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## **I. Introduction: Basic information on imprisonment situation in the country**

After three decades of exponential increase in the prison population -around 10,000 prisoners in 1978 to nearly 77,000 in 2010<sup>1</sup>-, a 10% decrease has taken place<sup>2</sup>. That happened in a context of a new economic crisis which is affecting all the penitentiary policies and administrations, in the same way that is having an impact on the several material conditions of living, public services, as well as on alternative measures policies and the role of the civil society involved in the prison system.

To analyse Spanish Penitentiary System it's worth to have an initial warning concerning to its administration. While all the autonomic communities of Spain are ruled by the same penitentiary administration, Catalonia has its own<sup>3</sup> Even so the legal framework (Constitution, Penal and Penitentiary Codes) is mostly the same, there are differences in the administrative rules that guide both systems. So, the way each administration implement and put open prison policies into practice, rehabilitation programmes, or modernization plans for prisons, for example, can vary.

The legal framework established in the Spanish Constitution (SC, 1978) and in the Organic Law of the Penitentiary System (OLPS, 1979), recognize the legal aim of rehabilitation. Since 1979, this goal has not been legally modified, but, actually the Spanish prison has become a more closed system. With longer sentences and hardest schemes to get penitentiary "benefits" the prison system has become, in part, closer to incapacitation. But these changes have been matched with an "exceptional" criminal and penitentiary system built as a way to fight against terrorism and based in a "culture of emergency" policy.<sup>4</sup> Throughout these years, this dual system has coexisted and the exceptional criminal law has been applied to different groups in the so-called "war on drugs", the illegal immigration or the social movements.

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<sup>1</sup> According to the NSI "the Spanish prison population between 1997 and 2010 grew 102'7%, while the whole population of the state made it about 18%" But if we look since three decades, the increase was 404% between 1980 (18,853) and July 2009 (76.259) while the population grew by 22% (from 37.4 to 45.9 million) (Gallego et al 2010: 24).

<sup>2</sup> In Catalonia the decrease has been from the maximum of 10.895 inmates in May 2010 of about 8,15%, reaching a minimum of 9.900 in October 2013. In the total system, GSA and CA, from a maximum in May 2010 of 76.951 the decrease has been from about 11.5%, reaching a minimum of 68,092 in August 2013.

<sup>3</sup> Provided by the Catalan Autonomic Law in its article 11.1 from 1979 and on practice since 1985.

<sup>4</sup> Vid R. Bergalli 1988.

In 2003 many penal laws were passed, that resulted in longer sentences and fewer benefits<sup>5</sup>. For instance:

- This reform created the so called ‘security period’ which implies that more than five year sentences cannot have any kind of benefit until having served the half of the sentence (the previous regime was 1/3 of the sentence). In Catalonia, this ‘security period’ is not generally applied.
- A norm that transforms three misdemeanours into a crime was introduced.
- The maximum penalty was increased from 30 to 40 years of imprisonment.
- New harsher requirements are established for parole.
- The time required to get penitentiary benefits (exit permits, parole, progression of degree, etc.) must be done taking into account the total years of all crimes imposed and not the legal time individualized in the sentence.

Among to other norms, all this goes against, the principles of art 71.1 OLPS: “*The primary purpose of the confinement places is to achieved in them the right environment for successful treatment, and consequently, the regimental functions should be considered as means and not as ends in themselves*”<sup>6</sup>. Also, these norms refer to crime types, which are contrary to the “scientific individualization principle” (art 72 OLPS)

In 2004 the OL 1/2004 of Integral Protection Measures against Gender Violence passed introducing a strengthening in the prosecution of gender violence crimes. This kind of crimes together with road traffic security ones (introduced by OL 15/2007, 30th November), has had a significant impact in the prison population. In 2000 there were 27 people in prison or under security measures for crimes of gender violence. In 2008, this number increased to 1,757. (Gallego, *et al* 2010: 34). In 2012, the number was 3901.<sup>7</sup>

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<sup>5</sup> Specially the OL 7/2003, June 3rd, also called ‘Of measures of reform for the complete and effective serving of the sentences’

<sup>6</sup> ‘El fin primordial del régimen de los establecimientos de cumplimiento es lograr en los mismos el ambiente adecuado para el éxito del tratamiento; en consecuencia, las funciones regimentales deben ser consideradas como medios y no como finalidades en sí mismas’

<sup>7</sup> Following crimes against property and drug related crimes, the third largest group of prisoners is the one of those condemned for gender violence. In 2012, people condemned for gender violence and for crimes against road safety were 9,2%. (see Table 3 from Annex 2)

The Organic Law 5/2010, came into force in December 2010, introducing new possibilities of replacing imprisonment sanctions and reduces penalties for certain types. The main changes were focused on drug traffic offences and some other minor ones like street sale of counterfeit products, an offence which normally affects migrants in the big cities. Because of the principle of retroactivity of the most favourable law, this legislation forced to review some sentences and release a small number of prisoners.

The Spanish Government projected in 2012 a new reform on the Criminal Code which is clearly influenced by media-feeding scaremongering and the exceptionality that now focuses on the dissident and "anti-system" profiles of the enemy. The new PC draft brings many changes:

- Adoption of a "reviewable permanent punishment" which means life imprisonment.
- Changes the nature of parole. The proposal suggests that if the person under parole commits a crime or breach of the conditions thereof not only will return to prison but also will lose the time expended in freedom.
- New offences to pursue social movements and social unrest (crime of "passive" resistance, mobilise demonstrations ending in violence, insulting an officer, "occupy" banks or other entities, prevent the operation of utilities in protest such as the underground)
- Amendment of Article 89 (substitution of imprisonment for expulsion for migrants). Until now the prisoner had to be in an irregular administrative situation, but the proposed law establish that is enough to be "non-national"

All these changes and reforms have been adopted apparently ignoring that Spain has one of the minor crime rates in Europe.<sup>8</sup>

#### Spain's Brief Prison Situation<sup>9</sup>

- Prison population (include pre-trial): 67 470. (including 9,926 in Catalonia)
- Prison population rate: 146

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<sup>8</sup> With some slight increase, the crime rate has not stopped falling since 2003, recording in 2010 the minimum of the decade (Rodríguez & Larrauri, 2012: 10) and keeping the decrease until 2012.

<sup>9</sup> Based on World Prison Brief supplied by the International Centre for Prison Studies, maintained by Roy Walmsley. Data for November 2013. <http://www.prisonstudies.org/country/spain>

- Percentage of pre-trial detainees: 14.1%
- Percentage of Female prisoners: 7.6%
- Percentage of Foreign prisoners: 31.7% (October 2013)
- Number of establishments 82 (2010)
- Official capacity 77,955 (1.1.2013 - 66,924 in State Administration, 11,031 in Catalonia)
- Occupancy level: 88.0% (1.1.2013 - 87.5% in State Administration, 91.2% in Catalonia)<sup>10</sup>

### **Special consideration to migrants and Detention Centres for Foreigners**

In Spain, the concern about immigrants and DCF can offer lots of problems, starting with the huge lack of information and obstacles for research that have to be deal with. Furthermore, although prisons and DCF (only persons in irregular administrative situation are supposed to be confined there) are separated by law and have different purposes and regulation, in many cases we recognise an interconnected structure: some immigrants, to whom Article 89 applies (substitution of penalty for expulsion), go from prison to a DCF. Likewise, some migrants go after the prison sentence directly to the DCF to ensure the expulsion. In these cases, inside the DCF live together offenders and people with irregular administrative status who have not been through the criminal justice system. Persons detained in the DCF normally see their human rights violated and live in a regimen very similar to the prison one.<sup>11</sup>

Although Spain has established the administrative confinement of immigrants since the 80's, the country has applied the so-called 'shameful directive' extending the detention time to 40 days.<sup>12</sup>

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<sup>10</sup> Data has been decreasing as the prison population has dropped and new places, especially in Catalonia, have increased (although in fact the new prisons in Catalonia have not been yet opened)

<sup>11</sup> Due to the scope of this report, this data will not be included, especially because migrants, who are in DCF, are not under the scope of state intervention to re-socialise because they are not offenders. In any case, some comment related to this reality will be included because of its close relationship with the prison system in Spain.

The future Prison Monitoring Index (PMI) could be a very important tool to monitor the living conditions of people who are detained in DCF. And although it is not the purpose of this project, one of the final proposals to be addressed to governments, stakeholders and policy makers, would be to promote the future extension in the application of the PMI for these places of confinement.

<sup>12</sup> Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in member states for returning illegally staying third-country nationals.

## International reports

The international reports about places of deprivation of freedom in Spain have normally focused on three aspects:

- 1- Conditions of confinement
- 2- Antiterrorist especial laws and regimes
- 3- Detention Centres for Foreigners.

The persistent existence of tortures and other cruel, inhuman or degrading treatment or punishment have also been remarked by different international reports such as the ones of the UN Special Rapporteur on Torture and the Council of Europe's Committee for the Prevention of Torture. On the whole, one of the more criticised measure was the antiterrorist incommunicado detention.<sup>13</sup>

## Data collection and public policies

SGA and CAT both carry out an official statistical data collection and most of this information is public and for free access. As Catalonia and Spain make statistics in an independent and different way, using different methodology, indicators, etc., one should bear in mind the difficulty that this presents, considering that its methodology varies from one year to another. For the SGA the information comes from the Home Office and the GSPI and could be consulted online

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

Older data is available in the annual reports of penitentiary administration (General Reports form the GSPI). In addition, more information can be found at the National Statistics Institute

<http://www.ine.es/>), some of which the own HO uses.<sup>14</sup>

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<sup>13</sup> 'Even though torture and abuse are not systematic in Spain, the system of arrest practiced permits cases of torture or abuse, in particular of persons detained in the regime of confinement for terrorist activities', Special Rapporteur on Torture, Theo Van Boven (5-10 October 2003).

The CPT has visited Spain in myriad occasions (last ones in 2011, 2012) and has stated that "the persistence of allegations of ill-treatment by law enforcement officials highlights the need for the Spanish authorities to remain particularly vigilant in this area and, more specifically, to engage in on-the-spot scrutiny of the methods actually employed by such officials when detaining, interrogating and transferring detained persons" (CPT, 1998).

<sup>14</sup> On 01.01.2012 enters into force a big methodological change in the statistic information sources of the prison population in the SGA. The Prison Information System (PIS) replaces the statistical questionnaires completed by each prison (see GSPI Annual Report 2012: 18). Available at:

For the Catalan Administration the information depends on the Justice Department and also some summaries and data could be consulted online ([www.gencat.net](http://www.gencat.net)). Older data is achieved in the annual reports of the Justice Department (Reports of the Justice Department from the Generalitat of Catalonia). In addition, more information can be reached at the Idescat (Catalan Statistics Institute, <http://www.idescat.cat/>), some of which the own DJ uses.

## **II. Domestic legislation on imprisonment in the country**

### **II.1. International and EU documents**

Mostly, the Spanish legal system has taken into account the international and European regulations on prison issues. For the international and EU instruments in the area of imprisonment and prisoners' rights, signed and ratified/and or transposed by Spain, see table included in Annex 1.

Regarding protocols and procedures for effective monitoring and evaluation of the prison system, Spain has signed the UNCAT (ratified 21 October 1987) and the OPCAT (ratified 4 April 2006) due to which it has created the National Mechanism for the Prevention of Torture<sup>15</sup>. Besides of this national mechanism, Spain has accepted the prerogative of various systems and monitoring visits of places for deprivation of liberty such as those carried out by the Committee for the Prevention of Torture (CoE) and the Special Rapporteur on Torture of the UN. Also, other controls were allowed like the ones in charge of the United Nations High Commissioner for Human Rights (OHCHR) and the Committee for the Elimination of all Forms of Racial Discrimination from the CERD.

It is worth to mention some important international European Human Rights Court decisions on imprisonment and prisoners' rights regarding Spain.<sup>16</sup> The ECHR jurisprudence has issued

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[http://www.institucionpenitenciaria.es/web/export/sites/default/datos/descargables/publicaciones/Informe\\_General\\_2012\\_acc\\_Web.pdf](http://www.institucionpenitenciaria.es/web/export/sites/default/datos/descargables/publicaciones/Informe_General_2012_acc_Web.pdf)

<sup>15</sup> In 2009 two different mechanisms have been created: the Spanish one, depending from the National Ombudsman, and the Catalan in charge of its own ombudsman.

<sup>16</sup> Detail the jurisprudence in this area at the national level would be incomprehensible. Suffice it to mention some of the most important measures taken by major courts (Constitutional Court and Supreme Court): The CC said that re-socialisation is neither a fundamental right nor a subjective (CCS 229/2005, of 21 November) and that the purpose of imprisonment is not only the re-socialisation but also the custody and the retribution. In reference to the right to life, the CC said (CCS 120/1990 of June 27 and CCS 1347/1990, of 19 July) that in case of hunger strike [case of prisoners of the First October Antifascist Resistance Group (GRAPO)], the administration, due to the special relationship of submission, is required to force the feeding.

