



ANNUAL REPORT
OF THE CATALAN
MECHANISM FOR
THE PREVENTION
OF TORTURE
DECEMBER 2021

SÍNDIC

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DE LES
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1. INTRODUCTION

This report covers the 2021 activity of the Catalan Mechanism for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (henceforth MCPT). This is the eleventh report presented to the Parliament of Catalonia in accordance with the provisions of article 74 of Act 24/2009 of 23 December, on the Ombudsman.

This year, from February onwards, face-to-face visits to centres and establishments where people are in custody have resumed. These visits were abruptly stopped on 14 March 2020. The visits were made in accordance with the precautionary measures established at any given time by the health authorities and the paradigm of the principle of not harming, that is to say, of preventing the Mechanism's intervention from causing more harm than the intended good. In this sense, one of the measures was to reduce the number of team members and limit the duration of visits to reduce the risk of transmission, and to change the methodology of the visit and also ensure the practice of lateral flow tests on team members beforehand. The tests were stopped when all members of the team were vaccinated.

The number of centres visited was 29, far more than in 2020, but still short of the pre-pandemic figure. Most of the visits (15) were to police stations, mainly those of the various local police forces (8) that have detention areas for detainees in Catalonia. Seven prisons, four juvenile justice units and other residential and social health centres were also visited.

The actions of the Mechanism maintain the characteristics noted in previous years and are based on the Team's prior preparation and the absence of prior notice of the visit. However, this year the priority was to exchange information with the management of the centres and to gain a first-hand picture of the measures taken to prevent and deal with the Covid-19 pandemic, both from a health point of view and with respect to other aspects of custody. The conclusions and recommendations of the visit are

transferred to the responsible administration and to the centre itself.

As usual, the annual report contains each of the records of the visits made and gather, for each centre or unit visited, the main observations and conclusions drawn by the team, as well as the recommendations derived from the visit.

Furthermore, the report also presents a monographic study, which is the result of the visits made by the team and of the research and discussion around the day that the Ombudsman organises each year on the International Day in Support of Victims of Torture. This year, as last year, the public administrations' response to the management of Covid-19 in the context of custody is under examination, in particular in prisons and juvenile justice units. This study includes the results of a survey that, in collaboration with the Justice Department, was conducted on all inmates in prisons and juvenile justice units during the month of February.

The institutional section highlights the changes that have taken place in the team composition. Also noteworthy in this section is the eighth celebration of the International Day in Support of Victims of Torture, as mentioned above, as well as MCPT members' participation at various national and international training activities.

The report contains a follow-up to some of the recommendations made by the Mechanism in recent years and which are still partly or entirely pending acceptance and application by the Administration. This year's issues particularly highlight the approval in April of a new circular from the Secretariat of Criminal Measures on the means of containment in prisons in Catalonia, in line with what the MCPT had recommended in its annual report of 2018, as well as other international human rights organisations such as the Committee for the Prevention of Torture.

The implementation of this new protocol has halved the number of containments in

the prisons, but at the time of concluding this report was being reviewed by a new Justice Department team. For the MCPT, the frontispiece of this review must focus on the guarantee of the rights of people in custody, as well as the security of these

people and of the personnel who may have to apply the measure.

Finally, the report includes a section that summarises the main recommendations contained in its pages.

II. COVID-19 AND RIGHTS IN THE FIELD OF PRISONS AND JUVENILE JUSTICE

INTRODUCTION

Since March 2020, the World Health Organisation (WHO) has considered Covid-19 a global pandemic. In this situation, and in response to the call made by the Organisation itself, States have taken urgent and exceptional measures to prevent the spread of the disease. One of the most drastic measures has been the isolation or confinement of people, a situation that has been especially poignant for people in custody, who have seen their rights even more severely limited.

International human rights law states that everyone has the right to the highest attainable standard of physical and mental health. When a State deprives a person of freedom, it must assume the duty to provide medical treatment and to protect and promote their physical and mental health and well-being, as laid down in the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules). In closed facilities, failure to protect people in custody from serious illness as a result of carelessness or due diligence may constitute a situation of ill-treatment or even torture.

In this context, the Catalan Mechanism for the Prevention of Torture, in accordance with Article 17 of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, has a key role to play in ensuring that people's treatment in custody guarantees their health, safety and dignity, as well as that of the staff working in these institutions.

Various international bodies have commented on the monitoring of prison areas in these times of pandemic. The WHO has stressed the importance of independent monitoring of prisons and other detention areas in its interim guidelines on Covid-19 for states. For its part, the European Committee for the Prevention of Torture (CPT) has reaffirmed

that monitoring mechanisms "remain essential safeguards" against torture and other ill-treatment. Finally, the Subcommittee on the Prevention of Torture (SPT) also encouraged national prevention mechanisms "to continue to make preventive visits, respecting the necessary limitations in the way they are conducted." Both the CPT and the SPT have identified the principle of "do no harm" (i.e., that their actions do not cause more harm than the benefit they seek), as well as the guiding principle that national prevention mechanisms must take into account when assessing their supervisory mandate in the current situation.

In any case, at the international level, each torture prevention mechanism has been free to decide what was most appropriate in this situation, as it is up exclusively to these bodies to decide whether to maintain or suspend personal visits in fulfilling their supervisory mandate.

In the case of Catalonia, the Working Group of the Catalan Mechanism for the Prevention of Torture decided to abruptly break off visits following the declaration of the state of alarm on 14 March 2020, as explained in the MCPT annual report for 2020. This did not prevent the Ombudsman, in collaboration with members of the MCPT Team, from continuing its work in preventing torture and ill-treatment in the prison and juvenile justice system through other forms of control and supervision: through the use of video conferencing or occasional visits to people in custody.

Indeed, while visits to prisons and detention centres are the most visible aspect of the mandates of the torture prevention mechanisms and the MCPT in particular, they only account for part of the task entrusted to them. Gathering information, interviews, dialogue with the authorities, etc. also play a very important role in the UN Protocol to the Convention

against Torture. Thus, the MCPT has strengthened the information channels with the Secretariat of Criminal Measures, Reintegration and Victim Care (SMPRAV), with regular communication within the framework of which the new instructions being approved in the field of prevention of Covid, among others, have been shared with the MCPT.

The pandemic's impact on all social spheres continued this year. Up to three waves (the third, fourth and fifth) led to various measures to limit the rights of both the general population and of the custodial area. These measures gradually disappeared in the last four months of 2021, partly due to the generalisation of vaccination, despite the fact that at the end of the year there was a new outbreak in a prison.

This situation has had a direct impact on the functioning of the Mechanism. The smaller incidence of the pandemic compared to 2020 allowed the Team to resume regular visits from February, with an emphasis on the management of the pandemic by the authorities responsible for custodial areas (action protocols, preventive measures taken, management of Covid-19 outbreaks in prisons and juvenile justice units, etc.), as well as a methodology to ensure compliance with WHO recommendations on preventive measures when visiting prisons and detention centres; the Team has been provided with the means of protection necessary and appropriate to the epidemiological circumstances and the characteristics of each custodial area.

