



2024 Annual Report
National Prevention Mechanism (NPM)
Spain





2024 Annual Report National Prevention Mechanism (NPM) Spain

**Supervision of Spain's deprivation of liberty facilities in compliance
with the Optional Protocol to the United Nations Convention against
Torture and other Cruel, Inhuman or Degrading Treatment or
Punishment (OPCAT)**



This Mecanismo Nacional de Prevención (MNP) [National Preventive Mechanism-NPM] report was first published as part of the Defensor del Pueblo [Spanish Ombudsman] Annual Report for 2024

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This version provides access to the digital links for the annexes (Spanish content)

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INTRODUCTION

This report outlines the activities carried out by the Defensor del Pueblo [Ombudsman] in its capacity as the Mecanismo Nacional de Prevención (MNP) [National Prevention Mechanism-NPM], which is responsible for supervising places of deprivation of liberty in Spain, in accordance with the United Nations Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

The 2024 report reflects how the NPM has responded to, and with what outcomes, one of the most critical and complex challenges any preventive mechanism must face: establishing and maintaining constructive dialogue processes with the various and relatively numerous authorities responsible for managing or overseeing spaces where individuals are or may be deprived of their liberty.

In its General Comment nº 1 (2024), relating to Article 4 of the Optional Protocol (places of deprivation of liberty), the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (SPT) states that a range of settings in which vulnerable persons—including children and adolescents, older adults, LGBTI persons and individuals with disabilities— may be confined without the freedom to leave, constitute places of deprivation of liberty, regardless of the designation or terminology used.

In the case of minors, there are also settings in which they may be deprived of liberty for reasons related to their migratory status or parents—again, irrespective of the stated grounds or the name of the centre or institution where the deprivation occurs.

The NPM issued Recommendations to the relevant authorities aimed at achieving effective, measurable changes, following their acceptance and implementation.

As detailed in the pages that follow, the NPM advocates for improvements in facilities where deprivation of liberty occurs or may occur. It also promotes changes in institutional attitudes that underpin certain widespread practices or those specific to a particular administration. In other cases, the focus is on aspects related to the availability and adequacy of training for staff involved in custodial duties, incarceration, or detention.

This report is structured around the NPM's initiatives and the responses from authorities in 2024. It also undertakes the task of stepping back to assess concisely the challenges faced, the achievements made, and the outstanding progress required over the five years from 2019 to 2023. Some significant advances have been made, although numerous Recommendations remain unaccepted or unimplemented despite their acceptance.

The structure of this report mirrors previous years: an initial chapter outlines key figures on the visits conducted by NPM teams in 2024 and the resolutions issued as a result.

The second chapter focuses on the advances made and the challenges that remain during the 2019-2023 period due to the Recommendations issued by the NPM. These relate to the measures that public authorities with responsibilities for managing or overseeing places of detention, incarceration, or custody —whether public or private— should adopt to reduce identified risks of ill-treatment.

The third chapter presents findings and proposals arising from case files following visits to the following types of facilities:

- detention centres for juvenile offenders [centros de internamiento para menores infractores-CIMI];
- penitentiary centres;
- detention places and centres for foreigners;
- police and judicial holding cells.

The fourth chapter outlines the actions undertaken under the NPM's current cross-cutting programmes: the gender discrimination prevention programme, the mental health programme, the intellectual disability in deprivation of liberty facilities programme, and the deaths in custody programme.

The final two sections are devoted to the investigation of allegations of torture and other cruel, inhuman or degrading treatment or punishment and the NPM's activities in the areas of training, cooperation and outreach.

The report also includes, as an annex, a document of notable relevance to the Defensor del Pueblo in its role as the NPM of Spain. It is General Comment n° 1 (2024), published in Spanish by the Subcommittee on Prevention of Torture (SPT) on 4 July 2024. The comment relates to Article 4 of the Optional Protocol (places of deprivation of liberty).

This far-reaching document aims to clarify and address questions that may arise for States Parties, national preventive mechanisms and other stakeholders regarding the obligations of those States under the Optional Protocol regarding the definition of a place of deprivation of liberty. In doing so, the Subcommittee enables effective and consistent interpretation and application of the Protocol.

The Subcommittee provides an unequivocal definition of the settings and situations that fall under the concept of deprivation of liberty and, by extension, within the scope of oversight of national preventive mechanisms.

This report also considers the interventions linked to the concluding observations of the Committee against Torture (CAT), resulting from the review of Spain's seventh periodic report, as presented in its 2026th and 2028th sessions held on 20 and 21 July 2023 and adopted in its 2034th session held on 27 July 2023. These observations were extensively disseminated in the NPM's 2023 report.

The NPM reaffirms its commitment to consistently contributing, to the extent possible, to the effective implementation of the recommendations made in the *Concluding Observations on the seventh periodic report of Spain*.

1 GENERAL DATA ON VISITS AND INTERVENTIONS

In 2024, the Mecanismo Nacional de Prevención (MNP) [National Prevention Mechanism-NPM] conducted 26 visits to places of deprivation of liberty. These visits resulted in a total of 39 actions, for which 514 resolutions were issued. These included 203 Recommendations, 300 Suggestions, and 11 Reminders of Legal Duties, in addition to two actions pending completion at the time of this report's closure.

Actions at deprivation of liberty facilities	39
Resolutions made	514
Recommendations	203
Suggestions	300
Reminders of Legal Duties	11

Updated activity data can be accessed from the NPM website (<https://www.defensordelpueblo.es/mnp/actividad/>). Among other features, the website provides access to the decisions issued and sent to the relevant authorities, as well as an interactive map showing all visits carried out since the start of the NPM's work. Each visit or intervention generates a summary report that sets out the findings, the resulting decisions from the inspection, and the status of their follow-up and implementation.

Data collection

In 2024, information was gathered from the sources regularly consulted by the Mecanismo Nacional de Prevención (MNP) [National Prevention Mechanism-NPM]: the Fiscalía General del Estado [Public Prosecutor's Office]; the Secretaría de Estado de Justicia [State Secretariat for Justice]; the Ministerio de Defensa [Ministry of Defence]; the Dirección General de la Policía [General Police Directorate]; the Secretaría General de Instituciones Penitenciarias [Secretary General of Penitentiary Institutions]; the Dirección General de la Guardia Civil [Directorate-General of the Civil Guard]; the Secretaría de Estado de Seguridad [State Secretariat for Security]; the Comisaría General de Extranjería y Fronteras [General Immigration and Borders Police Headquarters]; the departaments of Justicia and Interior of the Generalitat de Catalunya [departments of Justice and Home Affairs of the Regional Government of Catalonia]; the Consejería de Justicia del País Vasco [Justice Department of the Regional Government of Basque Country]; the regional administrations responsible for centros de menores infractores [juvenile justice centres]; the regional administrations responsible for

unidades de salud mental [mental health units]; the Centro de Apoyo a la Seguridad [Security Support Centre]; and the policías autonómicas [regional police forces].

This information serves as the basis for the statistics published alongside the NPM report and made available on the Defensor del Pueblo's website.

In addition to informing the public, these data help fulfil the core mandate assigned to national mechanisms by the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (OPCAT), as they help identify priority sites for visits.

Visits and interventions in places of deprivation of liberty

The NPM carries out visits as part of integrated programmes with a cross-cutting approach, which include:

- The gender discrimination prevention programme.
- The intellectual disability programme.
- The mental health programme.
- The deaths in custody programme (which evolved from the earlier prison deaths project).

In addition to these programmes, the NPM also carried out visits as part of specific projects, including:

- The project on older persons in prison.
- The project on the impact and effects of long-term imprisonment on people serving lengthy sentences.

The following table contains data relating to the actions taken, associated projects and programmes, and the facilities visited. In the digital version of this report, links are provided to the follow-up history of each case.

Deprivation of liberty facilities visited	Type of visit	Number of interventions carried out
Centres for juvenile offenders		12
Centro de Acogida Especializado de Menores Valle de Cayón (Cantabria) [Valle de Cayón Specialised Reception Centre for Minors]	General Gender programme Disability programme	3
Centro Educativo Aranguren (Navarra) [Aranguren Educational Centre]	General Gender programme Disability programme	3
Centro Educativo Urgozo (Bizkaia) [Urgozo Juvenile Educational Centre]	General Gender programme Disability programme	3

.../...

Centro Socio Educativo Juvenil de Cantabria [Cantabria Socioeducational Centre]	<i>General Gender programme Disability programme</i>	3
Penitentiary centres		9
Centro Penitenciario Brians I (Barcelona)	<i>Mental health programme</i>	1
Centro Penitenciario Brians II (Barcelona)	<i>Incidental Mental health programme</i>	2
Centro Penitenciario de Cuenca	<i>General</i>	1
Centro Penitenciario Murcia II	<i>Death programme Older Adult project</i>	2
Centro Penitenciario Puerto III (Cádiz)	<i>General Mental health programme</i>	2
Centro Penitenciario Teixeiro (A Coruña)	<i>General</i>	1
Mental health units		3
Sanatorio Hestia La Robleda (A Coruña)	<i>Mental health programme</i>	1
Short-term Hospitalisation Unit of the Hospital Álvaro Cunqueiro (Pontevedra)	<i>Mental health programme</i>	1
Child and Adolescent Psychiatry Unit of the Hospital Álvaro Cunqueiro (Pontevedra)	<i>Mental health programme</i>	1
Detention centres for foreigners		1
Centro de Internamiento de Extranjeros de Valencia	<i>General</i>	1
Cells in Court buildings		3
La Palma del Condado Court cells (Huelva)	<i>General</i>	1
Moguer Court cells (Huelva)	<i>General</i>	1
Ayamonte Courthouse (Huelva)	<i>General</i>	1
Policía Foral de Navarra stations		3
Central Police Station of the Policía Foral de Navarra	<i>General Gender programme Disability programme</i>	3
Police stations and other places of custody of the Policía Nacional		5
San Andrés North District Police Station (Murcia)	<i>General</i>	1

.../...

El Carmen South District Police Station (Murcia)	<i>General</i>	1
General Commissariat of Information	<i>General</i>	1
Cuenca Provincial Police Station	<i>General</i>	1
Registro Central de Detenidos [Central Registry of Detainees] (Madrid)	<i>General</i>	1
Guardia Civil barracks and other places of custody		2
Command of the Guardia Civil in Cuenca	<i>General</i>	1
Main Post of the Guardia Civil in Cartaya (Huelva)	<i>General</i>	1
Local police custody units and municipal custody depots		1
Local police of Moguer (Huelva)	<i>General</i>	1
TOTAL		39

The next table presents the data on actions carried out, broken down by autonomous communities and autonomous cities.

Number of interventions carried out per community and autonomous cities and provinces	
Andalucía	7
Cádiz	2
Centro Penitenciario Puerto III	2
Huelva	5
La Palma del Condado Court cells	1
Moguer Court cells	1
Ayamonte Courthouse	1
Moguer local police	1
Main Post of the Guardia Civil in Cartaya	1
Cantabria	6
Cantabria	6
Centro de Acogida Especializado de Menores Valle de Cayón [Valle de Cayón Specialised Reception Centre for Minors]	3
Centro Socio Educativo Juvenil de Cantabria [Cantabria Socioeducational Centre]	3

.../...

Castilla-La Mancha	3
Cuenca	3
Centro Penitenciario de Cuenca	1
Command of the Guardia Civil in Cuenca	1
Cuenca Provincial Police Station	1
Cataluña	3
Barcelona	3
Centro Penitenciario Brians I	1
Centro Penitenciario Brians II	2
Comunidad de Madrid	2
Madrid	2
General Commissariat of Information	1
Registro Central de Detenidos	1
Comunidad Foral de Navarra	6
Navarra	6
Centro Educativo Aranguren [Aranguren Educational Centre]	3
Central Police Station of the Policía Foral de Navarra	3
Comunitat Valenciana	1
Valencia	1
Centro de Internamiento de Extranjeros de Valencia	1
Galicia	4
A Coruña	2
Centro Penitenciario Teixeiro	1
Sanatorio Hestia La Robleda	1
Pontevedra	2
Short-term Hospitalisation Unit of the Hospital Álvaro Cunqueiro	1
Child and Adolescent Psychiatry Unit of the Hospital Álvaro Cunqueiro	1
País Vasco	3
Bizkaia	3
Centro Educativo Urgozo [Urgozo Juvenile Educational Centre]	3
Región de Murcia	4
Murcia	4
Centro Penitenciario Murcia II	2
San Andrés North District Police Station	1
El Carmen South District Police Station	1
TOTAL	39

The table follows provides details about the team members who conducted the visits.

Composition of the task forces	
7 visits with technical experts from other areas of the Defensor del Pueblo	
	<ul style="list-style-type: none"> Centro Penitenciario Murcia II Centro Penitenciario Puerto III (Cádiz) Centro Penitenciario Brians I (Barcelona) Centro Penitenciario Brians II (Barcelona) Centro Penitenciario de Cuenca Sanatorio Hestia La Robleda (A Coruña) Centro Penitenciario Teixeiro-Curtis (A Coruña)
18 multidisciplinary visits with external technicians	
	<ul style="list-style-type: none"> Centro Socio Educativo Juvenil de Cantabria Centro Educativo Urgozo (Bizkaia) Centro de Acogida Especializado de Menores Valle de Cayón (Cantabria) Short-term Hospitalisation Unit of the Hospital Álvaro Cunqueiro (Pontevedra) Child and Adolescent Psychiatry Unit of the Hospital Álvaro Cunqueiro (Pontevedra) Ayamonte Courthouse (Huelva) Main Post of the Guardia Civil in Cartaya (Huelva) Centro de Internamiento de Extranjeros de Valencia Centro Penitenciario Murcia II El Carmen South District Police Station (Murcia) San Andrés North District Police Station (Murcia) Centro Educativo Aranguren (Navarra) Central Police Station of the Policía Foral de Navarra Centro Penitenciario Puerto III (Cádiz) Centro Penitenciario Brians I (Barcelona) Centro Penitenciario Brians II (Barcelona) Sanatorio Hestia La Robleda (A Coruña) Centro Penitenciario Teixeiro-Curtis (A Coruña)
2 visits with regional parliamentary commissioners	
	<ul style="list-style-type: none"> Centro Educativo Urgozo (Bizkaia) Centro Educativo Aranguren (Navarra)
8 visits with members of the NPM Advisory Board	
	<ul style="list-style-type: none"> Centro Penitenciario Murcia II Centro Educativo Aranguren (Navarra)

.../...

Central Police Station of the Policía Foral de Navarra
Centro Penitenciario Puerto III (Cádiz)
Centro Penitenciario Brians I (Barcelona)
Centro Penitenciario Brians II (Barcelona)
Centro Penitenciario de Cuenca
Registro Central de Detenidos (Madrid)

Once again, the NPM must stress the importance of being aware of the concerns and complaints submitted by individuals deprived of liberty to the Defensor del Pueblo, particularly when such claims relate to matters that fall within the NPM's preventive mandate. The involvement of subject-matter experts in visits, particularly in areas affecting individuals in custody, imprisonment, or detention, represents the most effective means of maximising the potential of mechanisms embedded within Defensor del Pueblo institutions, such as Spain's.

Staff working in places of deprivation of liberty

Inspecting detention facilities requires particular attention to the living conditions of inmates, the treatment they receive, and the physical conditions in which they live. However, the Defensor del Pueblo also places value on the working conditions of those employed in such institutions (including penitentiary centres, juvenile detention centres, and facilities for foreign nationals), whether they work in custodial, healthcare or educational roles. As noted throughout this report, structural issues are often observed, such as understaffed teams and poor organisational frameworks, which negatively affect these workers, their ability to do their jobs, and their safety. In some cases, staff call for greater attention to their working conditions, available resources, and the means to update their training so they can meet the ongoing and often complex demands of their roles.

2 PROGRESS ACHIEVED IN THE 2019-2023 PERIOD IN THE FIELD OF PREVENTION

This chapter reviews the progress and challenges faced by the Defensor del Pueblo in its role as Mecanismo Nacional de Prevención (MNP) [National Prevention Mechanism-NPM] between 2019 and 2023. The main Resoluciones produced by the NPM during this period, which accompany its annual reports, are analysed and grouped according to overarching themes identified as transversal to the mechanism's activities. These fall into three broad categories: facilities, staff, and procedures, covering all types of places of deprivation of liberty.

These thematic pillars reflect the observations made during visits conducted within this timeframe and the ongoing investigations initiated by the NPM. They underpin the indicators used to guide its visits and reflect the NPM's efforts to promote compliance with international standards on the prevention of torture and ill-treatment, to which the Spanish State is a signatory.

Regarding the facilities where deprivation of liberty occurs, regardless of duration or context, the NPM addressed various aspects of everyday life—from access to and use of telephones to temperature control, and the availability and operation of video surveillance systems.

Concerning staff, the NPM examined matters such as staffing levels, appropriate training, and the visibility and identification of personnel.

In the area of procedures, the NPM focused on issues that impact health protection within an adequate information system, as well as on record-keeping and safeguards, intake and internal separation protocols, the use of restraint and immobilisation measures, disciplinary sanctions, body searches and pat-down searches, and the prevention of discrimination.

It is worth noting that many Recommendations issued to the Secretaría de Estado de Seguridad [State Secretariat for Security] regarding the treatment of detainees were reflected in Instruction nº 1/2024, which sets out the "Procedimiento integral de la detención policial" [Comprehensive Procedure for Police Detention], as detailed throughout this report.

2.1 FACILITIES

Living conditions

During this period, the Secretaría General de Instituciones Penitenciarias [Secretary General of Penitentiary Institutions] accepted the Recommendations issued by the NPM concerning improvements to the conditions in cells where prolonged mechanical restraint is used. Additionally, enhancements were made to both artificial and natural lighting in the rooms of detention centres for minors, with the aim of creating more conducive conditions for studying and reading.

In terms of communication, the administration accepted the Recommendation calling for changes to the procedure that allows individuals deprived of liberty to make video calls, ensuring that their digital rights are respected. Of particular note is the Recommendation to ensure that visits at the Centro de Menores de Ceuta [Ceuta Juvenile Centre] take place in an appropriate room where children can have physical contact with family members. This proposal was, however, rejected.

In addition, the Recommendation to conduct regular inspections of places of deprivation of liberty under the jurisdiction of the Traffic Investigation Unit of the Madrid Municipal Police was accepted. On the other hand, the Recommendation to carry out regular inspections in the places of deprivation of liberty assigned to the Traffic Attestation Unit of the Madrid Municipal Police was accepted.

Video surveillance

The Secretaría General de Instituciones Penitenciarias accepted the Recommendations concerning the publication of video surveillance activity logs and the regulation of surveillance systems in penitentiary centres. In response, Instruction 4/2022, dated 28 July 2022, was approved. Also representing progress is Circular 1/2021 of 1 March, issued by the Secretaria de Mesures Penals, Reinserció i Atenció a la Víctima [Secretary of Criminal Measures, Reinsertion and Attention to Victims of the Catalunya Prison Administration], which regulates the processing of personal data obtained through the recording of images and sound in various prison facilities.

The Secretaría de Estado de Seguridad accepted the Recommendation to develop a management protocol for the handling and use of video surveillance recordings by national law enforcement agencies. This protocol includes procedures for viewing and extracting footage and also includes amending Instruction 4/2018, which sets out the “Protocol for Action in Custody Areas of National Security Forces,” —to ensure that detainees are informed in writing of their rights to access and correction of, images captured by surveillance systems. However, the recommendation that these custody area surveillance systems should also record sound was not accepted.

Finally, both the Secretaría General de Instituciones Penitenciarias and the military penitentiary administration accepted the Recommendation to ensure access to essential evidence, including surveillance recordings.

2.2 PERSONNEL

Identification

The Dirección General de la Policía accepted the Recommendations of the NPM to ensure that new police vest designs allow for the proper attachment of identification plates and that officers on deportation flights visibly display their ID badges or numbers. Similarly, the local police of Murcia accepted the Recommendation, requiring all officers to wear identification that is clearly visible and large enough to be easily seen.

Training

The Secretaría General de Instituciones Penitenciarias accepted the Recommendation to ensure training for civil servants, technical personnel and healthcare staff in areas including gender identity, sexual orientation, gender-based violence, and its impact on physical, mental and emotional health.

Workforce

At the start of this period, the Secretaría General de Instituciones Penitenciarias accepted the Recommendation to ensure that on-duty officers refrain from consuming any substance that might impair their capabilities or performance and to introduce appropriate control mechanisms. To this end, the secretariat issued Instruction 14/2019 on the distribution and consumption of alcoholic beverages. It also accepted the Recommendation to encourage staff retention in penitentiary centres with high turnover rates by introducing employment incentives.

The NPM also observed improvements in the hiring of social workers and cultural mediation professionals, figures that are particularly relevant for facilitating social integration and maintaining family ties in detention centres for minors.

2.3 PROCEDURES

Protection of health and life

The following Recommendations from the NPM are highlighted in this regard, all of which were accepted:

- The Consejería de Familia e Igualdad de Oportunidades of the Junta de Castilla y León [Family and Equal Opportunities Department of the Regional Government of

Castilla y León] accepted the NPM's Recommendation to include suicide prevention protocols in the regulation for accrediting residential mental health centres.

- The Secretaría General de Instituciones Penitenciarias accepted the Recommendation to incorporate a gender perspective into the Suicide Prevention Protocol, which was implemented through Instruction 9/2022, "Gender Perspective in Suicide Prevention in the Penitentiary System."

The NPM welcomed the advances made in some juvenile detention centres concerning the prevention of self-harm risk, which include recording admissions and discharges, as well as evaluating factors such as nationality, language proficiency, and whether the individual has experienced a migratory process.

- Transfers: the Dirección General de la Policía accepted the Recommendation to ensure that medication and prescribed dosage are provided during the transfer of individuals in detention centres for foreigners. Additionally, the NPM stressed the need for psychotropic medication to be administered under direct observation by medical staff, a practice that has now been implemented in the País Vasco penitentiary administration.
- Isolation measures: The NPM had formulated a series of Recommendations, which, after a lengthy follow-up period, were accepted. These include the establishment of a registry or logbook in penitentiary centres under the Secretaría General de Instituciones Penitenciarias, located in the nursing department. This log should record special healthcare situations, providing guidance to healthcare professionals on how to conduct medical examinations of individuals in isolation and documenting this in their medical history.
- Application of mechanical restraints: The Recommendation was accepted to ensure that mental health hospital facilities in Cantabria have a protocol for obtaining and documenting informed consent —whether verbal or written— for individuals admitted. The procedure to follow in cases where the patient is unable to give consent was also defined.
- Deaths: The Secretaría General de Instituciones Penitenciarias accepted the Recommendation to ensure that, in cases of deaths requiring judicial intervention, the actions taken after the death are documented in the medical history, with an indication of the autopsy result, if applicable.

Information and guarantee system

- The Dirección General de la Guardia Civil and the Dirección General de la Policía accepted the Recommendations to digitalise, within the DILISES system, the information form and the document used to record the withdrawal and return of

detainees' personal belongings. This measure was included in Instruction 4/2018, which establishes the "Protocol for Action in the Custody Areas of the State Security Forces and Bodies," issued by the Secretaría de Estado de Seguridad.

- The Policía Foral de Navarra [Foral Police of Navarre] accepted the Recommendation to provide detainees with written information, in their language, on the functioning and conditions of custody areas at the time of admission. The NPM later verified that the Policía Foral de Navarra ensures that this information concerning detainees' rights and custody conditions is visibly displayed at the windows of all cells—a notable improvement.
- With regard to the Centro de Menores de Ceuta, the Recommendation to provide minors with a suitable information pack, including details on the means of appeal available against disciplinary sanctions, was also accepted.
- Asylum: the Recommendation to include information on the right to request international protection in the detainee rights information sheet used in temporary migrant holding centres was not accepted by the Dirección General de la Policía.

However, the Secretaría General de Instituciones Penitenciarias accepted the Recommendation to regulate the management of international protection applications submitted from within prison.

- Also accepted was the Recomendación to include procedures for monitoring and ensuring that follow-up reports are regularly submitted (at least biannually) to the judicial authorities that authorised the involuntary admission in mental health hospital inspections in Cantabria.
- The Consejo General del Poder Judicial [General Council of the Judiciary] accepted the Recommendation intended to ensure immediate judicial oversight of penitentiary administration decisions that affect the rights of persons deprived of liberty.

Admissions and internal separation

- The NPM issued a Recommendation to regulate admissions to open or reintegration centres, clarifying points such as who may voluntarily report to serve their sentence in such facilities. It was accepted by the Departamento de Justicia de la Generalitat de Catalunya [Department of Justice of the Regional Government of Catalonia], which issued Instruction 5/2020 regulating admissions and classifications in open centres.
- A similar Recommendation was accepted by the Secretaría General de Instituciones Penitenciarias, which subsequently issued Instruction 6/2020 regulating the admissions protocol for open prison settings.

- The Dirección General de la Guardia Civil accepted the Recommendation to ensure that minors placed in holding cells are accommodated in appropriately sized cells and spaces separate from adults, especially in cases involving overnight stays.
- Units responsible for custodial hospital care also accepted the Recommendation to ensure that minors are kept separate from adults unless there is a justified and documented reason for doing otherwise and that judicial authorities must always be informed. This Recommendation was also accepted by the Secretaría General de Instituciones Penitenciarias, the Dirección General de la Policía, and the regional administration of Andalucía.

Regarding repatriation flights, the Dirección General de la Policía accepted the Recommendation to place minors at the front of the aircraft to prevent them from witnessing any de-escalation manoeuvres during episodes of in-flight violence.