Also, the CC has allowed the existence of DCF in statements CCS 41/1982 of 2 July, CCS 115/1987 of 15 July.



several times on the violation of Article 3 of the EConvHR by inadequate investigation of allegations of torture. Some cases could show this issue: *San Argimiro Isasa vs. Spain* (September 28, 2010); *Beristain Ukar vs. Spain* (8 March 2011), and *BS vs. Spain* (July 24, 2012).

## II.2. Constitution

Broadly, the Spanish penitentiary legislation meets the international and EU standards of imprisonment and prisoners' rights (European Prison Rules 2006, UN Standard Minimum Rules for the Treatment of Prisoners of 1955). As in other issues, the main problem in Spain is not exactly the lack of legal rules that endorses the international tools but their real application in the respect of fundamental rights of people deprived of liberty. In any case, the international regulations play a very important role. Thus, Article 96 SC assumes that international treaties ratified by Spain are part of Spanish law. Likewise, in the scope of European Union law, regulations are of direct application and directives must be transposed and the domestic law interpreted according to them.

Article 25 of the Spanish Constitution is the core rule regarding deprivation of freedom. It exposes that nobody can be condemned or punished for actions or omissions, which in the moment of commission did not constitute a crime, a fault or an administrative fault, according to the legislation (25.1).

The second part of this article (25.2) refers especially to the penitentiary treatment:

*'The imprisonment and security measures shall be aimed at re-education and social rehabilitation and may not involve hard labour. The person serving a prison sentence shall enjoy fundamental rights except those expressly restricted by the content of the sentence, the sense of punishment and the Penitentiary Law. In any event, he will be entitled to a paid job and Social Security benefits and access to culture and the integral development of his personality'*<sup>17</sup>

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By the SupC, it is noteworthy for its relevance and importance the judgment that allowed the 'Parot Doctrine' (SupCS 197/2006) through which the penitentiary benefits were to count on each of the crimes and not on the sum end of the definitive sentence (which was outlawed in part by the ECHR in judgment of 21 October 2013)

<sup>17</sup> *'Las penas privativas de libertad y las medidas de seguridad estarán orientadas hacia la reeducación y reinserción social y no podrán consistir en trabajos forzados. El condenado a pena de prisión que estuviere cumpliendo la misma gozará de los derechos fundamentales de este capítulo, a excepción de los que se vean expresamente limitados por el contenido del fallo condenatorio, el sentido de la pena y la Ley penitenciaria. En*

Last section of art. 25 declare that only penal courts can impose deprivation of liberty sentences, which means that the Administration cannot deprive citizens of liberty for itself.<sup>18</sup>

Other articles from the SC refer to the fundamental rights of detainees, especially those collected in Articles 14 to 30 SC. Article 15 for example, establishes that each person has the right to life and to physical and moral integrity, without in any case, being subjected to torture or punishment or inhuman or degrading treatment. Articles 24.2 and 17 SC establish procedural guarantees (natural judge predetermined by the law, the right to defence, legal aid information of the formulated accusation), the right to the presumption of innocence, the limitation of preventive detention (72 hours)<sup>19</sup>.

### **II.3. Substantive and procedural law**

The basic norms in the field are:

- The Organic Law of the Penitentiary System (OL 1/1979, 26 September)
- The Spanish Penal Code of 1995
- As mentioned above, the core legislation is shared by the two administrations. However, each one develops its own regulatory framework: The Spanish Penitentiary Rules, Royal Decree, 190/1996, 9 February and the Catalan Penitentiary Rules, Catalan Decree, 329/2006, 5 September.

Article 1.1 OLPS establishes that the aim of treatment is rehabilitation and that the Administration is responsible of prisoners who are under its control:

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*todo caso, tendrá derecho a un trabajo remunerado y a los beneficios correspondientes de la Seguridad Social, así como al acceso a la cultura y al desarrollo integral de su personalidad*' The translation is provided by the own SGA in its report *The Spanish Prison System* (GSPI, 2010)

<sup>18</sup> According to this rule, lawyers and judges associations, NGO and intellectuals have questioned the existence of Detention Centres for Foreigners, as migrants are deprived of liberty because an irregular administrative situation and not due to a criminal sentence.

<sup>19</sup> Many of these basic rights of detainees have been restricted by the anti-terrorism legislation, such as those contained in Articles 520bis and 527 of the Criminal Procedural Code. These establishes the following limitations, which have been constantly denounced for years by international organisations (United Nations SRT and SPT, and particularly by the CPT, <http://www.cpt.coe.int/en/states/esp.htm>) and national organisations (see annual reports of the CPDT <http://www.prevenciontortura.org/lang-pref/en/>): up to 5 days of detention, solitary confinement (incommunicado detention), denial of chosen own attorney, inability to meet privately with the attorney, denial to choose a trustworthy doctor.

*‘Penal institutions covered by this Act have as their main goal the re-education and social reintegration of those sentenced to custodial sentences and measures, and the retention and custody of detainees, prisoners and convicts. They are also responsible for the welfare of those released’<sup>20</sup>*

On the other hand, as Article 3 states, all penitentiary norms must respect constitutional human rights. Prisoners must be treated with respect and human dignity.

The Spanish Penal Code sets the possible punishments. In its Article 32 it says that penalties can be: deprivation of freedom, deprivation of other rights or fine. In any case, the Spanish prison system features a variety of sanctions and ways to serve a sentence grounded in the treatment and custody goals. So, in addition to the prison sentence that must be served in a common prison, there are a number of more flexible forms of compliance, alternatives, suspensions and substitutions of the punishment.<sup>21</sup>

One very important measure is the substitution of prison sentence with the expulsion from the country for migrants. This sanction played a very core role in the recent years of economic crises, because it is used to ‘reduce’ the size of the system in order to make it more sustainable (Rodríguez & Larrauri, 2012; Rodríguez Yagüe, 2013: 109; Forero & Jimenez –2014 *forthcoming*).<sup>22</sup> In this way, the constitutional goals of the system lost their sense, and also, as said before, some of the migrants are translated from prison to DCF or enclosed directly there to ensure their expulsion, using DCF as prisons and mixing people with a criminal sentence and people with an irregular administrative situation.<sup>23</sup>

The Spanish criminal system is based on two pillars: penal punishment and the so-called security measures. These are imposed to those who have committed a crime but cannot be declared guilty due to some circumstances like mental disorders or drug addiction, for example.

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<sup>20</sup> GSPI 2010: 12. The original text says *‘Las Instituciones penitenciarias reguladas en la presente Ley tienen como fin primordial la reeducación y la reinserción social de los sentenciados a penas y medidas penales privativas de libertad, así como la retención y custodia de detenidos, presos y penados. Igualmente tienen a su cargo una labor asistencial y de ayuda para internos y liberados’*

<sup>21</sup> See Article 33 PC. The enforcement of sentences of community work and permanent location, certain security measures as well as the suspension and replacement of the enforcement of custodial sentences is ruled by the (RD 840 / 2011). To know what is understood in Spain for probation and parole see Glossary and Table 7.

<sup>22</sup> As said above, all the migrant policies and the violation of fundamental rights, especially because of the existence of the DCF and the forced expulsions, have been criticised not only by international organisations but also by the civil society (see as an example the reports published from Migreurop accessible at:

<http://www.migreurop.org/?lang=es>.

<sup>23</sup> See Article 89 PC, which obliges the substitution for expulsion if the penalty is less than 6 years and allows the court to decide the expulsion of migrants who have reached parole.

The PC foresees custodial and no custodial security measures. Within the custodial ones, people can be enclosed in three different kinds of institutions: psychiatric, for drug addiction, and special education (Article 96 PC)

There is some confusion in the way these measures are observed. There are 3 Penitentiary Psychiatric Hospitals (Alicante, Seville and a new one in Mondragón in the Bask Country), but there are lots of people with mental illnesses who are still in prison. In theory, any person with mental illness should be in charge of health and not prison system. Likewise, this group is mixed together in these places with drug-addicted offenders. Finally, there is a decentralised treatment for addicts. While many of them are in prison, others stay in these psychiatric hospitals, and there are some of them serving a sentence in institutions outside of the criminal ones.

### **Monitoring systems**

Currently, the prison system is under diverse instances of monitoring and control of different nature (jurisdictional, political and administrative):

1. Jurisdictional control: Penitentiary Surveillance Judge: Since 1979 these judges have the mission of controlling the execution of imprisonment. Their main function is the vigilance of the legality of imprisonment and protecting prisoners' rights. It means that the Penitentiary Vigilance Judge controls penitentiary administration regarding to legality. Prisoners can appeal to the PSJ when they do not agree with the acts of Administration. There are some administrative proceedings that must be supervised or approved by the Judge.
2. Ombudsman: Ensures proper functioning of State institutions, including prisons. In this matter, it carries out periodic visits to establishments and receives individual complaints. Afterwards, its activities are published through an annual report. There are also regional ombudsmen. The ombudsman in Catalonia is called the Sindic de Greuges. As noted before, the Spanish and Catalan Ombudsman have been designated as National Mechanisms for the Prevention of Torture.<sup>24</sup>

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<sup>24</sup> The Annual Reports from the Spanish Ombudsman can be reached at: <http://www.defensordelpueblo.es/es/Documentacion/Publicaciones/anual/index.html> and as NMPT at: <http://www.defensordelpueblo.es/es/Mnp/Defensor/anales.html>. Regarding to the Sindic de Greuges, the Annual Reports can be consulted at: <http://www.sindic.cat/es/page.asp?id=20> and as MPT at: <http://www.sindic.cat/es/page.asp?id=239>

3. **Internal Inspection Service:** as in other administrations, the SGA and CAT have their own internal inspection services. These departments are responsible for monitoring the operation of special services, agencies and centres and their personnel, procedures, facilities and equipment. They also oversee the classified information and the disciplinary proceedings initiated against its workers.

The efficiency of these controls has been questioned constantly by international organisations (United Nations SRT and SPT, and particularly by the CPT) and as well as by the organisations of the civil society. Even, although the creation of the NMPT has been an important step in defending the fundamentals rights, it has been criticised since its inception, especially due to the insufficiency of its activity and action as well as its lack of independence. The insufficiency of possibilities of involvement of civil society organisations in these controls and monitoring of prisons is notable.<sup>25</sup>

In the last years, new penalties have been introduced due to technological new means: ‘The bracelet or anklet linked to a telephone detector, the personal marker via GPS, alcohol intake analyser with personal image viewer or personal identification voice detectors are some of the means available to control the inmates from a distance. These electronic monitoring systems can also provide movement restrictions that may be appropriate in each case to support social integration and public safety’ (GSIP 2010: 24).

#### **II.4. Other legislation**

Life in prison, activities, programmes, and work: the Penitentiary Rules deal with these matters in myriad articles (Articles 110 to 153). They recognise treatment programmes, scheduled excursions, individual and group activities, education, sport, and cultural activities, library, games, vocational training, and socio-cultural and sport trainings, among others.

Health care services: Recognised by the Spanish Constitution, the Law and the PR, prisoners have the right to health. On the other hand, the penitentiary administration has the obligation of taking care of inmates’ health and lives (Articles 3 and 4 OLPS). According to the Law, in each prison there must be at least one general doctor with psychiatric knowledge. There must be one infirmary and one unit for drug addicts, among others. In female prisons, an obstetrics

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<sup>25</sup> See annual reports of the CPDT <http://www.prevenciontortura.org/lang-pref/en/> and the Report on Spain by the CPT (CodE) <http://www.cpt.coe.int/en/states/esp.htm>

department is an obligation that must be assumed. There should not be any kind of difference between the services received by prisoners and the outside population. Prisoners can go to penitentiary hospitals, ordinary public hospitals or be assisted by outside specialists in prison. Health services should be integral, orientated to prevention, treatment and rehabilitation (Article 207 PR). By Law 16/2003 the running of the penitentiary health services depends on the general health services of each region and not on the penitentiary administration (but it is supervised and organised by the General Vice-directorate of Penitentiary Health Coordination).

Women: There is no distinction related to gender or sex. There are very few gendered references in Spanish and Catalan legislation on prisons. The only references to female prisoners are related to intimate hygiene, pregnancy and childbirth. One can also find special plans related to gender violence, etc. (see point 3.2 of NGOs).

Work: Prisoners in Spain have the right to do paid work, which is regulated by the general Law for Workers (8/1980 of 10 March) as a special employment relationship but with the same rights of Social Security of the general population (Article 25.2 SC). Productive work is seen as a clue tool for rehabilitation and social integration.

