

## EXECUTIVE SUMMARY

The primary objective of the 2024 ad hoc visit to Spain was to examine the treatment of persons detained in police and prison establishments, with a focus on prisoners accommodated in closed-regime departments, the so-called DERTs (*Departaments Especials de Règim Tancat*), and the resort to means of restraint, notably mechanical fixation of prisoners for regimental purposes in the Autonomous Community of Catalonia. Further, the CPT examined the treatment of children and young persons held at the Els Tillers Juvenile Educational Centre.

### Police establishments

The delegation received a number of allegations of physical ill-treatment, including excessive force by police officers (notably members of the *Mossos d'Esquadra*) against detained persons, consisting of slaps, punches and blows with truncheons, inflicted at the time of arrest or during transfer to a police station or prison. In several cases, the allegations were corroborated by medical certificates issued when the detainees concerned had been escorted to a hospital, a healthcare facility, or when they were admitted to prison, as well as by direct observation of the delegation's doctors. The report also describes cases of tight handcuffing, excessive use of force upon arrest, and verbal insults addressed by police officers against detainees. The Committee recommends that the senior management of the *Mossos d'Esquadra* disseminate a message of zero tolerance of police ill-treatment to all its hierarchy, coupled with targeted training activities on manual control techniques in the context of the apprehension of criminal suspects. Further, additional recommendations are included in the report notably regarding the necessity of enhancing the existing system of recording and description of injuries observed on detainees during their period of police custody and of ensuring that an investigation is systematically and promptly carried out into every allegation of ill-treatment. The CPT is also critical of the practice whereby detainees in police custody must undergo medical examinations while being systematically handcuffed and in the presence of members of the *Mossos d'Esquadra*. The report also contains recommendations relating to the effective implementation of the right of access to a lawyer for detained persons from the outset of their deprivation of liberty. Finally, the CPT expresses criticism in relation to the persistent poor conditions of detention in police cells, notably those belonging to the *Mossos d'Esquadra*, in terms of a lack of access to natural light, poor ventilation and absence of in-cell access to water, as well as unsatisfactory hygienic conditions and maintenance. The Committee calls the Spanish and Catalan regional authorities to address the structural shortcomings in police detention cells and to give due consideration to the recommendations of the CPT in course the design phase of planned future police establishments.

### Prison establishments

The delegation received a number of allegations from prisoners of physical ill-treatment and excessive use of force by prison staff, including slaps, punches, and blows with truncheons. The alleged ill-treatment was purportedly inflicted by custodial staff in the context of episodes of prisoners' agitation, escalating altercations with staff, and during instances of passive resistance to custodial staff's orders. The Committee identifies a series of necessary measures to address this issue, including a zero-tolerance policy against ill-treatment, enhanced oversight, improved reporting of injuries, and more comprehensive assessments of the use of force by custodial staff vis-à-vis prisoners to be exercised by the relevant supervisory judges.

With regard to the situation of prisoners accommodated in DERTs, the report acknowledges improvements in terms of reduced average periods of detention since previous visits by the CPT, an increased number of dedicated treatment staff and more activities on offer, as well as the availability of therapeutic interventions to prisoners displaying violent behaviour. That

said, the observations of the CPT also point to the need for improvement in the material conditions of detention in certain DERTs, due to their austerity and, in some cases, malfunctioning heating system. Further, the report expresses criticism regarding the reduced levels of psychiatric care provided to prisoners suffering from mental disorders at the time of their placement in DERTs, as well as the impoverished regime imposed on prisoners classified under Article 93 of the Penitentiary Regulations. In some cases, these prisoners are subjected to an additional security protocol entailing their systematic handcuffing during all out-of-cell movements and absence of contact with other prisoners. Finally, the Committee advocates for an increased and tailored range of educational, recreational, sporting and workshop activities for young adults and females accommodated in a DERT.

The CPT is again positively impressed by the conditions of detention and the level of activities offered to prisoners under the ordinary regime at the prisons visited. However, the report also expresses concerns about the dilapidated material conditions in some modules of Brians 1 Prison, and has misgivings about Instruction 02/2024, whereby prisoners sentenced for violent crimes were being suspended from work, following the killing of a prison staff on March 2024 in Tarragona.

With regard to the application of mechanical fixation of prisoners for regimental purposes, the report indicates that, despite a decline in the overall number of these measures applied over the past year, the practice remains problematic in several respects. In particular, it poses a risk of ill-treatment, as evidenced by the practice of prisoners being fixated in a face-down position and forced to receive intramuscular injections by medical personnel during the process. Furthermore, mechanical fixation is frequently resorted to for punitive reasons and is accompanied by improper handling techniques of prisoners by prison staff that frequently result in the infliction of physical injuries to the same. The report also notes that mechanical fixation can be applied to prisoners suffering from mental disorders and other chronic illnesses and is not always complemented by the necessary safeguards in terms of recording, reporting and medical supervision. The Committee maintains that the practice of mechanical fixation of prisoners for regimental purposes should be abolished and should only be implemented in a medical setting. The authorities are also encouraged to continue exploring alternatives, such as the placement of agitated and violent prisoners in a padded cell.

The Committee considers that the levels of healthcare staff in prisons and the quality of healthcare provided to prisoners were, in principle, adequate, including at Terrassa Prison Hospital. The report includes recommendations to improve the description and reporting of injuries observed on prisoners upon admission, to limit the duration of mechanical fixation of prisoners for medical purposes, and to improve the regime of therapeutic and rehabilitative activities for patients at the acute ward of the Hospital Unit for Penitentiary Psychiatry of Brians 1 Prison. Finally, the report includes recommendations concerning the necessity to adopt a more proportionate approach in the imposition of disciplinary sanctions, including solitary confinement, and to reinforce the legal safeguards of disciplinary proceedings by allowing prisoners to be heard in person by disciplinary commissions.

### **Juvenile Educational Center Els Tillers**

While the report expresses satisfaction about the conditions of detention, atmosphere and diversified range of activities on offer at the center, it also describes allegations related to excessive use of force by private security personnel against juveniles. The CPT recommends enhancing oversight over both the selection of private security personnel that come to work in the Center and on their training. Further, the Committee has expressed concerns regarding the adverse effects of the application of mechanical fixation of juveniles in the center's therapeutic unit, recommending its abolition and the adoption of alternative methods to calm agitated and violent juveniles. In addition, the CPT also recommends the abolition of the segregation of children under the age of 18 years as a disciplinary punishment, as well as the discontinuation of their systematic handcuffing during transportation and medical examinations.