However, the Secretaría General de Instituciones Penitenciarias did not accept the reminder of legal duties concerning the obligation to assign women to appropriate modules in accordance with the regulations set out in penitentiary legislation.

Investigations and complaints

Injury reports, a fundamental tool for prevention and an essential resource for investigating complaints and allegations of torture or ill-treatment, were the focus of several Recommendations issued by the NPM during this reporting period. These aimed to eliminate deficiencies that could hinder effective investigation.

The Dirección General de la Policía accepted the Recommendation to provide the medical team accompanying each repatriation operation with a standard injury report form that could be submitted to the judicial authority, following the model [*Injury reports on people deprived of their liberty*](#), established in a 2014 study by the Defensor del Pueblo. The Directorate also accepted the Recommendation that, in detention centres for foreigners, injury reports be sent directly by the attending physician to the relevant on-duty or supervising judicial authority. A copy should also be given to the person deprived of liberty, even in cases where no injuries are recorded, provided the individual claims to have been assaulted.

In mental health centres, the NPM recommended that inspections include verification of the existence of an injury report template, that healthcare staff be aware of it, and that they are familiar with the procedures to follow if one needs to be completed—as required under Articles 262 and 355 of the Ley de Enjuiciamiento Criminal [Spanish Criminal Procedure Act].

Among other authorities that accepted the Recommendations in this matter are the Administración penitenciaria de Cataluña [Catalan Prison Administration], the Consejería de Sanidad de Castilla y León [Department of Health of Castilla y León], the Consejería de Empleo y Políticas Sociales de Cantabria [Department of Employment and Social Policies of Cantabria], and the Departamento de Sanidad de Aragón [Department of Health of Aragón].

The logging of complaints was also the subject of various Recommendations during this period. Supervisory judges at the Centro de Internamiento de Extranjeros de Madrid [Madrid Detention Centre for Foreigners] endorsed the Recommendation to establish a protocol for processing complaints and allegations of ill-treatment submitted by detainees at these centres.

The Dirección General de la Policía accepted the Recommendation to provide individuals being repatriated with accessible means to file a complaint if they believe their rights were violated during the operation.

Improvements were also made in detention centres for minors, where competent authorities allowed complaints to be submitted in sealed envelopes and ensured that the complainant could retain a copy. The Secretaria de Mesures Penals, Reinserció i Atenció a la Víctima of the Generalitat de Catalunya likewise accepted the Recommendation to provide Catalan prison facilities with a complaint register for internal use. However, NPM visits have not yet confirmed full implementation.

Intricately linked to these advances is the Recommendation to ensure that individuals deprived of liberty who allege ill-treatment are provided with protective measures before, during and after the investigation process, as documented in the inspection reports. Although the Secretaría General de Instituciones Penitenciarias accepted this, implementation remains pending.

Along similar lines, the NPM issued a Recommendation that the Dirección General de la Policía accepted: that in repatriation operations, all participating police units, departments or officers complete forms that allow for full monitoring of the custody chain.

The Consejería de Sanidad of the Junta de Castilla y León accepted the Recommendation to provide training and clear guidance to professionals working in facilities that may be visited by the Defensor del Pueblo, under its jurisdiction. It includes ensuring access to premises, documents, patients and any other elements necessary for the proper conduct of these visits.

Finally, the Secretaría de Estado de Seguridad did not accept the Recommendation to equip every unit of the State Security Forces and Bodies with a dedicated register for logging complaints of ill-treatment or inappropriate conduct towards detainees from the moment of arrest until the end of their custody. However, it did establish the Oficina

Nacional de Garantía de los Derechos Humanos [National Office for the Guarantee of Human Rights] as a supervisory mechanism through Instruction 1/2022.

The prison administration of Cataluña announced plans to draft a new instruction to guide the objectives, limits and controls applicable to all monitoring and security procedures applied to persons in custody.

Means of restraint and immobilisation

With regard to coercive measures, the period under review saw a decline in the use of restraint by means of straps within the scope of the Secretaría General de Instituciones Penitenciarias. However, this decrease was not observed within the Catalan prison system.

The Secretaría General de Instituciones Penitenciarias introduced a new physical register template for recording the application of coercive measures. This register was expanded to include additional data fields in response to a Recommendation from the NPM.

In the case of juvenile detention centres, the Recommendation to prohibit the use of mechanical restraints—a practice that has since been legally banned—was accepted by the authorities in the autonomous communities of Madrid, Cataluña, and the Illes Balears.

The responsible authority in the Ciudad de Ceuta accepted the Recommendation to install both video and audio recording equipment in the room used for mechanical restraints, as well as in all other common areas of the facility.

The authorities of the Comunidad Autónoma de Andalucía did not accept the Recommendation to ensure that staff in juvenile detention centres refrain from routinely carrying mechanical restraints and that such means are used only when strictly necessary.

The Recommendation to regulate chemical restraint in psychiatric hospitals—including the recording of any injuries and regular monitoring by medical personnel, in line with paragraph 11.1 of the report [\[CPT/Inf\(2017\)6\]](#) by the European Committee for the Prevention of Torture (CPT)—was not accepted by the Consejería de Sanidad de Galicia [Department of Health of Galicia].

Regarding rubber batons and aerosols, the Recommendation that their carriage, whether used or not, be reported to the judicial authority was not accepted by the Secretaría General de Instituciones Penitenciarias.

However, the Dirección General de Interior del Gobierno de Navarra [Interior Directorate of the Regional Government of Navarre] accepted a Recommendation stating

that handcuffing in police vehicles should only be applied when necessary, and in such a way that it does not jeopardise the physical integrity of the detainee in the event of an accident.

Sanctions

A notable development during the period under review was the implementation of the Plan Estratégico de Reducción de Expedientes Sancionadores [Strategic Plan for Reducing Disciplinary Proceedings] by the Secretaría General de Instituciones Penitenciarias. Its adoption, together with the increased use of alternative, non-punitive conflict resolution measures, is linked to a Recommendation from the NPM, which was accepted. In the same spirit, the Secretary-General instructed prison facilities to suspend the enforcement of sanctions after 14 days, with the agreement of the concerned inmate.

Also stemming from an NPM Recommendation, the Secretary-General issued Instruction 1/2022, which partially amended Instruction 1/2012 of 2 April on leave and temporary release. This change incorporated the interpretation of the concept of “absence of bad conduct” established by the Second Chamber of the Tribunal Supremo [Supreme Court] in its unifying decision on prison law dated 8 March 2019.

Body searches and pat-down searches

Full-body searches involving complete undressing were the subject of several Recommendations issued by the NPM during the reporting period. The relevant authorities acknowledged the need to emphasise the exceptional nature of these searches and to ensure that a gown is provided, allowing the person to cover themselves while the search is conducted. Specifically, the Recommendation was accepted by the competent authority in Aragón to assess, on a case-by-case basis, whether such searches should be conducted on minors —avoiding forced squats and ensuring prior notification to the on-call judge, followed by notification of the results.

Regarding cell searches, the Secretaría General de Instituciones Penitenciarias accepted the Recommendation to prepare a brief written report of each search, including the location, time, and outcome, and to notify the person concerned formally. However, this was only partially accepted —the decision made was to ensure the presence of the inmate during the search of their cell unless there were justified security concerns.

Prevention of discrimination

The gender perspective was introduced across various areas through multiple Recommendations from the NPM. The Secretaría General de Instituciones Penitenciarias accepted two key Recommendations: To integrate the gender perspective into psychological evaluation protocols and semi-structured interviews, and to promote the use of inclusive language in forms and registers.

The Secretary-General also accepted the Recommendation to include an evaluation of any history of gender-based violence in the social assessment form used when individuals are transferred to open regimes. It aims to identify the possible risk of re-victimisation at home or within the family and to connect women with appropriate external support services.

Furthermore, the Secretary-General accepted the incorporation of gender violence history into various psychosocial and healthcare interview protocols and agreed to the inclusion of sex as a data point in digital records, allowing for statistics disaggregated by sex.

From the same perspective, the Dirección General de la Policía accepted the Recommendation to ensure that, in every deportation operation carried out by the Central Repatriation Unit, at least one escort of the same sex as the person being repatriated is present.

As part of more targeted actions, the Secretaría General de Instituciones Penitenciarias began adapting facilities in the Islas Canarias [Canary Islands] to accommodate mothers with children under the age of three.

The Secretaría General de Instituciones Penitenciarias also accepted the Recommendation to implement measures encouraging older individuals in custody to voluntarily participate in general and specific activities, with the aim of reducing sedentary behaviour and depression in detention settings.

In other areas related to preventing discrimination, the Recommendation to establish a register in detention centres for minors documenting all types of disabilities among girls was accepted.

In Cataluña, the Dirección General de Servicios Penitenciarios will amend Instruction 1/2013 on access to financial aid in prison facilities under its jurisdiction in order to reduce economic disparities among inmates and prevent indigence.

Data recording systems

The Recommendations issued by the NPM during this period concerning data recording systems covered a range of areas. Of particular note is the acceptance by the Secretaría General de Instituciones Penitenciarias of the Recommendation to open dedicated videoconference logbooks in all penitentiary centres. Similarly, the Dirección General de la Policía accepted Recommendations to ensure that every security round conducted by custody officers to check the welfare of detainees is duly recorded. It also accepted the Recommendation that all State Security Forces and Bodies maintain precise records of the appointment of legal counsel, the time legal counsel arrives or makes telephone contact with their client, and any other communications with third parties.

The Secretaría General de Instituciones Penitenciarias also launched a pilot project in several prisons to ensure that data relating to internal security measures (e.g., pat-down searches, inspections, and other controls) is systematically incorporated into its prison management software platform.

In the same area, the Secretaría General de Instituciones Penitenciarias accepted the Recommendation to provide prisons with the necessary means and procedures to enable staff responsible for processing requests from inmates to register and issue a copy of the request immediately. That is to be done via the Sistema Informático Penitenciario (SIP) [Penitentiary Computer System].

Statistics

The prison administration of the Generalitat de Catalunya [Regional Government of Catalonia] has developed a project called “¡Vive en Digital!” [“Live in digital!”] which, when implemented, is expected to meet many of the NPM’s Recommendations and offer several innovations and opportunities for progress. One of its features is a secure platform that allows individuals deprived of liberty to submit complaints or allegations of mistreatment confidentially to the prison director or the Dirección General de Asuntos Penitenciarios.

The Secretaría General de Instituciones Penitenciarias accepted the Recommendation to produce a handbook on data protection.

It also accepted the Recommendation to incorporate the variable “intervention of the child protection system” into records in order to account for histories of vulnerability and institutionalisation. It was accepted for juvenile centres in Andalucía, Galicia and the Comunitat Valenciana [Valencian Community].

3 VISITS. FINDINGS AND PROPOSALS

All case files processed in 2024, regardless of when they were opened and referenced in the sections that follow, are linked to their follow-up histories, as outlined in Annex C, which is accessible in the digital version of this report.

3.1 CENTROS DE INTERNAMIENTO DE MENORES INFRACTORES [DETENTION CENTRES FOR JUVENILE OFFENDERS] (CIMI)

3.1.1 NPM actions

Visits

The Mecanismo Nacional de Prevención (MNP) [National Prevention Mechanism-NPM] carried out four visits to detention centres for minors, two of which were follow-up visits: one to the Centro Socioeducativo Juvenil de Cantabria (visit 4/2024) and the other to the Centro Educativo Aranguren in Navarra (visit 25/2024). The other two were first-time visits: to the Centro de Atención Especializada a Menores Valle de Cayón in Cantabria (visit 10/2024) and the Centro Educativo Urgozo in Bizkaia (visit 7/2024).

The four visits resulted in six actions under the gender-focused and intellectual disability programmes, with the conclusions from these to be discussed in detail in the relevant sections of Chapter 4.

Private entities operated all four centres: The Centro Socioeducativo Juvenil de Cantabria by Fundación Diagrama, The Centro de Atención Especializada a Menores Valle de Cayón by UTE Valle de Cayón (a joint venture between Fundación Salud y Comunidad and Grupo Lagunduz), The educational centres Aranguren y Urgozo by Asociación Educativa Berriztu. Although privately managed, these centres remain under the ownership and ultimate responsibility of their respective autonomous communities.

The visits conducted in 2024 resulted in the issuance of 16 Recommendations, 23 Suggestions and 5 Reminders of Legal Duties.

In its *Concluding Observations on the seventh periodic report of Spain*, the Comité contra la Tortura [United Nations Committee Against Torture] noted in paragraph 30 that the State Party must uphold the prohibition on subjecting minors deprived of liberty to disciplinary measures constituting cruel, inhuman or degrading treatment—including solitary confinement. In 2024, the NPM continued to assess compliance with this obligation.

Information gathering

In 2024, the NPM received relevant information from the competent authorities of various autonomous communities on several key oversight areas. These data, mostly from 2023, were the most up-to-date available at the time.

- **Deaths.** The authorities of the Comunidad Autónoma de Canarias [Autonomous Community of the Canary Islands] reported the death of a young person in 2023 at the Centro de Internamiento Educativo para Menores Infractores Valle Tabares [Valle Tabares Juvenile Detention Centre] in Santa Cruz de Tenerife. It was the second death at the centre in the past two years.
- **Allegations or complaints of ill-treatment.** The following centres stood out due to the number of reports: at the Centro de Menores Zambrana [Zambrana Juvenile Centre] (Valladolid), 9 complaints or reports of ill-treatment by staff were recorded; in the centres of the Autonomous Community of the Islas Canarias, 13 complaints were received, 9 of them at the Centro de Internamiento Educativo para Menores Infractores Valle Tabares (Santa Cruz de Tenerife); and at the Centro de Menores Punta Blanca [Punta Blanca Juvenile Centre] (Ceuta), 6 complaints were submitted.
- **Self-harm.** The centres where the highest number of self-harming behaviours occurred were: the Centro de Internamiento Educativo para Menores Infractores La Montañeta [Educational Detention Centre for Juvenile Offenders La Montañeta] (Las Palmas), with 96 cases; the Centro de Menores Zambrana (Valladolid), with 39; the Centro de Acogida de Menores Vicente Marcelo Nessi [Vicente Marcelo Nessi Reception Centre for Minors] (Badajoz), with 45; and the Centro de Educación e Internamiento por Medida Judicial de Zaragoza [Zaragoza Centre for Education and Detention under Judicial Measures], with 25 cases.
- **Suicide prevention programme.** Only the Centro de Internamiento Educativo para Menores Infractores Valle Tabares (Santa Cruz de Tenerife) applied a suicide prevention programme systematically to all new admissions as part of its intake protocol.
- **Use of restraints.** In 2023, the NPM observed a high number of restraint measures in certain centres. That was the case at the Centro de Internamiento Educativo para Menores Infractores La Montañeta (Las Palmas), where physical restraint was used on 632 occasions, mechanical restraint was used 235 times, and temporary isolation was used 98 times. At the Centro de Menores Zambrana (Valladolid), 227 physical restraints were recorded (132 of them involving girls), along with 101 mechanical restraints. However, this centre is notable in a positive sense for its virtually non-existent use of temporary isolation. At the Centro de Acogida de Menores Vicente Marcelo Nessi (Badajoz), physical restraint was used

129 times, mechanical restraint 101 times, and temporary isolation on 121 occasions.

3.1.2 Oversight areas. Challenges and progress

Admission, statistics and variables

- **Admission information.** The NPM found that, in 2024, the information document provided at intake was difficult for young people to read and understand. The content was dense and not presented in an accessible format. No information was provided on violence reporting protocols or on the role of the wellbeing coordinator (visits 4/2024 and 10/2024), prompting the NPM to issue a Suggestion.
- **Lack of statistics.** Some centres failed to collect data on whether minors had previously been under child protection measures before detention. This information is recorded in each child's personal file but not reflected in the centres' official reports, despite being a key indicator of vulnerability (visits 25/2024 and 7/2024). A Recommendation was issued to promote measures responsive to this context. One example of good practice was observed at the Centro Socioeducativo Juvenil de Cantabria.
- **Incorporation of variables.** The NPM observed in 2024 that information regarding Roma's (Gitano) ethnicity was not being recorded in detention centres for minors.¹ Formal equality alone does not adequately address the specific needs of certain population groups. Measures should be introduced to compensate for the disadvantages faced by Roma youth (visits 25/2024 and 7/2024).

Health aspects

- **Medical examination.** A medical check-up must be conducted upon admission and always within 24 hours, in line with Article 32.5 of the Regulation of Ley Orgánica 5/2000, reguladora de la responsabilidad penal de los menores [Fundamental Act 5/2000, on the criminal responsibility of minors]. The NPM found that, in 7 out of 8 examined cases, this timeframe had not been met (visit 25/2024). This exam serves as a vital safeguard for detecting health risks, such as drug

¹ The Estrategia Nacional para la Igualdad, Inclusión y Participación del Pueblo Gitano [National Strategy for Equality, Inclusion and Participation of the Roma People] 2021-2030 states that, in order to determine which positive or special measures should and can be adopted, it is essential to uphold the commitment made in the Durban Declaration and Programme of Action, and to follow the recommendations of various international bodies, as well as the European Union Anti-Racism Action Plan. This plan highlights that "[a]vailable, accurate and comparable data are essential for policymakers and citizens to assess the scale and nature of the discrimination experienced, and to design, adapt, monitor and evaluate policies."

dependency, past abuse or suicidal tendencies.² A Reminder of Legal Duties was issued.

- **Transfers to hospitals and health centres.** Minors and staff reported that when transfers for medical care take place, minors often wait in the same rooms as the general public. Article 35.5 of Real Decreto [Royal Decree] 1774/2004, of 30 July, approving the Regulations of Ley Orgánica 5/2000, reguladora de la responsabilidad penal de los menores [Fundamental Act 5/2000, on the criminal responsibility of minors], stipulates that movements, escorts, and transfers must be carried out respecting the dignity, safety, and privacy of minors. The NPM requested further information from the relevant centres (visits 25/2024 and 4/2024).

In 2023, the NPM proposed enabling the use of designated waiting rooms in healthcare centres so that when young offenders are brought in for treatment, their dignity and privacy are respected. In 2024, the Junta de Extremadura [Regional Government of Extremadura] agreed to consider the feasibility of this measure (visit 34/2023).

- **Injury reports.** The systematic recording of injuries and the transmission of that information to the judicial authority plays a crucial role in the detection, investigation, and prevention of mistreatment, as well as in ensuring appropriate medical care and legal accountability. Some centres lack in-house medical personnel, meaning that in the event of injury, care must be provided at a local health centre or hospital. The NPM identified several concerning cases, including one involving a girl who sustained injuries following the application of a physical restraint. She was not transferred for medical care until two days later, and once hospitalised, the mandatory injury report was not issued. (visit 25/2024). As a result, the NPM issued a Recommendation to ensure that injury reports are completed in every instance where physical restraint is applied, as well as whenever individuals report being assaulted, regardless of whether visible injuries are present.

² The report of the European Committee for the Prevention of Torture [\[CPT/Inf\(2015\)1-part\]](#) on *Juveniles deprived of their liberty under criminal legislation*, states in paragraph 115 that a doctor—or, failing that, a qualified nurse operating under a doctor's supervision—should properly interview and carry out medical examinations on all juveniles as soon as possible after admission to the facility, preferably on the same day of arrival. When conducted appropriately, this medical assessment upon admission should enable the facility's health service to identify juveniles with potential health issues (e.g. drug addiction, sexual abuse, or suicidal tendencies). Early identification of such issues will facilitate the implementation of preventive measures within the centre's medical, psychological, and social care programme.

In 2024, the relevant authorities of the Junta de Andalucía [Regional Government of Andalusia] and the Junta de Extremadura responded, agreeing to implement the 2023 Recommendations. These included ensuring that injury reports were properly completed and issued in a standardised, digital format to ensure readability.

- **Violence protocols.** During visits, the NPM observed that incidents of violence occur both during detention and prior to arrival at the centres. Most centres visited in 2024 lacked: A protocol for the prevention, detection and management of bullying, abuse, or any other form of violence; A protocol for identifying violence suffered before admission; A designated well-being and protection coordinator to oversee these protocols. The NPM, therefore, issued a Recommendation to the relevant authorities to establish detailed protocols for preventing and responding to violence and to create the role of a Wellbeing and Protection Coordinator, with the aim of providing a protective and therapeutic response (visits 7/2024, 10/2024 and 25/2024). A positive example was found at the Centro Socioeducativo Juvenil de Cantabria, which had both protocols in place. However, it lacked a register of their implementation. The same centre was in the process of rolling out the role of Wellbeing and Protection Coordinator (visit 4/2024).

Mental health

- **Psychiatric care.** Deprivation of liberty has a significant —and often negative— impact on the mental health of minors. In recent years, the NPM has noted an increase in the prescription of psychotropic medication to children and adolescents and difficulties in accessing adequate mental health care. At the Centro Educativo Urgozo (Bizkaia) (visit 8/2024), therapeutic measures are being applied, and minors receive treatment through public mental health services or contracted social organisations. However, the centre itself lacks psychologists and psychiatrists, meaning that no structured or specific work is carried out with these minors, who would require an educational approach adapted to their needs. At the Centro Educativo Aranguren (Navarra), the NPM found that 70% of the young people present during the visit were being treated with antipsychotic or antidepressant medication despite the centre not applying any therapeutic regime measures. Interviews with both minors and professionals revealed limited time spent outdoors and the negative impact this has on mental health. As a result, the NPM issued a Recommendation to encourage more outdoor sporting and leisure activities to help reduce the prescription of sleep-inducing medications (visit 25/2024).
- **Suicide and self-harm prevention protocols.** Following requests for suicide prevention protocols at all centres visited in 2024, the NPM found that most centres

use a single document covering both suicide prevention and the management of self-harming behaviours. These protocols do not define the assignment or training of professionals tasked with detection and supervision. The NPM maintains that self-harm and suicide risk are distinct issues and should be addressed in separate, dedicated protocols. As such, a Recommendation was issued stating that a specific registry of self-harm incidents must be established, and a protocol tailored exclusively to self-harm prevention must be developed.

In 2023, the NPM issued a Suggestion to the authorities of the Comunidad Autónoma de Andalucía [Autonomous Community of Andalucía] to establish a self-harm register. It was accepted in 2024.

Prevention of high-risk situations

- **Use of restraints.** Any use of physical restraint involving force must be followed by a mandatory medical examination within a maximum of 48 hours, as stipulated by Article 59.4 of Ley Orgánica 5/2000, reguladora de la responsabilidad penal de los menores (as amended by Ley Orgánica 8/2021, de protección integral a la infancia y la adolescencia frente a la violencia [Fundamental Act 8/2001, on the comprehensive protection of children and adolescents against violence]). The NPM identified several cases in which minors were subjected to physical restraints involving force and were subsequently made to sign a document accepting or declining medical examination (visits 25/2024 and 7/2024). In response, the NPM issued a Reminder of Legal Duties.

Regarding the restraint logbook, the NPM found that these records did not include the identities of the staff members involved in applying the measure. This lack of identification hinders effective oversight. A Recommendation was therefore issued to require that all restraint records include the full names of the personnel involved (visit 25/2024). The Centro Educativo Urgozo (Bizkaia) did not have any logbook for recording the use of restraints (visit 7/2024). The NPM has long recommended that all centres maintain a dedicated register in which to record the type of restraint used, along with the date, duration, and names of those involved.

In 2023, the NPM issued a Recommendation to the competent authority of the Junta de Extremadura, recommending that the centre's management team review and oversee all actions taken by security personnel when restraint is applied. In light of the serious incidents noted during the NPM's visit, the administration incorporated the contents of this Recommendation into its centre's internal Protocol on Violent Behaviour in 2024 (visit 34/2023).

- **Security staff training.** Analysis of the complaints log revealed that one centre recorded four complaints against security staff for mistreatment (visit 25/2024).

Although no excessive use of restraint was observed in the centres visited in 2024, the NPM found that security personnel do not receive continuous training on: the appropriate use of force, restraint techniques adapted for minors, de-escalation strategies, the rights of children and adolescents.³ The NPM, therefore, issued a Recommendation that ongoing training be provided to all security staff on these matters. A positive example was found at the Centro Socioeducativo de Cantabria, where three training courses had been delivered to security staff over the previous two years.

- **Full-body searches.** Unlike in previous years, the NPM did not identify any cases of full-body strip searches in juvenile detention centres during its 2024 visits. In earlier reports, the NPM has consistently stated that such measures are highly invasive, infringe on the right to privacy, and are potentially degrading. The absence of these searches in 2024 was therefore viewed positively.

In 2024, the Junta de Extremadura reminded all staff at the visited centre that full-body strip searches must be conducted only in exceptional circumstances and must adhere to the principles of necessity and proportionality, as established in Real Decreto 1774/2004, of 30 July, which implements Ley Orgánica 5/2000, de 12 de enero, reguladora de la responsabilidad penal de los menores (visit 34/2023).

- **Disciplinary procedure.** At the Centro Socioeducativo de Cantabria, the educational approach is centred around personal transformation, emotional regulation and the rebuilding of relationships. This approach has led to a significant reduction in disciplinary proceedings, thanks to: the use of mediation and non-disciplinary reparative measures, the conditional suspension of sanctions. These measures have improved the overall educational climate, reduced the need for physical restraint, and facilitated reintegration processes. Interviews with the young residents revealed a general sense of satisfaction with the respectful treatment received —something the NPM noted as a clear strength. However, during visits in 2024, the NPM identified a risk that self-harming behaviour might be subject to disciplinary action (visit 7/2024). As a result, a Suggestion was issued to ensure that self-harm is not punishable and is instead addressed through preventive and therapeutic measures.