There is also a special agency, which promotes job training and guides the inmates to find a job. The Autonomous Agency of Prison Work and Employment Training (from the GSPI) is responsible for these two tasks. According to the GSPI, 'In 2010, 998 training courses for employment aimed at meeting the educational gaps of more than 16,500 inmates who could improve their professional skills took place inside prisons, and 109 more outside, were attended by 1,000 inmates.' (2010: 37).

Formal Education: As regarding to other rights, inmates have the constitutional right to be involved in formal education (Article 25.2 SC) and the State has the obligation to provide it. According to the GSPI, in 2010 there were 18,722 students in different levels (elementary, secondary, university).

### **III. Institutions and organizations**

#### **III.1. Governmental institutions**

State General Administration:<sup>26</sup>

Ministry of Interior (MI) / Home Office (HO)

General Secretariat of Penitentiary Institutions (GSPI)

General Vice-directorate of Treatment and Penitentiary Management

General Vice-directorate of Human Resources

General Vice-directorate of Alternative Sentences and Measures

General Vice-directorate of Penitentiary Inspection

General Vice-directorate of Institutional Relations and Territorial Coordination

General Vice-directorate of Penitentiary Services

General Vice-directorate of Penitentiary Health Coordination

Autonomous Agency of Prison Work and Employment Training (AAPWET)

There are around 160 penitentiary institutions depending on the SGA, divided in:

1. Prisons: Places for the enforcement of penalties, security measures and remand sentences.

a) Respect Units: They are units within prison, in which inmates assume co-responsibility for the development of the organisation and treatment activities (the inmates integrate working committees to serve others and engage in mediation, culture, sports, etc.). To enter this type of unit, inmates must sign a contract on the conditions of life in the unit.

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<sup>26</sup> SGA official website: [www.institucionpenitenciaria.es](http://www.institucionpenitenciaria.es). The administrative structure is a summary of the complete which can be consulted at: <http://www.institucionpenitenciaria.es/web/portal/administracionPenitenciaria/organizacion/serviciosCentrales/index.html>

b) Therapeutic module: is a separate unit within prison, in which live inmates who are carrying out drug addiction programmes (there can be people condemned for a security measure).

2. Open Prisons: Social Integration Centres (SIC). Their purpose is to enhance the capabilities of positive social integration of prisoners classified in third grade (open regime)<sup>27</sup>. The SIC managed alternative measures like community services and work, and other kind of programmes, as the Gender Violence ones. In these Centres, social educators and workers and psychologists guide the treatment and do the probation and parole monitoring.

These centres are divided in:

a) SIC: usually independent from prison, with a specific structure dedicated to domestic or internal ranked third degree treatment.

b) Dependent Units: External Units, normally in urban areas, dependent from a specific Prison. These units do not have any external sign and the goal is to promote social integration of people with special situation like mothers with children or people without family ties classified in third degree of treatment. Normally, non-penitentiary associations collaborate with the running of these units, under supervision of the prison service.

Moreover, there are also: Open Sections: Special Departments within prison for prisoners in third degree treatment.

3. Mother Units (MU): for convicted mothers with children under 3 years old.

4. Penitentiary Psychiatric Hospitals: for criminal sentenced people declared no responsible because of a mental disorder.

Catalonia:<sup>28</sup>

Department of Justice (DJ)

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<sup>27</sup> Also for people who are under the rule of Article 100.2 PR ('relaxation') that allows more flexible enforcement regime. For example, a second-degree classified inmate (common regime) to whom is given opportunity to work or do some activities outside prison.

<sup>28</sup> Catalanian prison system official website can be consulted at: [www.gencat.cat/portal/site/Justicia](http://www.gencat.cat/portal/site/Justicia). The administrative structure is a summary. Complete structure can be consulted at: <http://www10.gencat.cat/sac/AppJava/organigrama.jsp?codi=14231&jq=200001>



## General Directorate of Penitentiary Services (GDPS)

- 1- General Vice-directorate of Human and Economic Resources
- 2- General Vice-directorate for Centres and Prisons Management
  - a. Prison Service Management
  - b. Department of Internal Regime
- 3- General Vice-directorate of Health and Rehabilitation Programs
  - a. Head of Health Programmes
  - b. Office for Open Regime and Social Services
  - c. Department of Criminal Enforcement Social Services for Barcelona
  - d. Rehabilitation Service
    - i. Coordinator of Rehabilitation Programs
    - ii. Responsible for Educational Planning
  - e. Classification Service

Infrastructures: In Catalonia, similar to the SGA there are common prisons (11), open prisons (3), and one Penitentiary Hospital.

For both administrations, when condemned prisoners arrive in prison, they are classified into three different categories, which represent the three stages of the penitentiary treatment:

First degree: this regime is the strictest one. It is the special one for the prisoners considered dangerous or with bad discipline behaviour. They cannot obtain regular exit permits and are limited in their activities (Article 102 PR).

Second degree: Most of prisoners are classified into this category. They can obtain regular exit permits (Articles 102 and 154.1 PR).

Third degree: It is the open regime. Prisoners just go to prison to sleep (Articles 102, 154.1 and 87 PR). There are different ways of open regimes. One restricted (Article 82 PR) and the common one (Article 83 PR) in prison. There are no penitentiary open regimes: a more flexible

allowing to replace the minimum stay time in the prison (usually 8 hours) by electronic means or other control measures (Article 86.4 PR); the one of Article 165 PR that enables the monitoring of the inmate in a Dependent Units; and the one of Article 182 PR of Therapeutic Units.

New type prisons: In 1991 the 'Prisons Creation and Amortisation Plan' brought the idea to close prisons located in the cities to build large ones in the countryside, which can contain thousands of prisoners. This change represents a very important transformation of the prison system and the way of sentences enforcement.

Due to the sharp increase in the prison population in Spain, these centres were not able to accommodate this growth. Since the middle of the last decade, both the SGA and CAT pushed for alternative measures and enhance the open regime. In any case, the projection of the new type of prisons and the building of SIC and MU were stopped because of the economic crisis. In Catalonia, there is a new Project for the Prison Facilities Master Plan 2013-2020, presented by the Catalan justice department in October 2013. It proposes to close old prisons, open new ones, and transform some prisons in Open centres.

Minors and juveniles: In Spain, crimes committed by minors are ruled by the Organic Law on Juvenile Criminal Responsibility (5/2000 of 12 January). Although this system does not depend on the Penitentiary Administration, minors can be deprived of freedom by their corresponding Autonomous Community (17 different systems). They are semi-privatised and it is very hard to do some proper research on them due to the lack of information and transparency. In this sense, it has to be said that there are no minors in the prison system.

There was a special category called 'young adults' (people between 18 and 21 years) to whom the OLJCR might be implemented, giving the possibility of having people until 21 years in juvenile facilities. But this possibility disappeared with the reform of the OLJCR of 2006 (OL 8/2006 of 4 December). Therefore, in this report statistics and analysis will take into account only adult population.<sup>29</sup>

Regarding the Justice system it is worth to remember the role of the Penitentiary Surveillance Judge, which controls the activity from the penitentiary administration regarding the legality

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<sup>29</sup> Most of the measures taken by judges to minors refer to probation instances and community services. In regards to deprivation of liberty, including ordinary centres, semi-open and open regimes, it represents 15% of the measures on men and 9% for women (see Annual Statistics from the NSI 2010: [http://www.ine.es/prodyser/pubweb/anuarios\\_mnu.htm](http://www.ine.es/prodyser/pubweb/anuarios_mnu.htm))

and the respect for the fundamental rights of the prisoners. Among others, these judges have the commitment of approving isolation regimes, and resolve the appeals of the inmates regarding exit permits, changes of regime, or parole.

### **III.2. Non-governmental organizations**

In short, the following paragraphs pretend to give a clear description of the projects and activities taking into account the fact that chances of re-socialisation are being undermined by the current penal measures. Even so, the importance of civil participation is shown by the circumstance that Spain, and Catalonia as well, have a legal framework to allow it, while they try to encourage their engagement. There are policies and programmes from the Public Administration that push the Third Sector to get involved in these issues.

Concerning to this legal approach, the OLPS introduced the opportunity to require for external collaboration either from citizens or public and private institutions. Article 69.2 gives a special emphasis on this point:

*‘To ensure the social rehabilitation of the offenders in ordinary prison or open regime, the participation and collaboration of citizens and public or private institutions dealing with prison-related issues could be required’<sup>30</sup>*

In Catalonia, the civil participation is considered in Article 8 of the Catalan Penitentiary Rules, which specifically says that “to get the re-socialisation purpose commended to the department in charge of penal execution issues, the social participation is expected, as a fundamental citizens’ right”. It also recognises the importance of penitentiary institution’s support in protecting and encouraging activities coming from non-profit organisations, seeing them as a way of attenuating the imprisonment harmful effects (see Articles 8 and 9 CPR).

Furthermore, what makes Spain an interesting experience is that it has Penitentiary Social Council. The PSC was created by decree (OI 3191/2008) as a consultative agency in order to put NGOs and other organisations in relation with the Penitentiary Administration, linked through the GSPI. As Spain has autonomic administrations, the decree also created the Local

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<sup>30</sup> Original text: *‘A los fines de obtener la recuperación social de los internos en regímenes ordinarios y abiertos, se podrá solicitar la colaboración y participación de los ciudadanos y de instituciones o asociaciones públicas o privadas, ocupadas en la resocialización de los reclusos’*

Penitentiary Social Councils, to face the problems closely to their communities, but lastly they must response to the General Council.

Their main purpose is to coordinate programmes, activities and any potential intervention of NGOs and other organisations on prison-related work, focusing on re-socialisation of offenders. It is expected to give rise to the involvement in the gain of programmatic proposals, as well as in their evaluation.

Besides it is a non-binding organ, the NGOs participating in the Council<sup>31</sup> take it as a place to propose the inclusion of social aspects in penitentiary policies, and to take care of the enforcement of alternative measures. It is worth to say that these NGOs are chosen by its President who is, at the same time, the head of GSPI<sup>32</sup>.

To guide the opening of prisons to society and demanding a clear performance, the Spanish Penitentiary Rules determine a legal procedure, in which the organisation must sort out certain requirements. A schedule that starts from showing an exhaustive description of the intervention programme (including the main purpose, the resources available, the normative for its volunteers, etc.) to a registration in the Special Register of Collaborating Entities and an own evaluation of the impacts the programme had. The organisation must adjust its activities and then send a final report to the Directive Centre (R.D 190/1996). The estimated period for the intervention is of two years but it could be re-launched as long as they have enough funds.

Taking in account all these legal standards, the General Secretariat of Penitentiary Institutions established by decree (Instruction 2/2012) a Catalogue directed towards Intervention Programmes of NGOs and collaborating entities in Penitentiary Institutions,<sup>33</sup> in which it standardises the fields where they could provide their assistance (labour market integration, social integration, care of specific groups of vulnerable inmates, education and campaign of social awareness). This catalogue applies to the ordinary centres either to Social Integration Centres and alternatives measures.

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<sup>31</sup> To see which entities are nowadays involved in the PSC see the web page from the GSPI: <http://www.institucionpenitenciaria.es/web/portal/Reeducacion/entidadesColaboradoras.html>

<sup>32</sup> The structure of the PSC is established in the decree by which it was created. Available at <http://www.boe.es/buscar/doc.php?id=BOE-A-2008-17967>

<sup>33</sup> Services and programmes would be monitored by the Director of the ordinary centre (or from the SIC if concerned), the Treatment Board volunteers and professional from the NGOs and, of course, by the (Local) Social Penitentiary Council (I-02-2012) Thus, every part is thought to follow the intervention.

To give a general overview about the different services provided by these entities, some examples of intervention programmes should be highlighted. Some of the NGOs mentioned as part of the PSC are carrying out projects for minority groups in Spanish prisons such as foreign inmates (by *Andalucía Acoge*), inmates with physical or intellectual disabilities (by *FEAPS*), while others are working predominantly with the high percentage of ‘functional offenders’ (the ones who due their sentences to drug consumption or drug traffic). It is important to know that there is a ‘Group of Attention to Drug addicts’ (GAD) that coordinates the practices and connects the NGOs and entities with the Penitentiary Administration.

