints and the starting and ending times of the measure's application.**

24. **The Subcommittee recommends that, in keeping with rule 49 of the Nelson Mandela Rules, persons responsible for applying coercive measures be properly informed and trained and that the handbook on good practices in the use of mechanical restraints published by the national preventive mechanism be followed.**

D. Solitary confinement

25. During its visit, the Subcommittee observed that the rules on prison discipline provide for the use of solitary confinement. Article 42 of the Prison Act lists solitary confinement as a possible disciplinary sanction whose application is not to exceed 14 days. However, pursuant to article 42 (5), when two or more periods of solitary confinement are imposed and are to be completed consecutively, it can last up to 42 days. Articles 236 and 253 ff. of the Prison Regulations also set 42 days as the maximum duration of solitary confinement. In addition, the aforementioned provisions establish that, if solitary confinement is to exceed 14 days, judicial authorization must be sought and that, in all cases, the person concerned must undergo a medical examination prior to being placed in isolation and then each day for the duration of the measure.

26. The Subcommittee observed that, when solitary confinement is applied, a report is included in the file of the person deprived of liberty and the information is transmitted to the sentence administration judge. It also observed that doctors do rounds during which they attend to the detainee being held in solitary confinement. However, the doctors merely ask whether all is well, without lingering to ask further questions or perform a more detailed medical examination. Similarly, the Subcommittee was informed by some inmates that solitary confinement had been enforced for longer than 14 days.

27. **The Subcommittee recommends that the State party review and modify the maximum duration of solitary confinement such that it does not exceed the 15 consecutive days provided for in rule 44 of the Nelson Mandela Rules. The Subcommittee also recommends that the State party ensure that solitary confinement is used only as a last resort in exceptional cases. It urges the State party to ensure that a proper medical examination is carried out when persons are in solitary confinement and that all the safeguards provided for in the Prison Act and rules 45 and 46 of the Nelson Mandela Rules are upheld.**

E. Closed regime

28. The Subcommittee is concerned at the manner in which the closed regime is applied to inmates who are considered extremely dangerous or those for whom the ordinary or open regimes are not suitable, inasmuch as the closed regime places considerable restrictions on the daily lives and group activities of detainees. For example, there were reports that detainees subject to this regime do not have access to the library or to organized physical activity like the other detainees and that they are subjected to daily body searches, including

searches involving full nudity on some occasions. The Subcommittee is also concerned that both Organic Act No. 1/1979 and Royal Decree No. 190/1996, by which the Prison Regulations were established, do not set a time limit on placement in the closed regime, which essentially means that it can be renewed indefinitely.[2] The Subcommittee received complaints from a number of detainees held under the closed regime about physical ill-treatment and the lack of adequate medical attention; for instance, one detainee claimed to have been tied up on several occasions and to have been attended to by the doctor through a window. The closed-regime detainees also claimed that they went for indefinite periods without talking to anyone. One detainee said that he had spent 8 months without seeing anyone aside from the guards, since he always went out into the courtyard alone and did not receive visits because his family lived in another city.

29. **The Subcommittee recommends that the State party review its use of the closed regime with a view to setting a time limit on its application and ensuring that it cannot be extended indefinitely. It also recommends that the relevant rules be amended to ensure that persons subject to the closed regime receive appropriate medical attention and have access to group activities and common areas, including the library.**

F. Detecting torture and ill-treatment

30. Persons deprived of their liberty in some centres claimed that they had been subjected to physical ill-treatment, such as being kicked or hit in the face, especially at the time of arrest, and to psychological ill-treatment, including insults. The Subcommittee heard, on multiple occasions, claims of ill-treatment at the time of arrest. In addition, it was informed of difficulties in filing complaints or grievances and in regard to the procedure for investigating cases and punishing those responsible.

31. In the Puerto I and Puerto III prisons, the Subcommittee heard numerous claims of physical and verbal abuse being committed by prison personnel. Some detainees reported having been hit with wooden batons, struck in the face or kicked and, on occasion, tied up in isolation units. In both prisons, the detainees expressed a lack of trust in the prison staff, who sometimes threatened to report them for disciplinary action.

32. Following the Subcommittee's visit, the State party provided it with copies of 23 judicial decisions handed down in the past 10 years, of which only 2 were convictions in torture cases (Criminal Code, art. 174) involving a total of 4 defendants. In most of the other cases, the officials were convicted of the infliction of psychological duress, as covered in article 175 of the Criminal Code, which provides for lesser penalties than article 174. The Subcommittee notes with concern that there have been few instances in which people have been convicted of torture; this is a cause of concern especially in the light of decisions of the Constitutional Court highlighting failings in the manner in which complaints of torture are investigated.[3]

33. In most of the facilities it visited, the Subcommittee observed a lack of adequate mechanisms for the submission of requests or complaints, including complaints of torture or ill-treatment, as required under rules 56 and 57 of the Nelson Mandela Rules. The Subcommittee is concerned that access to means of making complaints to prison authorities, judicial officials, the Ombudsman's Office or other authorities is not ensured. In some cases, the Subcommittee was informed that prison personnel were aware of the content of complaints despite their being in sealed envelopes. It was also informed that communications, including complaints and requests, had to be in unsealed envelopes if they were being filed by persons convicted of terrorism charges. In all cases, it observed that persons deprived of their liberty fear reprisals.