In this sense, one of the measures was to reduce the number of members of the Team in the early months of the year and to limit the duration of visits to reduce the risk of transmission. Furthermore, up to July, all members of the working team took a lateral flow test prior to the start of each visit.

At the same time, a survey was made on the prison population of adults and young people at the beginning of the year, to find out their experience of the pandemic. As will be seen later, among other things they

are asked about the availability of protective equipment, the information received, communications with relatives, and so on. In performing the survey, the SMPRAV is asked for collaboration and support to distribute and gather up the surveys among the prison population. In this regard, the questionnaires will be sent to all centres between 5 and 8 February, accompanied by a letter explaining the objectives.

Pandemic-related ex-officio proceedings have also been started. On the one hand, the AO [Administrative Order] 44/2021, on the situation of the pandemic in prisons and, specifically, on the vaccination plan and the current incidence in the case of professionals and inmates, as well as the most vulnerable people from a health point of view. The AO continues those previously initiated as a result of the declaration of the state of alarm on 14 March 2020 and with the different waves of Covid-19. The overall objective of the action is to take stock of the effects of the pandemic on prisons and the results of the measures adopted by the SMPRAV and the Prison Health Programme of the Catalan Institute of Health (henceforth ICS).

With regard to the vaccination plan, following a report that people in custody were being excluded from the vaccination plan, information was requested on the work and approach being taken with the Prison Health Programme of the ICS to include this group as soon as possible and restore normalcy in the centres, with the aim of reducing the impact of the pandemic on the prison system and on the care system.

COVID-19 CASES IN PRISONS

Phillip Meissner, an expert on prison reform at the United Nations Office on Drugs and Crime (UNODC), said estimates indicate that more than 527,000 prisoners have been infected with Covid-19 in 122 countries and that more than 3,800 have died in 47 of these countries.

"Prison systems and more than eleven million prisoners around the world have

been disproportionately hit by the pandemic," Meissner said at the 14th UN Congress on Crime Prevention and Criminal Justice to discuss the impact of Covid-19 on prison settings, which was held in the Japanese city of Kyoto.

However, the expert notes that, given the "limited capacity in many jurisdictions and the rapidly evolving situation", the actual number of infected people may be much higher. It should also be recognised that due to their close and regular interaction with inmates, officials, health professionals and other people working in prisons also face an increased risk of infection. Prisons are definitely a high-risk Covid-19 environment for those who live and work there."

The expert emphasises that "even relatively well-resourced criminal systems face serious challenges in mitigating the pandemic's impact on prisons. The consequences are particularly severe in overcrowded prison systems for reasons including neglect and shortages of staff and other resources. This has led to poor or insufficient prison conditions in the sanitation, hygiene and health services."

Similarly, he states that "overcrowding in prisons, which continues to affect most countries, exponentially increases the challenges posed by Covid-19 and the real feasibility of introducing significant measures to prevent and control infections."

On the difficulties in combating the pandemic in prisons, the UN expert warns that "many prisons do not have enough space, food and drinking water, access to decent sanitary facilities, or adequate ventilation in the accommodation and work areas. What's more, access to Covid-19 personal protective equipment, infra-red thermometers, or specific testing is a challenge. These factors are more serious given the typically weaker health profile of the prison population, which often has a higher incidence of transmittable and non-transmittable diseases."

In this regard, he warns that "the atmosphere in prisons has become tense in many countries and has been exacerbated by anxiety, fear and uncertainty among

prisoners and officials in these centres. Prison riots and other security incidents in about 50 countries have shown the importance of providing transparent information on Covid-19 and, as far as possible, with the prisoners' participation."

In any case, the international expert has criticised that the measures taken in many countries have tightened prison regimes (suspension of visits, restriction on access to reintegration programmes and, above all, lack of communication with families, a measure that "over long periods of time has a serious impact on the mental health and well-being of prisoners and aggravates the suffering inherent to a situation of incarceration."

According to sources from the Ministry of the Interior, in Spain since the beginning of the Covid-19 pandemic, and in the period between 6-3-2020 and 14-12-2020, 783 confirmed cases of acute SARS-CoV-2 infection were reported by diagnostic tests, mostly PCR, which is an accumulative incidence rate of 1,655 cases per 100,000. Of these, 40 were hospitalised and three prisoners were transferred, due either directly to Covid-19 or to a concurrent disease, as they were all elderly and had serious conditions. Compared to the general population, the incidence is 2.2 times lower in prisons, given the prevention and control measures adopted and the mortality rate is 17 times lower in these institutions.

As for the cases of people in custody requiring hospitalisation, there were 40, meaning a hospital attendance of 85 per 100,000. Considering that in the general population it is 425, it is five times lower in the prisons dependent on the General Secretariat of Penitentiary Institutions.

In the case of Catalonia, and in response to the requested data, the Department of Health points out that all the PCR and rapid tests necessary for a good control of the disease have been carried out, although it does not know the exact number. In this sense, since 1 July 2020, the prison population has been screened at various times: on admission; on returning from leave of more than 24 hours; on returning from hospital or social care admissions;

when they had to enter an addiction unit, etc. With these screenings, up to 141 positives were detected in one year before their admission to coexistence modules, which, together with other measures, has made it possible to keep prisons relatively protected from Covid-19, despite the various outbreaks that have been declared, mainly in Quatre Camins and Puig de les Basses. Prison staff, on the other hand, were not systematically screened.

In April 2021, the incidence of Covid-19 in prisons in Catalonia was 4.4% compared to 7.5% among the general population. In absolute terms, the number of positive inmates between 22 March 2020 and 18 April 2021 was 846. As for deaths, there was only one case in relation to the 10,575 cases recorded in Catalonia up to 26 February 2021, so the mortality rate stands at 1.8% among the general population and 0.2% in prisons. To date, no more deaths have been caused by Covid.

According to the latest information sent by the Prison Health Programme, up to 26 November 2021, there were a total of 1,877 people in Catalan prisons infected with Covid-19, counting from the beginning of the epidemic.

Finally, in terms of the number of people hospitalised for severe Covid-19 among the inmate population of Catalonia, there have been three, including the one who died.

Likewise, the number of people admitted to the two low-intensity Covid units operating there was 198 in the Brians 2 Prison Unit and 220 in Puig de les Basses. At the time of writing, there are 243 positive cases admitted in Brians 2 and 29 in Ponent. The volume exceeds the capacity of Covid units, so modules working as such have been enabled. Three people have been transferred to the Pavelló Hospitalari de Terrassa, all with co morbidities.