### Catalonia

In the same way the Spanish System does, the Catalan Administration is making an effort to gain a more considerable civil participation and a fluent communication between the Penitentiary Administration and the Third Sector. As a result, three instruments were created: the Penitentiary Civic Platform, the Social Participation Board (JUS/370/2009), and the Inter-institutional Commission for Social Reintegration (CIRSO). While the first one has an essence of discussion and debate, promoting the social and political pluralism, the Social Participation Board is focusing on planning strategic interventions for the social integration of prisoners of the ordinary and opening centres. Like a permanent mechanism that connects the Penitentiary Administration with the NGOs and volunteers, the interested entities must be accepted by the Justice Department and perform their activities by its norms and rules.<sup>34</sup>

It is highly important to know that in Catalonia, the civil participation is much more centralised than it is in the Spanish system. IRES (Institute of Social Reintegration Foundation) is a foundation that has delegated the management of alternative penal measures (service under the Department of Justice). IRES, through judicial delegates perform monitoring and control of prisoners who have to comply with a MPA. Currently, IRES management takes all measures and community services measures in the area of Barcelona (except those which are sanction for their self and no alternative penal measures). APIP (Association for the Professional Promotion and Integration) is responsible for managing the community services measures (as an independent sanction) of the region of Barcelona. INTRESS (Institute of Social Work and

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<sup>34</sup> To see more information about this Board, its current composition, etc. visit the web page form the Catalan Department of Justice at <http://www20.gencat.cat/portal/site/Justicia/menuitem.e6cd25a43dce91b6bd6b6410b0c0e1a0/?vgnnextchannel=2cd4f31f87203110VgnVCM1000008d0c1e0aRCRD&vgnextoid=2cd4f31f87203110VgnVCM1000008d0c1e0aRCRD>

Social Services) is in charge of all the measures of the other three regions of Catalonia (Girona, Lleida and Tarragona).

And on the other side, labour and social integration is led by CIRE, a public company also depending on the Department of Justice, which develop its programmes in workshops located inside and outside prison. CIRE works with entities of the third sector and have contracts with private companies to offer jobs for inmates and to sell the products they produce (this company even has its own brand called "made in CIRE"). Despite its objectives of socio-labor reintegration it also has been criticised for looking for economic profit and offering cheapest salaries.<sup>35</sup>

Finally, CIRSO is meant to be a mechanism, which gathers together the whole number of institutions that participate, in some way, in the penal execution to coordinate their activities (Generalitat of Catalonia, Departments of Public Administration and social and economic agents).

### Volunteers

Mapping the civil participation in prisons, one might also consider the staff affording this work within the NGOs. Certainly, volunteerism is a very important workforce in the everyday work of these entities. Civil participation is thought as a responsibility, but also as a way to ensure good intentions towards the public benefit. Considering that altruistic actions are increasing, Spanish legislation needs to be adjusted in this matter. Volunteer Law (6/1996) came to give force to volunteerism but at the same time it delimits the concept for itself. Activities included in it must have an altruist and helpful condition; they must be self-motivated and not pushed by economic interests. But probably the main point is the fact that a volunteer supported by law is the one who takes part of an entity, either public or private. Non-individual and occasional actions would be included.

In regards to the funds these entities use to afford their programmes, they are expected to come directly from the public administrations or also through the cooperation of the private sector and other entities, like universities. Besides that, they are encouraged to achieve self-funding, by seeking for other help lines such as regular charity boxes.

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<sup>35</sup> Vid OSPDH 2004; Prado 2014.

The General Grant Law (38/2003) regulates the funding for carrying out cooperation programs and social volunteer of general interest among which are those for the care of inmates and former prisoners and also for people subjected to alternative measures. As the GSPI describes in its webpage, among these programmes one can highlight: healthcare programs and rehabilitation of drug dependent inmates, for those with HIV and with other diseases and disabilities; Programmes for social integration of inmates in the open regime and parole; Programmes for social and labour integration for inmates in closed regimen; Programmes for collaboration in the enforcement of alternative measures to prison; Care programmes for specific groups;<sup>36</sup>

Thinking strictly in penal field, the Decree 2232/2009 regulates the concession of subsidies for the collaboration in alternative measures and some programmes of social attention<sup>37</sup> from the Public Administration<sup>38</sup>. The organisations acceptable to get this benefit are those with legal status that are working at least for two years with non-profit purposes and have enough funds to arrange their programmes.

In Catalonia, the management of volunteerism is leaded by Circular 1/2001. Sharing the concept of volunteer with the Spanish framework, this decree also establishes some features that volunteers and entities must have to be officially recognised as permanent training and responsibility of a coordinated work with the penitentiary administration.

Type of voluntary work:<sup>39</sup>

- Legal Assistance
- Socio-cultural entertainment
- Health promotion
- Training
- Sports

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<sup>36</sup> <http://www.institucionpenitenciaria.es/web/portal/PenasyMedidasAlternativas/subvenciones.html>

<sup>37</sup> The services will be monitored by the General Secretariat of Penitentiary Institutions, in spite of the proficiency the General Intervention of the Public Administration has

<sup>38</sup> However, the last section of the decree advises that the mere participation in the PSC does not ensure retribution. GSIP could just provide staff and equipment to make the programs run.

<sup>39</sup> <http://www20.gencat.cat/portal/site/Justicia/menuitem.51bb51de98b3c1b6bd6b6410b0c0e1a0/?vgnextoid=2b94f31f87203110VgnVCM1000008d0c1e0aRCRD&vgnextchannel=2b94f31f87203110VgnVCM1000008d0c1e0aRCRD&vgnextfmt=default> (access: 13, 02, 2014)

- Support for education
- Support in the community

To volunteer one must belong to a public or private non-profit entity working on these issues and have passed the training course “Voluntary work in Penitentiary Centres”. Volunteers do unpaid work in programmes inside prison, on alternative penal measures and during the open regime period. As an example, one important ONG which develops voluntarism in Catalan prisons is *Justicia i Pau* with 40 volunteers in 2013 collaborating with schools, doing visits, cultural animation or accompanying for exit permits.<sup>40</sup>

## **IV. Policies, programmes and coordination mechanisms**

### **IV.1. National and local governmental policies, strategies, action plans, programs, directed to improvement of penitentiary system, especially focused on re-socialisation of offenders.**

*National Action Plan for Social Inclusion of the Kingdom of Spain 2013-2016*<sup>41</sup>: considered as an instrument of the Spanish Administration, the Plan proposes actions to face social problems that come from marginalisation and poverty. Having global and specific objectives, in the matter concerns to this research, Chapter II refers to minority groups, including in them prisoners and ex-prisoners. Strategic actions are directed towards different scopes as searching funds to afford interventions that encourage the participation in re-socialisation programmes, emphasising training instances (Action N238/240 respectively, PNAIN). Even though there is a reference to the Third Sector, the Plan also expects the commitment from Public Administration and Autonomic Communities (through the GSPI, Secretariat of Social Services and Equality and local entities)<sup>42</sup>, as well as from private companies.

At a more specific level and due to the discriminatory treatment of women in prisons, the ‘Action Programme for Equality between Women and Men in prisons’<sup>43</sup> is running. Proposals go in the way to make socialisation the real aim of the penal system. The plan puts forward

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<sup>40</sup> See Jip 2013 Report: [http://www.justiciaipau.org/images/files/MEMORIA\\_2013.pdf](http://www.justiciaipau.org/images/files/MEMORIA_2013.pdf)

<sup>41</sup> Available at

[http://www.msssi.gob.es/ssi/familiasInfancia/inclusionSocial/docs/PlanNacionalAccionInclusionSocial\\_2013\\_2016.pdf](http://www.msssi.gob.es/ssi/familiasInfancia/inclusionSocial/docs/PlanNacionalAccionInclusionSocial_2013_2016.pdf)

<sup>42</sup> The total budget would come from the Spanish State Budget of the respective years, the ones from Autonomic Communities and from contributions of the European Social Fund (PNAIN 2013-2016)

<sup>43</sup> Available at <http://www.interior.gob.es/file/53/53002/53002.pdf>



measures and activities to mitigate punishment and make prison life less severe for them by the development of programmes focused on gender violence, educational policies and the encouragement of higher levels of autonomy.

As Catalonia has its own administrative rules, it is able to have a specific policy directed to the penitentiary system. One can find the most important background in the ‘Criminal Enforcement Plan’ (2010), proposed till the end of 2013. Including different aspects and changes in the penal field, its main notable strengths concern decisions about improvement of the system by the creation of new places (either in ordinary prisons or open regimes and Dependent Units), which may need more number of professionals, the increase of resocialisation programmes and about alternative measures, the plan also seeks for a continual improvement to give them more importance in the current sentences. As discussed above, the most important plans in the prison administration orbit around infrastructures, creation of new centres, etc.

#### **IV.2 b) Awareness raising initiatives (staff training)**

Both in Spain and Catalonia, the staff training is not only provided by the Public Administration, but also by NGOs and specialised entities. A possible difference between them is the most diversity Spain has, where many programmes are running led by various NGOs in coordination with the GSIP. Most of them are concentrating on giving training for professionals working in penitentiary system on specialised issues, like how to deal with gender violence situations, drug addictions (e.g. training courses of *Fundación Atenea* in the framework of the General Intervention Plan on drug issues, 2013, GSIP) and in cases of people with physical or intellectual disabilities (e.g. *FEAPS* within the National Police Office).

A worthy example to illustrate the collective management in this matter is brought by the handbook ‘Sermujer.es’<sup>44</sup>, a joint product of GSIP professionals, the Woman Institute, people from the academic field and members of NGOs working within prisons. The handbook is intended for professionals to work in the prevention of gender violence with women prisoners.

In Catalonia, training is mainly handled by the Centre for Legal Studies and Specialised Training (CLSST), an autonomic entity assigned to the Department of Justice, which

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<sup>44</sup> The whole report is available at:

[http://www.institucionpenitenciaria.es/web/export/sites/default/datos/descargables/publicaciones/Documento\\_Penitenciario\\_9\\_Ser\\_Mujer\\_profesionales.pdf](http://www.institucionpenitenciaria.es/web/export/sites/default/datos/descargables/publicaciones/Documento_Penitenciario_9_Ser_Mujer_profesionales.pdf)

concentrates many of the training courses to social educators, lawyers, psychologists, social workers and any employee of the penitentiary system.

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## Glossary of terms

Monitoring	<p>Supervising activities in progress to ensure they are on-course and on-schedule in meeting the objectives and performance targets.</p> <p>For the prison system it refers especially to the supervision of life conditions of inmates, the respect of their fundamental rights and with a special attention on vulnerable groups.</p>
Offender	<p>A person, who has committed a crime and has been found guilty by a court.</p> <p>For the current project, this term should include the pre-trial detainees.</p>
Organic Law	<p>It develops fundamental aspects of the Constitution. They have a greater range than the normal laws (supermajority needed for approval). It regulates the most important matters such as those included in the Penal Code. Any PC modification will need to be done by another OL.</p>
Parole	<p>A system of (conditionally) releasing a prisoner to the community before the whole sentence has been served, under the threat that he/she will be recalled to prison if the conditions that are attached to this conditional release are not complied with.</p>
Probation	<p>In the Spanish system it relates to the suspension of the sentence, normally for ones of less than two years without criminal records (or up to five years in drug addiction cases), with or without additional measures</p>
Prisoner	<p>A person deprived of liberty and kept in custody, captivity, or a condition of forcible restraint, especially while on trial or serving a prison sentence.</p>
Re-socialisation	<p>Restoration of a social status and values of a person by applying well targeted pedagogical, psychological, educational and other measures for integration of a person to the society</p>

Security measures	Measures imposed to persons who have committed a crime but are not criminal responsible.
Treatment Board	Group of professionals (social workers, psychologists, criminologists, jurists, social educators, etc) who decide on the classification, progress and penitentiary benefits (visits, exit permissions) for prisoners.
Vulnerable person	A person, who needs care services (by such reasons as mental or other disability, age, illness, etc.) and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation. Also, this notion includes ones who needs special / different conditions of confinement, because the normal conditions can affect more severely their rights (migrants, women).