[2] The Organic Act provides that inmates who are sent to these centres are to remain there until such time as the reasons or circumstances that motivated their admission have ceased to exist or have lessened in severity. The Prison Regulations establish that placement in a closed regime should be reviewed at least every three months, but does not set a ceiling on extensions.

[3] For example, Constitutional Court decisions 144/2016 of 31 October 2016, 130/2016 of 15 August 2016 and 39/2017 of 27 May 2017.

34. The Subcommittee is concerned by the fact that there is no record of the number of officials investigated for torture or ill-treatment, that data on persons who file complaints are not disaggregated by factors such as sex, age, nationality and prison regime, and that information is not available on the steps taken to prevent reprisals after a complaint has been lodged.

35. **The Subcommittee calls on the State party to take the necessary steps to ensure that complaints of torture or ill-treatment are investigated in an efficient, thorough and transparent manner and that those responsible for such acts are prosecuted and punished in a manner that is commensurate with the severity of the offences concerned. Echoing the recommendation of the Committee against Torture, the Subcommittee urges the State party to combat impunity by having an independent mechanism carry out prompt, impartial, thorough and transparent investigations into all allegations of torture or ill-treatment by law enforcement officials.**

36. **The Subcommittee urges the State party to ensure, in practice, that all persons deprived of their liberty have the opportunity to submit requests and complaints to the warden or the designated prison officer, the sentence administration judge, the sentence administration prosecutor, the Ombudsman and the national preventive mechanism. The State party should also ensure that persons deprived of their liberty are able to speak freely and in full confidentiality and that they are not punished or otherwise prejudiced for having submitted a complaint or provided information.**

37. **In addition, the Subcommittee recommends that the State party gather statistical data, disaggregated by, inter alia, sex, nationality and prison regime, on complaints concerning torture, ill-treatment and unlawful use of force on the part of the police and on the related investigations, prosecutions, trials (specifying the offence) and criminal or disciplinary sanctions. It also recommends that the State party take the necessary steps to ensure, in practice, that persons who have reported cases of torture or ill-treatment are protected against reprisals.**

(a) Lack of safeguards

38. The Subcommittee observed that, in some cases, persons deprived of their liberty were being held in conditions that prevented them from informing anyone of their detention, including a lawyer (lack of public defence services), and were not informed of their rights or status in a language they understand.

39. **The Subcommittee urges the State party to adopt measures to ensure that all persons deprived of their liberty are effectively afforded all safeguards from the time they are taken into custody, in accordance with international rules and standards.**

40. The Subcommittee observed that, in many cases, persons deprived of their liberty, in particular those who stand accused or have been convicted of acts of terrorism, are systematically transferred to detention centres far from their families.

41. **The Subcommittee recommends that the State party take into account rule 59 of the Nelson Mandela Rules when assigning a person to a prison.**

(b) Lack of public defence services

42. The Subcommittee is concerned about the unavailability of the public defence services that should be provided to persons deprived of their liberty. The question as to whether persons deprived of their liberty received legal assistance from public defenders consistently elicited a negative reply. The failure to make the corresponding visits to these centres indicates that there is a failure to communicate with persons deprived of their liberty prior to their appearance before the judge, at the time of their arrest and during the criminal investigation of the alleged offence.

43. The above illustrates the need to consider amending Act No. 1/1996 on free legal assistance with a view to strengthening public defence services, making their provision mandatory and increasing government funding for those services.

44. **The Subcommittee urges the State party to strengthen public defence services across the country by taking steps to ensure that all detainees who lack sufficient means have access to a lawyer free of charge and on an equal basis, in keeping with article 119 of the Constitution, irrespective of the differing financial and human resources available to the various bar associations. The aim of these measures is to prevent impunity and forestall situations where individuals lack a proper defence, which can make the torture and ill-treatment of persons deprived of their liberty less visible.**

(c) Sentence administration judges

45. Despite the fact that, according to information received from the General Council of the Judiciary, there were 50 sentence administration judges in Spain as at 1 January 2017, at some of the centres it visited the Subcommittee received complaints not only from persons deprived of their liberty but also from staff members about these judges' ineffectiveness.

46. **The Subcommittee recommends that the State party take the required steps and allocate the necessary resources to ensure that sentence administration judges can perform their duties effectively. The Subcommittee also recommends the further development of current training programmes for investigating, sentence administration and due process judges and for prosecutors and public defenders. Such training should include instruction concerning the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).**

IV. Observations on the places visited

A. Overcrowding and infrastructure

47. Over the course of its visits to the various prisons, the Subcommittee did not observe any overcrowding. It noted that, overall, the physical condition of the buildings and the cleanliness of facilities, accommodation, bathrooms and exercise rooms were adequate.

48. The Subcommittee visited nine national police, autonomous police and civil guard stations. It noted that all the cells were dark and, in some cases, had poor ventilation and were foul smelling and that the shared bathrooms were dirty; these conditions adversely affect the health of the detainees. In some of the stations, video surveillance systems were out of order. For example, in the stations of El Retiro in Madrid and Málaga District West, the Subcommittee observed that persons deprived of their liberty had no means of communicating with the guards from inside their cell. It is important to note that, in most cases, the cells were located one or two floors below ground. **The Subcommittee recommends that the State party take the necessary structural measures to resolve the issues raised with regard to the aforementioned stations**.