On the vaccination plan for staff working in prisons and juvenile justice units, in March 2021 it is reported that this started on 9 February 2021 with the AstraZeneca vaccine, and the target population was both Justice Department officials and staff from external companies, NGO staff and volunteers. In all, 5,126 people were vaccinated, 4,263 Justice

Department workers aged between 18 and 55, and 863 from various companies and organisations. Vaccination ended on 19 February and a total of 4,096 vaccines were given (one vaccine corresponds to one person).

Previously, 203 people had been vaccinated, mainly officials and cleaning staff from the Covid units in prisons and the nurses from the prisons and prison hospital units. They were vaccinated as medical staff when the clinical staff were vaccinated, and with the Pfizer vaccine.

As for the inmate population, vaccination began on 24 February. The target population was:

- The inmate population of prisons and juvenile justice educational centres from 18 to 55 years of age. The vaccine used was AstraZeneca.

- For those over the age of 79 in prisons, the vaccine used was Pfizer, as with the non-prison population, as the phials are of more than one dose.

- As said, the reason why vaccination was started with the officials, and not with the inmates, was that these had been systematically screened since 1 July 2020 in various circumstances.

According to the latest information provided by the Prison Health Programme, in the second week of November 2021, the percentage of vaccination and vaccination rejection noted in all prisons was as follows.

One of the recommendations made by both the MCPT and various international organisations at the outbreak of the pandemic was to promote pre-conditional classifications and, in particular, the life provided for in Article 86.4 of the Penitentiary Regulation: in other words to aim towards home as a measure of dignity and one that also relieved the prisons.

According to data provided, from 13 March 2020 to 11 March 2021, 1,833 people were initially classified in pre-conditional or progressed to the same level. There were

1,353 people who were switched to common open custody and 2,386 to Article 86.4 of the Penitentiary Regulation (some of whom were already on pre-conditional). From 11 March to 26 November, 1,311 people were classified in and advanced to pre-conditional. There are 598 people who passed to Article 86.4 of the Penitentiary Regulation, and 7 to Article 104.4.

For the previous period, from 13 March 2019 to 11 March 2020, 2,065 people were initially

classified in pre-conditional or progressed to the same level. There are 1,928 people who passed over to the common open regime and 651 to article 86.4 of the Penitentiary Regulation

The progress made during this period must be positively viewed, although the MCPT believes that it could have been better and, in any case, the measures taken should not be reversed solely because the epidemiological situation has improved.

Prison	% full vaccination	% rejecting vaccination
Young	40,4	15,2
Brians 2	81	15,2
Brians 1	72	17,1
Lledoners	79,7	15,2
Mas d'Enric	77,9	13,9
Quatre Camins	84,6	14
Puig de les Basses	73,4	18,6
Ponent	81,9	13,6
Women	77,6	16,5

The fifth wave of coronavirus also reached prisons, despite a high percentage of vaccinated inmates. In Spain, there are 11 prisons that have registered outbreaks of coronavirus among the prison population in recent weeks, a situation that has forced the isolation of entire modules. In Catalonia, the visits have shown that the last major outbreaks took place in early 2021, although there have been two more, limited to Brians 2 and Ponent, in November 2021.

With regard to outbreaks, since the beginning of the pandemic there have been a total of 28 in prisons and/or juvenile justice units in Catalonia (not counting the last two, which were still active when the information came in from the Department).

The actions have always been the same and are as follows:

1. When a case is detected, the person is isolated and close contact between inmates and professionals is detected. Close contact professionals are the responsibility of the Justice Occupational Risk Unit. Prison health only intervenes if required.
2. Close prisoner contacts are isolated and PCRs are performed.
3. From there, the actions vary depending on the number of infected people detected in the module.

a. Module with fewer than three positive cases. Once those positive are separated, the people are confined for 10 days. They lead normal lives in the module, but do not interact with others. Symptoms are monitored.

b. Module with three or more positive cases. Once the positive cases have been separated, an outbreak is declared and people are confined to their cells. PCRs are performed on all residents and, depending on the results, those infected are separated from those uninfected. Isolation in the event of an outbreak is 14 days. Two more screenings are performed after seven and fourteen days. Infected individuals only regain mobility outside the cell when there is evidence of past infection (negative PCR or detection of positive antibodies and cycles).

4. Admission screening is maintained for people not fully vaccinated.

PROTOCOLS AND MEASURES APPLIED TO ADULT AND JUVENILE DETENTION CENTRES

Given the situation experienced in prisons due to the appearance of COVID-19 through the visits, it has been ascertained that the managements and the teams of professionals have taken and modified measures according to the evolution of the infection and the new situations encountered. The prevention protocols adopted and the vaccination of officials and the inmate population have maintained a low infection rate in the centres, depending on the type of centre and the risk of spread.

In addition to the preventive and organisational measures aimed at preventing the spread of the virus, defined and imposed by the Secretariat in coordination with the Department of Health, each centre has set up its own information and monitoring committee, which has adopted specific measures adapted to the structure of the centre in question. These measures have therefore been modified as the infection has evolved and according to the new situations that the centres have encountered. In any case,

as soon as the situation improved, some of the measures were also made more flexible, although many are still in force.

We must highlight the intense, collaborative and continuous work of all staff in the centres, not only the health personnel, although at the beginning of the pandemic many difficulties resulted from lost staff uncovered and the lack of personal protective equipment. The management teams have also highlighted the information and educational work they carried out among the prison population and, in particular, the work of raising awareness to the situation encountered and which involved the adoption of restrictive measures that affected prisoners' daily lives and communication with their families. The daily information broadcast on television and given to them by families was valuable in alleviating the initial feelings of worry and tension.

Likewise, in the daily management of the modules, the public officials and/or educators were assisted by the inmates and youngsters themselves, who showed a collaborative attitude and without whom it would not have been possible to move on.

In the case of **prisons**, the measures taken at the beginning of the pandemic at a time when the situation of the centre did not allow for family, intimate and contact communications, and also in which leave and permissions were suspended, included video calls. It has been shown that this is one of the most highly-appreciated measures, given that there were inmates who had not seen their family for years. It is also a measure that is likely to become permanent, given that, although the situation has improved and leave and permissions are now given, they are maintained with the rest of the communications.

However, visits to some centres have made it clear that the areas dedicated to communications need to be reviewed to adapt them to new uses of ICT, while taking steps to ensure the confidentiality and privacy of video call communications. The need to increase the number of video calling devices and to improve their

coverage has also been highlighted. Differences have been found between prisons because while there are centres where video calls have been made inside the common modules, without confidentiality guaranteed in some cases, in others they have been organised in the communications department, which has meant an increase in the volume of work for the officials assigned to these units.

Brians 2 and Puig de les Basses prisons have received positive inmates from the other centres. Beyond these units, the prisons' nursing and/or psychiatric units have been enabled to receive and function as isolation modules, where the inmates in quarantine/isolation, in confinement or sick with Covid-19 were placed. While there, everyone was guaranteed a TV, and a telephone box was set up to make calls.