## **List of abbreviations**

AAPWET: Autonomous Agency of Prison Work and Employment Training (From the GSPI)

AMED: alternative measures execution delegate (Cat)

APM: Alternative Penal Measures

CAT: Catalonian prison administration

CC: Constitutional Court

CCS: Constitutional Court Sentence

CIRE: Centre for Rehabilitation Initiatives (Cat)

CIRSO: Inter- institutional Commission for Social Reintegration

CJD: Catalan Justice Department

CLSST (Centre for Legal Studies and Specialized Training)

CoE: Council of Europe

CPR: Catalan Penitentiary Rules (2006)

CPL: Criminal Procedural Law (RD of 14 of September, 1882)

CPDT: Coordinator for the Prevention and Denounce of Torture of Spain

CPT: The Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CoE) (1987)

DSA: Department of Special Attention (for drug addicts in Catalonia)

DU: Dependent Unit (SGA)

ECHR: European Court of Human Rights

EConvHR: European Convention on Human Rights ([1950] 3 September 1953)

GAD: Group of Attention to Drug Addicts

GSPI: General Secretariat of Penitentiary Institutions (SGA)

HO: Home Office

Idescat: Catalan Statistics Institute

IRES: (Cat): Institute of Social Re-integration

N.A: No figures available

NAP: National Action Plan

NAPP: Not applicable

NSI: National Statistical Institute

OL: Organic Law

OLJCR: Organic Law on Juvenile Criminal Responsibility (5/2000 of 12 January),

OLPS: Organic Law of the Penitentiary System (1/1979, 26 of September)

OP: Open prison (Cat)

OPCAT: Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UN) (2002 [22 June 2006])

PC: Penal Code (LO 10/1995, 23 of November)

PR: Penitentiary Rules (RD 190/1996, 9 of February)

PSC: Penitentiary Social Council

RD: Royal Decree

SC: Spanish Constitution (1978)

SGA: State General Administration (State prison administration excluding Catalonia)

SIC: Social Integration Centre (SGA)

SupC: Supreme Court

SupCS: Supreme Court Sentence

T: Total

UNCAT: Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UN) ([1984] 26 June 1987)



## ANNEXES

### Annex 1: Treaties and legislation

#### Legally binding international instruments/documents

##### *United Nations treaties*

Entry into force	Name of the treaty	Signed - date	Ratified - date
3 September 1981	Convention of the elimination of all Forms of Discrimination against Women	17 Jul 1980	5 Jan 1984
4 January 1969	Convention of Elimination of all Forms of Racial Discrimination		13 Sep 1968  (also the competence of the Committee for ERD)
2 September 1990	Convention on the Rights of the Child (UN)	26 Jan 1990	6 Dec 1990
23 March 1976	International Covenant on Civil and Political Rights (1966)	28 Sep 1976	27 Apr 1977
3 January 1976	International Covenant on Economic, Social and Cultural Rights (1966)	28 Sep 1976	27 Apr 1977
26 June 1987	UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)	4 Feb 1985	21 Oct 1987

22 June 2006	Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	13 Apr 2005	4 Apr 2006
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### *Council of Europe legislation*

<b>Entry into force</b>	<b>Name of the treaty</b>	<b>Signed - date</b>	<b>Ratified - date</b>
3 September 1953	European Convention on Human Rights and Fundamental freedoms (1950)	24/11/1977	4/10/1979
1 April 2005	Protocol 12 to the European Convention on Human Rights and Fundamental Freedoms (2000)	4/10/2005	13/2/2008
1 February 1989	European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (1987)	26/11/1987	2/5/1989
22 August 1975	Convention on the Supervision of Conditionally Sentenced of Conditionally Released Offenders	No	No

### *EU legislation*

<b>Entry into force</b>	<b>Name of the treaty</b>	<b>Transposition - date/legislation/etc.</b>
1 December 2009	Charter of Fundamental Rights of the European Union (2000)	Direct effect
2004 January 01	Framework Decision on the European Arrest Warrant and the Surrender Procedures between Member States	Direct effect

2011	Framework Decision on the application on the Principle of Mutual Recognition to Judgements in Criminal Matters imposing Custodial Sentences of Measures Involving Deprivation of Liberty for the Purpose of their Enforcement in the European Union	Direct effect
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## Annex 2: Imprisonment statistics

For these statistics several sources have been used, always trying to prioritise those that are official. This fact leads to methodological complexity, and difficulties to compare the data. In Spain, the situation is complicated by having two administrations, which collect information in different ways, and in their own reports the topics and how they are collected vary. The use of international databases such as SPACE (CofE), using official data for each State can be complementary, but has the problem that the data corresponds to September and not to 31 December 31th as required by the Methodology for this report. To make the reading of the numbers easier, the report uses the following abbreviations from the sources used: SPACE (s), International Center for Prison Studies (ICPS), European Sourcebook of Crime and Criminal Justice -4th ed- (ESB), EuroStat (EuSt).

Unless otherwise specified, all data on the total of the State and the SGA correspond to the Home Office (HO) / GSPI, and the CAT data to de Catalan Department of Justice (DJ). For these official data the web pages from the GSPI and the DJ and the Annual Reports from both administrations have been used as a source. In some occasions, the sum of SGA and CAT data does not correspond to the total of the State due to different collection methodologies, but the divergence is not usually significant.

The data in square brackets "[ ]" are own calculations.<sup>45</sup>

**Table 1.** Prison population

	2004	2005	2006	2007	2008	2009	2010	2011	2012
<b>Prison population total</b>	59375	61054	64021	67100	73588	76079	73929	70472	68597
SGA	51272	52747	55049	57725	63517	65.548	63.314	59975	58.556
Catalonia	8.094	8.305	8970	9395	10051	10525	10520	10513	10062

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<sup>45</sup> Given the difficulty in obtaining and interpreting some data, an interview was done on October 28, 2013 with an official of the General Directorate of Penitentiary Services (GDPS) of the Government of Catalonia to whom a letter with a request for information was sent but has not been answered. Among other variables, information was requested about: disaggregated costs for prisoner, average length of imprisonment imposed by the court and factual, average length of stay in prison, and surface area per prisoner (in m<sup>2</sup>)

<b>Prison population rate (per 100.000 inhabitants)<sup>46</sup></b>	[137,45]	[138,44]	[143,2]	[148,45]	[159,42]	[162,75]	[157,22]	[149,33]	[145,13]
SGA	139,6	142	146,4	152,3	163,6	166,9	162	147,8	147,8
Cat	118,8	118,7	125,7	130,3	136,5	140,8	140,7	139,9	133,5
<b>Entries to penitentiary institutions in a given year</b>									
SGA	36303	33954	38063	n.a.	n.a.	42586	41945	38641	30505 <sup>47</sup>
Cat <sup>48</sup>	5795	5646	5324	6305	6809	6872	7089	7195	7267
<b>Rate of entries to P.I (per 100.000 inhab) in a given year</b>									
SGA <sup>49</sup>	[99,77]	[91,48]	[101,3]	n.a	n.a	[108,44]	[106,16]	[97,45]	n.a
Cat <sup>50</sup>	[85]	[80,7]	[74,6]	[87,4]	[92,4]	[91,9]	[94,3]	[95,4]	[96]
<b>Pre-trial/ remand</b>	13.112 (22, 1%)	13.720 (22, 47%)	15.065 (23, 53%)	16.137 (24,05%)	17.849 (24,26%)	15580 (20, 47%)	13.837 (18,71%)	12.148 (17,23%)	10.443 (15, 22%)
SGA	[11504 (22, 43%)]	[12096 (22, 93%)]	[13143 (23, 87%)]	[14003 (24, 25%)]	[15590 (24, 54%)]	[13370 (20, 4%)]	[11880 (18, 76%)]	[10197 (17%)]	[8674 (14, 8%)]
Cat	1.608 (19, 9%)	1.624 (19, 6%)	1.922 (21, 4%)	2.134 (22, 7%)	2259 (22, 5%)	2210 (21%)	1957 (18, 6%)	1951 (18, 6%)	1769 (17, 6%)
<b>Rate of pre-trial/ remand (per 100.000 inhabitants)<sup>51</sup></b>	[30,35]	[31,1]	[33,7]	[35,7]	[38,67]	[33,33]	[29,42]	[25,74]	[22,1]
<b>SGA<sup>52</sup></b>	[31,61]	[32,6]	[35]	[36,86]	[40,2]	[34,04]	[30,07]	[25,71]	[21,85]
<b>Cat<sup>53</sup></b>	[23,6]	[23,21]	[26,93]	[29,6]	[30,67]	[29,56]	[26,05]	[25,87]	[23,36]

<sup>46</sup> Calculated from the total population of Spain provided by NSI and the total of prison population provided by the GSPI

<sup>47</sup> The data for 2012 is not comparable with the rest. Due to methodological changes introduced in 2012 to the way the data is collected here GSPI shows the number of inmates with less than thirty days in prison (per month)

<sup>48</sup> Total annual accumulated entries from freedom. Not considered income due to transfers or for other reasons. The repetitions (various entries by the same person) are counted.

<sup>49</sup> Calculated from the total population of Spain (without Catalonia) provided by NSI and the number of entries per year provided by the GSPI.

<sup>50</sup> Calculated from the total population of Catalonia provided by Idescat.

<sup>51</sup> Calculated from the total population of Spain provided by the NSI and the pre-trial population provided by the HO.

<sup>52</sup> Calculated from the total population of Spain (without Catalonia) provided by the NSI and the pre-trial population from the SGA.

<sup>53</sup> Calculated from the total population of Catalonia provided by Idescat and the pre-trial population provided by the DJ.

**Table 2.** Prison population by socio-demographic characteristics (total numbers)

		2004	2005	2006	2007	2008	2009	2010	2011	2012	
<b>Females</b>	T	4.570	4.763	5.109	5.592	5.950	6.076	5.788	5.288	5.225	
	SGA	4.007	4205	4501	4898	5221	5335	5044	4549	4560	
	Cat	563 (7%)	558 (6,7%)	608 (6,8%)	694 (7,4%)	729 (7,3%)	741 (7%)	744 (7,1%)	739 (7%)	665 (6,6%)	
Minors	[NAPP]										
Age structure of prisoners <sup>54</sup>	<i>(please indicate age intervals):</i>										
	<b>18-20</b>		1511	1382	1480	1596	1782	1620	1485	1323	983
	SGA		[1296]	[1182]	[1243]	[1516]	[1519]	[1355]	[1230]	[1061]	[732]
	Cat		215	200	237	80	263	265	255	262	251
	<b>21-25</b>		9432	8454	8577	8991	10329	9941	9367	8898	6926
	SGA		[8345]	[7372]	[7352]	[8214]	[9114]	[8639]	[8100]	[7612]	[5688]
	Cat		1087	1082	1225	777	1215	1302	1.267	1.286	1238
	<b>26-30</b>		13908	13303	13650	14061	15705	15857	15055	13622	10348
	SGA		N.A.								
	Cat <sup>55</sup>		4705	4802	5074	4079	5559	5719	5.677	5.507	5279
	<b>31-40</b>		20983	22106	22879	23798	25238	25510	25119	23798	22278
	SGA		N.A.								
	Cat		NAPP								
	<b>41-60</b>		11768	13734	15227	16203	17994	20416	20249	19987	21871
	SGA		[9831]	[11691]	[12981]	[14163]	[15237]	[17450]	[17165]	[16811]	[18869]
	Cat		1937	2043	2246	2040	2757	2966	3.084	3.176	3002
	<b>+60</b>		894	1167	1325	1431	1547	1754	1813	1960	1944
	SAG		[744]	[996]	[1137]	[1253]	[1288]	[1478]	[1576]	[1678]	[1652]
	Cat		150	171	188	178	259	276	237	282	292

<sup>54</sup> Numbers for Spain 2004-2012 are from NSI (HO). The sum of all age groups may not coincide with the total because unclassified inmates are not taken into account. Data for CAT 2004-2012 are from Idescat (DJ). Although data for 2007 in Catalonia shows an inconsistency with the dynamics of the decade, official statistics do not explain any peculiarity.

<sup>55</sup> The interval for Catalonia between 2004-2009 is 26-40

**Table 3.** Prison population by offences (total numbers).<sup>56</sup>

Generally, about 2/3 of the people are condemned for crimes against property and crimes against public health (drug related crimes). Since the Law against Gender Violence (2004) and the harsher penalties for crimes against road safety (2207), the people condemned for these two reasons are reaching almost the 10% of the total.

In 1995 a new Penal Code (PC) was approved. For some data there are distinctions between people condemned for crimes of the old PC and people condemned for the new one.

Type of offence		2004	2005	2006	2007	2008	2009	2010	2011	2012	
Criminal offences total	T <sup>57</sup>	45384	46426	48073	49943	54746	59518	59251	57440	56109	
	Sga	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A	
	Cat	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A	
Major traffic offences	T <sup>58</sup>	[113]	[281]	[221]	[277]	[607]	[1005]	[1225]	[1406]	1.211	
	SGA <sup>59</sup>	N.A					[893]	[1085]	[1199]	[993]	
	Cat <sup>60</sup>	10	17	26	34	80	113	142	210	227	
Intentional homicide <sup>61</sup>	T	1.867	2.083	2.327	2.576	2719	3028	3.157	3.113	3.589	
	SGA	1529	1724	1926	NA	NA	2492	2.566	2.462	2.955	
	Cat	523	577	620	680	791	854	850	897	910	
Bodily injury (assault)	Total	T <sup>62</sup>	1.615	1.911	2.066	2.294	2540	3020	3.268	3.374	2.597
		SGA	N.A.					2.556	2.825	2.937	2.205
		Cat <sup>63</sup>	319	342	398	386	449	446	466	471	451

<sup>56</sup> The Table shows the number of inmates condemned for every kind of crime.

<sup>57</sup> Data are addition of crimes from the old and from the new PC and for all the crimes (not only the specified in the table)

<sup>58</sup> Data are an addition of crimes from the old and from the new PC

<sup>59</sup> Data are an addition of crimes from the old and from the new PC

<sup>60</sup> Data for 2004 – 2012 collected by the DJ as ‘dangerous driving’ taking from the general ‘crimes against collective security and public health’.