³ The Council of Europe Committee for the Prevention of Torture's report *Juveniles deprived of their liberty under criminal legislation* [CPT/Inf(2015) I-part], states in paragraph 120 that "All staff, including those with custodial duties, who are in direct contact with juveniles should receive professional training, both during induction and on an ongoing basis, and benefit from appropriate external support and supervision in the exercise of their duties. Particular attention should be given to staff training in the management of violent incidents, especially in verbal deescalation to reduce tension and professional restraint techniques."

A Recommendation on this issue had already been issued to the Ciudad Autónoma de Melilla [Autonomous City of Melilla] (visit 61/2021), and in 2024, the responsible administration confirmed that the Recommendation had been accepted and that no disciplinary proceedings had been opened in relation to self-harm since 2022.

- **Isolation.** Although isolation was used infrequently in the centres visited in 2024, the NPM stressed that it nonetheless poses a risk of serious harm to the physical and mental health of minors. During visits, several young people reported that when placed in isolation, they were required to eat all meals in their rooms and were only allowed 30 minutes of outdoor time per day. In its *Concluding Observations on the seventh periodic report of Spain* of the Committee against Torture, [CAT/C/ESP/CO/7](#), paragraph 30, the United Nations Committee Against Torture expressed concern over the imposition of severe disciplinary sanctions on minors deprived of liberty for very serious infractions. The Committee explicitly reaffirmed the prohibition on using disciplinary sanctions that involve isolation for detained minors. Similarly, the European Committee for the Prevention of Torture (CPT) has consistently advised against any form of solitary confinement for children in detention, as noted in its most recent reports (references [CPT/Inf\(2017\)34](#) and [CPT/Inf\(2021\)27](#)).

The NPM reiterated that whenever group separation or temporary isolation is applied, a follow-up report must be issued. This report must include psychological supervision and assessment carried out by centre professionals (visit 10/2024).

- **Facilities.** The Centro Socioeducativo Juvenil de Cantabria features a designated restraint area comprising three small rooms with prison-like characteristics, including metal doors, barred windows, and a small outdoor yard. These conditions do not meet the standards for juvenile detention centres, as repeatedly set out in recent NPM reports. The centre informed the NPM that the space was due for renovation, and the NPM requested updates (visit 4/2024).

Recommendations regarding these issues were issued in 2023. The Junta de Extremadura accepted them in 2024. The NPM had also recommended that the observation unit yard not be used for outdoor activities due to inadequate conditions. In response, the administration confirmed that alternative, larger outdoor areas were already being used for this purpose (visit 34/2023).

The NPM visit to the Centro Educativo Aranguren (Navarra) revealed that the bedrooms had no internal bathrooms and that some rooms contained chamber pots so minors would not need to request assistance to use the toilet at night. This was deemed degrading treatment, and a Recommendation was issued urging the

responsible authorities to guarantee access to toilets at all times without undue delay.

The NPM also found that the Centro Educativo Urgozo (Bizkaia) lacked video surveillance systems (visit 7/2024). At the Centro Educativo Aranguren (Navarra), only one of four isolation rooms had a camera, and none had internal call buttons. Furthermore, the room that was equipped with a camera failed to ensure privacy during toileting, as the Turkish toilet (floor-level squat toilet) was in direct view (visit 25/2024). The NPM has repeatedly stated that video surveillance is essential to preventing mistreatment in settings of deprivation of liberty.

- **Outdoor activities.** The NPM observed limited time spent outdoors and a lack of appropriate facilities for sports and recreation. A Recommendation was issued to the Comunidad Foral de Navarra [Chartered Community of Navarre] urging authorities to promote outdoor sporting and leisure activities (visit 25/2024). In one centre, there was no outdoor space at all for these purposes. Although the schedule stated that sports activities took place three times per week, the centre lacked any suitable space (visit 7/2024). The NPM requested information on where these activities were actually being conducted.
- **Privacy in communications.** In 2024, the NPM found that phone calls, video calls, and visits generally took place in conditions that ensured privacy. The only exception was at the Centro de Acogida Especializada de Menores Valle de Cayón [Valle de Cayón Specialised Reception Centre for Minors] (Cantabria), where telephone calls were not adequately private (visit 10/2024).

In 2022, the NPM issued a Recommendation to the Junta de Extremadura to guarantee privacy during calls and visits. In 2024, the administration reported that suitable rooms had since been made available for private calls and video calls and that doors had been installed in rooms used for family visits.

Exercise of rights and guarantees

- **Complaints.** The NPM found that, in some cases, the available form for submitting a complaint was unclear, as it was used indistinctly for compliments, incidents, suggestions, or complaints. Additionally, the form is intended for use by staff working at the facility to submit complaints or suggestions (visit 7/2024). For this reason, the NPM issued a Recommendation calling for a dedicated complaints form for juvenile offenders, along with a thorough record to be kept of all complaints submitted.

The Recommendation issued in 2023 concerning improvements to the complaints system (visit 34/2023) was accepted in 2024 by the competent authority, which had installed complaints boxes in the juvenile units. Thus, the

complaints process is now managed by the centre's director and is independent of the educational staff, as recommended by the mechanism.

- **Inspection of centres.** During its 2024 visits to juvenile detention centres, the NPM requested inspection reports issued by the competent authorities. At the Centro Educativo Aranguren (Navarra), inspection reports produced by the Administration were provided in response to complaints filed by minors. The NPM welcomed this action by the Administration, recognising it as a positive step since the Administration is responsible for the proper functioning of the centre and has a duty to carry out supervisory and oversight activities.

3.2 PENITENTIARY CENTRES

3.2.1 NPM actions

In 2024, the Defensor del Pueblo, acting in its capacity as the Mecanismo Nacional de Prevención (MNP) [National Prevention Mechanism-NPM], conducted three follow-up visits to penitentiary centres managed by the Secretaría General de Instituciones Penitenciarias of the Ministerio del Interior [Ministry of Interior]. Centro Penitenciario Puerto III, Cádiz (visit 31/2024), Centro Penitenciario de Cuenca (visit 35/2024) y Centro Penitenciario de Teixeiro, A Coruña (visit 39/2024). In addition, the mechanism visited Centro Penitenciario Murcia II as part of two specific projects: the deaths in custody project (visit 21/2024) and the older persons in prison project (visit 22/2024).

Separately, in order to monitor developments in the use of mechanical restraints in prisons in Cataluña, the mechanism visited Centro Penitenciario Brians II, Barcelona (visit 34/2024). In 2024, the number and duration of mechanical restraints in that administration remained very high. Furthermore, serious shortcomings in the application of restraints persist, many of which are not documented in the reports. At the end of 2024, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) of the Council of Europe visited several prisons in Cataluña.

In 2024, the mechanism did not conduct visits to penitentiary centres in the País Vasco. Follow-up on the observations made after the 2023 visit to Centro Penitenciario de Araba/Álava was carried out through the case files that the NPM continues to process. These files also include relevant data, which are presented throughout this chapter.

3.2.2 Oversight areas. Challenges and progress

Facilities and video surveillance

In line with the findings of the previous report, during the visits carried out in 2024, the NPM verified that video surveillance systems continue to fall short of the requirements set out in Instruction 4/2022 of the Secretaría General de Instituciones Penitenciarias.

In general terms, the video surveillance systems in penitentiary centres under the authority of this Secretaría General show significant room for improvement. It is not only necessary to expand system coverage but also to enhance the technical features of the equipment. During the review of certain recordings, the NPM observed poor image quality and, in some cases, the loss of time-stamp data upon extraction. These shortcomings render video surveillance useless as evidence in investigative proceedings.

All penitentiary centres visited had a logbook for recording extracted footage from the surveillance system. This register represents significant progress in complying with regulatory obligations regarding the extraction and preservation of images.

However, the NPM continues to observe widespread non-compliance with the obligation to forward, ex officio, images relevant to allegations of ill-treatment or deaths in custody to the investigative authorities.

It is essential not only to ensure that potentially useful footage is preserved but also that it is proactively made available to the competent authority —without waiting for a formal request— especially considering that the retention period stipulated by current regulations is very limited and that it is not yet guaranteed that prison surveillance systems are capable of complying with this timeframe.

The penitentiary centre with the highest number of recorded deaths in 2023 was Centro Penitenciario de Murcia II. According to its records, the footage was extracted for each of the eight recorded deaths. However, in only three cases was this footage forwarded to the court upon request —never proactively. As a result, the NPM reiterated the need for closer monitoring of image extraction records, in line with the Recommendation issued in 2023. The prison administration did not accept this Recommendation, considering the current level of supervision during general inspections of penitentiary centres to be sufficient.

As for the penitentiary centres of Cataluña, the NPM referred in its 2023 report to a pilot project involving the use of body-worn cameras by custodial staff. In October 2024, the Departamento de Justicia de la Generalitat reported that implementation of these cameras across all its centres was pending budget allocation, although the evaluation of the pilot results had been positive.

The most noteworthy development in 2024 took place within the País Vasco prison administration, with the publication of Instruction 1/2024 of the Secretaría de Estado de Seguridad, dated 23 April. This instruction establishes the regulatory framework governing the use and processing of data collected through video surveillance systems. The instruction incorporates many of the Recommendations previously issued by this institution.

It also states that all areas —except those deemed personal or private— must be equipped with cameras. In addition, it regulates the use of body-worn cameras and leaves open the possibility that wearing them may become mandatory in the future.

The effective implementation of this regulation will be subject to follow-up during future NPM visits.

Personnel

Adequate staffing coverage and coordination between professionals across different departments are essential to ensuring the proper management and operation of penitentiary centres. In this regard, the difficulties highlighted in the previous annual report persist.

The shortage of medical personnel in prisons under the Administración General del Estado persists. According to data provided by the Administration, the number of filled positions in the specialty of family and community medicine since 2018 has remained low, fluctuating between three and five. Each year, the demand for medical staff increases, along with the number of advertised posts —rising from 31 positions in 2018 to 87 in 2023. At the end of 2024, a further 69 positions were announced. As a result of this situation, more than 60% of penitentiary medical officer posts remain unfilled. For example, data gathered by the mechanism during some of its 2024 visits indicated that: Centro Penitenciario de Murcia II had a 71.4% shortfall in medical staff; Centro Penitenciario Puerto III (Cádiz), 67%, and Centro Penitenciario de Teixeiro (A Coruña), 66.7%.

The NPM recognises the efforts made by those penitentiary centres that have maintained in-person medical on-call services or even —as in the case of Centro Penitenciario de Cuenca and Centro Penitenciario de Teixeiro— continued to provide both scheduled and on-demand consultations despite the critical situation. Nevertheless, the fact that a single professional is responsible for addressing all medical needs in a penitentiary centre not only puts at risk the quality of healthcare provided to inmates but also endangers the health of the medical personnel themselves, whose workload significantly exceeds the maximum number of hours permitted under applicable regulations.

This situation affects not only routine healthcare activities but —as noted in previous reports— the records reviewed during the 2024 visits continue to show overburdened nursing staff, delays in mandatory medical examinations and injury documentation, and some cases, the complete absence of medical assessments in isolation situations. In 2024, the mechanism reiterated the Recommendation issued the previous year —which the Administration did not accept— concerning the need to carry out specific inspections or involve personnel from the Subdirección General de Sanidad in the analysis of medical care records in penitentiary institutions. The objective would be to develop strategies for improvement and to prevent instances of poor practice, many of which are exacerbated by the shortage of medical resources.

Back in 2023, the mechanism had already voiced concern, echoing that expressed by various national and international bodies —including prison supervisory judges and the United Nations Committee against Torture— over the lack of medical personnel in prisons.

Along similar lines, the Fiscalía General del Estado referred to this issue in its 2024 Annual Report, noting that several provincial prosecution offices had received complaints in this regard. Furthermore, in April 2024, the Consejo General de Médicos [General Medical Council] called on the competent regional authorities to assume their legally established responsibilities in prison healthcare, as failure to do so continues to drive professionals away from the system and is causing a severe deterioration in the care available to the prison population. Although reality has shown that simply launching new recruitment rounds does not solve this structural issue, no new measures have been adopted. Among the autonomous communities with prisons under the jurisdiction of the Administración General del Estado, only Navarra has assumed responsibility for prison healthcare.

In the case of penitentiary centres in the País Vasco, in July 2024, the Administration indicated that the job classification framework had completed its collective bargaining procedures and was pending budgetary approval. Although significant progress has been made in processing the new job classification framework, challenges remain in managing the centres effectively and in implementing projects aimed at reducing disciplinary incidents and promoting the reintegration of inmates.

Separately, long-standing issues persist concerning the identification of prison staff. A step forward was made at the end of 2024, when the Secretaría General de Instituciones Penitenciarias issued Instruction 6/2024, updating the regulations on uniforms, badges, and insignia for penitentiary staff. This instruction stipulates that, as of February 2025, the new uniform must be worn. Through this measure, the Authority aims to eliminate or reduce the identification problems that this institution has been raising for

years. In the case of the País Vasco, the new uniform design also includes identification, although its official distribution has yet to take place.

Record-keeping systems and operational protocols

Official database

The NPM considers it essential that personnel working in the various prison administrations have access to the information necessary to carry out their duties. Only under such conditions can the fulfilment of institutional responsibilities be properly ensured.

In 2023, the NPM issued a Recommendation to penitentiary administrations encouraging the interconnection of their prison information systems. The mechanism also considered it necessary that this initiative include interoperability between the digital systems used by healthcare staff to manage inmates' medical records.

Although the various administrations do not dispute the importance of this issue, in 2024, the Secretaría General de Instituciones Penitenciarias stated that it was not one of its current priorities. For the time being, the Recommendation is considered not accepted.

Access and interconnection problems with databases exist even within the same Prison Authority. In Cataluña, addiction services, primary care, and psychiatric services fall under different institutions, resulting in corresponding limitations on information access.

The NPM recommended the implementation of an integrated IT system accessible to all healthcare teams involved in the care of persons deprived of liberty in Generalitat de Cataluña prisons in order to ensure coordinated, comprehensive, and continuous care.

On a positive note, as outlined in the previous report, the mechanism welcomes any action aimed at improving the IT systems of the various administrations.

In 2024, the digitisation process for the classification and assignment procedure under the SIP was completed. The Authority also reported that this database is being adapted to enhance the recording and oversight of disciplinary matters, as well as procedures related to prisión permanente revisable, in line with the NPM's Recommendations. Although the País Vasco's Prison Authority continues to use the SIP, it is unable to benefit from the technical developments and new functionalities added to the system —such as the ability to log pat-down searches and other control measures. Meanwhile, the Prison Authority of Cataluña is making a significant investment in a more flexible and scalable IT system.

Registers and protocols on coercive measures

During the 2024 visits, the NPM observed that major inconsistencies persist in the records documenting institutional actions. The penitentiary centres of Puerto III (Cádiz) and Cuenca had failed to include certain incidents and applied coercive measures in the IT system. The NPM highlighted the need to correct these deficiencies, as otherwise, effective oversight from central services via the Sistema Informático Penitenciario (SIP) becomes unworkable.

Since 2014, this institution has emphasised the importance of establishing protocols for medical examinations in cases of solitary confinement in accordance with Articles 72 and 254 of the Prison Regulations.

The guidance issued thus far by the Secretaría General de Instituciones Penitenciarias has proven insufficient and has not resolved the identified shortcomings. The lack of in-house medical resources has led the Authority to rely on hiring external medical personnel with no penitentiary background.

For this reason, the NPM reiterated its Recommendation, outlining the benefits of addressing the lack of specific training for disciplinary procedures among doctors not belonging to the Cuerpo Facultativo de Sanidad Penitenciaria.

In the case of penitentiary centres in the País Vasco, progress was made in 2024 on implementing this Recommendation. The Departments of Justice and Health began drafting a joint protocol for medical examinations in cases of solitary confinement. The mechanism welcomed this initiative, which it will continue to monitor closely.

Continuing with the Recommendations issued by the NPM regarding the need to establish specific operational protocols, it is worth noting that in 2024, the País Vasco Penitentiary administration conducted a study on the application of prison regime restrictions and issued supplementary guidelines to centres to minimise inherent limitations and introduce safeguards.

All prison administrations agree on the need for legislative reform to adapt the disciplinary regime to current realities and standards. While this is being addressed, the NPM considers it a priority to guide practice in penitentiary centres and prevent the continuation of the most common deficiencies. However, only the penitentiary administration of Cataluña is currently conducting a detailed study on this matter.

Special focus on documentation and procedures in cases of allegations, complaints, and reports of alleged ill-treatment

In 2024, the NPM noted certain improvements in how records relating to allegations of alleged ill-treatment are completed by penitentiary centres under the Secretaría General de Instituciones Penitenciarias. However, despite the fact that protocols issued by that

Administration are clear, centres still fail to send related footage ex officio, take statements from alleged victims, or collect objective reports.

Each year, the mechanism requests information from the various prison administrations on the administrative and judicial procedures initiated in relation to ill-treatment. A significant number of cases are quickly closed, making it difficult to conclude that a thorough, adequate, and effective investigation has been carried out. The fact that cases of ill-treatment are brought before higher bodies such as the Tribunal Constitucional [Spanish Constitutional Court] or the European Court of Human Rights is a clear indication that investigative practices must be improved.

In 2024, the General Administration stated that it was assessing several of the Recommendations issued by the NPM concerning the documentation of alleged ill-treatment. These include the potential to expand the data recorded in the current allegation register to include details of the evidence gathered for the investigation and to incorporate this register into the penitentiary information system. Implementing these Recommendations would represent significant progress in the oversight exercised by central services and, by extension, in compliance with documentation protocols of alleged ill-treatment.

Since 2018, the NPM has urged the Catalan penitentiary administration to recognise that the register of allegations of alleged ill-treatment is not only essential for ensuring investigations are conducted but also serves as a key tool for extracting objective indicators critical to managing how inmates are treated. Consequently, the mechanism recommended taking action to correct any abusive practices. In 2024, the NPM reiterated the need to establish a register to document allegations, complaints, and reports of alleged ill-treatment in Cataluña's penitentiary centres. It would be without prejudice to the potential future digitalisation and integration of the register into the so-called "¡Vive en Digital!" programme.

In penitentiary centres in the País Vasco, the model register and operational protocol developed by the General Administration continued to be used. However, taking into account the Recommendations made by the NPM in 2023, the Administration reported that, after commissioning a report from the Instituto Vasco de Criminología [Basque Institute of Criminology] on the prevention, documentation and investigation of alleged ill-treatment, it is in the process of designing a new protocol in coordination with the health authorities.

The NPM welcomed the involvement of healthcare professionals in this matter, given the crucial role they play in detecting and preventing ill-treatment.

Injury reports

Documenting injuries in the context of deprivation of liberty is essential for the investigation and prevention of ill-treatment. As far back as 2014, the Defensor del Pueblo published a study on [Injury Reports For Persons Deprived of Liberty](#). Ten years on, and despite repeated calls from the NPM during visits to penitentiary centres, the injury report models used in Cataluña and the País Vasco still fail to meet the standards recommended in that study and in the Istanbul Protocol. The template used by medical staff is the same as that used in primary care more broadly, meaning that the issue extends beyond the prison context and affects the documentation of injuries for a wider population of people in custody. For this reason, in 2024, the mechanism reiterated to the respective regional health departments the need to adapt the injury report template and stressed the importance of including a section for a “compatibility assessment” and photographic documentation of injuries.

The shortcomings observed in injury documentation at penitentiary centres under the Secretaría General de Instituciones Penitenciarias are not confined to isolated cases or individual facilities. Rather, they reflect a systemic issue linked to a lack of training. During its 2024 visits, the mechanism found that injury reports produced via the telemedicine service were poorly detailed. Therefore, the NPM reiterated the Recommendation made the previous year, urging the Administration to ensure that, at the very least, injury reports issued through telemedicine include photographs of the injuries.

The NPM considers it a risk when individuals working in custodial settings are unfamiliar with the Istanbul Protocol. Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Information gathered during visits to prisons under the Secretaría General de Instituciones Penitenciarias reveals that prison medical services still fail to fulfil their role effectively in preventing ill-treatment.

In 2024, the mechanism observed cases where, even though an inmate had reported being a victim of ill-treatment, the section documenting the patient’s account was either inadequately completed or a negative compatibility assessment was issued without including the data underpinning that conclusion, such as the mechanism or timing of the injuries. The NPM even identified one case in which the medical service failed to issue an injury report despite having been instructed to conduct a medical examination of an inmate who had alleged ill-treatment.

In the case of the Generalitat de Catalunya, it is a positive development that plans have been announced for training sessions for healthcare personnel working in

penitentiary institutions. The mechanism has requested further information on this matter in order to monitor the Recommendation issued.

Isolation and use of coercive measures

Data collected from penitentiary centres under the Secretaría General de Instituciones Penitenciarias visited in 2024 showed a reduction in the use of coercive measures —as was the case at Centro Penitenciario Puerto III (Cádiz)— or that their use remained moderate, as observed at Centro Penitenciario de Cuenca.

In 2024, the penitentiary administration of the País Vasco reported on the measures and programmes they had developed to reduce conflict through treatment-based approaches. Preventive actions were highlighted —particularly those emphasised by the NPM— that focus on individuals for whom reintegration poses greater challenges.

In 2024, the NPM visited Centro Penitenciario de Brians II (Barcelona) to assess the outcomes of the pilot project introducing a padded cell as an alternative to mechanical restraints and to monitor progress in reducing both the use and duration of such measures⁴. The last visit by the NPM for this purpose had been to Centro Penitenciario de Ponent (Lleida) in 2022, on the occasion of the publication of Circular 1/2022, “Protocol for the Application of Provisional Isolation and Mechanical Restraint Measures in Penitentiary Centres of Catalunya.” Following that visit, Recommendations were issued but not accepted.

Data collected from Centros Penitenciarios Brians I y II (Barcelona) for the first half of 2024 indicated a downward trend in the use of mechanical restraints. Nevertheless, the number and duration of restraints remained disproportionate, 177 and 92, respectively. In the first five months of 2024, only three mechanical restraints were applied at Centro Penitenciario Puerto III (Cádiz).

The restraint cells at Centro Penitenciario Brians II still lacked audio recording. This absence makes it impossible to verify the effectiveness of Circular 1/2022 and of the penitentiary operational guidelines issued by the Catalan administration, which promote active interaction between staff and inmates as a means to reduce the use and duration of mechanical restraints. Furthermore, the mechanism found that the current IT system still does not differentiate between disciplinary and medical mechanical restraint, and therefore issued a Recommendation in this regard.

⁴ This report presents final conclusions drawn from quantitative data gathered by the NPM. The visit matrix for Centro Penitenciario Brians II in 2024 (case file 24019304), available on the institution’s website, contains data analysis by the NPM and more detailed information on the application of mechanical restraints, their use in specific population groups, and the excessive duration of medical mechanical restraints.

The 2022 pilot project involving a padded cell at Centro Penitenciario Brians II as an alternative to mechanical restraint was ultimately unsuccessful. The administration stated its intention to conduct a new trial, incorporating improvements to the cell's architectural design and to the associated operational procedures.

Exercise of fundamental rights for the reintegration of inmates

The right to communicate and submit petitions

In previous reports, the NPM reported that the penitentiary administration of Cataluña was developing an application called “¡Vive en Digital!” highlighting the features and benefits it would offer for inmates to exercise their recognised rights, particularly regarding communications and the submission of petitions and complaints. No significant progress was made in 2024; in fact, the project is still in the pilot phase of technological development, and it seems that the existing technical characteristics of penitentiary centres are a major handicap for its implementation. The NPM urged the administration to take measures to improve the registration and processing of applications, as well as access to video calls for inmates until the project is implemented.

In line with the Recommendations issued by the NPM in 2023, inmates in the penitentiary centres of the País Vasco now have access to self-copying forms. In addition, the Administration has issued a welcome guide for inmates in various languages and is exploring how to incorporate an accessible simultaneous interpretation system.

At the beginning of 2024, the Secretaría General de Instituciones Penitenciarias issued Order 1/2024, increasing the number of weekly phone calls to 25 or 18 if monitored. Calls with legal counsel are not counted towards these limits. Furthermore, during the NPM's visit to Centro Penitenciario de Cuenca, the mechanism learned that from May onwards, the cost of calls had been reduced. With these new measures, inmates who fully exercise their right to communicate may spend between 200 and 300 euros, depending on whether they make regular calls or video calls.

While the increased number of calls represents progress, the NPM considers that the Administration must take further steps to ensure that the right to communicate is genuinely accessible to all inmates. This right should also include the use of social media, in view of national and international prison regulations, which consider contact with the outside world a fundamental principle of the penitentiary system. Moreover, it is important to consider the recent amendment to the Reglamento Penitenciario via Real Decreto 268/2022 of 12 April, which was introduced to address changes in information and communication technologies. This reform prioritises the promotion of communication and the reduction of the digital divide for inmates. For these reasons, in 2024, the NPM again issued Recommendations highlighting the need to lower the cost of video calls and to expand the situations in which the penitentiary administration covers such costs.

Regarding communications between inmates and their lawyers in penitentiary centres under the Secretaría General de Instituciones Penitenciarias, it is worth noting the publication this year of Instruction 2/2024. This measure enables communication with legal counsel or legal aid services to take place without physical barriers. In parallel, the mechanism continued monitoring the implementation of the application developed by the Consejo General de la Abogacía Española (CGAE), entitled “Reservas de Salas” [Interview Room Scheduling], which facilitates inmate-lawyer communication via videoconferencing. Although this application is already developed, it was not yet available in penitentiary centres in 2024.