B. Food and drinking water

49. In some of the centres, persons deprived of their liberty mentioned that food was in short supply and, on occasion, spoiled. The Subcommittee also noted that access to drinking water was very limited. In the case of the facilities visited in Melilla, there was severe criticism of the water supply, which was scarce and of poor quality; however, it should be noted that there is a generalized water quality problem in that city.

50. **The Subcommittee recommends that the State party ensure that prisons serve meals at the usual times, that a record of food deliveries is kept in order to prevent corrupt practices and that the food is of wholesome quality, well prepared and served and of adequate nutritional value. Similarly, the State party should ensure that drinking water is available to all persons deprived of their liberty whenever they need it.**

C. Pretrial detention

51. According to the data that the State party provided to the Subcommittee during its visit, as at 20 October 2017, the prison population stood at 48,814, of whom 7,121 were in pretrial detention and 41,693 were convicted offenders. The Subcommittee observed over the course of its prison visits that there are often no cell blocks specifically designated for pretrial detainees or convicted persons, thereby increasing the risk of criminal behaviour, especially among pretrial detainees.

52. **The Subcommittee recommends that the State party make it clear to the prison authorities that pretrial detainees and convicted offenders should be held separately so as to fully respect the former's right to the presumption of innocence in keeping with rules 111 and 120 of the Nelson Mandela Rules.**

V. Health

A. Introduction and professional independence

53. The medical services that cater to persons deprived of their liberty come under various ministries. Prison doctors who provide services in correctional facilities are staff of the Ministry of the Interior, except in the Basque Country, where they report to the Autonomous Community Health Department. That department is headed by a medical subdirector who falls under the authority of the prison warden. Forensic doctors are attached to the Ministry of Justice. Psychiatrists come under the health department, as do all other specialists to whom inmates are referred. There is also a fourth group, as was observed at the migrant holding centre in Valencia, where the health services are outsourced and/or subcontracted by the Ministry of the Interior. In temporary reception centres for migrants, some of the health services are provided by the Red Cross.

54. **The Subcommittee is concerned by the fact that health-care services are under the authority of the Ministry of the Interior; accordingly, it recommends that the State party transfer responsibility for those services to the health-care sector as part of an effort to ensure the clinical independence of doctors in keeping with rule 25 of the Nelson Mandela Rules.**

B. Structure and operation of health services

55. The Subcommittee examined the health-care system in jails, juvenile detention centres, police stations and migrant centres, both closed and open (migrant holding centres and temporary reception centres for migrants). It noted that medical services are appropriately structured and that there is the necessary staff to run polyclinics, 24-hour on-call services, infirmaries and dispensaries and to keep medical records, as well as psychologists and educators. It also noted that there is sufficient medication and a properly prepared drug formulary list. Examination rooms are clean.

56. The Subcommittee observed that, in most of the places it visited, persons deprived of their liberty have easy and rapid access to medical services and that, when they require a referral, such as for the services of a dentist or ophthalmologist, they sign up and get an appointment within a relatively short period of time. In terms of mental health services, psychiatrists conduct examinations, prescribe medication and monitor treatment, while psychologists are available for occasional therapy sessions. Mental health professionals do not provide regular psychological treatment other than medication. Substance abuse treatment is the priority in many places, and some prisons, including Alhaurín de la Torre prison, house a large number of inmates undergoing methadone treatment.

57. However, the Subcommittee observed that the situation is different in police stations, which do not have medical personnel on staff; doctors are called in only if requested by a detainee or when there is a special administrative inspection, for instance in the event of injury or illness.

58. **The Subcommittee recommends that the State party take the required steps to standardize the provision of medical care across detention centres, including access to specialists where necessary.**

C. Injuries and the Istanbul Protocol

59. Although there is a form that includes a section for an inmate's account of events and another for a detailed description of injuries, these forms are often not processed properly. For example, at Soto del Real prison, little attention is paid to the inmate's account, whereas at Picassent and Bilbao (Basauri) prisons, all the reports examined contained both sections. When there is reason to believe that the injuries have been caused by public officials, some centres transmit the reports to the judge for action.

60. The Subcommittee was informed that follow-up on cases of injuries sustained by persons deprived of their liberty is hindered by the fact that the injuries and the events that caused them often are not correctly recorded in the injury reports. The Subcommittee believes that this can lead to the concealment of ill-treatment, or even torture, especially when it is committed while a person is being held in solitary confinement, thereby making it difficult to effectively investigate such cases.

61. In addition, the Subcommittee observed that, in almost all cases, doctors send their injury reports in unsealed envelopes to the prison authorities, who are then responsible for conveying them to the judicial authorities; this is true even in cases where prison doctors report to the autonomous community health department, such as at San Sebastián prison. The Subcommittee notes that the Office of the Ombudsman issued a number of recommendations in this regard in its 2014 study of injury reports concerning persons deprived of their liberty. This situation undermines inmate trust, since inmates fear being the object of reprisals if they lodge a complaint.

62. The Subcommittee found that health-care professionals at all the centres were not familiar with the Istanbul Protocol and had little knowledge or understanding of how human rights relate to health.