<sup>61</sup> Data from the old PC are not taken into account because they are impossible to know as they are under the title of ‘against people’. For the PC of 1995, data are for ‘murder and all its forms’ (not only intentional)

<sup>62</sup> Data from the old PC are not taken into account because they are impossible to know as they are under the title of ‘against people’

<sup>63</sup> Data from the old PC are not taken into account because they are impossible to know as they are under the title of ‘against people’

Type of offence			2004	2005	2006	2007	2008	2009	2010	2011	2012
	<i>of which:</i> Aggravated bodily injury	N.A.									
Sexual assault	Total	T <sup>64</sup>	[2397]	[2600]	[2892]	[3157]	[3435]	[3710]	[3758]	[3636]	3.017
		SGA	N.A.					[3172]	[3194]	[3066]	[2.541]
		Cat	[447]	[490]	(538)	[585]	[670]	[656]	[675]	[665]	[672]
	<i>of which:</i> Rape	N.A.									
	<i>of which:</i> Sexual abuse of a child	N.A.									
Robbery		T <sup>65</sup>	[22354]	[21652]	[21703]	[21.360]	[22.794]	[23349]	[22996]	[22406]	20.762
		SGA	N.A.					[19952]	[19540]	[18945]	[17334]
		Cat <sup>66</sup>	[3666]	[3509]	[3615]	[3695]	[3963]	[4148]	[4117]	[4148]	[4099]
Theft	N.A.										
Drug offences		T <sup>67</sup>	[12.764]	[12.649]	[13.101]	[13.655]	[14.964]	[16546]	[16.327]	[14930]	[14.547]
		SGA	N.A.					[14393]	[14183]	[13018]	[12851]
		Cat <sup>68</sup>	[1889]	[1964]	[2154]	[2471]	[2743]	[2823]	[2.784]	[2.628]	[2221]
Gender Violence <sup>69</sup>	T	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A	4505 <sup>70</sup>	5.647 <sup>71</sup>

<sup>64</sup> Data are the addition of crimes from the old and from the new PC under ‘against sexual liberty’

<sup>65</sup>Data are the addition of crimes from the old PC (‘against property’) and from the new PC (‘against patrimony and socioeconomic order’)

<sup>66</sup>Data are the addition of crimes from the old PC (“against property”) and from the new PC (‘against patrimony and socioeconomic order’)

<sup>67</sup> Data are an addition of crimes from the old and the new PC

<sup>68</sup> Data are an addition of crimes from the old and the new PC

<sup>69</sup> Although the adoption of the law against gender violence in 2004 has increased the prison population, becoming the third ground of entry into prison, the data are not segregated in other crimes such as homicide, injuries or threats. Although the 2004 Law creates a specific crime (Article 153 PC) or subtypes of offenses under threats or injuries because of gender reasons, the penalties are of less than two years and are replaced by alternative measures. For these reasons there are no available breakdown data.

There is data available of the number of condemned people for violence against women: 15,988 (2006), 16,357 (2007), 18,056 (2008), 17,437 (2009), and 16,268 (2010). Source: Institute for Women of the Ministry of Health, Social Policy and Equality, using data from the judiciary.

<sup>70</sup> Annual Statistics from the HO 2011

<sup>71</sup> Annual Statistics of Gender Violence from the HO, available at: [http://www.msssi.gob.es/ssi/violenciaGenero/portalEstadistico/Boletines\\_Anuales/doc/Bolet\\_Estadist\\_Anual\\_2012.pdf](http://www.msssi.gob.es/ssi/violenciaGenero/portalEstadistico/Boletines_Anuales/doc/Bolet_Estadist_Anual_2012.pdf)



Type of offence		2004	2005	2006	2007	2008	2009	2010	2011	2012
	SGA	N.A	N.A	N.A	N.A	N.A	N.A	3.821 <sup>72</sup>	4067 <sup>73</sup>	N.A
	Cat <sup>74</sup>	n.a.	167	199	213	243	186	113	86 <sup>75</sup>	58
Smuggling	N.A									
Fraud										

**Table 4.** Prison population by length of sentence (percentage) and average length of imprisonment (months).

Information is available only for Catalonia. Except for Catalonia, there are no available data for the SGA. Besides the lack of data, the sources do not collect the same. On one hand, when it comes to "Length of the sentence" they not always chose the same division (as noted in several footnotes).

It is possible to have figures on Catalonia but only on the distribution of the length of the sentence. There are missing almost all the figures for the average of length for the sentence imposed and for the sentence observed. In addition to these difficulties, it's worth to make one more disclaimer. Speaking of length of sentence (what is imposed by the judge) does not necessarily show the prison reality. It can be important to analyse how judges act, but the way the sentences are served (types of regime, parole, etc.) can show very different reality.

			2004	2005	2006	2007	2008	2009	2010	2011	2012
<b>Prison population by length of sentence (percentage)</b>	From 6 months to less than 1 year	T	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A
		SGA	N.A	N.A	N.A	N.A	N.A	N.A	N.A	---	N.A
		Cat	272 4,20%	293 4,39%	354 5,02%	360 4,95%	462 5,93%	550 7,23%	N.A	308 (3.2 %) (s)	N.A
	From 1 year to less than 3 years	T	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A
		SGA	N.A	N.A	N.A	N.A	N.A	N.A	N.A	18090 (36.5% ) (s) <sup>76</sup>	N.A

<sup>72</sup> Data for October 2010 (see conference of General Vice-directorate of Treatment and Penitentiary Management, Ms. Concepción Yagüe 'La intervención Re-educativa con Agresores en Instituciones Penitenciarias' [http://www.emakunde.euskadi.net/contenidos/informacion/vcm\\_sensibilizacion\\_prevencion/es\\_def/adjuntos/jornada.07.ponencia.Concepcion.Yague.pdf](http://www.emakunde.euskadi.net/contenidos/informacion/vcm_sensibilizacion_prevencion/es_def/adjuntos/jornada.07.ponencia.Concepcion.Yague.pdf))

<sup>73</sup> Annual Statistics from the HO 2011

<sup>74</sup> Appears as a crime of 'domestic violence'.

<sup>75</sup> If data are taken from the HO Annual Statistics 2011, which refers to 'people incarcerated for crimes related to gender violence', the figure for Catalonia in 2011 is 438

<sup>76</sup> Space includes for SGA from 6 months to less than three years

	Cat	1070 16,53 %	1116 16,72 %	1226 17,39 %	1246 17,14 %	1393 17,88 %	1497 19,66 %	N.A	1 581 (16,5% ) (s) <sup>77</sup>	N.A
From 3 years to less than 5 years	T	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A
	SG A	N.A	N.A	N.A	N.A	N.A	N.A	N.A	18 957 (38,2% ) (s) <sup>77</sup>	N.A
	Cat	1.012 15,63 %	973 14,58 %	1.018 14,44 %	1.018 14,00 %	1.078 13,84 %	1.128 14,82 %	2116 (22%)	2 038 (22,2% )	1916 (21,8% )
From 5 years to less than 10 years	T	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A
	SG A	N.A	N.A	N.A	N.A	N.A	N.A	N.A	8 588 (17,3% ) (s) <sup>78</sup>	N.A
	Cat	2.501 38,63 %	2.630 39,41 %	2.744 38,91 %	2.936 40,37 %	3.132 40,21 %	3.406 40,58 %	2592 27%	2475 27%	2322 25,8%
From 10 years to less than 15 years	T	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A
	SG A	N.A	N.A	N.A	N.A	N.A	N.A	N.A	---	N.A
	Cat	853 13,18 %	930 13,93 %	972 13,78 %	978 13,45 %	1.018 13,07 %	1.055 13,86 %	998 10,4 %	965 10,5%	935 10,4%
From 15 years to less than 20 years	T	N.A								
	SG A	N.A	N.A	N.A	N.A	N.A	N.A	N.A	2 277 (4,6%) (s)	N.A
	Cat	357 5,51%	359 5,38%	364 5,16%	377 5,18%	381 4,89%	428 5,62%	435 4,53 %	412 4,48%	441 4,9%
20 years and over	T	N.A								
	SG A	N.A							1 079 (2,2%) (s)	N.A
	Cat	(409) 6,32%	(373) 5,6%	(374) 5,3%	(357) 4,9%	(326) 4,2%	(329) 4,3%	321 3,34 %	295 3,21%	294 3,27%
Life imprisonmen t	NAPP <sup>79</sup>									

<sup>77</sup> This data appears in Space between brackets, because it is not strictly comparable with the data requested by SPACE I questionnaire. It corresponds to 3 years and 1 day to 8 years.

<sup>78</sup> This data appears in Space between brackets because it is not strictly comparable with the data requested by SPACE I questionnaire. It corresponds 8 years and 1 day to 15 years (instead of 5 years to less than 10 years);

<sup>79</sup> Although the CC has said that a sentence of this type would be unconstitutional for going against Article 25.5 SC, after the 2003 amendment and the jurisprudence of the SC called 'Parot Doctrine' (see footnote 16), there are people condemned, especially for terrorism, serving sentences virtually for life. Since 2003 also the maximum penalty is set at 40 years. The new PC draft wants to introduce the 'reviewable permanent punishment', which in practice would be a life sentence, although revisable.

Average length of imprisonment (months)	Imposed by the court	N.A									
		Cat	N.A	N.A	N.A	103 <sup>80</sup>	99 <sup>81</sup>	N.A	N.A	N.A	90 <sup>82</sup>
	Factual	T	N.A								
		SGA	N.A								
		Cat	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A	15 <sup>83</sup>

**Table 5.** Number of different facilities and number of prisoners in different types of facilities (total numbers)

As indicated before, there is some confusion in the way people with mental illness and people declared as drug addicted or dependant are registered. This is because some of them can be inside prisons (in psychiatric units), some in psychiatric hospitals (also drug addicted), and some in non-penitentiary centres. In the same way, some people declared not guilty serve their Security Measure in prison. The Penitentiary Hospital in Catalonia does not have ‘own’ people. The ones admitted for clinical reasons are still included in the counting of the centres where they serve their sentence.

The prisons in Spain host both convicted and preventive people. Therefore, there are no special institutions for remand.

There are no special institutions for unlimited detention (lifers, forensic psychiatric institutions, etc.). There can be people not convicted due to their mental illness, who are hosted in a forensic psychiatric institution, but this cannot be, in principle, unlimited.

		2004	2005	2006	2007	2008	2009	2010	2011	2012
<b>Mother Units (SGA)</b>	Number of MU facilities <sup>84</sup>	NAPP					1	2	3	3

<sup>80</sup> The data is of 3,088 days (DJ Annual Report 2008: 187)

<sup>81</sup> The data is of 2,967 days (DJ Annual Report 2008: 187)

<sup>82</sup> The data is provided in days: 2,708.

<sup>83</sup> Data obtained from the DJ. The data corresponds to the average length of imprisonment of those who have been released. In December 2012 was of 441.63 days (almost 15 months) The DJ also offers the average time in months of the currently incarcerated population, which varies greatly from the other shown. In December 2012 the number was double, 31 months (930.67 days).

<sup>84</sup> The new prisons plan of the GSPI of 2005 establishes the construction of 5 MU. The first one that was inaugurated was the one in Palma de Mallorca in 2009. Before this, there were mother modules within prisons. Nowadays, there can be some DU assigned to mothers.

	Number of prisoners in MU facilities	NAPP						13	43	53	52	
<b>Open prisons<sup>85</sup></b>	Number of open prisons <sup>86</sup>	T							[41]	[40]	[43]	
		SIC (SGA) <sup>87</sup>	7	9	11	12	15	24	27	29	32	
		DU (SGA)	N.A	N.A	N.A	N.A	N.A	N.A	11	8 <sup>88</sup>	8	
		Cat (OP)	2	2	2	2	3	3	3	3	3	
	Number of prisoners in open prisons	T	N.A <sup>89</sup>									
		SGA <sup>90</sup>	78DU <sup>91</sup>	78DU <sup>92</sup>	N.A	N.A	6.513	8276	8.903	8.854	7679	
		Cat (total numbers / % of the T incarcerated / % of the total classified) <sup>93</sup>	1.596 / 19,7 / 27,5	1.588 / 19,1 / 26,1	1.721 / 19,2 / 27	1.613 / 17,2 / 24,6	1.809 / 18 / 25,7	1.922 / 18,3 / 25,8	1.843 / 17,5 / 24,1	1.882 / 17,9 / 24,7	1717 / 17,06 / 23,2	
	<b>Relaxations<sup>94</sup></b>	Number of relaxations	NAPP									

<sup>85</sup> For Spain, 'open prison' will be all prisoners classified in 3rd degree. They can be in prisons, or they can be in other institutions (SIC or DU in the SGA system, and OP in Cat). (For these institutions and for the different types of open regime see point III.1)

<sup>86</sup> Open sections of prisons are not included

<sup>87</sup> Figures are approximate. Data some times are for year of construction and some of year of inauguration. Figures taken from the links to each SIC in GSPI: <http://www.institucionpenitenciaria.es/web/portal/centrosPenitenciarios/localizacion.html?ep=&ept=ins&epp=>

<sup>88</sup> In 2011 there were 3 DU closed

<sup>89</sup> It is possible to add from figures of Cat and SGA, but it should be decided from which data of SGA (total, SIC, DU, etc)

<sup>90</sup> Figures obtained from GSPI Annual Reports 2011. The total numbers for people in open regimen includes those who are in prison and in open sections.