Judicial oversight of administrative decisions

In its 2022 annual report, the NPM noted that the Consejo General del Poder Judicial (CGPJ) had accepted the Recommendation aimed at ensuring immediate judicial oversight of decisions taken by the prison administration that affect the rights of individuals deprived of liberty. To this end, the CGPJ announced that it would examine a reform of Article 42 of Regulation 1/2005 of 15 September on the ancillary aspects of judicial proceedings to establish a duty court on public holidays to handle matters arising from the Juzgados de Vigilancia Penitenciaria (Prison Supervisory Courts).

According to subsequent updates, by early 2024, rapporteurs had been appointed to lead the process and had gathered reports from the relevant bodies. The final regulatory amendment proposal is still awaiting submission for consideration by the Full Council, pending the issuance of the relevant gender impact and legal compliance reports.

3.2.3 Specific project on older people in prison

As part of the project on older people in prison, the NPM followed up on visits to Centro Penitenciario de Alcázar de San Juan (Ciudad Real) (visit 20/2023), Villabona (Asturias) (visit 25/2023) and Mallorca (visit 30/2023), and visited Centro Penitenciario de Murcia II (visit 22/2024).

This project seeks to identify the specific needs of older individuals, which are exacerbated by the accelerated ageing caused by the conditions of deprivation of liberty.⁵ It also monitors the implementation of Instruction 8/2011 on comprehensive care for older people in prison, issued by the Secretaría General de Instituciones Penitenciarias.

Other departments of the Defensor del Pueblo collaborate on this project alongside the NPM, carrying out visits, issuing Resoluciones, and monitoring their implementation.

⁵ As a guiding reference, the 2022 Report by the United Nations Independent Expert on the enjoyment of all human rights by older persons [\[A/HRC/51/27\]](#) is of interest to the NPM.

The increasing ageing of the prison population continues to give rise to unresolved challenges. This situation is particularly significant in Spain, which ranks among the five countries with the highest average prison age —41 years— compared to the European average of 38, according to the latest statistics published by the Council of Europe.⁶

According to the statistics provided by the Secretaría General de Instituciones Penitenciarias, as of 31 December 2023, the situation of older inmates in Spain was as follows:

Age Group	Men	Women
60 to 64	1298	87
65 to 69	626	44
70 to 75	312	19
76 to 80	107	6
81 to 90	36	2
more than 90	3	0
Total	2,382	158

Of these persons, 2,007 men held Spanish nationality, while 375 were foreigners, i.e. 19%. In the case of women, 142 were of Spanish nationality and 16 of foreign nationality, a percentage of 11%.

In terms of prevalent crimes committed by men, crimes against persons (29 %), crimes against sexual freedom (24 %) and crimes against public health (19 %). With regard to women, the most common types of crime are crimes against public health (27%), against the socio-economic order (25%) and persons (24%).

Regarding lifestyle and reintegration activities: 356 men (15%) and 12 women (8%) had no ordinary or telephone communications; 297 men (12%) and 31 women (20%) were granted temporary release; 111 men (5%) and 17 women (11%) were classified as third-degree or second-degree under the principle of flexibility. 25 men (1%) and 3 women (2%) required significant assistance due to physical or intellectual limitations.

In the Centro Penitenciario Alcázar de San (Ciudad Real), a reference centre for older people without family ties, the number of people over 60 years of age represented 30% of the total number of inmates, in the Asturias penitentiary centre it was almost 10%, and in the Mallorca and Murcia penitentiary centres, it was 6%.

⁶ Council of Europe, [Prisons and Prisoners in Europe 2023: Key Findings of the SPACE I survey](#), Page 6.

The NPM recommended maintaining Alcázar de San Juan as a reference centre in the review of Instruction 8/2011, having identified that this centre provides distinctive care and attention to older inmates not observed in other facilities. Moreover, it offers accessible infrastructure and services for individuals with reduced mobility.

Register of older persons

The register of older persons, as provided for in Instruction 8/2011, contributes to the development of prison policies and interventions focused on the needs of older adults. In 2011, the prison administration recorded data on persons over the age of 70. However, since the end of 2021, this has been extended to include all persons over 60. This lowering of the age threshold for statistical purposes, promoted by the NPM, is appropriate given the risk of accelerated ageing associated with deprivation of liberty.⁷

Although all older persons constitute a group of particular vulnerability, it is a heterogeneous group whose experience of imprisonment varies according to gender, nationality, age, socio-economic background, or health status. For this reason, the mechanism welcomed the fact that the register at Centro Penitenciario de Alcázar de San Juan is more comprehensive than that required by regulations, as it includes age brackets and vulnerability-related variables.

Consequently, the NPM recommended modifying the official register model of the Secretaría General de Instituciones Penitenciarias to incorporate these considerations. Additionally, the management at Centro Penitenciario de Murcia adopted measures to keep the register of older persons updated in real-time on a daily rather than quarterly basis and to maintain a modular register.

However, the Suggestions made following the visit to Centro Penitenciario de Alcázar de San Juan were not accepted. These had included the proposal to create a register of persons who, due to age or illness, may soon require legal measures for release on humanitarian grounds and to implement a digital register of healthcare services provided, whether on demand or as emergencies. Such a system would allow copies of requests to be extracted and make it possible to verify which requests were met, which were not, and the date and reason, just as the NPM recommends.

⁷ The Association for the Prevention of Torture in its report [Older persons in detention: A framework for preventive monitoring](#), page 3, notes that persons deprived of liberty are at higher risk of accelerated ageing, developing multiple chronic conditions, cognitive decline or disability, meaning their average physiological age is greater than their chronological age compared to the general population.

Accessibility of facilities and placement of older persons

During the visit to Centro Penitenciario de Murcia, the NPM noted good accessibility and few architectural barriers in the well-maintained facilities. Nevertheless, it identified the need to install grab bars in the infirmary bathrooms to prevent falls and ensure the autonomy of older persons or those with mobility difficulties.

With regard to internal placement, Centro Penitenciario de Asturias reported that they take older persons' mobility into account: if they experience significant difficulties or use a wheelchair, they are housed in the infirmary, as it is the only unit with a lift; otherwise, they are placed in other wings to foster autonomy and social interaction. The NPM welcomed this practice since decisions on the internal placement of older persons are crucial to preventing ill-treatment and age-related discrimination. However, such placement must not lead to automatic segregation that limits access to activities.

Development of a general and socio-educational intervention for older prisoners

The National Preventive Mechanism (NPM) has repeatedly highlighted the risks involved when workshops and specific activities for older persons deprived of liberty are carried out by third-sector staff, as this prevents continuity over time—a particular concern in the case of older individuals, given the undeniable benefits of such activities.

This issue was observed at all four centres visited. The NPM recommended that measures be adopted to ensure ongoing engagement with older individuals so that the progress achieved at physical, psychological and cognitive levels is not compromised by interruptions to the programmes, especially during the summer period.

The NPM has also consistently emphasised the importance of motivating persons deprived of liberty to participate in treatment activities while recognising their voluntary nature. Lack of motivation is especially common among older individuals, and the NPM therefore recommended encouraging their participation by offering a tailored programme of activities.

At Centro Penitenciario de Murcia, management, in response to NPM resolutions, recognised the need to develop a programme of adapted activities for older inmates, implement measures to increase participation in the Olivo programme, and introduce a digital literacy module into the older persons' program, focusing on working with new technologies.

The NPM believes that improving digital skills among the older adult population facilitates the reporting of potential abuse or ill-treatment in custodial settings, as it enhances access to external communication channels.

3.2.4 Specific project on the impact and effects of long-term imprisonment

In 2024, the NPM did not conduct visits under this project. Nevertheless, data collection and monitoring of previously issued recommendations continued.

As of 16 August 2024, according to data provided by the Secretaría General de Instituciones Penitenciarias, the national prison system held 876 individuals who had been in uninterrupted custody for more than 15 years. This figure excludes those whose original sentence was 15 years or more due to the seriousness of the offence(s) committed.

As noted in the 2023 report, the NPM observed that a common feature among these individuals was a history of serious substance abuse. However, it was not possible to determine the factors hindering their reintegration due to the absence of complete and reliable data for effective follow-up. In 2024, the Secretaría General de Instituciones Penitenciarias indicated its intention to develop an IT application addressing this issue and is currently working on including treatment programme completion reports in the system.

On the other hand, the Secretaría General did not accept the NPM's recommendation within this project to facilitate analysis of sentence accumulation under Article 76 of the Código Penal [Spanish Criminal Code] and to monitor institutional engagement in this matter. The Administration considered the tools currently available to professionals and the oversight conducted during general inspections to be sufficient. A positive development, however, is that following the NPM's insistence on the importance of updated account statements for inmates, in 2024, the Secretaría General indicated that it would instruct prison management offices accordingly and include this requirement in training for office managers.

Regarding individuals serving *prisión permanente revisable* (reviewable life sentences), as of 18 June 2024, there were 42 such cases recorded in the IT system. As reported by the NPM in 2023, deficiencies had been identified in the spreadsheets used to track these cases.

In 2024, a working group was established to implement necessary system modifications to ensure this sentence type is properly integrated into all prison file procedures. The Secretaría General has also announced plans to conduct an empirical study of the profile of those serving such sentences. Data collection has already begun, and once the analysis is complete and conclusions drawn, work will begin on developing a specific protocol of action in line with the Recommendation issued by the NPM in 2023. The NPM will continue to closely monitor progress in this area.

For its part, the Catalan prison administration noted that its IT system is already capable of recording this type of sentence and calculating associated timeframes,

although technical challenges are expected to be addressed in the new IT system currently under development.

3.3 PLACES AND DETENTION FACILITIES FOR FOREIGN NATIONALS

The Pact on Migration and Asylum is a set of new regulations on migration, asylum, border management and integration within the European Union (EU), formally adopted by the Council of the European Union on 14 May 2024. The proposed regulations will have a direct impact on procedures and conditions of detention and custody for migrants and applicants for international protection in the Member States and will present significant challenges for the region's national prevention mechanisms in the near future.

3.3.1 Holding rooms for inadmissible persons and applicants for international protection at international airports

Within the framework of its preventive role under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), the Mecanismo Nacional de Prevención (MNP) [National Prevention Mechanism-NPM] issued a number of resolutions throughout 2024 addressed to both the Dirección General de la Policía and the airport operator Aeropuertos Españoles y Navegación Aérea (AENA) [Spanish Airports and Air Navigation Authority], aimed at improving the conditions of individuals deprived of their liberty in the holding rooms and preventing the risk of ill-treatment previously identified. Although the Dirección General de la Policía designated AENA as the authority responsible for resolving many of the issues raised, the mechanism repeatedly reminded the police that it remains accountable for individuals held in its custody and, consequently, for preventing compromised situations. The complexity of shared competencies requires that both authorities work together to find solutions that prevent the vulnerability of these individuals from resulting in mistreatment.

Overcrowding during certain periods in the holding rooms, which compromises the dignity of applicants, led the NPM to issue a Suggestion calling for additional space to be made available for applicants for international protection. It was acted upon through the provision of two new rooms by AENA.

As regards maintenance and cleaning work —also part of the duty to ensure decent facilities— the resolutions issued by the NPM to these authorities were accepted.

In 2024, constructive dialogue continued with those responsible for managing the deprivation of liberty in these facilities in order to address the existing difficulties that hinder communication with the outside world for those held inside. Specifically, the issue was enabling detainees to make phone calls rather than only receive them.

The NPM reminded the Dirección General de la Policía that the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has stated that "Detained irregular migrants should have every opportunity to remain in meaningful contact with the outside world, and should have regular access to a telephone or their mobile phones" [paragraph 2, [CPT/Inf\(2017\)3](#)].

The Dirección General de la Policía accepted the NPM's recommendation not only to allow detainees to consult their phone contact lists but also to include this possibility in the house rules handed to them. The public company AENA believes that the Policía Nacional should contract its telephone lines in order to facilitate this service for asylum seekers. While AENA installed telephone lines in these rooms, it also began talks with the Dirección General de la Policía to transfer ownership of the lines to that authority. Additionally, AENA is offering to designate a section of the rooms for asylum seekers as a passenger zone, where the Airport Free Wi-Fi Aena network could be broadcast.

With adequate digital access, individuals deprived of liberty could then submit documentation stored on their mobile devices. However, difficulties persist in accessing checked luggage, often essential for retrieving physical documents required for international protection applications, as well as personal clothing, footwear, and other belongings. This issue affects basic hygiene and dignity for individuals held in both the inadmissible persons' room and the asylum seekers' room.

The proper training of police officers assigned to these facilities is a key factor in preventing risks of ill-treatment. As such, the NPM issued a Recommendation to this effect. In response, the Dirección General de la Policía submitted details of the training delivered by its Department of Legal Studies to both Basic and Executive Scale officers upon entry and prior to deployment in airport holding rooms.

The NPM also issued a Suggestion for an effective system to be put in place to ensure appropriate temperatures in the room for inadmissible persons. A call was also made to install coin-change machines, measures AENA has stated it is currently working on.

In terms of information procedures, the NPM suggested producing an information leaflet for the inadmissible persons' room to explain why individuals are being returned to countries other than their country of origin, a frequent occurrence. This Suggestion was not accepted, with the Dirección General maintaining that individuals are adequately informed verbally at the beginning of the administrative procedure.

The facilities for holding detainees do not have a complaints register. In this regard, the European Committee for Prevention (CPT) has emphasised that effective complaints procedures are a basic safeguard against ill-treatment in the context of immigration detention (paragraph 8, [CPT/Inf\(2017\)3](#)).

The NPM issued a Recommendation for all holding rooms at Spain's international airports —where persons denied entry or seeking asylum are or may be held— to be equipped with complaints and allegations register, along with a specific protocol for processing submissions.

The Dirección General de la Policía's reference to the general framework for quality improvement in the General State Administration, as outlined in Real Decreto 951/2005, was deemed insufficient.

The mechanism launched an investigation into the procedures followed when individuals, due to be deported refuse to board the return flight and are brought back to the airport facility. Based on the information received, it was found that there is no digital record of these cases, with only the number of individuals who did not fly being noted. The Dirección General de la Policía reported that instructions had been given to digitise all matters related to refusal to fly and, where applicable, medical assistance, enabling oversight of these actions. It is noteworthy that in 2024, there was only one recorded incident of self-harm in the asylum room.

The Dirección General de la Policía stated that it had acted on the Suggestions issued. One such case concerned the installation of new bunk beds at the border post of Tenerife Norte-La Laguna for detainees. However, the installation did not comply with the requirements of the NPM's Suggestion, as elements that could be used for self-harm were not removed. Nevertheless, the issue is reportedly being addressed.

3.3.2 Centros de atención temporal de extranjeros [Temporary detention centres for foreigners] (CATE)

In 2024, the NPM continued processing cases brought before the Dirección General de la Policía following visits conducted in previous years. The supervisory focus has been placed on the following key areas:

Facilities

A response remains pending to the Recommendation that a standard prototype for centros de atención temporal de extranjeros [temporary detention centres for foreigners] (CATE) is developed incorporating the material and detention conditions required by the European Committee for the Prevention of Torture (CPT).

The NPM's work in relation to various centres has contributed to improvements in facilities —for instance, at the Centro de Atención Temporal de Extranjeros de Crinavis (Bahía de Algeciras, Cádiz), where its intervention led to the provision of dining areas, rest areas, hot-water showers and air conditioning. Nonetheless, despite improvements, the facility remains unsuitable. The Dirección General de la Policía has stated that modular units will be replaced based on wear and deterioration. Issues must also be

resolved that prevent the use of existing modular facilities. According to available information, these issues are linked to the need to install a fire detection system and fire suppression system, as well as to fit smoke detectors and fire hydrants (BIES).

At the Centro de Atención Temporal de Extranjeros de Almería, a Suggestion was issued regarding the need to install call buttons to allow communication between custody staff and migrants. However, the reply indicated that this had not been included in the infrastructure works programme despite its relevance and direct impact on the safety and dignity of migrants.

The same is true of the new Centro de Atención Temporal de Extranjeros de Motril (Granada), which has modular facilities but was not operational in 2024. This delay means continued use of a centre whose closure has long been called for by this institution.

Conditions of stay. Clothing, food and mobile devices

The practice of removing mobile devices continued in these centres, including the one in Almería. The administration justifies their removal on grounds of safety or risk of self-harm, despite the fact that in some centros de atención temporal de extranjeros (CATE) and centros de internamiento de extranjeros [detention centres for foreigners] (CIE), individuals are permitted to keep their mobile phones, albeit with some time restrictions.

As for food preservation issues, while the Dirección General de la Policía denied any problems in this regard, it stated that instructions would be issued to distribute food packs according to the number of individuals present in order to prevent the spoilage observed by the NPM.

Healthcare provision

The Recommendation that the initial reception protocol for migrants should include a comprehensive medical examination was not accepted on the grounds that the examination carried out by the Red Cross was deemed sufficient. The NPM considers that the current healthcare system for newly arrived individuals is inadequate and does not meet the standards set by the Committee for the Prevention of Torture.

In response to the Recommendation that a translation service be ensured to facilitate communication between healthcare staff and migrants, the Policía Nacional stated that a specialised external company is contracted to provide interpretation services to those in need.

Specific regulations for the operation of these centres

The Dirección General de la Policía considers that the operating regime for foreign nationals detained in centros de atención temporal is that established for police custody

areas (ACUDE), meaning that the resources made available are the same as for any other person held in police custody, in accordance with Secretaría de Estado de Seguridad Instruction 1/2024, which replaced Instruction 4/2018. This regulation includes specific improvements concerning equal treatment for LGTBI individuals, pregnant women, and persons with mental illness. It also includes the role of a facilitator and a protocol for handling cases involving minors.

In relation to individuals arriving on Spanish shores who are deprived of liberty in these specific facilities, reference is made to Instruction 20/2005 of the Secretaría de Estado de Seguridad on "immigration control for arrivals to Spain by boat" and the importance of informing individuals of their rights and providing appropriate medical and welfare assistance. These issues are monitored particularly closely by the NPM in recognition of the vulnerability and specific circumstances faced by these individuals.

The NPM considers it necessary for these facilities to be equipped with complaints and suggestions books and that their existence be made known in multiple languages. Following a visit to the CATE in Crinavis (Bahía de Algeciras, Cádiz), the Dirección General de la Policía reported that posters had been put up in Spanish, Arabic, French and English.

The Committee against Torture, in its *Concluding Observations on the seventh periodic report of Spain* in 2023, expressed concern at reports of assaults and ill-treatment occurring in these centres, which were allegedly not being investigated ([CAT/C/ESP/CO/7](#)). It further recommended that effective complaint mechanisms be ensured for those detained and that any alleged abuse or acts of violence be investigated.

The ability to monitor the length of stay in the CATE is essential to verifying compliance with the maximum detention period. However, the NPM notes that significant challenges persist in enforcing this oversight, as in most centres, the entry of individuals is not recorded directly but is later uploaded to digital systems in other locations.

The NPM, therefore, reiterates its Recommendation that a physical register of individuals deprived of liberty be established and kept up to date in all facilities used for this purpose. This register should document not only the individual's entry into custody but also any incidents occurring from that moment until their release or transfer to judicial authorities, thus safeguarding their constitutionally recognised rights. The Recommendation made aims for every centre to have a register and custody log of persons deprived of liberty., regardless of whether it is later recorded on digital platforms.

Access to legal counsel and interpretation services

The Dirección General de la Policía informed the NPM that all return orders are notified in the presence of a lawyer and an interpreter in a private room and that the interview to

which the migrant is entitled is carried out only if requested by them or their legal counsel. The NPM called for migrants to be informed of the content of this right to ensure that it may be exercised.

However, no progress has been made in improving the availability of female interpreters for migrant or refugee women or interpreters of languages and dialects spoken in sub-Saharan African countries. Nor have steps been taken to ensure that interpretation is delivered in language adapted to the vulnerability, gender and age of the migrant in question. The authorities reiterated that their capacity is limited to the resources available through the external translation companies contracted to provide interpretation services.

3.3.3 Centros de internamiento de extranjeros [Detention centres for foreigners] (CIE)

Facilities and video surveillance

The absence of a protocol for the preservation and extraction of images in the event of serious incidents in centros de internamiento de extranjeros [detention centres for foreigners] (CIE) was highlighted by the NPM during its visit to the Centro de Internamiento de Extranjeros de Valencia, which led to a Recommendation in this regard. The NPM also identified the need to install call buttons or another system that could be used by persons subject to temporary separation measures (although such measures were not in use at that time due to a suicide that occurred in 2019).

The Administration informed the NPM that the damaged video recording cameras at the Centro de Internamiento de Extranjeros de Barcelona had been repaired, although the issue regarding the regulation of the public address system volume remains unresolved. Necessary repairs are also still pending at the Centro de Internamiento de Extranjeros Murcia.

Conditions of detention and detainee safety

As regards communication with visitors, this takes place without the possibility of opening the glass partition. The visiting booths lack chairs for both detainees and their visitors. The restrictions imposed contribute to the distress of persons held in these centres, as well as their families and loved ones, which led the NPM to issue several Suggestions to the CIE in Valencia.

In general, the possession of mobile phones is permitted under certain restrictions, such as in the centre in Valencia, where detainees may use their phones until they are returned prior to night-time cell lock-up. In Algeciras, use is restricted to time spent in the courtyard.

Progress has been made on a longstanding issue at the Centro de Internamiento de Extranjeros de Las Palmas concerning noise generated by the canine unit, which had previously disrupted detainees' rest at the centre.

The presence of police intervention units prompted several inquiries by the NPM to determine the frequency and reasons for their deployment at some detention centres. The common response was that their services are requested by the centre only when necessary, as in the case of Barcelona. The Recommendation to amend the CIE Regulations to address this situation was not accepted.

Persons interviewed by the NPM at the CIE in Valencia expressed complaints about the food and the limited access to water. The NPM verified that the issue had prompted intervention by the supervising judge. The centre fails to comply with the requirement under the CIE regulations that the healthcare service must be involved in the condition, preparation, and distribution of the food provided. Complaints about food, which were also received in other centres, must be carefully assessed and addressed where possible, as they may lead to conflict and disrupt coexistence.

Record-keeping systems and particularly vulnerable groups

Thorough oversight of administrative actions at these centres by national and international bodies with the relevant mandates is significantly hindered, primarily due to the lack of dedicated registers to document such actions. This includes the absence of logs for allegations of ill-treatment, incidents, personal logs, and cell assignment records.

The Suggestions made to equip the centres with these registers were not accepted. Recently, the NPM submitted a referral to the Inspection Unit for Staff and Security Services of the Secretaría de Estado de Seguridad. The Dirección General de la Policía also reiterated that the centres hold the books and forms envisaged in the Reglamento de los centros de internamiento de extranjeros [Regulations on Detention Centres for Foreign Nationals].

The NPM has already stated that these are insufficient and issued a Recommendation calling for the implementation of the aforementioned registers. Indeed, neither the daily "incident reports" completed every eight hours by police officers nor the suggestion boxes —set up without a receipt system or follow-up process— enable effective oversight.

In 2024, the NPM also issued a Recommendation to amend Article 31 of Real Decreto 162/2014 of 14 March, which approves the Reglamento de los CIE, to introduce the requirement of obtaining consent from detainees before informing the consular authorities of their countries of origin, irrespective of whether they have applied for international protection.

In terms of deportation notifications, the NPM found there was no consistent practice across centres. The Dirección General de la Policía had previously stated that in Murcia, notifications were issued at least 24 hours in advance. Subsequently, it accepted the Suggestion to include details of the itinerary and means of transport used. Despite this, the Recommendation calling for such communication in all CIE was not accepted.

In its 2023 *Concluding Observations on the seventh periodic report of Spain*, the Committee against Torture (CAT) reiterated its concern over reports of excessive use of immigration detention as a precautionary measure prior to expulsion, including in cases involving persons with serious health conditions and pregnant women.

With regard to the treatment of particularly vulnerable groups in CIE, the committee expressed concern about reports of excessive use of invasive tests to determine the age of individuals claiming to be under 18 and about the inadequacy of healthcare provision. In the CIE in Valencia, there is no provision for separating individuals presumed to be minors during the period before their age is determined.

The Committee also recommended that unaccompanied minors and families with underage children should not be detained solely on account of their irregular administrative immigration status. It further advised the Spanish State to refrain from conducting invasive age determination procedures, ensuring that such tests are only used as a last resort, that they are multidisciplinary, and that the best interests of the child be taken into account. This Institution had already echoed these recommendations.

Protocol on complaints and allegations of ill-treatment

The Committee against Torture (CAT), in its Observations on the seventh periodic report of Spain, stated that, as in the case of the centros de atención temporal de extranjeros [temporary detention centres for foreigners] (CATE), Spain must ensure that persons held in centros de internamiento de extranjeros [detention centres for foreigners] (CIE) have access to effective complaint mechanisms. It also reiterated its concern over reports of assaults and ill-treatment going uninvestigated due to the lack of appropriate complaint channels.

The intervention of the judicial oversight judges in Madrid prompted the drafting of provisional rules, and, according to the Dirección General de la Policía, work is currently underway on developing a protocol supported by those judges. The proposed protocol closely resembles that recommended by the NPM, which also added a Recommendation for the creation of a dedicated logbook to record allegations, complaints and reports of ill-treatment. However, this proposal was not accepted by the Dirección General despite aligning with the recommendations made by the Committee against Torture.

The NPM considers it essential to distinguish between any complaints or claims made by detainees regarding their conditions of stay in a CIE and allegations, complaints or reports of ill-treatment. To that end, a standard protocol must be implemented in all centres, setting out specific actions to be taken in such cases, one of which should be the suspension of removal.