63. **Therefore, the Subcommittee recommends that all doctors who are in contact with persons deprived of their liberty be trained in the application of the Istanbul Protocol. It also recommends that inmates' accounts of how their injuries occurred be explicitly recorded in the injury reports.**

64. **The Subcommittee reminds the State party that, under paragraph 122 of the Istanbul Protocol, a doctor should: assess possible injury and abuse, even in the absence of specific allegations by individuals, law enforcement or judicial officials; document physical and psychological evidence of injury and abuse; and correlate the degree of consistency between examination findings and specific allegations of abuse made by the patient or with his or her explicit consent or cooperation.**

65. The Subcommittee held meetings with the chair of forensic medicine and the director of the Institute of Forensic Medicine, which serves the country's central judicial bodies. These officials are required by law to respond promptly to judicial requests. They are aware of the Istanbul Protocol but instead apply a protocol that was developed by forensic doctors in 1997. Furthermore, the Subcommittee was informed that the Institute of Forensic Medicine has developed – and has begun to use – a protocol on the provision of medical care to persons in incommunicado detention ("Guía de trabajo para la asistencia a personas detenidas en régimen de incomunicación") even though it has not yet been approved by the chair of forensic medicine.

66. In addition, the Subcommittee has received complaints about a lack of privacy during prisoners' visits with forensic doctors in which it is alleged that prison officials are always present during such visits.

67. **Accordingly, the Subcommittee recommends that the State party address this issue with all due deference to inmates' right to confidentiality. It further recommends**

that the State party advocate the adoption and implementation of the protocol on persons held in incommunicado detention referred to in paragraph 64 above.

D. Psychiatric patients

68. The Subcommittee visited a centre for patients with psychiatric disorders in Valencia. It observed that hygiene, treatment, medication and security conditions were appropriate. Although it was concerned to find a room specifically designed for situations where the use of restraints is necessary, the facilities met current standards with regard to mechanical restraints. The Subcommittee found a lack of familiarity with the Istanbul Protocol among the staff at this centre as well.

69. The Subcommittee was informed that some persons deprived of their liberty who had psychiatric disorders or disabilities were being held in the general medical confinement units of detention centres and in units set up for this purpose owing to insufficient capacity in psychiatric hospitals.

70. **The Subcommittee recommends that psychiatrists who treat persons deprived of their liberty be familiarized with the Istanbul Protocol and trained in its application.**

71. **The Subcommittee also recommends, in keeping with rule 109 of the Nelson Mandela Rules, that places of confinement be established for patients with psychiatric disorders and that all inmates with such disorders who are being held in prisons, whether they were found to be not criminally responsible at the time of entry or whether they developed a psychiatric disorder at a later stage, be transferred to those facilities as quickly as possible.**

VI. Groups deprived of their liberty who are considered to be especially vulnerable

A. Situation of women

72. To ascertain the situation of women deprived of their liberty, the Subcommittee visited the Leganitos Central District police station, the Soto del Real prison, the Melilla juvenile facility, the Melilla prison, the Puerto III prison, the Alhaurín de la Torre prison, the Picassent prison and the Bilbao (Basauri) detention facility.

73. The Subcommittee visited holding cells in courts in Madrid and in police stations and observed that male and female detainees were held separately.

(a) Prisons

74. While visiting the various prisons, the Subcommittee received numerous and consistent reports regarding the limited recreational, physical and educational activities available and the lack of vocational training workshops for women deprived of their liberty. Female prisoners also reported that most of the paid work in prisons was done by men and that women had fewer opportunities to undertake such work. This situation constitutes discriminatory treatment against women deprived of their liberty, since male detainees have greater access to such activities and to paid work at the various prisons that the Subcommittee visited.

75. **The Subcommittee recommends that the State party take the necessary measures to ensure that women deprived of their liberty have access to work and to educational, exercise, sports and recreational activities on an equal footing with men, in accordance with rule 42 of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) and rules 104 and 105 of the Nelson Mandela Rules. Taking into account its statement on the prevention of torture and ill-treatment of women deprived of their liberty, the**

Subcommittee encourages the State party to adopt a prison policy that incorporates a gender perspective, in line with the Bangkok Rules.

76. The Subcommittee found that in the Melilla, Alhaurín de la Torre and San Sebastián prisons, women are unable to keep their babies with them since there are no mother-and-child units. At those prisons, women cannot breastfeed their children either. Most of the women who were interviewed reported that being unable to take care of their children caused them a great deal of stress. According to information received by the Subcommittee, mothers wanting to keep their children with them must be transferred to Seville or another prison, which entails uprooting them from the rest of their family. The Subcommittee considers the operation of the mother-and-child unit at the Picassent prison to be a good practice that could be replicated in other prison facilities. At that unit, mothers can remain with their babies and are provided with the basic necessities required to be able to care for them and foster their development.

77. **The Subcommittee recommends that the State party develop the infrastructure needed to enable mothers to remain with their children and to breastfeed them, in accordance with rule 29 of the Nelson Mandela Rules. It also recommends that an effective system be put in place to protect the children of imprisoned women.**

78. In all of the facilities that it visited, the Subcommittee found that women deprived of their liberty are subject to discriminatory conditions, since the lack of sufficient space means they cannot be separated by category. In the prisons housing women that it visited, the Subcommittee found that women in pretrial detention, women who had been convicted, women who displayed violent behaviour and women who did not are all held together. It also found that the majority of prisons have special compliance sections which, according to the information received, are separate areas within a prison that are designed to create a harmonious atmosphere of mutual respect for detainees. Participation in the scheme is voluntary; detainees agree to be bound by the rules rather than having them imposed upon them. However, it was noted that, due to a lack of the infrastructure needed to permit the separation of different categories of women inmates, it is often difficult and sometimes impossible to establish these sections for female inmates. This situation hinders the assessment of the progress being made by women detainees in terms of their social reintegration.