<sup>91</sup> On 01. 01. 2005 (GSPI 2005 Annual Report)

<sup>92</sup> On 01. 01. 2006 (GSPI 2006 Annual Report)

<sup>93</sup> Figures given by Basic Statistics of Penitentiary Services, DJ 2012 (available at: [http://www20.gencat.cat/docs/Justicia/Home/Departament/estadistiques/serveis\\_penitenciaris/serveis\\_penitenciaris\\_2012.pdf](http://www20.gencat.cat/docs/Justicia/Home/Departament/estadistiques/serveis_penitenciaris/serveis_penitenciaris_2012.pdf))

<sup>94</sup> Refers to people under the rule of Article 100.2 PR that allows more flexible enforcement regime. For example, a second-degree classified inmate (common regime) to whom is given opportunity to work or do some activities

	Number of prisoners in relaxations	T	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A
		SGA	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A
		Cat <sup>95</sup>	N.A	316	254	404	700	591	487	389	295

**Table 6.** Situation of penal institutions

Except for a few data from the last three years in population density, as well as full details of the total prison capacity of Catalonia (and some on the SGA), other statistics are not available.

		2004	2005	2006	2007	2008	2009	2010	2011	2012
Total capacity of penal institutions/ prisons										
	SGA	N.A	N.A	N.A	N.A	N.A	N.A	67,195 <sup>96</sup>	66477 <sup>97</sup>	66924 <sup>98</sup>
	Cat <sup>99</sup>	6928	7300	7600	7600	9223	10544	10546	8295	11031
Density per 100 places <sup>100</sup>	Total									
	SGA	N.A	N.A	N.A	N.A	N.A	N.A	96.9 <sup>101</sup>	90.2 <sup>102</sup>	87.5 <sup>103</sup>
	Cat	N.A	N.A	N.A	N.A	N.A	N.A	111.4 <sup>104</sup>	126.7 <sup>105</sup>	91.2 <sup>106</sup>
Surface area per prisoner (in m <sup>2</sup> )	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A

outside prison. There are no specific institutions for relaxations (there are in general in prison but they can be also in a SIC), so this figure is NAPP.

<sup>95</sup> Cumulative figures (data for 2005-2007: 2007 Annual Report)

<sup>96</sup> 1.9.2010. From: ICPS

<sup>97</sup> 'Prison Stock on 1st January 2012 & 2013' (SPACE)

<sup>98</sup> 'Prison Stock on 1st January 2012 & 2013' (SPACE)

<sup>99</sup> Figures for 2004-2010 taken from the DJ presentation 'Deployment of the correctional facilities master plan 2004/2010' (available at: <http://www.mailxxi.com/noalapreso/img/anex.pdf>), data for 31 December. Figures for 2012 and 2013 taken from 'Prison Stock on 1st January 2012 & 2013' (SPACE)

<sup>100</sup> In Catalonia, in general, there is no overcrowding (although in some prisons there are, like the serious situation of the Modelo Prison of Barcelona). For the worst year, 2008, that rate of 141, 35 is, without Catalonia (94,3%) of 153% for the SGA (SAPCE I en González pp. 367)

<sup>101</sup> 1.9.2010. From: ICPS

<sup>102</sup> 'Prison Stock on 1st January 2012 & 2013' (SPACE)

<sup>103</sup> 'Prison Stock on 1st January 2012 & 2013' (SPACE)

<sup>104</sup> 1.9.2010. From: ICPS

<sup>105</sup> 'Prison Stock on 1st January 2012 & 2013' (SPACE)

<sup>106</sup> 'Prison Stock on 1st January 2012 & 2013' (SPACE)

**Table 7.** Persons under parole, probation and surveillance orders (total numbers)

In Spain, probation is the suspension of the sentence which may or may not have associated measures (as the prohibition of going to certain places, of approaching the victim, participate in programmes; Article 83 PC). It can always be interposed if the penalty do not exceed of two years of imprisonment, or until five years in case of drug addiction (see Article 80 and following PC).

There is also the possibility of substitution of a prison sentence. It can be substituted for fine or community work for sentences less than one year and for permanent location for sentences less than 6 months. It is also possible, as an exception, for penalties not exceeding two years (Article 88 PC).

Parole is the conditional release of a prisoner before the total serving of the prison sentence, ruled by Articles 90–93 PC. Prisoners must serve 3/4 of the sentence (in some exceptionally cases 2/3 or even 1/2), have a good behaviour and be classified in open regime. Exceptionally, prisoners who are older than 70 or prisoners who are very ill can get parole.

		2004	2005	2006	2007	2008	2009	2010	2011	2012
Probation (including the attached measures)	T	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A
	SGA	N.A	N.A	N.A	N.A	N.A	N.A	(75663) (s) <sup>107</sup>	(49593 ) (s) <sup>108</sup>	(5479 1) (s) <sub>109</sub>
	Cat	N.A	N.A	N.A	N.A	N.A	N.A	(8501) (s) <sup>110</sup>	(6976) (s) <sup>111</sup>	(6921 ) (s) <sup>112</sup>
	T	[6189]	[6492]	[6891]	[6996]	[7048]	N.A	[8794]	[9909]	[9357]

<sup>107</sup> The number is the result of adding the following measures reflected by the SPACE II (2010. p. 19): suspended custodial sentence, community service, electronic monitoring, home arrest, and treatment.

<sup>108</sup> The number is the result of adding the following measures reflected by the SPACE II (2011. p. 19): suspended custodial sentence, community service, electronic monitoring, home arrest, and treatment.

<sup>109</sup> The number is the result of adding the following measures reflected by the SPACE II (2012. p. 18): suspended custodial sentence, community service, electronic monitoring, home arrest, and treatment.

The Annual Statistics, HO, 2012 reflect a very different number: 8.267. The figure reflect the probationations that are actually in compliance. (24,987 is the total managed: served, in standby, etc.)

<sup>110</sup> The number is the result of adding the following measures reflected by the SPACE II (2010. p. 19): victim-offender mediation, suspended custodial sentence, community service, electronic monitoring, treatment and mixed orders.

<sup>111</sup> The number is the result of adding the following measures reflected by the SPACE II (2011. p. 19): victim-offender mediation, suspended custodial sentence, community service, electronic monitoring, treatment and mixed orders.

<sup>112</sup> The number is the result of adding the following measures reflected by the SPACE II (2012. p. 18): victim-offender mediation, suspended custodial sentence, community service, electronic monitoring, treatment and mixed orders.

Parole (including the attached measures)	SGA <sup>113</sup>	5.560	5816	6.193	6.196	6.278	N.A	7,948 (s)	9,000 (s)	8,313
	Cat <sup>114</sup>	629 (8,84%)	676 (9,2%)	698 (9%)	800 (9,9%)	770 (9%)	760 (8,37%)	846 (9%)	909 (9,6%)	1044 (11,2%)
Electronic monitoring (with bracelet)	T	[509]	[664]	[989]	[1741]	[1807]	[1970]	[2107]	[2302]	N.A
	SGA <sup>115</sup>	417	580	890	1.676	1749	1.912	2.057	2149 (s)	1 788 (s)
	Cat	92	84	99	65	58	58	50	48 (s)	22

**Table 8.** Groups of (possibly vulnerable) prisoners (total numbers)

In Spain and Catalonia, some groups are regarded as ones for special care. Both administrations develop specific plans and programmes to address them. These groups tend to be: women, foreigners, people with physical, sensory or intellectual disability, drug addicts, young persons, and those in isolated regime. The variety of programmes, how they focus the ‘vulnerability’ and of which ‘groups’, and the nature and effectiveness of programmes are topics that need to be studied and discussed additionally.

		2004	2005	2006	2007	2008	2009	2010	2011	2012
Foreigners	T <sup>116</sup>	17.302 (29,1%)	18.616 (30,5%)	20.643 (32,5%)	22. 977 (34,2%)	26201 (35,6%)	27162 (35,7%)	26.315 (35,6%)	24.502 (34,8%)	22.893 (33,4%)
	Sga	14.677	15.773	17.282	19208	22003	22.592	21.663 (34,1%)	19684	18.276 (31,2%)
	Cat	2625 (34,78%)	2843 (35,31%)	3361 (38,06%)	3769 (40,83%)	4198 (42,81%)	4570 (43,42%)	4646 (44,25%)	4818 (45,83%)	4554 (45,26%)
Persons under drug addiction programmes	T <sup>117</sup>	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A
	Sga <sup>118</sup>	27.617	26.198	26. 880	27.810	27.577	29.772	29. 963	27.458	26.867

<sup>113</sup> Data for 2004-2008 obtained from H. Roldán ‘el uso de la libertad condicional y su influencia en el tamaño de la población reclusa en España’. RECPC 12-04 (2010). Figures at 31-12, taken from Annual Statistics HO. Data for 2012, taken from Annual Statistics, HO, 2012

<sup>114</sup> Total number of people on parole on December 31. Percentages are calculated on the total condemned in the same date.

<sup>115</sup> GSPI Annual Report 2010.

<sup>116</sup> Data for the total Spain can vary a little from the addition of SGA + Cat. Both data, Total and SGA are obtained from HO in different documents in which the number vary (Annual Statistics HO 2012 and Annual Reports from the GSPI)

<sup>117</sup> It is preferable not to add SAG and CAT totals because the data provided is not comparable given the disparity, the number, or the penitentiary or communitarian character of the programmes

<sup>118</sup> The SGA offers numerous programmes and centres / modules for detoxification and drug dependence treatment. The data presented here are the totals seen at one year inside prisons (in the Therapeutic Communities,

	Cat <sup>119</sup>	1.005	1304	1.996	2346	2.355	2860	3.451	3320	3.773
Mentally handicapped persons (e. g. lower IQ)	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A
Persons with a psychiatric handicap <sup>120</sup>	N.A	N.A	N.A	N.A	N.A	550 Sga (s)	N.A	N.A	N.A	N.A
Physically handicapped persons	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A
HIV/AIDS	T	---	---	[6127]	[6020]	[5956]	[5505]	[4996]	[4580]	[4228]
	Sga <sup>121</sup>	[5742]	[5275]	[4954]	[4964]	[4954]	[4588]	[4115]	[3778]	[3513]
	Cat	256	231 <sup>122</sup>	1.173	1056	1002	917	881	802	715
Hepatitis C	T	N.A	N.A	[19528]	[18887]	[19257]	[18626]	[16718]	[15236]	[14492]
	Sga <sup>123</sup>	[18560]	[17406]	[17230]	[16740]	[17150]	[16584]	[14815]	[13434]	[12882]
	Cat	N.A	N.A	2.298	2147	2107	2042	1.903	1.802	1.610
Young adults <sup>124</sup>	T	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A
	SGA	----	---	---	---	---	---	---	---	---
	Cat	345	332	369	375	395	377	367	372	340

Ethnic / cultural / religious groups: Is directly related to the high percentage of foreign population, but there are no statistics on ethnic or religious groups that need special attention (as it did in the 80's with the Roma population).

Day Centres and the people under methadone programme). There are some concrete figures for a particular day (31 December 2012) there were 7,202 inmates under treatment and 4,662 in the methadone programme, that is to say, the 20.2% (11,864) of the total prison population. To that number, one has to add 5,996 inmates sent to treatment outside prison, in community centres.

<sup>119</sup> The DJ in Catalonia offers figures of people under programmes for drug addicts (reflected here – the figures are accumulative of the year), number of people in DSA (Department of Special Attention), people under methadone programme, etc. These figures do not necessarily reflect the number of drug dependant people who are in prison.

<sup>120</sup> considered as non-criminally liable by the court

<sup>121</sup> The SGA provides the data in percentages. The own calculation is made using the figures of SGA population from Table 1, so they are approximate.

<sup>122</sup> Figures seems to be less than what is supposed to be compared to other years. The Annual Reports does not say anything about this difference.

<sup>123</sup> The SGA provides the data in percentages. The own calculation is made using the figures of SGA population from Table 1, so they are approximate.

<sup>124</sup> For SGA Vid Table 2 because SGA does not separate group of 18 to 21 inclusive.



Alcohol addicted persons: they are taken into account in drug addicts, but statistics present itself apart as happens with heroin.

Functional illiterates: there are no special statistics about it. In 2012 they represent less than 8% (GSPI Annual Report 2012). They are a priority in the education Programmes in prison.

