

KEY OBSERVATIONS

PRIORITY TOPICS

■ Police

CONDITIONS OF DETENTION – Adopt measures to address the longstanding deficiencies in relation to the design and conditions of detention of police custody facilities.

■ Prison

ILL TREATMENT BY PRISON STAFF – Develop and implement a multifaceted strategy to eradicate the physical ill-treatment of prisoners by staff, incorporating measures such as staff training, accountability, and the conduct of confidential and impartial medical examinations.

HEALTHCARE – Effect the transfer of stewardship for prison healthcare to the relevant autonomous community authorities without delay, in order to address the shortage of healthcare staff, particularly prison doctors.

■ Children

PRISON STAFF – Enhance oversight over the selection and training of security staff to reduce the resort to means of restraint vis-à-vis juveniles.

CHRONIC ISSUES

■ Prison

MEANS OF RESTRAINT – Abolish the measure of mechanical fixation of prisoners to a bed for regimental purposes.

GOOD PRACTICES

■ Prison

REGIME – Rich and varied range of treatment activities on offer to prisoners under ordinary regime.

CONDITIONS OF DETENTION – Adoption of a gender perspective strategy in prisons and its progressive implementation.

THE CPT AND SPAIN

Spain ratified the ECPT in 1989, and the Committee's first visit took place in 1991.

Since ratification, the CPT has carried out 20 country visits to Spain – 9 periodic and 11 ad hoc – including 158 visits to police establishments, 89 to prisons, 4 to psychiatric institutions, 11 educational-correctional establishments, 3 to military detention facilities, and 21 retention centres facilities.

All the visit reports have been published. Spain did not accept the automatic publication of the visit reports.

EXECUTIVE SUMMARY

The primary objective of the 2025 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 modules and the use of force and means of restraint. Further, the CPT examined the treatment of children and young persons held at the “Vicente Marcelo Nessi” Juvenile Detention Centre in Badajoz.

Police establishments

The report describes a number of allegations of physical ill-treatment, including excessive use of force of detained persons by police officers at the time of apprehension or during transfer to a police station. In several cases, the allegations received by the delegation were corroborated by medical certificates issued when the detainees concerned had been escorted to a healthcare facility, or when they were admitted to prison, as well as by direct observation of the delegation's doctors. The Committee reiterates its recommendation to the Ministry of the Interior to continue disseminating a message of zero tolerance of police ill-treatment combined with training activities on verbal de-escalation and manual control (and restraint) techniques in the context of the apprehension of criminal suspects, notably those resisting the arrest. Additional recommendations refer notably to the need to enhance the quality of the recording of injuries observed on detainees during police custody and of the effectiveness of investigations into allegations of ill-treatment.

As to the additional safeguards against ill-treatment according to the Spanish legislation, the report recalls *inter alia* the need to systematically inform detainees of their rights in a language and manner they understand. Finally, the CPT calls upon the Spanish authorities to address the longstanding structural shortcomings and poor conditions of detention in existing and newly built police detention facilities, including lack of access to natural light, poor ventilation, absence of call-bells and suitable outdoor facilities.

Prison establishments

The delegation noted a significant improvement at Madrid VII and Sevilla II Prisons in terms of alleged physical ill-treatment of prisoners by prison staff. However, the situation remained concerning at the three Andalusian prison establishments of Algeciras, Huelva and Puerto III Prisons where many prisoners alleged to have been victims of physical ill-treatment by custodial staff. The alleged ill-treatment consisted of slaps, punches, kicks and blows with truncheons (in accordance with a clear pattern) which occurred in specific areas not covered by CCTV cameras. Further, prisoners also alleged that following such episodes, they were medically examined by healthcare staff through metal bars and in the presence of prison officers. The CPT recommends that the Spanish authorities intensify their efforts to eradicate ill-treatment, notably by adopting measures such as: dissemination of messages of zero-tolerance of ill-treatment; targeted training activities of prison staff on de-escalation techniques; improvement of the quality of medical examinations of prisoners and injury reports; the conduct of truly effective and independent investigations into the allegations of ill-treatment; and a more impartial oversight by the judicial authorities notably over cases of use of force.