79. **The Subcommittee recommends that, with respect to female prisoners, the State party apply the principles of non-discrimination, classification and individualized planning set forth in rules 1, 40 and 41 of the Bangkok Rules and in article 3 of the Convention on the Elimination of All Forms of Discrimination against Women. In this regard, it also recommends that the State party take the necessary steps to ensure that women in detention have the same degree of access to special compliance sections as male detainees.**

B. Migrants

80. There are currently eight migrant holding centres in the State party. During its visit, the Subcommittee visited three of them, in Madrid (Aluche), Valencia and Algeciras, as well as the temporary reception centre for migrants in Melilla.

81. The Subcommittee found that, in all of these centres, clothing and personal hygiene items were provided to detainees. However, at the Aluche centre there were a number of reports that some migrants were unable to change their clothes regularly because they had received only one set of clothing.

82. The Subcommittee heard reports from some male migrants held at the Aluche centre that they had been subjected to ill-treatment, including beatings and verbal abuse, by some members of the staff.

83. It also received complaints that the length of time that people spend in detention varies according to their nationality. According to those allegations, citizens of Algeria and Morocco spend the longest periods in detention, despite the fact that it would be easier to return people to those countries than to others.

84. **The Subcommittee recommends that the State party take the steps necessary to be able to detect acts of torture and ill-treatment in migrant holding centres and that it thoroughly investigate such acts and impose administrative and criminal sanctions on the perpetrators. It also recommends that the State party provide adequate assistance and protection to migrants who report acts of torture or ill-treatment.**

85. **The Subcommittee recommends that the State party determine individuals' migration status without discrimination and within a reasonable period of time in all cases, and that it provide them with information regarding the relevant procedures and decisions, taking into account applicable international standards.**

86. Although the Subcommittee notes that, under article 62 bis (1) of the Aliens Act, migrant holding centres are not prisons, it found that the centres it visited operated like prisons and, in fact, the Algeciras facility is located in a former prison. Individuals are held in the centres for the shortest period of time possible, up to a maximum of 60 days. According to the information received, migrants spend much of the day locked in their cells and are able to go outside only for a short period of time. Cells are locked manually, preventing detainees from moving about freely within the centre. Furthermore, the cells are located some distance from the guards, so there would be a delay in accessing the cells in the event of a fire or other incident.

87. Moreover, migrants at the Aluche centre stated that no activities are made available to them while they are there and that they have limited access to the media, leaving them feeling completely cut off from the outside world. At the Algeciras centre, migrants also complained that they were unable to tell when it was time for their various activities as there was no clock available.

88. **The Subcommittee recommends that the State party take the necessary measures to ensure that migrant holding centres do not operate in a manner similar to prison facilities, as established in article 62 bis of the Aliens Act. In this regard, the Committee recommends moving forward with the proposal to relocate the centre in Algeciras (Málaga) so that it may be regarded as a reception facility rather than a prison. The Subcommittee also recommends that the State party take the necessary measures to ensure, inter alia, that migrants have greater freedom of movement within the centres and that rooms and units can be unlocked automatically, both to facilitate the work of the guards and to allow detainees to spend more time outside. The Subcommittee further recommends providing workshops and activities for migrants at the reception centres and making it easier for them to access information and the media.**

89. The Subcommittee was also informed that most migrants who enter Spanish territory in an irregular manner are automatically detained and sent directly to police stations, where they can be held for a maximum of 72 hours. They are subsequently transferred to a migrant holding centre or, in some cases, referred to a non-governmental organization that provides assistance to migrants.

90. During its visit to the Plaza Manuel Azaña police station in Málaga, the Subcommittee found that there were 48 migrants from the sub-Saharan region who had been held at the station for 2 days. The migrants informed the Subcommittee that they had not been afforded access to legal counsel or interpreters to help them resolve their migration status and had been unable to inform their families that they had been detained. They also reported that they had not undergone a medical examination and had not been allowed access to a bathroom to attend to their personal hygiene needs. Although the Subcommittee observed that the migrants were separated from other detainees, they were being held in dark, unventilated police cells generally used for persons accused of committing an offence.

91. **The Subcommittee reiterates that the detention of migrants should be an exceptional measure that is used only when necessary, reasonable and proportionate in a specific case and that it should be applied only for the shortest period of time possible and for a legitimate purpose. Furthermore, from the outset of their detention, migrants must be provided with access to medical assistance and to all the necessary procedural guarantees to allow them to defend their rights, such as access to legal**

assistance, information on their status and the ability to communicate with their families and consular officials. The Subcommittee also recommends that the State party take the necessary steps to ensure that migrants are not held in police cells and that they have access to a shower and other personal hygiene facilities.