Another of the measures adopted was the use of the modules as common units. Spaces were also adapted or modules converted inside prisons to isolate positive contacts. This led to changes in the general plan of activities of the centres, as the inmates, with exceptions, did all their activities inside the module and could not mix with the rest. In some cases, in order to guarantee and continue the work activity, shifts were organised by module, but generally transfers between modules were not allowed. Residential modules were also created or enabled where inmates on leave or already classified in pre-conditional were placed waiting for a space in the open section. In some cases, the same module was divided into different bubble groups (5-6 people).

As for the use of protective equipment, masks were provided to the inmate population as they were required, since they were not included in the toilet lot. They were delivered universally and on demand. Though mandatory outside the cell, there was some relaxation in common areas and particularly, in the yard. In any case, the centres chose not to apply disciplinary measures on breaches, but rather to re-educate. It has also been found that since the vaccination, the number of positive cases has fallen considerably and the last major outbreaks were registered

during the first quarter of 2021. Quatre Camins was one of the most affected centres, with an outbreak in February-March with 70-80% of the modules isolated.

In the **case of juvenile justice educational centres**, the emergence of Covid-19 led to a considerable fall in occupation and a change in the centre's organisation. This is the case of Can Llupià, for example, once the reference centre for young people's compliance with precautionary measures, but which became the centre of admission for all youngsters under a detention order.

The situation of exceptionality and fear of contagion at the beginning of the pandemic also led to an attitude of collaboration and delegation of responsibility by the youngsters on the management of the centre.

As for the reception protocol, the centres also set up different areas, although some were considered not the most suitable spaces for the admission of adolescents and youngsters admitted to the centre. This is the case of Can Llupià, in which the admission and reception protocol provides for the young person to be admitted to the temporary intervention area (henceforth the ZIP). In any case, if the youngsters are found positive, by protocol they are transferred to the L'Alzina or El Segre educational centres, where a Covid-19 unit has been set up to house mild cases that do not require hospitalisation.

As for the protocol applied to youngsters on leave going out or coming in, a distinction has always been made between cases with or without an overnight stay, since in the case of an overnight stay, boys had to be quarantined in their room.

Few young people have been infected and virtually all the staff have been vaccinated. Since the beginning of the pandemic, the admitted boys have also lived with common units without doing any activities shared with other units and, when some isolation has been necessary, it has been done in the rooms. Only in the case of Montilivi did only one unit work where everyone lived together.

In terms of communications, video calling, which was already used with young foreigners, was also stepped up. With Covid-19, the centres therefore also promoted their more frequent use. While in some centres the calls were made in the areas enabled for communications, in others some space has been sought for privacy or calls have been allowed from the rooms

EFFECTS OF THE PANDEMIC ON THE INMATE POPULATION: A SURVEY OF PEOPLE IN CUSTODY

The pandemic has meant double isolation and double confinement for the inmate population, with periods in which inmates have had to be locked up in cells every day. The uncertainty and harshness of the measures taken have caused anxiety among the inmate population and it has been shown that isolation can have especially serious consequences for people in situations of special vulnerability. In fact, there has been an increase in psychotropic medication during confinement, either due to withdrawal syndrome or the difficulty of remaining locked in the cell and/or module all day.

To assess the impact that the coronavirus SARS-Cov-2 has had on the lives of inmates in prisons and juvenile justice units in Catalonia in the last year, a questionnaire was sent in January to the inmate population of prisons and juvenile justice units of Catalonia. The survey was accompanied by a cover letter stating that participation in the study was voluntary and anonymous. The collaboration of the SMPRAV was requested, which once again collaborated with the Ombudsman and the MCPT.

The questionnaire was translated into Spanish, English and Arabic. It consists of a first section of details of the person and 18 open and closed questions structured in different areas.

Data collection and analysis followed a structure based on the questions, in which the open-ended questions were classified into different categories based on the responses received.

Regarding the adult population:

- Of the 1,623 surveys analysed, 1,420 were submitted by men and 144 by women. However, from the point of view of the number of inmates (data 26/05/2021), the percentage of women who responded to the survey is higher, the proportion being 26% compared to 19%. From the point of view of classification, most are second degree inmates, which is logical considering there are more ordinary regime centres.

- The majority of respondents (70%) say they had enough information about COVID-19, which is understandable because, in addition to the information they received from management teams, technical staff and officials, they received news from outside via television or family. Even despite the isolation and confinement, as well as limitations on leave, it is clear that they were at no time held incommunicado. In these circumstances, communication with the outside world becomes a crucial issue, and keeping in touch with family members was very important from the perspective of emotional well-being. It was also important for relatives to maintain this bond with them and the centre management, especially in a context of pandemic and the uncertainty of many of the moments during the year.

- Regarding the instructions and recommendations given by the centre, the results also show that they were the same as for the general population and therefore based on health reasons: the obligatory use of a mask, distancing and disinfection. What's more, for all centres, the inmate population considers that the provision of hydro alcoholic gel and masks was insufficient. The results only show a more satisfactory consideration of the increase in cleaning and disinfection. On distancing, despite living in a prison, just over half (56%) believe that it was guaranteed.

- As for the source of the information, the results show that it came mostly from any of the professionals working inside the prison or from the management staff and from the various informative documents issued. In this sense, the effort made by the Secretariat must be stressed, collaborating

with the Department of Health in drawing up all the protocols of action and prevention of Covid-19. Therefore, the work and the effort of all the teams in bringing the information to the inmate population are highlighted, which helped to contain the difficult times experienced above all in the initial stage of the pandemic.

- Related to the previous point, most respondents (81%) answered that the information on COVID-19 was found mainly in the common areas, and not in the cells.

- Regarding lifestyle and communications, the results show (80%) that they were offered alternatives to communicate with friends and family, with video calls offered to all inmates as a means of communication between the inmate population and the outside. This option, which has been maintained beyond the crisis, was considered the most efficient form of communication available in the most difficult stages of the pandemic, when the prison population could not get out, and allowed some to communicate with relatives they hadn't seen in a long time.

- In contrast, the data show that almost half of respondents believe that these video calls were not enough, understanding that they would have wanted to communicate more, especially at a time when communications with the outside world were cut off.

- On the emotional, behavioural, or psycho physiological effects of confinement, there is not much difference between those who answered yes and those who said no. It cannot be overlooked that just as the pandemic had devastating effects on the mental health of the general population, it also had an effect on the emotional well-being of the internee population, an effect that extended beyond the strictest periods of lockdown. By contrast, it is surprising that most respondents say that they have not received any treatment or help, which may have consequences in the medium and long term.

- Regarding the negative effects on the activities and treatment programmes consigned in the PIT, there is again little difference between those who answered yes

and those who said no, when it is known that from the beginning of the pandemic, the capacity of the activities was reduced and many of the treatment and education activities were stopped, and there were also changes in attendance at workshops, especially during stricter periods of confinement.