The committee also suggested that signs in the most commonly spoken languages be displayed, informing detainees of the possibility of lodging complaints about difficulties or problems concerning their stay in a CIE, explicitly stating that such complaints or claims will not affect removal procedures ([CAT/C/ESP/CO/7](#)). Following a Suggestion made by the NPM during a visit to the CIE in Valencia, informational leaflets were published in Spanish, English, French, German, Italian, Romanian, Russian, Arabic, and Chinese.

Additionally, the management of the CIE in Madrid accepted a Suggestion to send injury reports issued by the centre's medical service to the duty court and the court responsible for overseeing the CIE via fax. It also reported the preparation of "Isolation Record" templates in both the relevant foreign language and in Spanish.

Healthcare provision

In its 2023 Concluding Observations on the seventh periodic report of Spain, the Committee against Torture expressed concern over reports of substandard healthcare services, which are not suitable for housing families or individuals in vulnerable situations ([CAT/C/ESP/CO/7](#)).

It is important to note the failure to comply with the *Reglamento de los centros de internamiento de extranjeros*, particularly the requirement that a doctor oversee healthcare services.

Given the need for specialised medical care for detainees, the NPM requested information on any agreements, contracts or arrangements signed under the provisions of the applicable regulation.

A major consequence of outsourcing is that the medical services in centros de internamiento de extranjeros [detention centres for foreigners] (CIE) have no access to detainees' medical records. Based on Recommendations previously made, the Dirección General de la Policía reported that it is developing a system for digitising medical records, which is currently being trialled in the CIE in Valencia and Algeciras (Cádiz).

The NPM's oversight confirmed that pre-deportation medical examinations are not being carried out immediately prior to departure. In fact, some of the "fit to travel" documents were signed well in advance of removal, prompting the NPM to issue a Suggestion to put an end to this practice. It was also suggested that injury reports should

include the time at which the incident and medical examination took place, as well as the detainee's account of events and the corresponding compatibility assessment.

The NPM's calls to establish psychological and psychiatric services within CIE were not accepted, despite similar demands made by the European Committee for the Prevention of Torture. Likewise, the Recommendation to set up an effective system for identifying serious mental health issues among foreign nationals on entry and during their detention was also rejected, with the Administration claiming that existing regulations are sufficient to address the issue. The visits carried out revealed that this was not being done. This issue will continue to be monitored during all future visits.

During its visit to the CIE in Valencia, the NPM also found that there is no dedicated resource or programme for addressing drug addiction and that support from the Unidad de Conducta Adictiva (UCA) [Addictive Behaviour Unit] was insufficient despite a significant number of detainees facing such issues.

Lastly, the NPM suggested that the Administration provide emergency dental care to detainees, following observations of the high level of need and the problems resulting from the lack of such provision.

3.3.4 Forced returns by air

FRONTEX

The findings of the investigation into the deportation of a foreign national included in a FRONTEX operation from Madrid last year called into question police conduct, as the individual had not been informed in sufficient time of the decision to proceed with their removal and was therefore unable to make adequate preparations. One individual was unable to contact their family in Spain or prepare for their return, as they left the CIE in Valencia between 18:20 and 19:10 on 28 March 2023, and the deportation flight departed at 02:05 on 29 March 2023.

The NPM has consistently stressed the need for deportation decisions to be notified to the person concerned at least 24 hours in advance so that they may undertake any necessary arrangements before leaving Spanish territory and inform or bid farewell to relatives and close contacts.

Flights chartered by the Central Unit for Expulsions and Repatriations (UCER)

The Dirección General de la Policía accepted the Recommendation that persons subject to repatriation be informed that they have access to a form allowing them to report any instances of mistreatment or degrading treatment at any point during the removal operation, including the final stage of the journey. It also accepted the MPM's Reminder

of Legal Duties concerning the obligation of police officers to wear the identification number on their uniforms.

3.4 POLICE STATION AND COURT HOLDING CELLS

3.4.1 NPM actions

In 2024, the Mecanismo Nacional de Prevención (MNP) [National Prevention Mechanism-NPM] visited a total of eleven such facilities: five Policía Nacional facilities, two Guardia Civil facilities, three court holding cells, and one local police station. The following facilities were visited:

Policía Nacional:

- General Intelligence Police Headquarters (Madrid) (visit 3/2024): first visit.
- El Carmen sur District Police Station (Murcia) (visit 23/2024): first visit.
- Norte San Andrés District Police Station (Murcia) (visit 24/2024): first visit.
- Cuenca Provincial Police Station (visit 37/2024): follow-up visit.
- Registro Central de Detenidos (Madrid) (visit 40/2024): follow-up visit.

Guardia Civil:

- Puesto de Cartaya (Huelva) (visit 16/2024): first visit.
- Comandancia de Cuenca (visit 36/2024): follow-up visit.

Court holding cells:

- Palacio de Justicia de Ayamonte (Huelva) (visit 15/2024): first visit.
- Cells of the courts of Moguer (Huelva) (visit 17/2024): first visit.
- Calabozos de los juzgados de La Palma del Condado (Huelva) (visit 19/2024): first visit.

Local police:

- Policía Local de Moguer (Huelva) (visit 18/2024): first visit.

3.4.2 Publication of Instruction 1/2024 of the Secretaría de Estado de Seguridad, approving the “Comprehensive Police Detention Procedure”

The process of reviewing, updating and consolidating all applicable regulations and instructions of the Secretaría de Estado de Seguridad —initiated in 2021— concluded with the publication of this instruction in 2024. The document incorporates numerous Recommendations made by the NPM since the start of its oversight activities, specifically in the area of police detention and custody of persons deprived of liberty.

The NPM welcomes the provision establishing that the rules contained in this instruction—insofar as they are compatible with the circumstances of the location—shall apply to all scenarios involving police custody, regardless of the ownership of the facility in which the detention takes place or the status of the individual deprived of liberty (whether detained or interned), provided that responsibility for custody lies with the national law enforcement authorities. In this regard, the mechanism considers the Recommendation issued to the Secretaría de Estado de Seguridad—in the context of the visit to the judicial premises in Ayamonte (Huelva)—to have been accepted.

Instruction 1/2024 of the Secretaría de Estado de Seguridad provides for its contents to be shared with autonomous communities with their police forces so that they may adopt any measures deemed appropriate. It also establishes that the instruction be disseminated by national law enforcement bodies in case it may be of interest to local police forces.

3.4.3 Oversight areas. Challenges and progress

Police facilities and vehicles used for the transport of detainees

Throughout 2024, the NPM continued to assess the conditions under which custodial duties are carried out for persons deprived of liberty.

In previous visits, the NPM had occasionally observed that the condition of facilities warranted a recommendation for closure due to their failure to meet minimum material standards. In the case of the Policía Local de Santiago de Compostela (A Coruña), the local council expressed its intention to close the municipal detention facility as soon as an alternative solution for the custody of detainees is available, pending a response from the Jefatura Superior de Policía de Galicia and the Subdelegación del Gobierno to implement this (visit 53/2021).

With regard to the recommendation made for the construction of the new headquarters of the Pamplona Central Police Station to have a custody and detention area in accordance with the criteria of the NPM, the Gobierno de Navarra informed the architect of the project for its inclusion in the specifications for the tender for the contracting of the technical project (visit 38/2023).

In this context, Instruction 11/2015 of the Secretaría de Estado de Seguridad, which approves the “Technical Instruction for the design and construction of detention areas”, remains in force. A Recommendation was therefore issued to the relevant authority, calling for their adaptation to international standards—especially in terms of access to

natural and artificial light, adequate ventilation and air conditioning, and an outdoor exercise yard for detentions lasting over 24 hours⁸.

The Secretaría de Estado reported that the instruction already includes most of the criteria recommended by the NPM but noted the complexity of adapting over 600 detention areas across law enforcement agencies. New builds and renovations, refurbishments, extensions, or adaptations of existing infrastructure depend on budgetary availability and the configuration of existing police infrastructure.

The Administration also indicated that during a future review of the above-mentioned regulation, aspects not currently included in the instruction referred to by the NPM would be taken into consideration. However, it clarified that there are no plans to provide outdoor yards in facilities to allow fresh air access for those detained for over 24 hours.

The NPM noted the availability of natural light inside the cells at the Murcia-Norte-San Andrés District Police Station, the Local Police cells in Moguer, and the judicial cells in Moguer (both in Huelva). However, the cells at the old judicial building in Ayamonte, also in Huelva, had insufficient natural light and lacked artificial lighting.

The availability of adequate climate control and ventilation systems continues to be the subject of resolutions issued by this mechanism, as in the case of the detention facilities at the Registro Central de Detenidos in Madrid and the Local Police cells in Moguer (Huelva), where resolutions were issued following inspection visits.

The Gobierno de Navarra accepted the Recommendation made during the visit to the Central Police Station of the Policía Foral in Pamplona and has installed a clock visible from the cells to help ensure temporal orientation for persons deprived of liberty. The NPM is still awaiting a response regarding the measures to be adopted by the competent authority to overcome current obstacles to achieving this provision in police custody facilities.

Hygiene and sanitary conditions: Instruction 1/2024 provides that custodial staff must ensure that detainees are provided with basic hygiene items (toilet paper, soap, towels, menstrual hygiene products, etc.).

However, the NPM found a lack of soap and towels at the Murcia-Sur-El Carmen and Norte-San Andrés District Police Stations, the Registro Central de Detenidos (Madrid),

⁸ Committee for the Prevention of Torture (CPT), Report to the Spanish Government on the visit to Spain carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), from 14 to 28 September 2020 ([CPT/Inf \(2021\) 27](#)). The Comité Europeo para la Prevención de la Tortura (CPT) announced periodic visits in 2025 to eight countries, including Spain.

and the judicial premises in Ayamonte (Huelva), where menstrual hygiene products were also unavailable.

Although Instruction 1/2024 states that detainees must be allowed access to toilets and showers when necessary, such access is not always guaranteed on a consistent basis. That was observed at the Registro Central de Detenidos, where the NPM also noted the continued absence of call devices inside the cells—as was the case at Murcia-Sur-El Carmen District Police Station—which hinders detainees' ability to communicate physiological needs to custodial staff.

As in previous years, the NPM verified that vehicles used for the transport of detainees ensure proper treatment and safety, in line with guidance from the European Committee for the Prevention of Torture ([CPT/Inf \(2018\) 24](#)). The NPM believes that vehicles lacking restraint systems and equipped with side-facing bench seating—some featuring fixtures that could be used for handcuffing—should be withdrawn from service to prevent potential harm to detainees and to ensure proper treatment.

The NPM also issued a Recommendation to the Secretaría de Estado following a visit to the Registro Central de Detenidos, for which a response was still pending at the close of this report.

Human and material resources

The performance of custody duties, the transport of detained persons in police vehicles, and the recording of events in the custody chain require sufficient staffing levels, which also directly affect the treatment afforded to such individuals.

In some cases, the specific conditions of the facilities visited demand greater effort and responsibility than others—such as the Registro Central de Detenidos (Madrid), where more than 40,000 persons deprived of liberty were held in 2023, representing an average of 114 individuals per day—a 10% increase compared to 2022, with further growth anticipated in 2025.

Officers of the Policía Nacional and Guardia Civil assigned to such services must be equipped with the necessary gear—such as anti-theft holsters and bulletproof vests—to carry out their duties safely.

Furthermore, the Recommendation to provide bulletproof vests to police personnel who require them remains under review. The NPM found continued shortages of such equipment during its visits and noted that officers often had to purchase their protective gear, particularly when newly posted or transferred (visit 59/2022).

Dignity of persons deprived of liberty

Instruction 1/2024 of the Secretaría de Estado de Seguridad provides that full strip searches are to be limited strictly to cases in which no other method, means, or instrument can be used that would entail a lesser infringement of the person's rights. It is in line with the *Concluding Observations on the seventh periodic report of Spain* issued by the Committee against Torture under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ([CAT/C/ESP/CO/7](#)).

The regulations stipulate that such procedures must be carried out with the utmost respect for the individual's sexual identity, gender expression, and sexual characteristics. That is particularly relevant in the case of trans persons, as well as situations where there is a discrepancy between a person's expressed sexual orientation or gender identity and their external sexual characteristics or identity documentation. Written consent must be obtained from the individual concerned, specifying whether the search is to be conducted by male or female officers, and all circumstances and related details must be documented accordingly.

The mechanism issued a Recommendation to the Ayuntamiento de Moguer (Huelva) to ensure that the internal regulations of the local police provide trans persons with the option to choose to be searched in accordance with their stated gender identity and that this choice be duly recorded in their custody record.

Separately, Instruction 1/2024 establishes the provision of a gown, towel, blanket or other item of clothing to the person concerned, allowing them to cover themselves, as recommended for years by the NPM.

Although this provision is not explicitly included in the instruction, the mechanism welcomes the acceptance of the Suggestions made following visits to the Cuenca General Intelligence Police Headquarters and the Command Headquarters to permanently equip detention facilities with such garments for detainees who do not have them or may require them during their time in custody, and also for court appearances or release.

The NPM likewise welcomes the inclusion in Instruction 1/2024 of the principle that the removal of personal effects which could affect the physical abilities, moral integrity or dignity of the detainee—such as prescription glasses, hearing aids, or underwear—must be duly justified and exceptional.

Nevertheless, the NPM will continue to monitor compliance with this requirement and ensure it is properly recorded in the custody records of persons deprived of liberty.

Safeguard systems

In line with the *Concluding Observations on the seventh periodic report of Spain* issued by the Committee against Torture ([CAT/C/ESP/CO/7](#)), Instruction 1/2024 provides for the adoption by the Directorates-General of the Policía and Guardia Civil of internal regulations to ensure the prompt detection, monitoring and control of any cases that may involve an overreach of police powers or a violation of the rights of persons in police custody. It includes any legal proceedings or judicial inquiries involving members of law enforcement agencies resulting from the performance of their duties.

The instruction also requires that these directorates ensure proper registration of such incidents in the IT system established under Instruction 1/2022 of the Secretaría de Estado de Seguridad, which created the Oficina Nacional de Garantía de los Derechos Humanos so that any complaints lodged against police officers regarding their actions can bring to light possible misconduct.

For preventive purposes, it is essential that law enforcement officers are properly identified and that their identification badges are designed and sized to ensure visibility and legibility. The mechanism is awaiting a response to the Recommendations issued to the Secretaría de Estado de Seguridad (visit 11/2023) and the town councils of Moguer (Huelva) and Murcia.

Although this requirement is included in the instruction, the NPM continued to find shortcomings in how custody records are completed. These include the timing of the official appointment of legal counsel, the actual time of their arrival at the cells, and the recording of all interactions with third parties, such as family members, interpreters, or medical personnel.

In this regard, it is crucial for those responsible for police custody facilities to carry out regular checks to ensure that custody records are correctly completed and that the results of these checks are properly documented, in accordance with the Recommendation issued to the Dirección General de la Guardia Civil (visit 18/2023).

In addition, Instruction 1/2024 includes, in Appendix III, the Protocol for the treatment of pregnant women, LGTBI and trans persons, and others in need of special attention and protection, which the mechanism welcomes.

This protocol states that all measures taken and any particular physical conditions of the detainee must be recorded in the police report and the custody register and must be known by the custody officers and passed on during shift changes. During the visit to the Comandancia de Cuenca, the NPM noted that the entry of an older adult had been recorded in their custody file, along with the numerous times they requested to use the toilet.

The NPM continued to monitor the availability and correct completion of information forms, notifying the detainees whether they were under video surveillance and how they could contact custody staff. This matter is also addressed in Instruction 1/2024. This issue is also addressed in Instruction 1/2024. The mechanism trusts that this document will be digitised across all places of deprivation of liberty to facilitate oversight.

The Directorates-General of the Policía and Guardia Civil accepted the Suggestions issued following visits to the Cuenca General Intelligence Police Headquarters and the Command Headquarters to ensure that clear information is posted in the cell area about the right to file complaints and the relevant procedure in accordance with the Recommendation accepted by the Secretaría de Estado de Seguridad (visit 52/2022). In this regard, the processing of the Recommendation made to the Gobierno de Navarra continues, following the visits made to the Policía Foral (visit 28/2023).

Detention of minors

Instruction 1/2024 contains a comprehensive section outlining the specific requirements for the detention of certain categories of persons, including minors.

According to data provided by the Administration, a total of 45,872 minors entered holding cells of the State law enforcement agencies and regional police forces. More than 76% of those detained minors were held in cells.

The NPM holds the view that minors should not be placed in custody or detention areas. In cases where detention is strictly necessary, minors should be housed in facilities separate from those used for adults.

Healthcare and injury reports

In 2024, progress was made in the provision of healthcare in the police custody setting.

Instruction 1/2024 stipulates that this care, as well as any relevant medical examinations, must be conducted with respect for the detainee's privacy while ensuring appropriate security measures are in place. The instruction also requires written documentation of any such examinations, including the circumstances under which they occurred.

In line with NPM recommendations, the regulation calls for measures to ensure the prompt medical attention of vulnerable individuals who require ongoing medication in order to safeguard their right to a defence, particularly where mental health is involved (visit 52/2022).

At the Murcia-Sur-El Carmen District Police Station, a forensic physician who was part of the visiting team examined a detainee who showed visible signs of injury. Despite

receiving medical care at the police station, no injury report (parte de lesiones) had been issued⁹.

The NPM is awaiting a response from the Consejería de Salud [Department of Health] of the Region of Murcia, as well as from the Dirección General de la Policía regarding the Suggestion that medical services be required to issue a judicial injury report (parte judicial de lesiones) whenever a detainee presents with injuries.

Video surveillance, audio surveillance and recordings

Appropriate video surveillance and recording coverage in police facilities is one of the key safeguards for preventing ill-treatment and also serves as a protection for custody officers against unfounded complaints.

It is also essential that police facilities are equipped with a system for logging requests to extract footage of incidents involving persons deprived of liberty. It ensures, among other things, the possibility of oversight by national or international inspection bodies. This issue was the subject of a Suggestion issued by the NPM following its visit to the Registro Central de Detenidos (Madrid).

In its next annual report, the mechanism will report on the results of its engagement with the Secretaría de Estado de Seguridad concerning the availability of body-worn cameras —within the scope of law enforcement operations— for the recording of video and audio footage and the potential extraction of said footage for incorporation into police proceedings, if necessary. According to the NPM, these devices could play a key role in clarifying allegations of potential ill-treatment.

Protocols for preventing self-harm and suicidal behaviour

As highlighted in the 2023 Annual Report, Instruction 1/2024 of the Secretaría de Estado de Seguridad includes specific care, protection and security measures aimed at preventing potential acts of self-harm by detained individuals during their time in police custody. It also covers the proper recording of such situations in their custody sheets.

As per the NPM's Recommendation, the instruction provides for police officers to carry out regular surveillance rounds to check the condition of persons in custody, with each check to be noted in the facility's custody logbook.

In this context, following visits to the Cuenca Provincial Police Headquarters and the Registro Central de Detenidos (Madrid), the mechanism issued various Suggestions to the Dirección General de la Policía, including that the toilet doors in cells for

⁹ Defensor del Pueblo, [Injury reports on people deprived of their liberty](#), 2014.

incomunicado detainees remain closed when occupied, to prevent their use as fixed anchor points for suicide attempts.

Training

Instruction 1/2024 also prioritises training delivered by the Policía and Guardia Civil in the areas of human rights and use of force during arrest, ensuring that such training is aligned with principles of dignity and effectiveness and that it prevents any abusive, arbitrary, or discriminatory practices.

In accordance with the instruction, the NPM will continue to monitor that members of the law enforcement agencies who are likely to be involved in arrests and police custody receive training in de-escalation and restraint techniques, personal searches, first aid, the use of fire suppression systems, and other areas necessary to ensure the physical integrity of detainees. That includes training in their individualised care —particularly regarding gender-specific needs and vulnerable groups— and in the prevention of suicidal or self-harming behaviour, as well as in the accurate documentation in custody records of all incidents involving these individuals.

3.4.4 Court holding cells

During the year 2024, the National Preventive Mechanism (NPM) began a process of requesting data from the various administrations responsible for the autonomous communities and cities, with the aim of finding out the availability of the court holding cells dependent on the autonomous bodies, in order to analyse in detail, the elements that should guarantee the rights of persons deprived of their liberty in this area.

4 CROSS-CUTTING PROGRAMMES

All case files processed during 2024, regardless of when they were opened and referenced in the sections that follow, are linked to their follow-up histories, Annex C, accessible in the digital version of this report.

4.1 PROGRAMME FOR THE PREVENTION OF GENDER DISCRIMINATION IN DEPRIVATION OF LIBERTY FACILITIES

Since 2018, the Mecanismo Nacional de Prevención (MNP) [National Prevention Mechanism-NPM] has conducted visits to assess potential discriminatory treatment based on gender that may affect girls, women and LGTBI individuals, resulting in the denial or limitation of their rights in places of deprivation of liberty.¹⁰

The main Spanish legislation on gender and deprivation of liberty between 2021 and 2023 incorporates Recommendations previously issued by the NPM, covering a range of areas such as the need for cross-cutting variables, gender training for staff, protocols on

¹⁰ The gender programme was launched in 2018 in the context of penitentiary centres and was extended in 2021 to psychiatric hospitals and juvenile offender centres, and in 2022 to police stations.ns.

Based on the visits carried out, the impact of this programme is already evident:

- **Penitentiary centres under the authority of the Secretaría General de Instituciones Penitenciarias:** 2018: CP. Antoni Asunción Hernández de Valencia (visit 101/2018); 2019: CP. Madrid I (visit 91/2019), Centro Abierto de Las Palmas I (visit 102/2019) and CP. Las Palmas II (visit 104/2019); 2020: CP. de Ceuta (visit 88/2020) and CP. de Alcalá de Guadaira in Sevilla (visit 102/2020); 2021: CP. de Menorca (visit 11/2021), CP. de Topas in Salamanca (visit 17/2021) and Hospital Psiquiátrico Penitenciario de Alicante (visit 78/2021); 2022: CP. de Ceuta (visit 29/2022) and Residencia de Madres Irene Villa en Alicante (visit 7/2022).
- **Centres for juvenile offenders** (dependent on the autonomous communities). Centres have been visited in the following seven autonomous communities: Galicia: Concepción Arenal (Visit 50/2021); Andalucía: Bahía de Cádiz (visit 38/2021) and Sierra Morena (visit 14/2023); Murcia: La Zarza (visit 4/2022); Valencia: Mariano Ribera (visit 4/2023); Extremadura: Marcelo Nessi (visit 36/2023); Cantabria: Centro Socioeducativo Juvenil Gobierno de Cantabria (visit 6/2024) and Centro de Acogida Especializado de Menores Valle de Cayón (visit 12/2024); País Vasco: Urgozo Educational Centre (visit 9/2024); Navarra: Centro educativo Aranguren (visit 27/2024). Ten autonomous communities and the autonomous cities of Ceuta and Melilla remain pending for visits.
- **Police stations under the authority of the Secretaría de Estado de Seguridad:** Provincial Police Station of Burgos of the Policía Nacional (visit 54/2022); Superior Police Headquarters of the Policía Nacional of La Rioja (visit 51/2022); and the Provincial Police Station of Málaga (visit 7/2023).
- **Police station belonging to the Policía Foral de Navarra:** Central Police Station of the Policía Foral of Navarra in Pamplona (visit 30/2024).
- **Psychiatric hospitals:** Hospital Psiquiátrico Penitenciario de Alicante (visit 78/2021) and Hospital de Conxo, Santiago de Compostela (visit 52/2021).

preventing sexual violence and suicide with a gender perspective, and affective-sexual education for minors.¹¹ The following key legal developments were recorded in 2024:

- a) Instruction 1/2024 of the Secretaría de Estado de Seguridad, which approves the “comprehensive procedure for police detention”, incorporates four gender and sexual identity-related Recommendations from the NPM. In 2024, the mechanism visited the Central Police Station of the Policía Foral de Navarra in Pamplona (visit 30/2024): replies to the Recommendations remain pending.
- b) The global report by the Association for the Prevention of Torture (APT), [*Global Report on Women in Prison*](#). An analysis by the National Preventive Mechanisms, published in 2024, highlights the NPM’s work on the regulation and situation of women in Spanish prisons. In line with this, in 2020, the NPM’s reports and Recommendations were cited as the foundation of a parliamentary initiative in which Congress urged the Government to prepare a report on the situation of women in State prisons.¹²
- c) Regional authorities have issued instructions to juvenile detention centres based on accepted Recommendations, practically all are accepted. During 2024, the NPM analysed the effective implementation of Recommendations in the autonomous communities of Murcia, Valencia, Extremadura, and Andalucía, with the latter standing out for having implemented the Recommendations through instructions issued to its thirteen centres. In 2024, the NPM visited juvenile justice centres in Cantabria (visits 6/2024 and 12/2024), the País Vasco (visits 6/2024 and 12/2024), the País Vasco (visit 9/2024) and Navarra (visit 27/2024).

4.1.1 Prevention of discrimination

That same year, key information emerged regarding systemic and structural causes of discrimination, as detailed below.

¹¹ Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia; Ley 15/2022, de 12 de julio, integral para la igualdad de trato y la no discriminación; Ley Orgánica 10/2022, de 6 de septiembre, de garantía integral de la libertad sexual; Ley Orgánica 1/2023, de 28 de febrero, de salud sexual y reproductiva y de la interrupción voluntaria del embarazo; Ley 4/2023, de 28 de febrero, para la igualdad real y efectiva de las personas trans y para la garantía de los derechos de las personas LGTBI; and Instruction 1-9-2022 de la Secretaría de Instituciones Penitenciarias [Secretariat of Penitentiary Institutions], on gender perspective when preventing suicides in prison.