92. The European Court of Human Rights, which found against Spain on the issue of automatic returns in a judgment issued on 3 October 2017, and the Office of the Ombudsman of Spain have both indicated that there is an urgent need to modify the procedures followed by border agents in Ceuta and Melilla so that persons attempting to enter Spain in an irregular manner are handed over to the National Police. If this is done, their cases can then be processed in accordance with the legislation on foreign nationals and they can be informed about the procedure for requesting international protection.

93. **The Subcommittee recommends that the practice of automatic or summary returns of immigrants be subject to a pre-removal risk assessment that provides access to refugee status determination procedures, since on-the-spot expulsions run counter to the principle of non-refoulement under article 3 of the Convention against Torture.**

94. **The Subcommittee also urges the State party to issue an administrative decision to all individuals who are refused entry at the border and to provide them with legal assistance and interpretation services, as well as information on the remedies available for challenging the decision and details of the procedure available to persons in need of international protection for requesting asylum. The State party should ensure that minors and possible victims of human trafficking are not subjected to automatic returns.**

(a) Temporary migrant reception centres

95. The Subcommittee visited the reception centre in Melilla and observed conditions there. The facility is not overcrowded, and material conditions are good. However, improvements could be made to the units where migrants sleep, particularly those units accommodating persons with specific needs, such as lone women or women with children.

96. The Subcommittee found that gay Moroccans at the centre faced discrimination and were psychologically fragile and extremely vulnerable. The Subcommittee was particularly concerned about the case of an individual living with HIV who appeared to be suffering a great deal and who had been rejected by his own community.

97. The gay Moroccans who were interviewed said that they lived in constant fear of being attacked by other residents at the centre. They also reported being the targets of daily harassment, insults and threats from other residents and private security guards at the centre.

98. **The Subcommittee recommends that the State party take the necessary measures to protect the physical and psychological integrity of lesbian, gay, bisexual, transgender and intersex persons at the temporary migrant reception centre by shielding them from ill-treatment. It further recommends that the State party ensure that the medical needs of these persons are taken into account and respected in all cases and that they are under no circumstances subjected to discrimination or segregation as a result of those needs. The Subcommittee also recommends that law enforcement officials and security personnel at the reception centre be provided with information on how to communicate with lesbian, gay, bisexual, transgender and intersex persons in an effective and professional manner. These officers should also be made aware of the international rules and principles regarding equality and non-discrimination in relation to sexual orientation and gender identity. The Subcommittee recommends that the State party process asylum applications from such persons as quickly as possible in order to minimize the emotional suffering they experience in a hostile environment. The Subcommittee also refers the State party to section V of its annual report (CAT/C/57/4) on the prevention of torture and other cruel, inhuman or degrading treatment or punishment of lesbian, gay, bisexual, transgender and intersex persons.**

C. Children and adolescents

(a) Protection of adolescents in conflict with the law

99. Article 1 of the Organic Act on the Criminal Responsibility of Minors provides that minors aged between 14 and 18 years who commit an offence, whether a felony or a misdemeanour, shall be held criminally accountable in accordance with the provisions established in the Act.

100. Under the provisions of this law, minors are not subject to fines, tagging or prison terms, but are instead sentenced to corrective measures aimed at rehabilitation and designed to help them move beyond the bad habits that have led them to offend. However, the increase in penalties and the lowering of the age of criminal responsibility to 14 years give rise to concerns.

101. **The Subcommittee acknowledges the State party's efforts to operate a juvenile justice system that is in line with international standards and safeguards. However, it remains concerned that the age of criminal responsibility has been lowered to 14 years and that the sanctions applied for serious crimes are very severe. It therefore recommends that a review of the criminal legislation applicable to minors be undertaken in order to bring it into line with international standards on juvenile justice, in particular articles 37 (b) and 40 of the Convention on the Rights of the Child and the Beijing Rules, the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, as well as general comment No. 10 (2007) on children's rights in juvenile justice issued by the Committee on the Rights of the Child.**

(b) Disciplinary regime in juvenile detention centres

102. Article 60 (3) (a) of the Organic Act on the Criminal Responsibility of Minors provides that minors who engage in grave misconduct, such as overtly aggressive, violent or seriously disruptive behaviour, may be separated from the group for a period of from 3 to 7 days. According to the information provided by some of the children at the juvenile detention centre in Melilla, when they are separated from the group they are permitted to spend only 1 hour per day outside. Children have sometimes been subjected to the sanction of separation on consecutive occasions, which has thus exceeded the maximum period of seven days.

103. The Subcommittee was also granted access to the centre's records, including the computer-based register of disciplinary sanctions. The Subcommittee found that, in the register pertaining to the monitoring of the use of restraint, the names of the person who requested the sanction and the official who implemented it were not recorded. The Subcommittee is of the view that recording this information could help to prevent the torture or ill-treatment of young people held in juvenile detention centres and to improve oversight in the event of complaints by adolescents of ill-treatment or torture.