Persons not speaking the home language: while an important topic within Prisons given the high number of foreigners in Spain, there are no special statistics on the subject. However, there are specific programmes, translators and guides in other languages about the function of the prison system.

Sexual offenders: one can think of two approaches – protecting them against other prisoners, and the specific treatment for this group of offenders. In Catalonia, there is the SAC programme (sexual aggression control) to address specifically those who are convicted for these crimes.

‘Querulous persons’ / ‘trouble makers’: There is no official data. There is the close regime, which is used for particularly dangerous people or as a temporary measure or punishment (in Catalonia for example, in December 2010 231 inmates were classified in this regime and in the same day in 2011, 203). The closed system in Spain has been an instrument in the fight against terrorism and to control ‘problematic’ inmates in which the administration created special systems of rights and freedoms restrictions which have been declared illegal (the so called FIES –Files for Inmates of Special Monitoring, declared illegal by a SupCS in May 2009) although after that it was regulated again in RD 419/2011. In this case the ‘vulnerability’ of this group is not because of their personal situation but because of their condition of confinement. The system in Catalonia is called DERT.

Former police officers, prosecutors, judges, etc. There are no special data but there exists a special regime for ex-police officers, etc. to protect them especially from other inmates.

Old prisoners: In Spain people over 70 years may have some benefits for instance obtaining an advance parole, If They are classified in open regime (Article 92 PC)

**Table 9.** Deaths and injuries in penal institutions (total numbers)

			2004	2005	2006	2007	2008	2009	2010	2011	2012
<b>Deaths</b>	Total	T	[241]	[273]	[270]	[268]	[282]	[282]	[238]	[204]	[208]
		SGA <sup>125</sup>	180	201	218	202	225	224	185	149	164
		Cat <sup>126</sup>	61	74	52	66	57	58	53	55	44
		T	[96]	[133]	[150]	[137]	[134]	[165]	[132]	[120]	[129]

<sup>125</sup> The figures do not include deaths occurred outside prison. For instance, in 2012, 24 people died in exit permits or similar situations.

<sup>126</sup> The figures include all the deaths including those produced in prison and in hospitals, exit permits, etc.

	<i>of which: natural death [diseases]</i>	Sga	66	86	115	99	111	128	101	79	96
		Cat	30	47	35	38	23	37	31	41	33
	<i>of which: suicides</i>	T	[48]	[41]	[31]	[39]	[26]	[33]	[28]	[17]	[28]
		Sga	40	33	25	30	19	27	23	15	23
		Cat	8	8	6	9	7	6	5	2	5
	<i>of which: accidents</i>	T	[6]	[5]	[5]	[5]	[2]	[3]	[5]	[3]	[6]
		Sga	2	4	4	1	1	2	5	2	5
		Cat	4	1	1	4	1	1	0	1	1
	<i>of which: homicides [agressions]</i>	T	[1]	[1]	[4]	[2]	[3]	[4]	[1]	[4]	[0]
		Sga	1	0	4	2	3	3	1	4	0
		Cat	0	1	0	0	0	1	0	0	0
	<i>of which: AIDS</i>	T	[40]	[44]	[34]	[34]	[40]	[22]	[17]	[12]	[11]
		Sga	31	35	27	27	34	17	16	10	9
		Cat	9	9	7	7	6	5	1	2	2
	<i>of which: Overdose</i>	T	[50]	[51]	[46]	[51]	[63]	[55]	[55]	[48]	[34]
		SGA	40	43	43	43	57	47	39	39	31
		Cat	10	8	3	8	6	8	16	9	3
	<b>Injuries</b>										
<i>of which: self-harm</i>		T	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A
		Sga	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A
		<b>Cat</b>	<b>161</b>	<b>86</b>	<b>82</b>	<b>98</b>	<b>164</b>	<b>177</b>	<b>192</b>	<b>221</b>	<b>308</b>
<i>of which: between inmates</i>		T	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A
			N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A
		<b>Cat</b>	<b>574</b>	<b>421</b>	<b>429</b>	<b>555</b>	<b>693</b>	<b>861</b>	<b>990</b>	<b>901</b>	<b>1087</b>

**Table 10.** NGO, volunteers, re-socialisation programmes, legal advice (total numbers)

In regards to the participation of NGOs and civil entities, there are serious problems in collecting data due to the lack of information in both systems about the number of organisations currently working within prisons. It seems that from the official statistics no exact number could be obtained. This is shown, for instance, from the non- existence of General Reports for the years 2007 and 2008 without any mention about this absence.

The shown number for the volunteers involved in the Penitentiary System only refers to the ones that are working in ordinary centres. There is no distinction for those who are part of programmes in penal alternative measures or in parole.

Another problem found is related to the variation between the ways the information over the years is compiled. So, there is not the same information included in all the reports. Some issues are completely forgotten.

The information is taken from the following sources: For Spain: Annual Reports from the GSIP 2004/2005/2006/2009/2010/2011/2012, and for Catalonia: Information Basic Statistics, ‘Penitentiary Services, rehabilitation and Juvenile Justice’. 2010. Reports from the DJ 2004 - 2009 and documents from the CAT 2010-2012.

For more general information see above “III.2. Non-governmental organizations”

		2004	2005	2006	2007	2008	2009	2010	2011	2012	
<b>NGO's collaborating with penitentiary institutions</b>	<b>Total</b>	-	465	305	-	-	587	619	725	723	
	Prisons	SGA	N.A	465	305	N.A	N.A	587	619	725	723
		CAT	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A
	Probation agencies (MPA)	SGA	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A
		CAT	N.A	N.A	N.A	N.A	1068	1200	N.A	N.A	N.A
		SGA	N.A	N.A	N.A	N.A	N.A	667	634	650	380

	Parole <sup>127</sup>										
		CAT	N.A	N.A	N.A	514	N.A	N.A	N.A	N.A	N.A
<b>Volunteers</b>	<b>Total</b>		-	N.A	N.A	N.A -	N.A	N.A	N.A	N.A	N.A
	Prisons	SGA	N.A	5289	5289	5096	6367	7125	6319	7548	7008
		CAT	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A
	Pre-trial/ remand	SGA	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A
		CAT	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A
	Probation agencies	SGA	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A
		CAT	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A
	Parole	SGA	N.A	N.A	N.A	N.A	N.A	N.A	N.A	922	832
		CAT	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A
	<b>Re-socialization (rehabilitation) programs</b>	Number of programs	SGA	107 1	1347	465	N.A	N.A	779	[1051] 128	[1211]
CAT			N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A
Number of persons attending such programs		<b>Total</b>	<b>383 9</b>	<b>1102 1</b>	<b>2213 7</b>	<b>3577 2</b>	<b>6936 1</b>	<b>199342</b>	<b>252830</b>	<b>19950 3</b>	<b>16313 6</b>
		SGA	230 4	8143	1692 9	2857 8	6040 5	185476 130	234935	18112 8	14828 4
MPA <sup>129</sup>		Cat	153 5	2878	5208	7194	8956	13866	17895	18375	14852
Legal advice in penal institutions free of charge or via legal aid		N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A	

<sup>127</sup> Includes either independent Social Integration Centres or SIC dependents of the Penitentiary Centres and open sections that also depend of the Penitentiary Centres.

<sup>128</sup> The final number matches the programs running in prisons and the ones in Open Regime.

<sup>129</sup> Includes: Community work, Probation and Security Measures

<sup>130</sup> This huge numerical difference is due to an improvement in the information systems, as well as in the quality of the data collection (IG 2010: 223). In the last few years the issue 'management of Intervention Programs' was included in the general database.

**Table 11.** Prisoners who are studying and/or working (total numbers)

For the data in this table it is also very difficult to find the information requested. For the limited data available, these are not easily comparable and do not meet what was sought with the methodology for the report. Although there are some data of working population, these data do not match the view on a particular day, but in total per year.

For education data, sometimes they refer to enrolment, which does not indicate the actual number of students or the number of graduates.

		2004	2005	2006	2007	2008	2009	2010	2011	2012
Number of prisoners who are studying at a given year University, School, vocational training)	Total	3382	3467	3421	3839	4109	4137	18722	49992	54592
	SGA	N.A	N.A	N.A	N.A	N.A	N.A	18722	49992	54592
	CAT	3382	3467	3421	3839	4109	4137	N.A	3882 <sup>131</sup>	
Number of graduated prisoners at a given year		N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A
Other education (skills improvement)										
SGA		N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A
CAT <sup>132</sup>		N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A	1127
Number of prisoners who are working at a given year	In a state companies / In private firms									
	SGA	N.A	N.A	N.A	N.A	N.A	N.A	N.A		3119

<sup>131</sup> Figure for 2011/2012 Course given by the statistics descriptors from the DJ web.

<sup>132</sup> It includes activities from the Plastic Arts field like sculpture, serigraphy, printing, photography and cinema. Because of a technical problem with the website, there is not available data for the other years requested.

									[2741] <sup>133</sup>	
	CAT <sup>134</sup>	1612	1974	2080	2569	2114	2354	2230	1790	1829
	<b>Involved in individual work, creative or other activity</b>	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A
	SGA	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A	237
	CAT	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A
	<b>Working fatigue in penal institutions</b>									
	SGA	N.A	N.A	N.A	N.A	7586	8559	N.A	NA	9453
	CAT	N.A	N.A	N.A	N.A	944	1556	1676	1739	1681
	<b>Workshops within certain Ordinary Centres<sup>135</sup></b>									
	SGA	N.A	N.A	N.A	N.A	282	[334]	[338]	[327]	[228]

<sup>133</sup> This number represents the sum of beneficiaries, workers and those who then could insert in the labour market since the programs developed by companies with whom AAPWET give funds, together with the European Social Fund (IG 2011: 378)

<sup>134</sup> CIRE has 64 industrial workshops, having an 343 active portfolio companies (*El model de rehabilitació a les presons Catalans*. 2011. Gencat)

<sup>135</sup> Works as: Carpentry, Crafting, Graphic Arts, Electricity, Handicrafts. These are workshops located in certain Penitentiary Centres. The number represents the sum of people working along all of them.

	CAT	63	61	N.A	64	55	N.A	N.A	N.A	N.A
	<b>Total SGA</b>	<b>10.161<sup>136</sup></b>	<b>10.637</b>	<b>11.132</b>	<b>N.A</b>	<b>7868</b>	<b>8893</b>	<b>338</b>	<b>3068</b>	<b>13037</b>
	<b>Total CAT<sup>137</sup></b>	<b>1675</b>	<b>2035</b>	<b>2080</b>	<b>2633</b>	<b>3113</b>	<b>3910</b>	<b>3906</b>	<b>3529</b>	<b>3510</b>

**Table 12.** Financing of penal institutions (total numbers)

		2004	2005	2006	2007	2008	2009	2010	2011	2012
Total budget of penal institutions (in M€)	T									
	SGA <sup>138</sup>	731,40	787,80	899,50	1.022,60	1.107,00		1191(s)	[1207]	1.196,4
	Cat	156,3	177,9	203,3	222,45	280,6	310	359,5(s)	[342,32] <sup>139</sup>	
Average amount spent per day for one prisoner	T									
	SGA					51.85(s)		49.97€(s)		
	Cat <sup>140</sup>	54,34	58,94	63,16	66,08	78,29	88,29	76.43(s)		
Average amount spent per day for one prisoner for: <sup>141</sup>	nutrition	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A
	clothing and bedding	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A
	Methadone, suboxone...	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A
	Harm reduction	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A

<sup>136</sup> The only published data is the total of workers, with no distinction. The same happens in 2005 and 2006.

<sup>137</sup> Annual mean number of inmates on work programmes: workshops, occupational plans, outside services and destinations.

<sup>138</sup> Figures for 2012 obtained from HO web page

[http://www.institucionpenitenciaria.es/web/portal/Noticias/Noticias/noticia\\_0236.html?fototeca=n](http://www.institucionpenitenciaria.es/web/portal/Noticias/Noticias/noticia_0236.html?fototeca=n). Includes GSPI and AATWEP. Data for 2011 is own calculation from the information given in this webpage.

<sup>139</sup> For 2011 the budget for Penal institutions was 32.3% from the total Budget for the DJ of 917,761.800€.

<sup>140</sup> JD (BEBA 2009)

<sup>141</sup> There are not specific data for the spent per day in the categories above. We can have a general idea of the total amount spent due to some information in the Annual Reports. For example for the SGA the annual spent in 2012 for medicines 27.15 M€ (40.8€ per inmate per day) and the total cost for health 70 M€

	on prog										
	Medicine	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A
	social rehabilitation programs and services	SGA <sup>142</sup>		39,3 0	48,2 0	33,30	31,0 0				
		Cat	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A	N.A

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<sup>142</sup> Work, training, and assistance to prisoners