¹² *Boletín Oficial de las Cortes Generales*, Congress of Deputies, Series D, nº 110, 24 June 2020, p. 8.

Invisibility of girls, women and LGBTI people deprived of liberty

The NPM found that standardised interventions often ignore gender-based differences, thereby erasing their specific circumstances and needs.

- **Women in prison.** For the past six years, the Secretaría General de Instituciones Penitenciarias has cited IT-related reasons for the lack of implementation of key information essential to making the rights of women prisoners visible. The exercise of these rights is not only a priority but also predates the procurement of the relevant IT systems by the Administration, which failed to include them at the time of contracting —this, despite the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders and their commentary (the 2010 Bangkok Rules). Due to these alleged IT limitations, the following accepted Recommendations remain unimplemented: 1) Including a data variable on dependent minor children of female inmates, with age breakdown and care arrangements (family/child protection); 2) Gender-sensitive review of the use of coercive measures; 3) Health diagnoses to support a multidisciplinary approach to women's health in prison, identifying prevalent conditions; 4) A protocol for detecting and addressing gender-based violence as a biopsychosocial issue, with multidisciplinary medical, psychological and social support.

The Secretaría General de Instituciones Penitenciarias also lacks data on The number of imprisoned women with children under three, The number of pregnant women beyond six months up to 2022, Statistical application regarding Roma women in prison (visits 7/2022 and 102/2020), or compensatory measures to mitigate the disproportionate distance from home that affects women more than men, harming their wellbeing and family ties.

In response to these issues, the Administration has cited the need to respect each individual's uniqueness, arguing that the lack of data prevents the implementation of a prison policy with a cross-cutting gender perspective.¹³

In contrast to the Administration's inaction over the past six years, in 2024, the NPM recommended urgent IT development to allow for the collection and

¹³ An exception to this is the Centro Penitenciario de Ceuta, which has taken a pioneering role in applying Recommendations issued by the NPM concerning gender mainstreaming. This centre has proactively addressed gender-related shortcomings through reference protocols and temporary compensatory measures, in line with Ley 15/2022, de 12 de julio, integral para la igualdad de trato y la no discriminación, while also maintaining the principle of individualised care. Its proactive approach has been recognised in the aforementioned report by the Association for the Prevention of Torture (APT).

analysis of data on imprisoned women, thereby enabling the effective exercise of their right to equality and fundamental rights.

In response, the Secretaría General de Instituciones Penitenciarias cited budgetary constraints as the reason for not implementing the Recommendation.

- **Girls and adolescents in juvenile detention centres.** During the visits conducted in 2024 to the juvenile detention centre of the Comunidad Autónoma de Navarra and the Centro Socioeducativo Gobierno de Cantabria, the NPM noted the absence of sex-disaggregated data; the lack of a gender perspective in intake files; and, in the case of the latter centre, the absence of inclusive language and the failure to record cross-cutting statistical variables.

In the case of girls, it is essential to record variables such as Roma minority status, disability, and inclusion in the child protection system, as these factors frequently overlap. The failure to include sex as a variable, among others, results in the invisibilisation of the actual situation of girls, negatively impacts their self-esteem, causes psychological and emotional distress, and prevents the formulation of appropriate educational and therapeutic responses. For these reasons, this has been a standing Recommendation from the NPM to the autonomous communities since 2021.

In 2024, the Junta de Andalucía issued an instruction requiring its thirteen juvenile centres to incorporate inclusive language and a gender perspective in their intake files, eliminate sexist dress codes, and enable the statistical recording of the variable concerning inclusion in the child protection system in 2024.

Despite the importance of recording the Roma ethnic variable in relation to girls, the Recommendations of the NPM, and both international and national legislation on the matter,¹⁴ the autonomous communities of Andalucía, Valencia, and Extremadura still do not collect this data.

- **LGTBI minors in juvenile detention centres.** In 2024, the NPM issued notable Recommendations aimed at recognising and upholding the rights of LGBTI minors.. Among them, it recommended that their data be disaggregated, the adoption of measures to guarantee the free development of their personality and that the centres be provided with a dress code respectful of their diversity (País Vasco); that a protocol on harassment motivated by sexual orientation, gender identity or gender expression be articulated (País Vasco, Cantabria and

¹⁴ Reference may be made to Ley 15/2022, de 12 de julio, integral para la igualdad de trato y la no discriminación, and the Strategy for Equality, Inclusion and Participation of the Roma People 2021-2030.

Navarra); that a response be articulated in the treatment of intellectual disability with a gender and sexual diversity approach (País Vasco and Cantabria).

- **Women and girls in detention.** The NPM recommended to the Policía Foral de Navarra to incorporate inclusive language, as the forms of the “Statement of Declaration” and the “Record of Release” lack such language, despite the fact that minors and female detainees sign them. Despite the use of inclusive language in the “Detained Person Custody Record” form, in 2024, the NPM encountered records signed by detained women where such language was absent.
- **Transgender persons in detention.** Unlike the prison system and despite existing legal provisions,¹⁵ the Secretaría de Estado de Seguridad does not compile statistical data on transgender detainees. In 2024, the NPM recommended that this variable be included in digital data collection and statistical reporting systems, as it is essential for ensuring respectful treatment, particularly concerning practices such as pat-down searches. The Administration responded that registry data should remain as objective as possible and should not reflect characteristics deemed subjective, aligning police databases strictly with the content of the Civil Registry. The NPM requested clarification on the rationale for rejecting the Recommendation; a response is still pending (visit 51/2022).

Lack of female security personnel

- **Police stations.** Women in police stations have reported feeling intimidated when held in spaces overwhelmingly occupied by men. In 2024, the NPM issued a Recommendation to the Secretaría de Estado de Seguridad to record the number of female custody officers on each shift in police stations. A response is pending (visit 51/2022).

The NPM recommended to both the Secretaría de Estado de Seguridad and the Policía Foral de Navarra that custody staff in detention centres receive training on the specific circumstances and particular gender-related needs of detained persons.

¹⁵ Reference documents include the Ninth Annual Report of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT/C/57/4); Ley 4/2023, de 28 de febrero, para la igualdad real y efectiva de las personas trans y para la garantía de los derechos de las personas LGTBI [Act 4/2023, of 28 February, on the real and effective equality of trans persons and the protection of LGTBI rights]; and Ley 15/2022, de 12 de julio, integral para la igualdad de trato y la no discriminación [Act 15/2022, of 12 July, on equal treatment and non-discrimination].

- **Juvenile detention centre.** Visits to these centres revealed a widespread lack of female security staff. Recommendations were routinely made to address this, including in 2024, to the autonomous communities of Cantabria and Navarra. Given that physical restraints and searches are disproportionately carried out on girls by security personnel, this is a critical issue. It is particularly relevant considering that in the visited centres, restraint protocols fail to account for the physical and psychological characteristics of women (e.g., weight, anatomy, history of sexual abuse, menstruation, etc.).

Right to information and victim support services

- **Minors.** In 2024, the NPM recommended that the Gobierno de Navarra ensure that its juvenile detention centre incorporates gender equality officers or similar figures to provide children with information on their rights via specialised services in cases involving the gender violence protocol, bullying related to sexual orientation, or sexual assault protocols. It also recommended to the Gobierno del País Vasco that information on victims' rights be included in both the sexual assault protocol and the protocol addressing bullying based on sexual orientation.
- **Women in prison.** In the *Concluding Observations on the seventh periodic report of Spain* ([CAT/C/ESP/CO/7](#)), paragraph 21, the Committee against Torture explicitly noted the lack of appropriate counselling for victims of gender-based violence in prisons. Despite the recommendation made by the NPM, the members of the legal counselling services in penitentiary centres lack training on gender-based violence, with few exceptions (visits 91/2019 and 11/2021). In 2024, the NPM recommended to the Secretaría General de Instituciones Penitenciarias that early detection and support measures be implemented for female inmates who are victims of gender-based violence.

4.1.2 Healthcare

Attention to women's specific health needs (menstrual health, pregnancy, childbirth, motherhood and child-rearing)

- **Women in prison.** The *Concluding Observations on the seventh periodic report of Spain* by the Committee against Torture explicitly highlight the shortcomings in sexual and reproductive healthcare services within prisons. The NPM recommended that the Secretaría General de Instituciones Penitenciarias develop a Protocol for the Care of Pregnant Inmates, to which the Administration responded in 2024 with a commitment to draft general guidelines for handling cases of pregnant inmates, guidelines that were not submitted, despite a formal request (visit 7/2022).

The NPM issued a Recommendation to ensure that imprisoned mothers in the Canary and Balearic Islands, as well as in the cities of Ceuta and Melilla, have appropriate facilities to serve their sentences with their children under the age of three. In 2024, the Secretaría General reported the completion of works for this purpose at the Centro de Inserción Social de Tenerife. However, there are currently no plans to implement such facilities in Ceuta or Melilla (visit 104/2019).

- **Detained women.** Instruction 1/2024, which approves the “Comprehensive Police Detention Procedure,” fulfils a long-standing Recommendation from the NPM concerning the regulation of detention and custody procedures for pregnant women, breastfeeding mothers, and women with young dependents. The same recommendation was made by the NPM in 2024 to the Policía Foral de Navarra on the occasion of the visit.

The NPM also recommended that the Secretaría de Estado de Seguridad ensure the inclusion of the following in the detainee information form: 1) The right to access menstrual hygiene products and the right to use the shower. 2) A question about the possibility of being pregnant or breastfeeding. 3) The use of inclusive language. The Recommendation made in 2024 to the Policía Foral de Navarra, specifically addressing women in the information form, includes the aforementioned aspects 1) and 2).

The form included in the recent Instruction 1/2024 (Appendix II) from the Secretaría de Estado de Seguridad includes inclusive language only partially and omits references to the right to menstrual hygiene products, access to showers, and the potential for pregnancy or breastfeeding.

Mental health suicide and self-harm prevention protocols

Both the Secretaría General de Instituciones Penitenciarias and the autonomous communities whose juvenile centres were visited accepted the Recommendation that a gender perspective be incorporated into suicide prevention protocols.

- **Penitentiary centres.** The prison administration implemented the Recommendation two years later, through Instruction I-9-2022, although this instruction makes no mention of LGTBI persons.¹⁶ The Secretaría General de Instituciones Penitenciarias indicated that prevention tailored to the specific

¹⁶ Findings from the study *La situación de la salud mental en España*, published in March 2023 by the Confederación de Salud Mental de España, highlight a greater risk of suicide attempts among LGTBI persons. Compared to the general population, these individuals report more than twice the rate of suicide attempts or ideation (32.1% versus 14.5%), as well as a higher incidence of self-harm (19.5% versus 9%).

characteristics of such individuals would be addressed in a new programme rather than through a revision of the current one (visit 104/2019).

- **Juvenile detention centres.** Despite several revision requests made by the NPM, the suicide prevention protocols used in centres in the autonomous communities of Andalucía, Valencia and Murcia generally still lack a gender and sexual diversity perspective.

United Nations instruments, such as A/HRC/31/57, note that the physical and mental health needs of girls often go unnoticed and that detention tends to exacerbate trauma. Girls are, therefore, more likely than boys or adults to suffer from depression and anxiety and to be at greater risk of self-inflicted injury or suicide.

This reality was confirmed by data provided by the aforementioned autonomous communities for 2023. This reality was confirmed by data provided by the aforementioned autonomous communities for 2023. The suicide prevention protocol was applied more frequently to girls than boys in several centres in Andalucía and Valencia. Similarly, a higher proportion of self-harm among girls than boys was recorded in several centres in Valencia, Murcia and Andalucía.

In the area of self-harm, the protocols applied in these autonomous communities generally fail to consider gender-specific circumstances among the triggers (such as social relationships). Consequently, these three communities were recommended to establish, in each centre, a self-harm logbook and a self-harm prevention protocol that incorporates a gender and sexual diversity perspective.

During the 2024 visits, the NPM recommended that the competent authorities of the autonomous communities of Cantabria, País Vasco and Navarra ensure that suicide risk and self-harm prevention protocols include differential indicators for gender and sexual diversity.

- **Police stations.** The Secretaría de Estado de Seguridad does not have a protocol on suicide and self-harm among detainees. Therefore, the NPM recommended developing such a protocol with a gender-sensitive approach. In 2024, the Administration responded that it is currently drawing up a list of indicators that may help anticipate potential suicidal or self-harming behaviour among detainees based on the cases observed. The Policía Foral de Navarra does not have such a protocol either, so the NPM recommended that a protocol on suicide and self-harm with a gender approach be drawn up.

4.1.3 Risk of ill-treatment

Coercive measures

- **Women in prison.** Six years ago, the NPM recommended that the Secretaría General de Instituciones Penitenciarias include sex as a variable in the digital collection of data and produce sex-disaggregated statistics. The Administration accepted this Recommendation. The NPM observed (visits 101/1018 and 17/2021) a disproportionate application of such measures during its visits and therefore issued a Recommendation in 2023 to review the use of coercive measures and solitary confinement from a gender perspective. In 2024, the Secretaría General de Instituciones Penitenciarias reported that it is now possible to collect and analyse sex-disaggregated data on the application of coercive measures (visit 7/2022).
- **Girls.** The NPM recommended that the governments of Navarra, Extremadura, Andalucía, Valencia, and Murcia review, from a gender perspective, the grounds for applying restraints, the immobilisation procedures, and the gender of the staff performing such actions. The NPM found that the most recent data (2023) from three autonomous communities indicates a disproportionate use of coercive measures against girls in youth centres under their jurisdiction. A significant proportion of girls have been victims of gender-based violence and sexual violence. In accordance with national and international regulations, different treatment practices must be adopted to meet their specific needs and ensure their protection. For this reason, the NPM requested information on the reasons behind the higher proportion of restraint measures applied to girls in centres under the authority of these three autonomous communities.

Body pat-down searches

- **Persons in police custody.** In 2022, the NPM recommended that the Secretaría de Estado de Seguridad ensure that custody records and police reports reflect whether transgender individuals were offered the option to choose to be searched by either a male or female officer. It also recommended gender-sensitive regulation concerning the removal of bras. This Administration incorporated these Recommendations into Instruction 1/2024. Both Recommendations were also made in 2024 to the Policía Foral of Navarra.

Protocol on conduct affecting sexual freedom and gender-based violence

- **Prisons.** The Secretaría General de Instituciones Penitenciarias reported that it had not yet completed the development of the protocol in question, which had been the subject of Recommendations by the NPM following visits carried out in

2021. Following the entry into force of Ley Orgánica 10/2022, de garantía integral de la libertad sexual [Fundamental Act 10/2022, to comprehensively guarantee sexual freedom], the implementation of such a protocol is now a legal obligation, consistent with the aforementioned Recommendations (visits 78/2021 and 17/2021).

- **Police stations.** In 2023, the NPM requested that the Secretaría de Estado de Seguridad submit the protocol on the prevention of conduct against sexual freedom and moral integrity in detention centres, as foreseen in Article 15 of Ley Orgánica 10/2022, along with the 2023 programme and training calendar on this subject. None of these documents had been submitted (visit 7/2023).

The NPM also recommended that precautionary measures be adopted or that officers be removed from duty in cases involving allegations of gender-based violence by staff assigned to custody areas (visit 7/2023). This Recommendation remains unanswered.

- **Juvenile detention centres.** All autonomous communities visited accepted the Recommendation that juvenile centres be equipped with a protocol for the prevention, detection, response, and care of victims of sexual assault or gender-based violence, whether occurring prior to or during their placement in the centre. In 2024, the NPM recommended to the autonomous communities of Navarra and País Vasco that their protocols on sexual assault include the legal provisions applicable to the matter. The NPM also recommended to both communities that all staff in regular contact with minors receive training in comprehensive protection against sexual violence.

Protocol on harassment based on sexual orientation, gender identity or expression

- **LGTBI minors.** On the occasion of the visits carried out in 2024, the NPM recommended to the governments of the País Vasco, Cantabria and Navarra that a protocol for detection, prevention and action in the event of harassment motivated by sexual orientation, gender identity or gender expression, which incorporates the legal requirements in this area, including information on their rights, should be articulated in the centres.

4.2 MENTAL HEALTH PROGRAMME

Since 2022, the Mecanismo Nacional de Prevención (MNP) [National Prevention Mechanism-NPM] has been developing a Programme for the Prevention of Risk Situations involving the Ill-Treatment of individuals with Mental Health conditions who are deprived of liberty in Psychiatric Facilities and the Prison System.

4.2.1 Mental Health Programme in psychiatric centres

Objectives of the programme

In 2024, the NPM carried out three visits within the framework of this Programme: to the Short-Stay Hospitalisation Unit (UHB) at the Hospital Álvaro Cunqueiro (Vigo, Pontevedra) (visit 13/2024), the Child and Adolescent Mental Health Hospitalisation Unit (UHSMIJ) of the same hospital (visit 14/2024) and the Sanatorio Hestia La Robleda (A Coruña) visit 38/2024).

The NPM also continued processing the files opened following visits in previous years, developments of which are reported in the following pages.

Although the NPM observed, through its follow-up of these cases, that the centres visited are generally working towards a more holistic model of healthcare, particularly by strengthening preventive aspects recommended by the NPM, it found that significant areas for improvement remain, as confirmed during its 2024 visits.

The objective of the NPM is to cover the entire national territory through visits to such facilities in all Autonomous Communities, insofar as possible, in coordination with other areas of the work of the Defensor del Pueblo.

Among other advances to be highlighted in the following sections, it is worth noting the excellent cooperation received in facilitating the NPM's work across all monitored centres.

4.2.2 Outcomes achieved and evaluation of findings

Identification and prevention of situations constituting ill-treatment in the field of mental health

- **Protocol for action in situations of ill-treatment.** The NPM issued a Recommendation to the authorities responsible for overseeing the Sanatorio Hestia La Robleda (A Coruña) to establish a Protocol for the Prevention, Detection, Protection, and Support for potential victims of Ill-Treatment, Abuse, or Harassment, similar to those issued following visits to other centres.

Those responsible for the Comunidad Autónoma of Castilla-La Mancha [Autonomous Community of Castilla-La Mancha] are still awaiting the implementation of the same Recommendation (visit 22/2022). Along the same lines, the authorities of the Xunta de Galicia [Regional Government of Galicia] have yet to respond to the Recommendation issued in this regard (visit 51/2021).

One notable case is that of the Centro Residencial de Salud Mental Mentalia Arévalo (Ávila), where the inspection service of the Consejería de

Familia e Igualdad de Oportunidades [Department of Family and Equal Opportunities] took swift action following reports by the NPM of patient ill-treatment. The NPM deemed the measures implemented following its inspection to be valid, confirming its observations. As a result, the Centre was sanctioned.

Separately, the Recommendation issued by the NPM for these Centres to establish a specific Protocol for Action in the event of injuries and a Record System distinct from the mere inclusion of such events in Medical Records remains an area with considerable scope for improvement.

- **Staff.** In all visited centres, the NPM issued Suggestions to ensure an adequately resourced team of psychologists and psychiatrists to provide the necessary treatment. The competent ministries of the Comunidad de Madrid [Regional Government of Madrid] and the Comunidad Autónoma de Castilla La-Mancha [Regional Government of Castilla-La Mancha] have not improved staffing levels. On the other hand, the Departamento de Sanidad del Gobierno de Aragón [Health Department of the Regional Government of Aragón] agreed to increase the number of staff at the Calatayud healthcare centre, which can be considered an example of good practice.

In 2024, the NPM once again identified a persistent shortage of Healthcare Staff in various specialisations. This situation has led to the excessive use of Restraint Measures in the Centres visited that year. It is a problem that requires urgent resolution.

- **The importance of a therapeutic and rehabilitative context.** The NPM issued a Recommendation to improve access to open spaces or their availability and to increase therapeutic, recreational and sports activities.

The Short-Stay Hospitalisation Unit (USM) at the Hospital Álvaro Cunqueiro (Pontevedra) accepted the Recommendation and reported the recruitment of two Occupational Therapists for the USM and one additional therapist for the Child and Adolescent Unit. It also informed the NPM of an innovation currently being implemented: the creation of “Therapeutic Cabins” under the Servizo Galego de Saúde [Galician Health Service] (SERGAS) project supported by the New European Bauhaus of the European Commission. The NPM requested further information on this initiative, as it may be replicable in other Autonomous Communities.

By contrast, the NPM issued two Suggestions to the Administration responsible for supervising the Sanatorio Hestia La Robleda (A Coruña) to

facilitate participation in activities both within the facility and in the wider community.

- **Tobacco use.** Tobacco use is generally a problem in residential mental health facilities. The NPM issued a Recommendation during its visit to Sanatorio Hestia La Robleda, urging the design of a comprehensive smoking cessation plan.
- **Restrictive measures with therapeutic intent.** During its visit to Sanatorio Hestia La Robleda, the NPM found that the internal regulations included references to punishments or sanctions. It, therefore, issued a Suggestion to eradicate coercive practices that violate human dignity and to eliminate any measure that may be perceived as “punishment or sanction for misbehaviour,” bearing in mind that patients are particularly vulnerable due to psychosocial suffering.
- **Suicide prevention protocol.** The Recommendation issued by the NPM to implement a Suicide Prevention Protocol in the Mental Health Hospitalisation Unit at the Hospital Universitario Virgen de la Victoria (Málaga) was eventually accepted (visit 26/2022). Implementation began promptly in the case of the Short-Stay Hospitalisation Unit at Hospital Álvaro Cunqueiro (Vigo). Separately, the NPM requested information on a suicide that occurred in the Acute Unit of the Hospital Universitario Marqués de Valdecilla (Santander) (visit 1/2022).

Safeguard system in the context of hospitalisation: voluntary admissions

The NPM continued to observe that the distinction between voluntary and involuntary admission is not always made properly, nor is there a consistent assessment of the decision-making capacity of those admitted to these facilities. A common issue across most centres—even reflected in some internal protocols—relates to the criteria used to convert voluntary admissions into involuntary ones when mechanical restraint is required.

The NPM maintains that the legal status of a person’s admission—whether voluntary or not—only pertains to their entry and stay in a facility and should not be determined by whether restraint measures are needed. This issue has been the subject of monitoring and reiteration by those responsible for the psychiatric hospital of Fuente Bermeja (Burgos) (visit 106/2020).

At centres such as the Hospital de Conxo (Santiago de Compostela), admissions continue to be longer than clinically indicated, with their justification often based on a lack of suitable resources for referral to other community-based services. This issue was also referred to another department of the Defensor del Pueblo in relation to patients facing prolonged hospital stays in Galicia.

The NPM issued a Recommendation during its visit to Sanatorio Hestia La Robleda (A Coruña) to promote the adoption of Capacity Assessment Protocols that would improve diagnostic procedures and help standardise medical practice, thereby reducing subjectivity as much as possible.e.

It is worth noting that the Consejería de Sanidad of the Xunta de Galicia accepted the Recommendation issued by the NPM during its visit to the Child and Adolescent Mental Health Hospitalisation Unit (UHSMIJ) at Hospital Álvaro Cunqueiro (Vigo), to establish an Outpatient Transition Unit for young people aged 16 to 21. These units represent a significant step forward, offering an intermediate space with care and support adapted to the specific needs of this life stage. The creation of such units could be replicated in other Autonomous Communities.

At the Short-Stay Hospitalisation Unit (USM) at the Hospital Álvaro Cunqueiro, the NPM issued a Recommendation regarding valid consent in the case of voluntary admission related to mental health conditions. It was accepted, and a working group was established to develop an Admission Protocol that includes all matters related to informed consent and the capacity to give it.

Mechanical and pharmacological restraints and their eradication

The 2023 Annual Report of the Fiscalía General del Estado highlighted that the majority of complaints received from individuals residing in or admitted to social and healthcare or psychiatric facilities relate to the use of restraints in all aspects addressed by Instruction 1/2022 of the Fiscalía General del Estado. With regard to complaints concerning degrading treatment, it was reported that 25% originated from actions in psychiatric centres or units, while the remaining 75% concerned residential centres for older persons or persons with disabilities.

The NPM reiterates the need for a uniform legislative framework that defines the legal and clinical procedures applicable in such facilities, as well as the terminology relating to coercive measures in healthcare settings. It must also establish the criteria for what does and does not constitute dignified or degrading treatment. Furthermore, such a framework should adopt standardised terminology at the national level for social and healthcare centres and define the principles underpinning these definitions.

It is difficult to establish effective prevention mechanisms against possible inhuman treatment in healthcare environments if the concept itself is not accurately defined or uniformly accepted by all stakeholders. This concern regarding the use of coercive measures in psychiatric healthcare was already raised by the Committee against Torture in its *Concluding Observations on the seventh periodic report of Spain*, dated 24 August 2023, recommending the exceptional use of such measures ([CAT/C/ESP/CO/7](#)).

Mechanical and pharmacological restraints. The information received in follow-up to the Recommendations and Suggestions issued by the NPM confirms a high number of prolonged restraint events.

During a visit to the Sanatorio Hestia La Robleda (A Coruña), the NPM team observed the routine prescription of mechanical restraints in the form of “room confinement” (locking patients in their rooms for days) and the regular use of nappies during such restraints, owing to the lack of supervision and oversight by staff (in some cases, records were only entered once in 24 hours). The NPM issued a Recommendation discouraging this practice.