- On the other hand, and related to the previous point, one of the areas in which there was most impact, in the internees' opinion, along with that of activities and treatment programmes, was access to leave, which was also clearly affected throughout the health crisis. It cannot be ignored that access to the outside world is one of the keys and an essential measure to safeguard the mental well-being of the inmate population. We are aware that the pandemic reduced travel in the population as a whole and that these restrictions also affected prisons. However, it is important to note the considerable effort made by the inmates to accept and understand that they could not go out. This also led the Secretariat to take steps to reduce the impact of the shutdown and further reduce access to pre-conditional.

- As for the inmates who tested positive, quarantine was the majority response following the health protocols. Most did not require hospitalisation. In this context, it is necessary to highlight the good collaboration between the two departments and the fluid communication between the two areas. In this sense, the Secretariat gave directions in accordance with what it had established with Health, although later it was at the discretion of the prison managements to adapt them.

- Finally, in terms of the overall assessment made by the respondents of each of the prisons' management of the pandemic, it is 3.136 out of 5, and the open prison population is that which scores better, which is understandable, given the more flexible lifestyle. However, it can be concluded that the overall assessment is very positive and special mention should be made of the work, effort and attitude of all players involved in managing the pandemic. It should also be noted that release measures and the search for alternatives to

custody have been key to decongesting prisons, a policy that must be followed and which the prison system should be committed to

Regarding the young population:

- A total of 208 young people surveyed on 26 May 2021 (17 of them girls) responded to the survey. Of these, most come from Spain (49.30%) or Morocco (29.16%).

- The majority of young respondents (78.47%) consider that they had enough information about COVID-19, which is positive and highlights the work and effort of all educational centre professionals to give all available information.

- Regarding the indications and recommendations given by the respective educational centres, it is clear that they were the same as for the general population: mask, hygiene and safety distance.

- Regarding the source of the information, the results of the surveys show that it came mostly from the staff of the centres, either transferred to them verbally or through the written material that they prepared with information about the coronavirus.

- Related to the previous point, the written or graphic information was in a visible place as the surveys show, especially in common areas. In this sense, 75% answered that it was visible. However, the results show that they did not have this information in their cells or rooms. It is paradoxical, however, that a considerable part of young people (42.02) consider that this information was neither in the residential modules nor in workshops, without specifying other spaces where it did appear.

- The data show that most young people consider that they had sufficient hygiene measures, with a percentage of 73.5%. At the same time, a similar percentage also believe that the cleaning and disinfection measures of the centre were increased. On the other hand, when asked if the distance was guaranteed, it is understood that in this case the percentage of positive answers falls because, although it is true that the volume

of population admitted to the centres during the pandemic decreased, given the spaces and the operation as bubble groups, the required safety distance could not be sufficiently guaranteed.

- In terms of communications, almost all young people responded that this right was guaranteed to them, although half of the respondents consider that the communications they had were not sufficient, which is entirely legitimate and is understandable. The results also show that video calling through mobile devices was the means used to communicate and that it has continued.

- On whether the confinement had any emotional, behavioural, or psycho-physiological effect, there is not much difference between those who answered yes and those who said no, although of those who answered yes, more than 50% stated that they had not received any treatment.

- On whether the confinement had any negative effect on the activities and treatment programmes they had established in their work itinerary, the data also show similar results between those who answered yes and those who said no. Among those who answered yes, the area of treatment that had the most impact in their opinion, was that of programmes or activities and leave.

- In terms of the main precautions taken at the centre for those who had the disease, among those who responded in the affirmative, quarantine or isolation was the main measure, followed by the use of masks and the safety distance. Only four inmates were taken to hospital.

- The data also show that those who were isolated or in quarantine continued to communicate with their relatives and/or friends and were therefore never deprived of this right.

- Finally, in terms of the overall assessment made by the young respondents of the management of the pandemic by each of the educational centres, the average is positive, with a score of 3.38 out of 5, which does not differ much from the score given by adults, 3.13.

III. INSTITUTIONAL AREA

MECHANISM ADVISORY BOARD AND WORKING GROUP

There were two changes to the Mechanism Work Team this year. At the beginning of the year, José María Mena, who had been part of the team since 2010, resigned due to age. On the other hand, David Bondia did so in September, when he was appointed Ombudsman of Barcelona by the council. These vacancies have been filled since October by Joan Merelo-Barberà, appointed at the proposal of the Mechanism Advisory Council, and Jaume Bosch, at the proposal of the Ombudsman.

In the case of the Advisory Board, there are still two vacancies that have been reported to the Parliament of Catalonia for replacement.

DAYS FOR DISCUSSION AND STUDY

During this year, as a Mechanism for the Prevention of Torture, the Ombudsman organised and participated in various training activities, most in virtual mode.

15 March. Organisation of the "Day of reflection: the model of public order in Catalonia", with inauguration by the Ombudsman, Rafael Ribó, and the Minister of the Interior, Miquel Sàmper. The first round table was attended by Marie Anderson, Northern Ireland Police Ombudsman; Pauline Caby, Assistant on Professional Ethics in the security forces of the French Ombudsman; Hugh Orde, former Chief Constable of Northern Ireland; Sebastian Roché, CNRSM investigation director, and Àngels Bosch, former president of EuroCop.

The second table, chaired by Jaume Bosch, was attended by representatives of the different political parties with parliamentary representation.

23 March. The Ombudsman, Rafel Ribó, starts the virtual workshop "Prevention of suicides in prison", organised by the Cen-

tre for Legal Studies and Specialised Training

24 March. The Ombudsman, Rafael Ribó, starts the virtual workshop "Practical application of the European directives of assistance to people detained in police custody", organised by the Council of Bar Associations of Catalonia.

20 May. The Deputy Ombudsman, Jaume Saura, participates in the round table "Public Institutions for the Supervision of COVID-19 Confinement and Pandemic Contexts", as part of the international congress "Transparency, Prison and Covid-19 Pandemic in compared perspective", organised by the universities of Carleton (Canada) and Nacional del Litoral (Argentina)

13 October. The Deputy Ombudsman, Jaume Saura, starts the academic year of the Master in International Studies at the University of Barcelona with the talk "The prevention of torture: national and international mechanisms".

4 November. The Deputy Ombudsman, Jaume Saura, takes part in the meeting "B-competent: Boosting Competences in Penitentiary Staff in Europe", at the Faculty of Law of the University of Barcelona.

COMMEMORATION OF THE DAY OF THE VICTIMS OF TORTURE. ELDERLY OR SERIOUSLY ILL PEOPLE IN CUSTODY

For the eighth time, and after the break in 2020, the Mechanism organised a working day around the International Day in Support of Victims of Torture. This time it was 28 June and it focused on the Covid-19 pandemic and rights in the area of custody.