104. **The Subcommittee recommends that, pursuant to rule 67 of the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, the State party review the application of the sanctions permitted under the disciplinary regime set forth in article 60 of the Organic Act on the Criminal Responsibility of Minors to ensure that the dignity of adolescents in conflict with the law is respected. The Subcommittee recommends that the State party ensure that separation from the group is used only as an exceptional measure, that decisions regarding its use always take into account the best interests of the child, that it is applied for the shortest period of time possible and that children do not spend lengthy periods in isolation as a result of consecutive punishments. Similarly, the Subcommittee encourages the State party to consider including the names of the official requesting the sanction and the official implementing it in the record of disciplinary sanctions.**

(c) Child asylum seekers, child refugees and foreign unaccompanied children

105. The Subcommittee takes note of the adoption of Act No. 12/2009 of 30 October on the right to asylum and subsidiary protection, which contains provisions on the special circumstances of unaccompanied children requiring international protection and the need to provide them with differentiated treatment.

106. **The Subcommittee recommends that the State party extend the scope of the Asylum Act to bring it into line with international standards in order to ensure that adequate protection is afforded to all children, irrespective of their nationality. The Subcommittee also endorses the recommendations of the Office of the Ombudsman to incorporate the directives that make up the common European asylum system into the national legal order, to amend the law to make it possible to request international protection at consular offices and to introduce a procedure to accelerate the extension of asylum to an applicant's family members if they are at risk.**

VII. Repercussions of the visit

107. In accordance with article 15 of the Optional Protocol and the Subcommittee's policy on reprisals,[4] the Subcommittee calls upon the Spanish authorities to ensure that no reprisals are taken following its visit. The Subcommittee requests the State party to include detailed information in its reply on what it has done to prevent reprisals from being taken against anyone who met with or was visited by the Subcommittee or who provided information to it during the course of its visit.

VIII. Conclusion

108. **The Subcommittee hopes that its visit and the present report will mark the beginning of a constructive dialogue with Spain that will focus on the State party's fulfilment of its obligations under the Optional Protocol and the achievement of the common goal of preventing torture and ill-treatment.**

109. **The Subcommittee recommends that the State party make this report public inasmuch as it believes that this in itself is a preventive measure. In addition, the Subcommittee recommends that the State party distribute this report to all relevant government departments and institutions.**

[4] CAT/OP/6/Rev.1.

Annex I

Lista de las personas con quienes se reunió el Subcomité

A. Autoridades

Ministerio de Asuntos Exteriores y Cooperación

- Pablo Ruíz-Jarabo Quemada, Embajador en Misión Especial para los Derechos Humanos, la Democracia y el Estado de Derecho
- Adela Díaz Bernárdez, Directora de la Oficina de Derechos Humanos

Ministerio de Justicia

- Ana Andrés Ballesteros, Subdirectora General para Asuntos de Justicia en la Unión Europea y Organismos Internacionales
- Raquel de Miguel Morante, Fiscal y Asesora en el Gabinete Técnico de la Subsecretaría

Ministerio de Defensa

- Juan Manuel García Labajo, General Consejero Togado del Cuerpo Jurídico Militar, Vocal Asesor del Subsecretario de Defensa

Ministerio del Interior

- Luis Aguilera Ruíz, Subsecretario
- Ángel Yuste Castillejo, Secretario General de Instituciones Penitenciarias
- Germán López Iglesias, Director General de la Policía
- Juan Carlos Ortiz Argüelles, Comisario General de Extranjería y Fronteras
- Luis Aparicio Campillo, Jefe de los Servicios Jurídicos de la Comisaría General de Extranjería y Fronteras
- José Manuel Holgado Merino, Director de la Guardia Civil
- José Manuel Santiago Marín, Jefe de la Sección de Operaciones del Estado Mayor
- Miguel Fayos Mestre, de la Unidad Técnica de Policía Judicial
- Ángel García Navarro, Jefe de Servicio, Subdirección General de Relaciones Internacionales, Inmigración y Extranjería

Ministerio de Sanidad, Servicios Sociales e Igualdad

- Encarna Cruz, Directora General de Cartera Básica de Servicios del Servicio Nacional de Salud y Farmacia

Ministerio Fiscal

- Jesús Alonso, Fiscal Jefe de la Audiencia Nacional
- Joaquín Sánchez-Covisa, Fiscal de Extranjería

Tribunal Supremo de Justicia

- Carlos Lesmes Serrano, Presidente del Tribunal Supremo y del Consejo General del Poder Judicial

- Juan José López Ortega, Presidente de la Sección Cuarta (de lo Penal y Menores) de la Audiencia Provincial de Madrid [Ha sido miembro del Comité contra la Desaparición Forzada]
- María José García-Galán San Miguel, Magistrada de la Sección Cuarta (de lo Penal y Menores) de la Audiencia Provincial de Madrid

Instituto de Medicina Legal y Ciencias Forenses

- Rafael M. Bañon González, Director del Instituto de Medicina Legal y Ciencias Forenses
- José Luis Prieto, Instituto de Medicina Legal y Ciencias Forenses
- Eduardo Andreu, Instituto de Medicina Legal y Ciencias Forenses
- Vidal Santos, Director del Instituto de Medicina Legal de Órganos Judiciales Centrales
- Cristina Romero, médico forense