In the case concerning the Mental Health Hospitalisation Unit at the Hospital Universitario Virgen de la Victoria (Málaga) (visit 26/2022), the NPM received information on restraint episodes lasting over 30 hours—including one case lasting 44 hours—and consequently reiterated its Recommendation. It contrasts with the good practices reported by the Consejería de Sanidad of the Autonomous Community of Andalucía, particularly regarding strategic advances being implemented under the region’s III Mental Health Plan.

Separately, the NPM issued a Recommendation following its visit to the Acute Unit at the Hospital Universitario Marqués de Valdecilla (Cantabria), advising against the simultaneous use of mechanical and pharmacological restraints, as indicated in the information received. According to the NPM, this dual application constitutes a double risk of rights violations for patients, undermining the principles of necessity, proportionality and suitability in the use of coercive measures on individuals with mental health conditions. The analysis also revealed generic prescriptions lasting several days, prompting a specific Recommendation on this matter.

Conversely, the NPM highlights as a good practice the significant reduction in mechanical restraints observed at the Fuente Bermeja Psychiatric Hospital (Burgos) during 2023, reflecting progress as a result of the efforts made.

The NPM issued a Recommendation for the revision of the Restraint Protocol at the Sanatorio Hestia La Robleda (A Coruña).

The management of the Short-Stay Hospitalisation Unit (MSM) at the Hospital Álvaro Cunqueiro (Pontevedra) accepted and implemented the Recommendation to update the Restraint Protocol. As a further example of good practice, the hospital, during the protocol revision process, conducted an evaluation to identify the causes behind the excessive use of mechanical restraints. Two factors were identified: staff shortages and delays in transferring patients from emergency services to inpatient wards. To address these issues, the hospital made new crisis intervention rooms available. Other hospital units

share this situation, and the solution adopted could, therefore, be extrapolated to other Autonomous Communities.

Recording and notification. NPM continued to observe that some centres lack a recording system for restraints that would allow for straightforward monitoring and issued a Recommendation to this effect to the Consejería de Salud of Cantabria. A similar proposal was made during visits to the units at Hospital Universitario Álvaro Cunqueiro (Pontevedra), where the analysis of restraint events proved particularly complex due to the absence of a unified physical or digital record.

The authorities of the Junta de Castilla y León reported issues concerning the definition and documentation of pharmacological restraints, noting as such only those they considered to meet the criteria. The NPM issued a Recommendation to establish clear criteria for what constitutes a pharmacological restraint and ensure its proper recording.

The NPM also issued a Recommendation to the authorities responsible for Sanatorio Hestia La Robleda (A Coruña) to implement “post-incident support” following the use of mechanical restraints.

4.2.3 Mental health programme in prisons

Mental illness is a growing concern that is exacerbated within the prison environment. The conditions affecting inmates are diverse, with anxiety, depression, schizophrenia, and bipolar or delusional disorders among the most prevalent. It is estimated that these conditions affect 4-5% of the prison population, more than 2,000 people.

Compounding this situation is a shift in the prison population profile, with younger individuals increasingly entering the system with polydrug use and a structural shortage of prison medical staff, leading to precarious psychiatric care.

In 2024, the NPM carried out three visits within the framework of this Programme: to Centro Penitenciario Puerto III (Cádiz) (visit 32/2024), the Psychiatric Hospitalisation Unit of Centro Penitenciario Brians I (Barcelona) (visit 33/2024) and the Intensive Psychiatric Hospitalisation and Rehabilitation Unit of Cataluña (UHRPI-C) at Centro Penitenciario Brians II 41/2024). In addition, it conducted follow-up on files opened during previous visits to penitentiary centres, the two psychiatric prison hospitals (Seville and Alicante), and the Forensic Psychiatry Unit at Hospital Aita Menni (Bilbao).

Psychiatric prison hospitals

- **General observations.** The NPM observed that most of the Recommendations and Suggestions addressed to the psychiatric prison hospitals of Seville and Alicante were accepted.

The Secretaría General de Instituciones Penitenciarias, in its responses, expressed a willingness to improve mental healthcare through the transfer of prison healthcare to the autonomous communities, although this has not yet been realised. The hospitals concerned noted that they promote the referral of psychiatric patients to community-based resources and intend to continue doing so, although no additional placements have been made available by the competent authorities. In this regard, the 2023 Annual Report of the Fiscalía General del Estado once again referred to the “difficulty in externalising inmates who present a reduced level of dangerousness and for whom medical care could be provided through community-based residential resources.”

- **Healthcare staffing.** The structural shortage of medical personnel continues to pose a serious problem for mental healthcare in penitentiary institutions, as previously highlighted by the Committee against Torture in its *Concluding Observations on the seventh periodic report of Spain*, in paragraph 23 ([CAT/C/ESP/CO/7](#)) and by the Fiscalía General del Estado in the aforementioned Annual Report.

The NPM urged urgent measures to improve the ratio of healthcare staff until the transfer of competencies to the Autonomous Communities is complete. The Hospital de Sevilla reported that it was addressing staff shortages by using student interns, permanent staff and temporary workers. However, no progress has been made in incorporating clinical psychology in penitentiary centres.

- **Acute unit and suicide prevention protocol (protocolo de prevención de suicidios-PPS).** The NPM suggested that both psychiatric hospitals in Seville and Alicante consider providing alternative access routes to the Acute Unit. The issue was resolved by setting up two rooms on the ground floor, one equipped for mechanical restraints and another for patients experiencing severe behavioural disturbances.

It also suggested offering alternatives to prolonged stays in the Acute Unit for newly admitted individuals. This suggestion was not accepted, as the Administration considered the current admission protocol to be adequate, a view not shared by the NPM based on the interviews conducted during the visits. On a positive note, improvements have been made to the Suicide Prevention Protocol, owing to its adaptation and the development of specific interventions for individuals at risk of suicide, particularly those with severe mental illness.

- **Allegations of ill-treatment.** The NPM issued a Recommendation to both centres, calling for a proactive approach with a mental health perspective in the

identification, detection and management of situations involving the risk of torture of individuals held in these facilities. This Recommendation was not accepted, as the Administration maintained that such an approach is already in place, a position not shared by the NPM.

- **Psychopharmacological treatments.** In both centres, the NPM issued a Suggestion on the need to reduce polypharmacy and avoid overmedication. Although the Administration agreed with the NPM's position, it has not introduced any deprescription initiatives, as have been implemented in other penitentiary facilities.

Penitentiary centres

During the visits, the NPM also assessed several strategic aspects defining the framework of this project.

- **Transfer of prison healthcare competences.** The Secretaría General de Instituciones Penitenciarias accepted the Recommendation issued by the NPM on this matter in all cases, which expressed interest in implementing the transfer. However, this transfer remains pending. This Recommendation was reiterated in the centres visited in 2024.

At Centro Penitenciario de Estremera (Madrid), the NPM reiterated its Recommendation to promote the application of Article 60 of the Código Penal to allow for the referral of individuals with mental health conditions to community-based services. The NPM positively values the fact that the Secretaría General is encouraging communication with the judicial authority regarding the unsuitability of detention in a penitentiary facility for individuals on remand with mental health conditions.

- **Comprehensive care programme for mentally ill inmates (Programa de Atención Integral al Enfermo Mental en centros penitenciarios-PAIEM).** The NPM stressed that the PAIEM lacks a psychotherapeutic perspective. The Fiscalía General del Estado, in its 2023 Annual Report, addressed this issue within the scope of activities under the Programme. Following its visit to Centro Penitenciario Puerto III (Cádiz), the NPM issued a Recommendation for the PAIEM to include specific references and objectives related to psychotherapeutic interventions delivered by qualified personnel. To date, no solution has been provided to the lack of specific psychotherapeutic programmes for individuals with mental health issues in prison.

The isolation of persons included in the PAIEM persists. For this reason, the NPM reiterated its Suggestion for the cessation of this measure at Centro Penitenciario de Mallorca (visit 31/2023), in line with Rule 45 of the United

Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules). At Centro Penitenciario Madrid VII, this issue has been addressed by designating specific cells for individuals with mental health conditions, where observation and control can be appropriately managed within the PAIEM and the medical unit. The NPM considers this solution appropriate, provided the living conditions in these cells align with the individual's clinical needs.

A shared advancement across all monitored centres was the adoption of measures to phase out the use of inconsistent classification systems for diagnosing inmates with mental illness in favour of the International Classification of Diseases (ICD).

Progress has also been made in stricter monitoring of psychotropic prescriptions in the facilities visited, including the off-label use of medication and the reduction of polypharmacy. Nevertheless, the same Recommendations were issued in the Psychiatric Hospital Unit of Brians I (Barcelona) and Centro Penitenciario Puerto III (Cádiz), evidencing that this issue has yet to be effectively addressed.

- **Lack of qualified mental health personnel.** As the NPM has stated in previous reports —and as recommended by the Committee for the Prevention of Torture— penitentiary centres should, at a minimum, have a full-time psychiatrist and clinical psychologist. In this regard, Suggestions were issued at both the Psychiatric Hospitalisation Unit (UHP) at Brians I and the Intensive Psychiatric Hospitalisation and Rehabilitation Unit of Cataluña (UHRPI-C) at Brians II (Barcelona) to increase the ratio of clinical psychologists.
- **Mechanical restraints.** The NPM issued a Recommendation following its visit to Centro Penitenciario Puerto III to reduce the use of restraints and improve their documentation. At the UHP Brians I, by contrast, the NPM recommended drafting a specific protocol and implementing a post-incident support system. Both UHP Brians I and UHRPI-C Brians II achieved a significant reduction in the use of restraints in 2024, especially in the latter unit.
- **Training in human rights (HR) and mental health.** At Centro Penitenciario de Mallorca, the NPM issued a Recommendation to provide training in Human Rights and mental health to prison officers and nursing staff. While the Administration accepted training for nursing personnel, implementation for the remaining staff remains challenging due to the non-compulsory nature of the training courses offered.

Forensic Psychiatry Unit at Hospital Aita Menni (Bilbao)

The NPM followed up on the case concerning the Forensic Psychiatry Unit at Hospital Aita Menni (Bilbao) (visit 45/2023), in which twelve Suggestions were issued, with responses still pending.

A good practice worth noting is the acceptance by the authorities of the Autonomous Community of the País Vasco of the Recommendation issued by the NPM to develop an updated protocol for the prevention, detection, protection, and care of cases of ill-treatment, harassment, or abuse within the centre. This initiative has been referred to the Consejo Asesor de Salud Mental de Euskadi for appropriate development.

Regarding restrictive measures applied with therapeutic intent, the NPM reiterated its previous Recommendation.

The NPM strongly welcomes the creation by the Consejo Asesor de Salud Mental de Euskadi of the Corporate Guide for Restraint-Free Care. Nevertheless, this institution considers that the high number of restraints carried out at the centre —particularly on minors (who were even brought restrained to interviews with the visiting team)— is wholly incompatible with the model advocated by that Administration in its response. The NPM, therefore, called for thorough oversight by the Administration of the unit visited.

4.3 PROGRAMME ON INTELLECTUAL DISABILITY IN DEPRIVATION OF LIBERTY FACILITIES

The Mecanismo Nacional de Prevención (MNP) [National Prevention Mechanism-NPM] launched its programme to prevent discrimination based on intellectual disability in places of deprivation of liberty in 2022, with visits to a juvenile detention centre and two Policía Nacional stations. By 2024, visits had been conducted to seven juvenile detention centres in six different Autonomous Communities,¹⁷ leaving eleven communities and the autonomous cities of Ceuta and Melilla still pending. Four police stations were also visited, three belonging to the Secretaría de Estado de Seguridad and one to the Departamento de Interior, Función Pública y Justicia del Gobierno de Navarra [Department of the Interior, Public Function and Justice of the Regional Government of Navarre].

The Committee against Torture, in its *Concluding Observations on the seventh periodic report of Spain*, stated that the State party must ensure that solitary confinement

¹⁷ Región de Murcia (visit 5/2022), Comunitat Valenciana (visit 2/2023), Comunidad Autónoma de Andalucía (visit 12/2023), Comunidad Autónoma de Extremadura (34/2023); Comunidad Autónoma de Cantabria (visits 4/2024 y 10/2024); Comunidad Autónoma del País Vasco (visit 7/2024) y Comunidad Foral de Navarra (visit 25/2024).

is not applied to persons with physical or mental disabilities ([CAT/C/ESP/CO/7](#)). In 2024, the NPM continued assessing the degree of compliance with this obligation.

During 2024, It also reviewed the responses to previously issued Recommendations in the context of juvenile detention centres and their effective implementation. The competent authorities of the Región de Murcia (visit 5/2022), the Junta de Andalucía (visit 13/2023), the Junta de Extremadura (visit 35/2023) and the Generalitat Valenciana (visit 3/2023) accepted the majority of the Recommendations issued.

Regarding Recommendations issued in the context of police custody under the responsibility of the Secretaría de Estado de Seguridad, most were also accepted, and Instruction 1/2024 was adopted, establishing a comprehensive procedure for police detention.

In 2024, the NPM extended the intellectual disability programme to the Policía Foral de Navarra, visiting the Central Police Station in Pamplona (visit 29/2024), and to additional detention centres for minors, visiting Centro Socioeducativo Juvenil del Gobierno de Cantabria (visit 5/2024), Centro de Acogida Especializada de Menores Valle de Cayón (Cantabria) (visit 11/2024), Centro Educativo Urgozo (Bizkaia) (visit 8/2024) and Centro Educativo Aranguren (Navarra) (visit 26/2024). As of the closing date of this report, all outstanding actions were still awaiting responses from the competent authorities.

4.3.1 Measures to prevent discriminatory situations

The NPM's Intellectual Disability Programme aims to verify, during its visits, that the conditions under which persons with intellectual disabilities are deprived of liberty do not pose a risk of ill-treatment. It also seeks to analyse potential causes of discrimination arising from a failure to consider their specific characteristics and needs, an omission that may lead to inequality and hinder the enjoyment or exercise of rights. For enhanced protection of the rights of such individuals, the NPM recommended that the admission of persons with intellectual disabilities —or with indications thereof— be expressly notified to the relevant court and juvenile prosecution service in order to ensure that this significant circumstance is duly considered by the competent court when taking any decisions.

During its 2024 visits, the NPM identified the following risk situations:

Recording of intellectual disability, inclusion of variables in statistical data, and information provided upon admission

- **Juvenile centres.** The NPM found that, in two centres, information on disability was not collected completely or systematically, thereby preventing interventions tailored to specific needs and limiting the delivery of appropriate

educational and therapeutic responses for each individual. The NPM, therefore, issued a Recommendation to the competent authorities of the Autonomous Communities of Navarra (visit 26/2024) and the País Vasco (visit 8/2024) to establish a register in which any type of disability is documented. In response to a previously issued Recommendation, the Comunitat Valenciana reported that it had created a register for minors with intellectual disabilities (visit 3/2023).

The absence of data collection and statistical reporting on minors with intellectual disabilities in the annual reports of juvenile detention centres compounds this lack of visibility. It severely limits the availability of data for analysis incorporating a disability perspective (visit 8/2024 and visit 26/2024).

With regard to the admission dossier, only the Centro Socioeducativo de Cantabria had one available in an easy-to-read format. Such a format significantly improves accessibility for persons with intellectual disabilities. As a result, the NPM recommended to the relevant regional administrations (visits 8/2024 and 26/2024) the creation of an easy-to-read admission document, including information on the Protocol for the Prevention, Detection, Protection and Care of Victims of Violence or Abuse, as well as on the role of the Safeguarding and Welfare Coordinator.

In 2024, the Comunitat Valenciana submitted its easy-to-read admission dossier (visit 3/2023). The Junta de Andalucía (visit 13/2023) and the Junta de Extremadura (visit 35/2023) reported that their documents were in the process of being developed.

- **Police stations.** The Policía Foral de Navarra does not have a register that would provide information on persons with intellectual disabilities who have been detained. Failure to collect this information prevents the delivery of appropriate care and responses to the needs of persons with intellectual disabilities.

The preamble of Ley 15/2022, de 12 de julio, integral para la igualdad de trato y la no discriminación [Act 15/2022, of July 12, comprehensive protection for equal treatment and non-discrimination], states that public authorities are obliged to collect and systematise data to diagnose realities and design the most appropriate policies for promoting equality and non-discrimination. The NPM recommended that the variable of intellectual disability be recorded (visit 29/2024). The same Recommendation was made in 2024 to the Secretaría de Estado de Seguridad (visit 53/2022) and was accepted following the approval of Instruction 1/2024, which regulates the comprehensive procedure for police detention.

Lack of training on the rights of persons with disabilities

Article 4.1(i) of the Convention on the Rights of Persons with Disabilities establishes a general obligation to promote training for professionals and staff working with persons with disabilities to ensure better support and services based on the rights enshrined in the Convention.

- **Juvenile centres.** Among the centres visited in 2024, the NPM found that only one professional —at the Centro Socioeducativo Juvenil de Cantabria— had received an eight-hour training course on intellectual and developmental disabilities (visit 5/2024). At the other centres visited, staff had not received any such training. The NPM recommended promoting disability rights training for all staff in detention centres for minors. In 2024, the competent authorities for juvenile detention centres visited in 2023 agreed to include content on the rights of persons with disabilities in their annual training plans.
- **Police stations.** With respect to police stations under the Policía Foral de Navarra, during its visit to the Central Station in Pamplona, the NPM requested information —still pending— on the content of the training provided to police personnel regarding the care of persons with intellectual disabilities and on the proportion of staff who have received it. In 2024, the Secretaría de Estado de Seguridad accepted the Recommendation made in 2023.

Spaces

- **Juvenile centres.** In 2023, the NPM observed the use of inadequate spaces for minors with intellectual disabilities. At the time of admission, the observation unit is used, where minors may remain for up to 14 days, during which outdoor activities take place in the courtyard of that unit, which is smaller than the others.

The NPM confirmed that one person with intellectual disability remained in this unit for 14 days (visit 5/2024). In 2023, the NPM recommended to the competent authorities that minors with disabilities be admitted to spaces appropriate to their needs. However, the regional administrations considered the facilities used for both admission and educational regression to be adequate, despite the fact that the bedroom windows are barred, there is no natural light, and the courtyards are small and unsuitable (visits 3/2023 and 35/2023).
- **Police stations.** Central Police Station of the Pamplona Foral Police Station, the NPM found that there were no separate cells for persons with intellectual disabilities, which constitutes a serious vulnerability in situations where they may come into contact with other detainees. The NPM recommended that should individuals with intellectual disabilities be held in custody, they be assigned

individual cells. This Recommendation was accepted in 2024 by the Secretaría de Estado de Seguridad.

Regulations and disciplinary system

In the juvenile detention centres visited in 2024, the NPM observed that no adaptations had been made to the rules or the disciplinary regime for minors with disabilities. As a result, they are subject to the same rules and the same credit and reinforcement system as the rest of the minors, reducing their chances of progression and access to benefits, constituting a form of discrimination. The NPM recommended that adjustments be made to the rules and disciplinary system to accommodate minors with intellectual disabilities.

4.3.2 Healthcare

Suicide prevention and self-harm protocols

- **Juvenile centres.** The suicide prevention protocols in the centres visited in 2024 did not include a perspective on intellectual disability. It was not considered a differential risk factor for suicidal behaviour. The NPM recommended to the competent authorities that these protocols incorporate this perspective. Regarding self-harm, the NPM observed that not all centres had a specific register for such incidents and recommended that a logbook be created for this purpose (visit 5/2024).
- **Police stations.** The NPM also found that the Policía Foral de Navarra did not have a suicide and self-harm prevention protocol. Therefore, a Recommendation was made for the development of such a protocol, incorporating a disability-sensitive approach.

Addiction treatment

The NPM found that treatment for drug use and other addictions did not consider the specific characteristics and needs of minors with intellectual disabilities (visits 5/2024 and 26/2024). Addiction treatment for persons with intellectual disabilities should address the particular features of both conditions, include specialised programmes, resources and professionals, and work on factors that reinforce the connection between them. The NPM recommended the implementation of a treatment and rehabilitation programme for substance use disorders adapted to minors with intellectual disabilities.

4.3.3 Prevention of ill-treatment risk

The NPM considers it essential to review the use of restraint measures through a disability-informed lens in order to seek non-violent, respectful alternatives that respond to the specific needs and limitations of these individuals.

In the 2024 visits, the NPM confirmed that in three of the juvenile detention centres visited, the protocol governing the use of restraint measures did not include any adaptations for minors with intellectual disabilities. A Recommendation was therefore made for a disability-sensitive review of the grounds for applying such measures. As a sole example of good practice, the NPM highlighted the protocol in place at the Centro Socioeducativo de Cantabria, which does take intellectual disability into account.

During one visit, the NPM found that a minor with intellectual disability had filed a complaint alleging inappropriate touching during a search without identifying the alleged perpetrator (visit 26/2024). Any person deprived of liberty is at risk of ill-treatment. However, certain groups face heightened vulnerability, and cases of discrimination and abuse may arise. The NPM, therefore, requested further information from the competent authorities regarding this case.

4.4 PROGRAMME ON DEATHS IN CUSTODY

As explained in the 2023 Annual Report, this programme is cross-cutting in scope, and the Mecanismo Nacional de Prevención (MNP) [National Prevention Mechanism-NPM] aims for its implementation across all places of deprivation of liberty. For this reason, the term “deaths in custody” is considered more appropriate than “deaths in prison.”

Within this project framework, in 2024, the NPM visited the Centro Penitenciario de Murcia II (visit 21/2024). It also carried out a follow-up on Recommendations made in 2023 following its visit to Centro Penitenciario de Madrid VII (visit 23/2023).

At the end of each year, the NPM requests information on the deaths of individuals in custody for inclusion in its annual report. The latest available data, referring to 2023, indicates that 212 individuals died in custody: 169 under the authority of the General State Administration, 33 under that of Cataluña, and 10 under that of the País Vasco.

In order to obtain broader and more up-to-date information, in 2023, the NPM called on the various prison administrations to notify this institution, proactively and on a more regular basis, of all deaths in custody. It is worth highlighting that only the prison administration of the País Vasco has complied fully with this obligation, allowing the NPM to monitor deaths that occurred in 2024.

To the same end, at the end of the year, the NPM began collecting data on deaths occurring in police custody. In 2025, this data collection effort should be extended to all other places of deprivation of liberty visited by the NPM.

The conceptual and regulatory framework of this project is provided by the Minnesota Protocol, issued by the United Nations High Commissioner for Human Rights, on the investigation of potentially unlawful deaths. Its objective is to ensure the investigation of all deaths that occur in custody. In paragraphs 25 and 26 of the *Concluding Observations*

on the seventh periodic report of Spain ([CAT/C/ESP/CO/7](#)), the Committee against Torture Committee against Torture referred to the lack of data on deaths in custody and the absence of an effective procedure for their investigation and prevention in Spain. The Recommendations made by the Committee serve as a key reference framework for this initiative.

What follows is a summary of the developments in 2024 regarding the three strategic lines of this project: recording, investigation, and prevention of deaths in these circumstances.

Registration of deaths in custody

In its 2023 Annual Report, the NPM noted concerns expressed by several international bodies that year regarding the system for recording deaths in custody. In this context, the Ministerio de Justicia [Ministry of Justice] reported that data had recently been published on persons who died from causes requiring judicial intervention. However, the NPM observed that the published data did not allow for the identification of deaths occurring under custodial circumstances or for an understanding of the causes of those deaths.

Shortcomings in the recording of deaths in custody under the General State Administration persist. Detention centres continue to use various tools within the digital system to consult information on deaths, but the data does not match that reported annually by the central administration. Progress toward the establishment of a national register of deaths in custody requires accurate and standardised administrative documentation. Consequently, in 2024, the NPM issued a Recommendation calling on the Secretaría General de Instituciones Penitenciarias to create a specific model for registering deaths of persons in custody and to issue instructions to detention centres on its proper use.

Moreover, the concept of “death in custody” must include the death of any person under custodial authority until their special legal relationship with the prison administration has ended, regardless of cause, prison status, or location of death. This definition has still not been adopted by the General State Administration, whose register does not include deaths occurring during parole. No disaggregated data has been provided with respect to foreign nationals either.

However, in line with previous Recommendations, the prison administration of the País Vasco adopted, from early 2024, the practice of initiating an internal investigation in cases of death under semi-custodial regimes, requesting reports from the centres’ social services on the monitoring of the inmate’s situation and the circumstances of the death. This approach is regarded by the NPM as essential for preventing future deaths. According to the data provided, of the ten deaths reported in 2024, three occurred inside

the prison facility, while seven occurred under semi-custodial arrangements, three during electronic monitoring under third-grade status and four while on parole.

In the case files reviewed in 2024, the NPM noted discrepancies between the documents gathered in the internal inquiries conducted by the same penitentiary centre. There is no uniform procedure in how deaths are reported, and there is no examination of the medical care provided. Administrative investigations into deaths continue to lack a comprehensive and preventive approach.

In 2023, the NPM identified the absence of a specific investigative protocol as a risk factor in custodial death investigations. The Secretaría General de Instituciones Penitenciarias accepted the related Recommendation, and its implementation is expected to help address the ongoing deficiencies. In 2024, the NPM reiterated the need for any new protocol to include provisions that safeguard the rights of families to receive information and appropriate support and to participate in the investigative process, in line with the guidelines of the International Committee of the Red Cross (ICRC) on the investigation of deaths in custody.

With respect to judicial investigations, two judgments by the Second Chamber of the Tribunal Constitucional in 2024 underscore the need to advance in the investigation of deaths in custody (Constitutional Court Judgment 1/2024, of 15 January, amparo appeal 6092-2021, and Constitutional Court Judgment 144/2024, of 2 December, amparo appeal 6446-2021). Both rulings upheld amparo appeals related to the investigation of suicide in police custody. These judgments reaffirm the doctrine of the Spanish Constitutional Court and the European Court of Human Rights regarding deaths in custody: “The investigation must be rigorous, sufficient, and effective due to the existence of a situation of special vulnerability.”