The day took place in virtual mode and, in a first round table, was participated in by Christian Loda, of the European Committee for the Prevention of Torture, and Sara Vera, of the Association for the Prevention of Torture, who explained the recommendations made by these international bodies.

Next, a second round table discussed the measures adopted in the areas of custody in Catalonia and was attended by Miguel Ángel Esteban, from the Secretariat of Criminal Measures, Reintegration and Care for Victims; Míriam Balaguer, Secretary of the Observatory of Children's Rights of the Government of Catalonia, and Mónica Luís, Mossos d'Esquadra (Catalan police force) intendant, together with Deputy Jaume Saura, for the Ombudsman, who closed the event.

INSTITUTIONAL RELATIONS

There were several institutional meetings throughout the year in which issues relevant to the Mechanism were addressed.

13 January Meeting of the Deputy General, Jaume Saura, and Mar Torrecillas with representatives of the Centre for the Defence of Human Rights-Iridia and Amnesty International, to discuss the actions of the Brimo and Arro Catalan public security forces and the use of electric pistols.

21 January Visit by the deputy and members of the Public Security Area of the Ombudsman to the facilities of the Ègara complex of the Catalan Police-Mossos d'Esquadra, in which an account was made of the riot gear, foam bullets, vans, cameras, etc. owned by the force.

2 February. Meeting of Jaume Saura with the director of Amnesty International-Catalonia, regarding the priorities of the organisation in terms of human rights for 2021.

19 February. Meeting of the Ombudsman, Rafael Ribó, with Pau Rivadulla (Pablo Hasel) at Ponent prison.

22 February and 14 April. Meetings of the Ombudsman, Rafael Ribó, with the Major of the Catalan Police-Mossos d'Esquadra, Josep Lluís Traperó, regarding the function of maintaining the public order of the body and the provision and use of policing and how it is announced.

24 February. Meeting of Jaume Saura with the director of the Institute of Public Security of Catalonia, to discuss the training

of the security bodies and forces in the area of human rights and, more specifically, the figure of the Ombudsman and the Catalan Mechanism for the Prevention of Torture.

26 March. Meeting of the Deputy and Mar Torrecillas with Roberto Moreno, coordinator of the Justice Department and Prisoners of the Ararteko of the Basque Country, in relation to the functions and institutional design of the Catalan Mechanism for the Prevention of Torture, with a view to the forthcoming transfer of competence in penitentiary matters to the Basque Country.

6 April. Work meeting by Jaume Saura and Mar Torrecillas with Elena Larrauri, professor at the Pompeu Fabra University who is carrying out a research project on the different forms of prison supervision in relation to the work and protocols of action of the Ombudsman and the MCPT.

20 April. Meeting of the Ombudsman, Rafael Ribó, and Deputy with the General Director of the Police, Pere Ferrer, following the riots that took place amidst the protests over the imprisonment of the singer Pablo Hasel. The use of the anti-riot material of the Catalan Police-Mossos d'Esquadra was discussed and the protocols for the use of the different types of projectiles used by the force were given to the Ombudsman.

9 June. Meeting of the Ombudsman, Rafael Ribó, with the President of the Government of Catalonia, Pere Aragonés, to discuss issues related to the institution of the Ombudsman and the Mechanism.

22 June. Meeting of Jaume Saura and Jordi Reixach with Jordi Oliveras, chief of staff of the head of the Barcelona Urban Guard. The recommendation of the Mechanism to eliminate the custodial areas in the police stations of the Urban Guard and to hand over the detainees directly to the Catalan Police-Mossos d'Esquadra Les Corts police station was discussed.

8 June and 14 September. Meeting of the Deputy General and Assistant for Children's Rights with representatives of the federation of ECAS (Catalan Social Action Entities), regarding the preparation by ECAS of a

report on the rights of relatives of people in custody.

29 June. Meeting of the Ombudsman, Rafael Ribó, and Deputy with the Minister of Justice, Lourdes Ciuró, to discuss issues related to the institution of the Ombudsman and the Mechanism

8 July. Meeting of Jaume Saura and Jordi Reixach with the prisons section of the CSIF union to discuss different aspects of the role of the Ombudsman and the Mechanism in the supervision of prisons and juvenile justice units.

13 July. Meeting of the Ombudsman, Rafael Ribó, and Deputy with the Minister of the Interior, Joan Ignasi Elena, to discuss issues related to the institution of the Ombudsman and the Mechanism

15 July. Meeting of the Ombudsman, Rafael Ribó, and Deputy with the Minister for Equality and Feminism, Tània Verge, to discuss issues related to the institution of the Ombudsman and the Mechanism

30 July and 10 December. Meeting of the Ombudsman, Rafael Ribó, with the Minister of Health, Josep Maria Argimon, to discuss

issues related to the institution of the Ombudsman and the Mechanism.

6 September. Meeting of the Deputy with Javier Sánchez, vice-dean of the Barcelona Bar Association, regarding the recommendations of the Mechanism on the need to provide legal assistance to people detained at police stations within the first three hours of detention.

4 November. Meeting of the Deputy and Jordi Reixach with commissioner Josep Maria Rosell of the Catalan Police-Mossos d'Esquadra, in relation to the force's protocols of action in interventions of public order and home searches.

29 November. Meeting of the Deputy, Mar Torrecillas and Jordi Reixach, with the secretary for criminal measures, reintegration and care for victims, Sergi Blàzquez, in relation to the functions of the Ombudsman and the MCPT.

2 December. Meeting of Jaume Saura and Mar Torrecillas with representatives of Amnesty International and Irídia in relation to the Commission for the Study of the Police Model set up in the Parliament of Catalonia.

IV. VISITS IN 2021

1. METHODOLOGY

In 2021, 29 visits were made, as follows:

- Police stations of the Catalan Police-Mossos d'Esquadra force: 7
- Local police stations: 8
- Prisons: 7
- Disabled care centres: 1
- Juvenile justice educational centres: 4
- Therapeutic units: 1
- Intensive Education Residential Centres (CREI in its abbreviation in Catalan): 1

As for the police stations of the Catalan Police-Mossos d'Esquadra, all visits were monitored, except one, that of the ABP Sarrià-Sant Gervasi, a police station opened in 2020. It has a custody area (henceforth ACD), but as a general rule it is not used, but detainees are transferred to the Les Corts Regional Custody and Detention Unit.

According to the different commands of the police stations visited, during the 2020 confinement there were considerably fewer people admitted to the custody areas. Despite the increase in the number of arrests following the lifting of the state of alarm, the volume of the passing population was considerably reduced.

In the case of the ACD of the Ciutat de la Justícia, on the visit to these premises at the beginning of the year, the Team notes that there are few occupied cells. During the pandemic, more offices had to be set up from where video conferencing could take place, even to make detainees available remotely. However, the adult ACD still lacks a recording system in the cells and in some of the corridors, so the MCPT has reiterated to the Justice Department the need to implement the previously reported improvement plan and agreed advances on video surveillance of the adult area. Also the need to take action to raise the walls of the Turkish cell plates.