Mecanismo nacional de prevención

- Francisco Fernández Marugán, Defensor del Pueblo en funciones
- Concepción Ferrer, Defensora del Pueblo Adjunta
- Bartolomé José Martínez García, Jefe de la Unidad Mecanismo Nacional de Prevención
- José Manuel Sánchez Saudinós, Secretario General del Defensor del Pueblo
- Arantxa Díaz Ugarte, personal técnico adscrito a la Unidad mecanismo nacional de prevención
- Esther Pino Gamero, personal técnico adscrito a la Unidad mecanismo nacional de prevención
- Rocío Monterroso Barrero, personal técnico adscrito a la Unidad mecanismo nacional de prevención
- Santiago Yerga Cobos, personal técnico adscrito a la Unidad mecanismo nacional de prevención
- Silvia Martín Honrubia, personal técnico adscrito a la Unidad mecanismo nacional de prevención
- Sergio Hernández Moya, administrativo adscrito a la Unidad mecanismo nacional de prevención, encargado de videofilmación
- Carmen Comas-Mata Mira, técnica jefe de relaciones internacionales del Defensor del Pueblo
- Fernando Herrero Camps, técnico de seguridad y justicia, experto en prisiones
- Vicenta Esteve Biot, vocal del Consejo Asesor del mecanismo nacional de prevención, a propuesta del Consejo General de Colegios de Psicólogos de España
- Pau Pérez Sales, técnico externo consultor especialista en psiquiatría
- Antonio Muñoz Faraldo, técnico de la Unidad mecanismo nacional de prevención
- Milagros Fuentes González, vocal del Consejo Asesor del mecanismo nacional de prevención, a propuesta del Consejo General de la Abogacía Española
- Inmaculada Martínez Torre, vocal del Consejo Asesor del mecanismo nacional de prevención, a propuesta de la Organización Médica Colegial
- Julián Carlos Ríos Martín, vocal del Consejo Asesor del mecanismo nacional de prevención

B. Naciones Unidas

- Marta García, Jefa Unidad de Protección, Alto Comisionado de las Naciones Unidas para los Refugiados
- María Valles, Unidad de Protección, Alto Comisionado de las Naciones Unidas para los Refugiados

C. Organismos de la sociedad civil

Madrid

- Asociación Libre de Abogadas y Abogados
- Agrupación de los Cuerpos de la Administración de Instituciones Penitenciarias (ACAIP)
- SOS Racismo
- Salud Mental España
- Fundación Abogacía Española
- Asociación Pro-Derechos Humanos España
- Red Acoge
- Comisión Legal SOL, Coordinadora para la Prevención y Denuncia de la Tortura (CPDT)
- Women's Link Worldwide
- Subcomisión Derecho Penitenciario, Consejo General Abogacía Española
- Coordinadora Catalana para la prevención y denuncia de la Tortura (IRIDIA)
- Instituto Internacional para la Acción No-Violenta (NOVACT)
- Comisión Española de Ayuda al Refugiado (CEAR)
- Amnesty International

Melilla

- Cruz Roja Española
- Movimiento por la Paz
- Melilla Acoge
- Asociación Pro Derechos de la Infancia (PRODEIN), Melilla

Bilbao

- Etxerat
- SOS Racismo Bizkaia
- CPDT
- Sare
- Jaiki Hadi
- Salhaketa Araba
- Salhaketa Bizkaia

Annex II

Lugares de privación de libertad visitados

A. Establecimientos penitenciarios

- Centro Penitenciario Soto del Real (Madrid) (conjunta con el mecanismo nacional de prevención)
- Centro Penitenciario de Picassent (Valencia)
- Centro Penitenciario de Melilla (Melilla)
- Centro Penitenciario Basauri (Bilbao)
- Centro Penitenciario de Alhaurín de la Torre (Málaga)
- Centro Penitenciario de San Sebastián
- Centro Penitenciario de Puerto I (Cádiz)
- Centro Penitenciario de Puerto II (Cádiz)

B. Establecimientos policiales

- Comisaría del Cuerpo Nacional de Policía Puente Vallecas (Madrid)
- Comisaría del Cuerpo Nacional de Policía Leganitos (Madrid)
- Comisaría del Cuerpo Nacional de Policía El Retiro (Madrid)
- Comisaría del Cuerpo Nacional de Policía (Melilla)
- Comisaría de la Guardia Civil (Melilla)
- Comisaría de la Guardia Civil de Almusafes (Valencia)
- Comisaría de la Policía Local de Torrent (Valencia)
- Comisaría de la Ertzaintza de Sestao (Vizcaya)
- Comisaría de la Ertzaintza de San Sebastián (Vizcaya)
- Puesto Fronterizo de Beni Enzar (Melilla)
- Comisaría de la Policía Local (Melilla)
- Comisaría de la Policía Local (Málaga)
- Comisaría del Cuerpo Nacional de Policía Plaza Manuel Azaña (Málaga)

C. Establecimientos del Poder Judicial

- Calabozos juzgados (Madrid)
- Calabozos Audiencia Nacional (Madrid)

D. Establecimientos de migrantes

- Centro de Internamiento de Extranjeros (Madrid)
- Centro de Internamiento de Extranjeros (Valencia)
- Centro de Internamiento de Extranjeros (Algeciras)
- Centro de Estancia Temporal de Inmigrantes (Melilla)

- Aeropuerto Adolfo Suárez Madrid-Barajas, Terminal 1 (Madrid)
- Aeropuerto Adolfo Suárez Madrid-Barajas, Terminal 4 (Madrid)

E. Establecimientos de menores

- Centro de Internamiento de Menores (Melilla)

F. Instituciones psiquiátricas

- Hospital psiquiátrico de Bétera (Valencia)