The NPM also reiterated its Recommendation, first made in 2023, to the Ministerio de Justicia, highlighting the need to improve coordination with the prison administration in order to advance the investigation and prevention of custodial deaths. In response, the Ministerio de Justicia stated that it would promote collaboration between the forensic institutes under its authority (Institutos de Medicina Legal y Ciencias Forenses, IMLCF) and prison facilities, particularly in terms of access to prison medical records and investigative procedures. Twelve Autonomous Communities currently hold devolved responsibilities in the field of justice, and thus, the organisation and supervision of forensic institutes in those regions fall under their remit.

To ensure that prison administrations can access forensic medical reports regardless of where a death occurs, the NPM requested that the Ministerio de Justicia issue instructions —by whatever channel it deems appropriate— to the remaining forensic institutes, encouraging their cooperation with prison administrations.

The NPM expects that this will resolve the difficulties faced by prison administrations in accessing autopsy and toxicology reports.

Of the 169 deaths recorded under the General State Administration in 2023, 61 were still pending determination of cause as of the end of November 2024, representing 36%. This figure does not necessarily coincide with the number of cases in which a definitive cause could not be established. However, it reflects a significant delay in the clarification process, which hinders timely epidemiological conclusions. For this reason, in 2024, the NPM issued an additional Recommendation to the Ministerio de Justicia encouraging the Instituto Nacional de Toxicología [National Toxicology Institute] to expedite and prioritise the analysis of samples and the preparation of reports related to deaths in custody. That would allow forensic pathologists to issue final autopsy reports promptly and ensure timely and effective investigations in accordance with the standards outlined in the Minnesota Protocol.

Prevention of deaths in custody

It is an issue that requires continuous monitoring and evaluation by prison administrations, as individuals in custody present multiple risk factors. For this reason, the NPM places particular importance on remaining informed of the programmes and measures being implemented in the prison context to prevent deaths, as well as the potential consequences of limited access to and continuity of medical care.

Over the years, the NPM has repeatedly stressed the direct link between the use of solitary confinement and coercive measures and the risk of suicide. In this regard, it is a significant development that the emergency action plan implemented by the prison administration of Cataluña in 2023 also addressed the enhancement of suicide and self-harm prevention programmes. That administration reported that these measures had a positive impact, noting that suicides were reduced by half in 2023, and data on self-harm also suggested a downward trend.

The General State Administration has not yet completed the study being carried out by the Central Penitentiary Observatory to improve suicide prevention interventions. Many of the conclusions presented in the evaluation report produced by its suicide analysis group in 2023 align with the deficiencies identified by the NPM during its visits, on which Recommendations had already been issued. By 2024, the NPM observed that some measures had been implemented while others remained pending.

As a progress, it should be noted that the Secretaría General de Instituciones Penitenciarias reported having issued instructions to prison centres aimed at implementing the Recommendation issued in 2022 on the advisability of suspending any form of solitary confinement where suicide risk has been identified. Additionally, in 2024, the NPM issued a Recommendation stressing the importance of maintaining follow-up

for individuals once they are removed from the suicide prevention programme, with the aim of avoiding their return to solitary confinement, particularly in the case of those under closed-regime status. This Recommendation is especially important, as in 2023, the suicide analysis group of the Administration found that in 93.5% of suicide cases, the individual was not enrolled in the suicide prevention programme at the time of death, and 41.9% had previously been enrolled in it.

According to mortality reports from the prison administration, the leading cause of violent death is suicide, followed by deaths resulting from adverse reactions to psychoactive substances (ARPS). In 2024, the Instituto Nacional de Toxicología y Ciencias Forenses [National Toxicology and Forensic Sciences Institute] published a study examining the role of psychoactive substances in the violent deaths of persons in custody. The study clarified that all chemical-toxicological analyses performed on suicide victims revealed the presence of psychoactive substances, with a high prevalence of psychotropic drugs. In this regard, the NPM issued a Recommendation in 2024 urging the need to ensure appropriate distribution of medication when a risk situation has been identified that results in a person being included in a specific programme or protocol, such as suicide or overdose prevention.

In its 2023 report, the NPM had already reported on Recommendations issued to the Secretaría General de Instituciones Penitenciarias to support the prevention of deaths among individuals who are ill or older. Throughout 2024, the NPM reiterated the importance of addressing this issue in order to identify individuals who require closer medical monitoring and care, given the challenges faced by prisons in meeting the full range of healthcare demands.

Deaths in police custody

In line with the *Observations on the seventh periodic report of Spain*, the NPM extended this initiative during the year to include police custody cells and the operational protocols of various law enforcement agencies.

References

INVESTIGATION INTO ALLEGATIONS OF TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT

Situations of risk identified by the NPM in the recording and investigation of allegations of ill-treatment in administrative settings

The Defensor del Pueblo, in its capacity as a Mecanismo Nacional de Prevención (MNP) [National Prevention Mechanism-NPM], pays particular attention to complaints, recording systems, and investigations of cases of torture and ill-treatment. Although progress is being made, the NPM continues to observe during its visits to places of deprivation of liberty that not all allegations of ill-treatment reported by those in custody are recorded by the competent authorities, or, when recorded, there is still a lack of a proactive approach to obtaining the essential evidence required for proper documentation. These shortcomings hinder or obstruct judicial investigation.

In this regard, it is worth noting that the Committee against Torture of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in its *Concluding Observations on the seventh periodic report of Spain* ([CAT/C/ESP/CO/7](#)), expressed concern over the fact that a significant number of criminal cases involving allegations of excessive use of force by law enforcement officers are closed or dismissed, often resulting in acquittals. The NPM also considers that existing internal investigative bodies lack the necessary independence, as they belong to the same organisational structure as the alleged perpetrators.

Particular focus on the use of mechanical restraints

As outlined in this report, the National Prevention Mechanism (NPM) conducts close monitoring of the use of mechanical restraints in places of deprivation of liberty, given the identification of this practice as a high-risk situation in terms of potential violations of detainee rights.

In 2017, the Defensor del Pueblo published the [Guía de buenas prácticas en contenciones mecánicas](#) [Guide to Good Practice in the Use of Mechanical Restraints], aiming to consolidate international standards, highlight the deficiencies and risks identified during NPM visits, and issue improvement-focused Recommendations.

In subsequent years, there has been growing awareness of the need to address the use of restraints in places of detention from a human rights perspective, with the ultimate goal of reducing their use wherever possible. These practices, though intended to manage and prevent dangerous situations, have a direct impact on the physical, psychological, and cognitive health of those subjected to them. Accordingly, the following

current regulatory framework on the use of mechanical restraints in various settings of deprivation of liberty is noteworthy:

- Instruction 3/2018 from the Secretaría General de Instituciones Penitenciarias of the Ministerio de Interior, regulating the Protocol for the Application of Mechanical Restraints for Regime-Related Reasons.

This regulation aims to “guide prison staff in the implementation of de-escalation techniques through dialogue and, only once these have been exhausted, to proceed with restraint in a manner that respects the rights of the individuals concerned.”

- Circular 1/2022 from the Dirección General de Asuntos Penitenciarios of the Departamento de Justicia of the Generalitat de Catalunya [Directorate General of Penitentiary Affairs of the Department of Justice of the Regional Government of Cataluña], approving the Protocol for the Application of Coercive Measures including Temporary Isolation and Mechanical Restraints in Catalan Prisons.

This circular, which repeals Circular 2/2021, seeks “to introduce improvements that reduce the need for physical restraints while providing staff with safe tools to manage aggressive behaviour by detainees.” It continues to emphasise restraint reduction while increasing staff training to deal with agitated behaviour in the least harmful manner possible, ensuring the safety of both staff and the facility.

- In the País Vasco prison administration, mechanical restraint procedures are governed by the Manual de Régimen Interior y Seguridad en Prisión [Manual on Internal Regime and Security in Prisons], which incorporates Instruction 2/2021, dated 1 October.
- Instruction 1/2022, of 19 January, issued by the Fiscalía General del Estado, concerns the use of mechanical or pharmacological restraint in psychiatric or mental health units and residential or social and healthcare centres for older persons or persons with disabilities.

The need for this regulation is justified by the fact that “the objective of achieving a zero-restraint system is still far from being realised, and it is, therefore, necessary, while such practices persist, to establish mechanisms for the supervision and control of their use in order to ensure respect for the fundamental rights of the individuals concerned, an endeavour in which the Public Prosecutor's Office must necessarily be involved.”

- Article 59.3 of Ley Orgánica 5/2000, de 12 de enero, reguladora de la responsabilidad penal de los menores, prohibits mechanical restraint involving the binding of a person to an articulated bed or any fixed or anchored object or piece of furniture. Similarly, Ley Orgánica 8/2021, de 4 de junio, de protección integral a la infancia y la adolescencia frente a la violencia, enshrines this prohibition in both

Article 21 ter.1 (for child protection centres) and Article 28.4 (for centres for minors with behavioural problems).

Classification and investigation of the crime of torture in Spain

Regulatory and legal framework

In Spain, the offence of torture is regulated under Title VII of Book II of the Código Penal, under the heading “On Torture and Other Offences Against Moral Integrity” (Articles 173 to 177). The Defensor del Pueblo, acting as Mecanismo Nacional de Prevención (MNP) [National Prevention Mechanism-NPM], is mandated to conduct preventive visits to places of deprivation of liberty to detect risk situations in line with both Spanish and internationally accepted legal standards for such facilities. It is, therefore, important to monitor convictions of custodial staff, particularly in relation to offences of torture and ill-treatment. The relevant specific criminal provisions are those set out in Articles 174, 175 and 176 of the Código Penal.

The Supreme Court Judgment 3976/2022, dated 3 November, provides a doctrinal and jurisprudential interpretation of these articles in its fourth legal reasoning section. It concludes:

la diferencia entre el tipo penal de tortura del artículo 174 del Código Penal y el delito residual de atentado contra la integridad moral cometido con abuso de cargo por autoridad o cargo público, «fuera de los casos comprendidos en el artículo anterior», del artículo 175 CP, no estriba en la gravedad de la afrenta a la dignidad de las víctimas (pues expresamente se sancionan en ambos preceptos tanto los atentados graves como los que no lo son), sino en la ausencia en el tipo del artículo 175 del elemento teleológico —«con el fin de obtener una confesión o información de cualquier persona o de castigarla por cualquier razón que haya cometido o se sospeche que ha cometido, o por cualquier razón basada en algún tipo de discriminación»— que exige el artículo 174.¹⁸

This classification system means, as legal scholarship has noted that the concept of torture in the Código Penal is broader in terms of the nature of the act than the definition

¹⁸ The difference between the offence of torture under Article 174 of the Código Penal and the residual offence of attacks on moral integrity committed by public authorities or officials — “outside the scope of the preceding article” — as defined under Article 175, does not lie in the severity of the affront to the victim’s dignity (since both articles penalise severe and non-severe acts alike), but rather in the absence in Article 175 of the teleological element required by Article 174 —namely, “with the aim of extracting a confession or information, punishing the person for any act committed or suspected to have been committed, or for any reason based on discrimination.”

provided in Article 1 of the United Nations Convention against Torture of 10 December 1984, which requires a threshold of severity not demanded under Spanish law.

Nonetheless, in its *2023 Concluding Observations on the seventh periodic report of Spain*, the Committee against Torture reiterated its Recommendations concerning the need to review and amend Spain's legislative framework to ensure that all forms of torture are prohibited, as the current legal provisions are not fully aligned with Article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Documentation and public disclosure of judicial investigations into allegations of ill-treatment in detention

Preventing human rights violations requires not only avoiding risk situations but also documenting and publicly acknowledging when such incidents occur and the legal consequences for those responsible. In its 2022 Annual Report, the NPM had already highlighted the importance of indirect or dissuasive prevention. In this regard, it reported shortcomings identified in the administrative records of the Fiscalía General del Estado and the Secretaría de Estado de Justicia [State Secretariat for Justice] relating to judicial proceedings involving the use of force.

The data provided by the Fiscalía General del Estado were incomplete, as responses were received from only 23 out of 59 regional prosecution offices —approximately 39%— due to difficulties in obtaining the requested data within a reasonable timeframe. The Fiscalía General del Estado indicated that between 1 September 2023 and 31 August 2024, a total of fifteen individuals were convicted of the offence of torture under Article 174 of the Código Penal and of offences involving physical injury under Article 147. Twenty-nine individuals were convicted of offences against moral integrity under Article 175, and one person was convicted of the offence of failing to prevent torture or an offence against moral integrity under Article 176. Additionally, the Fiscalía reported that one person was convicted of the offence of unlawful detention under Article 167.1; eight individuals were convicted of offences against privacy, personal image, or disclosure of secrets under Article 198; and one person was convicted of offences involving improper disciplinary measures and deprivations under Article 533, in their capacity as staff working in contexts involving the deprivation of liberty.

In the case of the Secretaría de Estado de Justicia, the information provided does not fully correspond to the requested parameters, as its database categorises offences as they appear in the Código Penal. The data held in the Administrative Records System in support of the Administration of Justice [Sistema de Registros Administrativos de Apoyo a la Administración de Justicia, SIRAJ] does not include information regarding the status of public authority or official for certain generic offences unless they are explicitly

defined as such in the Código Penal. That said, this year, the aggravating circumstance under Article 177 bis.5 has been incorporated into the database.

According to the information submitted, between 1 September 2023 and 31 August 2024: Five individuals were convicted of the offence of torture under Article 174 of the Código Penal, as well as of physical assault under Article 147. A further eighteen individuals were convicted of an offence against moral integrity under Article 175.

Three individuals were convicted under Article 176 for failing to prevent acts of torture or offences against moral integrity.

Eight individuals were convicted of offences relating to privacy, self-image and the disclosure of secrets under Article 198 of the Código Penal.

The NPM considers it essential to determine how many complaints of torture and ill-treatment have concluded in judicial judgments of case dismissal or acquittal. However, the SIRAJ does not record this information, except in cases of acquittals where a security measure has been imposed.

In view of the composition and functions assigned to the Comisión Nacional de Estadística Judicial [National Judicial Statistics Commission] (Article 461.3 of the Ley Orgánica del Poder Judicial and Real Decreto 1184/2006 of 13 October), and in order to clarify the extent of available data and assess potential improvements in recording convictions of individuals in custodial or detention-related roles, the NPM raised its concerns with the Consejo General del Poder Judicial, the body responsible for compiling and managing judicial statistics.

In the report submitted by the Council, an analysis was conducted of the data held by the SIRAJ, the judicial statistics database, and the Centro de Documentación Judicial [Judicial Documentation Centre]. It confirmed that, both legally and technically, the requested data cannot currently be obtained.

From the detailed explanation provided by the Consejo General del Poder Judicial regarding the databases, their purpose, sources, functions and limitations, the NPM concludes that the most appropriate solution would be to include a dedicated section on proceedings related to torture and ill-treatment in the quarterly bulletins issued by criminal jurisdiction bodies. In this regard, the NPM issued a Recommendation to the Comisión Nacional de Estadística Judicial, encouraging it to consider gathering statistical data on offences of torture and other cruel, inhuman or degrading treatment or punishment. Such an initiative would support the Commission's role in ensuring that the Cortes Generales [Spanish Parliament] has permanent access to updated, accurate and verified information on the statistical characteristics of cases handled by judicial bodies, services and offices in Spain.

Selected some judicial pronouncements on final convictions for torture, personal injuries and offences against moral integrity delivered in 2024.

- Judgment of the second chamber of the Constitutional Court 1/2024, 15 January 2024, which upheld the constitutional appeal 6092-2021 brought by the sister of a detainee who died by suicide in the cells of a Policía Nacional station, having apparently attempted to take his own life only hours earlier. The appeal concerned the rulings ordering the provisional dismissal and closure of the case.

The ruling found a violation of the right to effective judicial protection, noting the failure to conduct proposed investigatory measures that could have clarified whether the suicide risk was real and immediate and whether police officers did everything possible to prevent it.

- Judgment of the second chamber of the Constitutional Court 33/2024, 11 March 2024, which upheld the application for constitutional protection 5582-2021 lodged by a detainee concerning the judicial decisions that had closed his complaint regarding alleged offences of unlawful detention, torture and bodily harm. It found a violation of the right to effective judicial protection, in connection with the right to physical and moral integrity, due to the insufficient investigation of an allegation of assault while in custody. The judgment set out the key elements of the Constitutional Court's case law regarding judicial investigations into allegations of torture and inhuman or degrading treatment.

Investigative steps that could have helped clarify the events —particularly the questioning of the complainant and the officers involved— were denied.

- Judgment of the second chamber of the Constitutional Court 35/2024, 11 March 2024, which upheld the constitutional appeal 7311-2021 brought by a pretrial detainee who had been placed under the Special Monitoring Inmate File (FIES) IV regime due to his status as a national police officer. The appeal concerned the rulings that dismissed his complaint of degrading treatment during his time in prison.

The taking of a statement from the complainant, the documentation gathered, and the inclusion of the prison director's report led to the provisional dismissal of the case, pending the emergence of new evidence or developments, as the courts reasoned that certain facts were not criminally relevant. However, the criminal suspicions were not ruled out through the investigative measures requested (including, among others, statements from those under investigation and witness testimonies). As they were not taken into consideration, their denial was not duly reasoned.

- Judgment of the second chamber of the Constitutional Court 105/2024, 9 September 2024, which upheld the constitutional appeal 6095-2022, lodged by a

trans woman in pre-trial detention in relation to the rulings that had ordered the provisional dismissal of preliminary proceedings for a possible offence of bodily harm in a penitentiary centre.

It declared a violation of the right to effective judicial protection, in connection with the right to physical and moral integrity, on the grounds that the investigation into the complaint had not been sufficient or effective, noting that the protection of this right requires that statements be obtained from those involved, whether directly or indirectly when investigative steps are available. It also emphasised the examining judge's duty to ensure that medical reports are included in the case file.

- Judgment of the second chamber of the Constitutional Court 144/2024, 2 December 2024, which upheld the constitutional appeal 6446-2021 brought by the father of a detainee who died in the custody of the local police in relation to the orders that provisionally dismissed the case.

The Court found a violation of the right to effective judicial protection without suffering a denial of justice in connection with the right to physical and moral integrity on the grounds that the investigation into the complaint was neither sufficient nor effective. In particular, it highlighted that the investigating authority, despite the seriousness of the events reported, issued a ruling for dismissal without waiting for the results of the final autopsy report and biological samples. It further concluded that the evidence gathered was insufficient to fill the gaps in the reconstruction of events, including the circumstances surrounding the death, the origin of the cord used for the hanging, the route and conditions of the arrest, and specifically, the reasons why the deceased's blood was found in a different location from the place of detention or whether the detainee had been properly monitored and cared for.

- Judgment of the Criminal Division of the Supreme Court 625/2024, dated 19 June 2024. The Supreme Court dismissed the appeal in cassation lodged by a national police officer against the appellate judgment that upheld his conviction for the offence of sexual abuse (sexual assault) for attempting to kiss a detainee during her transfer to court. The Court confirmed the aggravating circumstance of abuse of authority ("prevalimiento") under Article 22.7 of the Código Penal.
- Judgment of the Criminal Division of the Supreme Court 213/2024, dated 6 March 2024. The Supreme Court dismissed the appeal in cassation lodged by two Guardia Civil officers against the appellate ruling that upheld their convictions for three offences against moral integrity. The convictions stemmed from having ordered three young men to undergo a full strip search during a roadside check on the motorway.

The Court held that a full strip search, depending on its purpose, nature, or the means used, may cause particularly intense suffering or result in the humiliation or degradation of the individual concerned, thus constituting degrading treatment prohibited under Article 15 of the Constitution, in line with constitutional case law. It further recalled that Article 176 of the Código Penal punishes omissions of duty by public officials: it is not necessary to be the hierarchical superior of the perpetrator, but rather sufficient to be aware that a punishable act (Articles 174 or 175) is taking place and to deliberately do nothing to prevent it, even if internally disapproved.

ACTIVITIES OF THE NATIONAL PREVENTIVE MECHANISM IN THE AREAS OF TRAINING, COOPERATION AND OUTREACH

1	Participation of the Director of the NPM in the workshop “Construcción del nuevo diseño institucional del MNP de Bolivia” [Building the new institutional design of Bolivia’s NPM], organised by the Defensoría del Pueblo [Ombudsman] of Bolivia	January
2	Attendance at the lecture “Los Derechos Humanos en el ámbito penitenciario” [Human Rights in the prison context], organised by the Observatorio de Derechos Humanos [Human Rights Observatory] and the Criminal Law Section of the Ilustre Colegio de Abogados de Madrid (ICAM) [Madrid Bar Association]	
3	Online attendance at the seminar “La contención mecánica en las prisiones: Una perspectiva criminológica” [Mechanical restraints in prisons: A criminological perspective], organised by the University of Barcelona and the Optional Protocol to the Convention Against Torture (OPCAT)	
4	Collaboration with the Ombudsman of Slovenia on the draft “Recommendation on respect for autonomy in mental healthcare”	
5	Collaboration with the United Kingdom NPM on the information request for the “Fourteenth Annual Report”	February
6	Participation in the seminar “Strengthening safeguards against torture and other ill-treatment in the context of assemblies”, organised by the United Against Torture Consortium (UATC)	March
7	Submission of information to the European Union Agency for Fundamental Rights (FRA) for the “Overview on effective forced return monitoring in the EU – 2023”	
8	Attendance at the launch event for the Comisionado de Salud Mental [Mental Health Commissioner], organised by the Ministerio de Sanidad [Ministry of Health]	April
9	Initial training for civil servants on the Curso Selectivo del Cuerpo de Ayudantes de Instituciones Penitenciarias [Selective Training Course for the Corps of Prison Officers], held in Cuenca – 1st session	

10	Attendance at the workshop “Actuación letrada en casos de tortura, trato degradante y actos contra la integridad física y moral de personal detenidas, internas y presas” [Legal representation in cases of torture, degrading treatment and acts against the physical and moral integrity of detainees and prisoners], organised by the Colegio de Abogados de Oviedo [Oviedo Bar Association]	May
11	Online attendance at the seminar “Tools to prevent torture inflicted through less lethal weapons and related equipment”, organised by the CPT and the University of Chile	
12	Online attendance at the seminar “Monitoring of material conditions of detention and rights of persons held in pre-trial detention”, organised by the Council of Europe	June
13	Online attendance at the presentation of the Guía de Actuación de los Mecanismos Locales de Prevención [Guidelines for Action of Local Prevention Mechanisms], organised by the National Committee for the Prevention of Torture of the Republic of Argentina	
14	Initial training for civil servants on the Curso Selectivo del Cuerpo de Ayudantes de Instituciones Penitenciarias [Selective Training Course for the Corps of Prison Officers], held in Cuenca – 2nd session	
15	Attendance at the seminar “Access to Justice. Equal participation and fair trial rights in criminal cases for persons with intellectual and psychosocial disabilities”, organised by the Validity Foundation	
16	Collaboration with the Association for the Prevention of Torture (APT) in the drafting of the “Global Report on Women in Prison”	July
17	Online meeting with the Rapporteur for Spain of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (SPT) to address issues of common interest with the Spanish NPM	
18	Online attendance at the seminar “Ending the cycle of violence and torture against protesters. International Day in Support of Victims of Torture and 40th Anniversary of the UN Convention Against Torture”, organised by the APT	
19	Collaboration with the French NPM “CGLPL Thematic study on participation of persons deprived of liberty”	September
20	Working visit from the Ombudsman of Georgia to the Office of the Defensor del Pueblo	
21	Online attendance at the seminar “The Engagement of NHRIs with the Committee Against Torture”, organised by	

	the National Institutions and Regional Mechanisms Section (NIRMS)	
22	Online attendance at the seminar “Scoping survey on the extraterritorial application of OPCAT”, organised by the SPT	
23	Meeting with representatives of the Comisión de Salud Mental [Mental Health Commission] of the Ministerio de Sanidad	October
24	Participation in the opening of the Máster en Derechos Humanos [Master’s in Human Rights] at the University of Valencia	
25	Meeting with the Ministerio del Interior regarding the Independent Monitoring Mechanism provided for under the Pacto Europeo de Migración y Asilo (PEMA) [European Pact on Migration and Asylum], Article 10 of the Screening Regulation	
26	Online attendance at the seminar “Independence of the National Preventive Mechanisms”, organised by the SPT	November
27	Working meeting organised by the Justicia de Aragón [Regional Ombudsman of Aragon] to analyse visits to juvenile detention and child protection centres	
28	Participation in a working meeting with a delegation from the Ombudsman of Serbia	
29	Training session for students enrolled in the Máster de Derechos Humanos [Master’s in Human Rights] at the University of Alcalá de Henares (Madrid)	December

Annexes (Available for consultation and download from the official institutional website)

A. Full report (Spanish and English version)

B. Resolutions made by the NPM (Spanish content)

B.1. Recommendations

B.2. Suggestions

B.3. Reminders of Legal Duties

C. Activities in progress in 2024 (Spanish content)

D. General Comment nº 1 (2024) (CAT/OP/GC/1) of the Subcommittee on Prevention of Torture and Other Cruel Treatment or Punishment (SPT) (English content)

**Supervision of Spain's deprivation of liberty facilities in compliance
with the Optional Protocol to the United Nations Convention against
Torture and other Cruel, Inhuman or Degrading Treatment or
Punishment (OPCAT)**