In the case of the area of custody of minors, they report that they carried out the works to physically separate the minors under protection

from those in reform with a plasterboard partition, but the Team finds that it has been removed so that the minors protected by the Directorate-General for Child and Adolescent Care no longer access it, which is viewed positively, and also the fact that the number of children in reform who have access to it has decreased.

In the case of the ABP les Corts, one of the developments noted by the Team is that an LED light bulb system has been installed at the police station. Another noteworthy development resulting from the state of alarm is the suppression of the own medical service (which is now dispensed in the CAP) and the conversion of the infirmary into the medication room and the medical office into a room for video conferencing. They have also created a hygiene lot for women detainees as needed, a practice that is viewed very positively.

With regard to the rights of detainees, since the outbreak of the pandemic, legal assistance can be provided by video conference, which should make it easier for people on duty to see and attend the detainees within the first three hours from the time the arrest is reported by the police station. Although they report that this is done in most police stations, in the case of Les Corts, the people treated by the Team stated, however, that after many hours of detention they had not yet had contact with their lawyer.

For this reason, this year the MCPT has addressed the Barcelona Bar Association to highlight this practice, in the sense that legal aid is usually sent to police stations when a statement is to be taken from the detainee. For this reason, and as the MCPT did last year, there has been a call for the necessary measures to be taken to ensure that members of the association know and give attention within the first three hours of the arrest being reported.

As for the contagion protection measures, in the case of the detainees, they report that the temperature is taken of everyone who enters the premises of the ACD and they are given surgical masks. At the slightest suspicion that the detainee has symptoms compatible with Covid-19 or any other contagious disease, they are transferred to a medical centre. In the case of

Les Corts police station, the reference centres are CUAP Manso and the Hospital Clínic. This protocol is identical to that of the other Catalan Police-Mossos d'Esquadra police stations.

During the pandemic, the ABP Horta – Guinardó, which is still the police station that acts as a contingency or reinforcement if the number of detainees exceeds the capacity of the ACD of the ABP les Corts, became the reference police station to refer cases of detainees with symptoms compatible with Covid -19, although it is Les Corts that manages the detention.

In all cases, the stock of blankets has been increased, taking into account that their use has become individual; the cleaning and disinfection service has been increased; disinfection material has been secured and protective screens have been installed in all booths. The Team makes a visual inspection to see the cleanliness and the lack of bad smells. In the case of Les Corts and the Ciutat de la Justícia, it is also seen that there is a person who cleans during the visit. Most police stations also have posters with information on preventive measures distributed throughout the ACD. There are also bins for Covid-19 waste and protective material such as hydro alcoholic gel distributed throughout the rooms of the ACD.

On logistics, individual custody has been established as a general rule and when this has not been possible, with a maximum of two people per cell. Also the implementation of video conference for the detainee to be presented before the judicial authority.

With regard to the set-up of the custody areas, it can be seen that the review rooms do not yet have video surveillance. In the case of the Santa Perpètua Police Station, it does have one because the room is used for searches. With respect to containment systems, there has been no change and it is found that all ACDs use the same materials as in previous years' visits.

Regarding the protocol of medical assistance to detainees in compliance with the Istanbul Protocol, the visits report, and it is confirmed by the Directorate General of Police (DGP), that police officers continue to be present and have access to the detainee's medical report.

In this sense, the DGP continues to insist that the police officers are responsible for the custody of the detainee. They point out that this is a

medical examination in the context of this condition and that appropriate measures need to be taken to ensure the safety of detainees, medical staff and the officers themselves. However, according to the MCPT in the vast majority of arrests the detainee's right to privacy could be guaranteed without jeopardising the detention conditions or people's safety.

This year, the visits were used to examine the identification rooms used to hold people who are retained as they could not be identified on the street. The rooms usually have a bench and the door is left open while the person is there, who is watched by officers. In these cases, for security reasons, the MCPT has recommended the installation of video surveillance cameras in areas without, such as Horta, a recommendation that has been accepted by the DGP.

Finally, with regard to detainees' transfer to court, the Team continues to observe periods of detention that are stretched out in cases where police proceedings are not concluded before 12.30 p.m., which is why the MCPT addressed the Superior Court of Justice of Catalonia to ask it to review the agreement reached on this matter in May 2014, to make the courts on turn of duty of the judicial district of Barcelona and Hospitalet ready to receive detainees for as long as possible. The TSJC replied that it does not consider it appropriate to make any changes because, in addition to the two ordinary transfers established at 9 a.m. and 12.30 p.m., there are two rounds of extraordinary transfers until 9 p.m., for which the Court of Detainees number 1 is responsible, and after 9 p.m., the Court of Incidents. In the opinion of the MCPT, these extraordinary rounds are not effective enough or are not actually implemented, which is why the transfers should be made more flexible, as the Team has found in other judicial districts.

In relation to the local police or urban guard police stations, most are follow-up visits and it is found that the spaces for custody areas remain the same, such as in Sant Feliu de Llobregat, Sabadell or Terrassa Municipal Police or with some changes, as in Santa Coloma de Gramenet.

In the case of the Vilanova i la Geltrú Local Police, on the recommendation of the MCPT, the Council decreed the closure of the detention centre. However, during the visit, it was found that a small prefabricated module had been set

up where detainees remained while the officers drew up the report.

In two cases, the Santa Perpètua de la Mogoda Local Police and the Sant Joan Despí Local Police, visited for the first time, do not have custody areas. The detainees are taken to the Mossos d'Esquadra police station in the town, which is what the MCPT generally recommends to the local police.

In fact, in cases where, as a result of the visit, the Team has found a deficient state of the ACD or where there is also a Mossos d'Esquadra police station in the town, as is the case of Sant Feliu de Llobregat or Sabadell, it has been recommended that the custody area be closed and that the signed agreement be revised so that the Mossos d'Esquadra can take charge of the arrest from the start. In the case of Santa Coloma de Gramenet Local Police, although the ACD is in a better state and improvements have been made, as there is also a Catalan Police-Mossos d'Esquadra police station in the town, it has been recommended to review the agreement so that people arrested by the local police are transferred directly to Mossos d'Esquadra police stations.

However, the opinion of the local police on this matter is that the detainees' rights are more protected if the time of their delivery coincides with the time the responsibilities are transferred in the proceedings, with the medical report provided at the same time, although they are open to studying any proposal sent to them by the Mossos d'Esquadra. In the case of Terrassa Municipal Police, the optimal material conditions of the ACD and the fulfilment of all rights recognised by article 520 of the Criminal Justice Act on detainees are highlighted. However, in order to prevent the prolongation of police detentions and people having to pass through two units, a revision of the existing action protocols with the Catalan Police-Mossos d'Esquadra has also been recommended.

