

EXECUTIVE SUMMARY

The purpose of the ad hoc visit to Spain was to examine certain aspects of the treatment of foreign nationals in Melilla, as well as to assess the implementation of the recommendations formulated by the CPT in its report on the 2011 visit in relation to the detention centres for foreigners (*Centros de Internamiento de Extranjeros*) in Barcelona (Zona Franca) and Madrid (Aluche). The CPT's delegation also visited the holding facilities of the Immigration Service at Adolfo Suárez Madrid-Barajas Airport to assess the treatment of foreign nationals during forced return procedures. The co-operation received by the CPT's delegation was of an excellent standard. Nevertheless, the principle of co-operation also requires that decisive action be taken to improve the situation in the light of the CPT's recommendations. The findings of the 2014 visit show that hardly any progress has been made in relation to the material conditions of detention in both centres.

Centros de Internamiento de Extranjeros (CIEs)

As regards the functioning of the CIEs, the CPT welcomes the adoption of Royal Decree 162/2014 of 14 March 2014, which introduces a number of positive changes.

At the Zona Franca CIE, allegations of both physical ill-treatment and verbal abuse were received, in particular with respect to specific police officers, while at the Aluche Centre allegations of insults by police officers were heard. The Spanish authorities should implement appropriate measures to eradicate physical ill-treatment at the Zona Franca CIE and remind all staff at both centres that foreign nationals should be treated with respect. In the light of the frequent acts of violence and intimidation among detainees at the Zona Franca CIE, the CPT urges the Spanish authorities to establish and implement an anti-violence strategy. By contrast, at Aluche violence among detainees was appropriately managed.

The two CIEs continue to display a carceral environment which is inappropriate for persons detained under aliens legislation. Recommendations are made to address this situation as well as to ensure that detainees held in multi-occupancy cells at the Aluche CIE are provided with at least 4m² of living space per person. In terms of the regime in place, the report notes that detainees had access to outdoor exercise for four hours per day at both centres and that leisure activities and Spanish languages courses were offered. Nevertheless, more should be done to improve the range of activities on offer. Further, the practice in both CIEs of addressing detainees by their detention number rather than by their name should be ended. Steps should also be taken to enable detainees in all CIEs to receive visits without physical separation, except in individual cases where there is a clear security concern. Further, visits should not be limited to 30 minutes.

In general, the health-care services in both CIEs were sufficiently resourced, and detainees had rapid access to a doctor. However, regular consultations with a dentist and a psychiatrist should be available at both centres. Measures should be taken at the Zona Franca CIE to ensure that confidentiality is respected during all medical examinations, and health-care staff should have access to qualified interpreters. The Committee was pleased to learn of a new system at the Aluche CIE for the recording of traumatic injuries in accordance with the Istanbul Protocol and urges the Spanish authorities to establish similar practices in all CIEs.

As regards staff, all police officers assigned to work in CIEs should receive training in intercultural communication, physical techniques of restraint and prevention of ill-treatment. Further, the practice of police officers openly carrying truncheons within the detention areas at both CIEs should be abandoned as it is prejudicial to the fostering of good relations between staff and inmates.

Deportation procedures

The CPT invites the Spanish authorities to take the necessary measures to ensure that foreign nationals are informed in advance of their deportation and that contact with their lawyer up to the moment of departure is facilitated.

At the Central Unit for Expulsion and Repatriation at Madrid-Barajas Airport, where foreign nationals are held for a few hours prior to an operation of forced return or expulsion, a special register should be established to record all cases of recourse to means of restraint. Further, in light of the allegations received, all law enforcement officials should be reminded regularly that any form of ill-treatment including threats and psychological ill-treatment is unacceptable, and police officers taking part in expulsion or repatriation procedures should always wear an identification number or name tag.

Melilla

In Melilla, the CPT's delegation examined aspects of the treatment of foreign nationals in the border fence area with Morocco. At the outset, the CPT recalls that on the basis of the principle of *non-refoulement*, the jurisprudence of the European Court of Human Rights and the CPT standards, States are obliged to screen intercepted migrants with a view to identifying persons in need of protection, assessing those needs and taking appropriate action. In order to prevent persons from being exposed to the risk of ill-treatment, the CPT recommends that adequate guarantees to this effect be provided in national legislation and that Spanish law enforcement officials be instructed accordingly.

The delegation received several allegations of excessive use of force by members of the *Guardia Civil* when apprehending irregular migrants at the border. Reference is made to the incident of 15 October 2014 during which an irregular migrant was subjected to repeated baton blows and totally inappropriate treatment. The CPT requests that a prompt and effective inquiry be carried out into this specific incident. Further, members of the *Guardia Civil* should receive appropriate training in professional techniques which minimise harm to any individual whom they are seeking to apprehend.

Foreign nationals also alleged that they were subjected to ill-treatment, at times of a severe nature, by members of the Moroccan Auxiliary Forces (MAF) after they had been apprehended by the MAF at the fence border, within Spanish territory, or once they had been returned to Morocco. The CPT recommends that the Spanish authorities take the necessary steps to ensure that MAF officials do not enter Spanish territory to apprehend and forcibly return irregular migrants to Morocco, outside any legal framework, and also that no foreign national is handed over to these forces in light of the risk of ill-treatment.

The CPT also encourages the Spanish authorities to tackle conditions in the severely overcrowded *Centro de Estancia Temporal de Inmigrantes*.