The conditions of detention in closed-regime modules were in principle satisfactory as regards the level of hygiene and equipment. However, they were austere and lacked visual stimuli notably in communal rooms and exercise yards; the latter also lacked resting facilities and shelters against inclement weather. Further, the delegation found that only a very limited number of prisoners were included in the targeted programme within the closed-regime. The report is particularly critical of the conditions akin to solitary confinement in which some prisoners classified under Article 91.3 of the Prison Regulations (RP) are serving their sentence as well as the extensive resort to regimental limitations under Article 75.1 of the RP and the lack of adequate psychological assistance provided to those prisoners.

By contrast, the report is complimentary of the material conditions offered to the great majority of prisoners classified under the ordinary regime and the variegated range of targeted and diversified activities offered to them and, in particular, the truly individualised and innovative approach towards their re-socialisation. That said, the situation of prisoners accommodated in so-called conflictual modules remains a concern for the CPT due to the neglect and dilapidation of communal spaces and the impoverished regime on offer to prisoners in these modules. The Spanish authorities should redress this situation including by recruiting additional treatment staff. Finally, the adoption of a gender-responsive strategy in prison is welcomed in the report and its progressive application is encouraged, notably as regards the offer of more targeted activities of a vocational nature to female prisoners.

As regards the resort to means of restraint, the report takes positive note of the drastic reduction of the measure of mechanical fixation of prisoners for regimental purposes. Nevertheless, once again, the CPT calls for its total abolition. Further, the CPT found that strip searches were conducted in a disrespectful and overly intrusive manner. Prisoners suspected of having ingested illicit substances should always be subject to constant medical supervision and healthcare staff should be trained to recognise clinical signs of drug toxicity and bowel perforation.

Turning to the provision of healthcare to prisoners, the report describes in detail the serious consequences of the acute penury of healthcare staff, especially prison doctors, and its detrimental effect on the quality of healthcare provided to prisoners and the consistent delays in attending to their requests for medical assistance. The Spanish authorities should proceed with the long-delayed transfer of stewardship for prison healthcare to the relevant health authorities of the autonomous communities without delay. The report also includes recommendations to improve the quality of healthcare assistance to prisoners suffering from mental health disorders, the modalities for the supervision of prisoners under suicide prevention protocols and the undertaking of analysis of deaths in prison through the transmission of the relevant autopsy reports to the prison management.

Finally, the report also includes recommendations on the reduction of the disciplinary sanction of solitary confinement (notably through the resort to restorative justice principles) and its adverse effects on prisoners, the conduct of visits of prisoners in open conditions and the reiteration of the importance of the supervisory role of the juez de vigilancia, notably in regard to the timely and effective supervision of the acts of the prison administration.

Juvenile Detention Centre “Vicente Marcelo Nessi” Badajoz

While commending the dedication of the managerial and support staff and the diversified range of activities available for juveniles at the centre, the report describes a number of cases of deliberate physical ill-treatment, including the use of excessive force by private security staff. The Committee recommends enhancing oversight of the selection and performance of such staff, as well as their regular training on the effective use of verbal de-escalation and manual control techniques. This is in light of the special needs and vulnerabilities of juveniles. Furthermore, the Committee has concerns regarding the excessive use of means of restraint, including the tight handcuffing of young persons, and recommends the abolition of the measure of temporary isolation from the group as a disciplinary punishment for juveniles under the age of 18 years. The Committee proposes that alternative measures to calm down agitated and violent juveniles should be applied instead. Additional recommendations are formulated in relation to measures to be taken to mitigate the austere and carceral conditions of detention at the centre, as these are not conducive to the resocialisation of juveniles.