As for the Barcelona Urban Guard, the Territorial Unit in Ciutat Vella has been visited. As a new development from the previous visit and in fulfilment of one of the recommendations made by the MCPT, detainee safety helmets have been replaced by sports trauma protection. In line with the agreement between the Mossos d'Esquadra and the Urban Guard of Barcelona (henceforth GUB) (to jointly process the arrests at ABP les Corts, and given that the GUB cannot

fully guarantee the exercise of detainee rights, the MCPT has recommended closing the current detainee ACD in Ciutat Vella and reviewing the protocol of relations between the two bodies to allow the transfer of these people directly to the Catalan Police-Mossos d'Esquadra police station in Barcelona.

Prior to the completion of the report, the Team was informed of the decision of Barcelona City Council, in coordination with the Department of the Interior, to implement the MCPT recommendation, in the sense that all people detained by the city's GUB be held at the ABP les Corts. The only exceptions are those detained for traffic offences, which are investigated by the GUB, and who will continue to be held in the police station that this body has in the Zona Franca area of the city.

On compliance with section 520 of the Criminal Justice Act, all local police visited read the rights of detainees at the time of arrest and the detainee may exercise the right to be medically examined. From here, there is a standard procedure for the exercise of the remaining rights. In the case of the GUB in Ciutat Vella or Sant Feliu de Llobregat, even the personal call to which they are entitled is made from the Catalan Police-Mossos d'Esquadra police station at Les Corts. On the other hand, in the case of the Local Police of Santa Coloma de Gramenet, Sabadell or Terrassa, this call is made from municipal offices. In all cases, the arrest is reported to the respective Bar Association from the local police station, but legal assistance is provided at the Catalan Police-Mossos d'Esquadra police station.

Regarding the medical care of the detainee, the local police understand it as a right and therefore transfer the person if they request it or in cases of arrest with force or in which the detainee is wounded or presents some kind of injury. In others, such as that of Sant Joan Despí, the detainee is transferred in all cases, unless they waive it, in which case they are made to sign said waiving. On the other hand, regarding the police presence while medical assistance is being given to the detainee, this way of proceeding has been seen not to be the same in all the police stations visited and that, although they are more flexible, there are still some local police units which, like the Mossos d'Esquadra, are present during the medical visit, such as the Terrassa Municipal Police, the Sabadell Local Police, the Sant Joan Despí Police or the GUB itself. On the other hand, there are local police

units such as Santa Coloma de Gramenet which, following the recommendation made by the MCPT, have reported that they have established a medical visit protocol with the CUAP of the centre, where, among others changes, the clinical privacy of detainees is guaranteed in the terms recommended by the MCPT.

As for measures to prevent infection, most police stations have latex gloves, masks and hydro alcoholic gel. The cleaning has also been enhanced, but no extraordinary measures have been taken to protect police personnel or detainees beyond the general prevention recommendations for the rest of the population. Only the GUB issued a specific instruction on the protocol of action in the ACD with Covid-19, a copy of which has been sent and examined by the MCPT. The instruction regulates the specific operating procedures for action in two cases. On the one hand, regarding the transfer of a detainee tested positive in coronavirus or with obvious symptoms of being a carrier of the virus. On the other hand, situations in which detainees admitted to an ACD have symptoms compatible with the disease.

Regarding the prisons, Brians 1 (women) and 2, Puig de les Basses, Quatre Camins, Ponent, Mas d'Enric and the Juvenile Prison were visited.

The visits began with a brief exchange with the centres' management teams to find out the effects of the pandemic, the preventive and organisational measures applied, the action protocols for managing and preventing the spread of the virus, the percentage of vaccinations, and to sense the mood, given the considerable wear and tear and everything affecting daily life in an exceptional situation. Considerations and conclusions regarding these issues can be found in the second chapter of this report.

All the management teams show the intense, collaborative and continuous work of all the staff in the centre, although at the beginning of the pandemic many difficulties resulted from the loss of staff uncovered and the lack of personal protective equipment. They also highlight the information and educational work they carried out among the prison population and, in particular, the work of raising awareness to the situation encountered and which involved the adoption of restrictive measures that affected their daily lives and communication with their families.

In the case of Brians 1 Prison, the Team visited the DERT of the women's module in the follow-up of the visit made in 2019, when the DERT was still located on the top floor of the module, the third floor. This time, the work has been completed on the new DERT, which is on the ground floor, in the place of the former Infirmary. A visit is also made to Dones U, specifically the Òmnia point, as well as the semi-open module unit, and we find that both the facilities and the operation remain the same. Here the main recommendation has been to ensure that women can do video conferencing with the privacy required for this type of communication, both at the DERT and at the Òmnia point.

Brians 2 Prison has been, together with Puig de les Basses, one of the centres receiving inmates testing positive and was the first centre where a positive was detected. We visit the infirmary and the plant used to house positive inmates. We also visit the Leave Unit, which consists of two residential modules and one of the rooms used in family or coexistence communications. The main recommendation is to increase the number of video conferencing devices, given their use and the number of inmates. Also to adapt and improve the comfort of the spaces for communications.

Quatre Camins Prison is one of the centres that recorded a first outbreak at the beginning of lockdown, with approximately 30 inmates, and the second, in February-March 2021, with 70-80% of the modules isolated. During the lockdown in the module, the inmates were divided into bubble groups and were also accompanied by an epidemiologist. We visited the semi-open module, which was divided into three units. The recommendation made is related to the need to ensure adequate spaces and sufficient coverage to continue video calling.

Puig de les Basses Prison has also had locked-down and isolated modules. The modules continue to function as bubble groups, as they do in the rest of the prisons, and therefore do not mix with each other. The Covid area of the Department of Psychiatry is visited, on the second floor. Something new and to conclude the visit, in the director's office the recording of the last restraint made in the centre is viewed, to verify that it was made as per the new protocol on the application of means of containment in prisons, approved by Circular

2/2021. Unlike the restraints displayed up to the approval of the new circular, the inmate is seen to be held by the feet with a tape with an adhesive strip that is fitted before turning them to restrain them on the bed. In view of this procedure, because the inmate is not directly immobilised in supine position, information has been requested from the Secretariat of Criminal Measures on the training received by the officials responsible and on who provides the training. A response is pending at the time of concluding this report.

Ponent Prison has also had locked-down and isolated modules. The Covid area of the Infirmary is visited, on the first floor. Unlike other prisons visited, the area is not separated from other people admitted with other pathologies unrelated to Covid-19 and does not have any signs to identify it as a restricted area or one of isolation.

Mas d'Enric Prison did not have any cases in the first stage, but later it suffered a major outbreak, also coinciding with the increase in infections in the province and the opening of communications. Since then it has not had any more outbreaks, but the modules still continue to function as common units. Unlike other centres, they do not currently have a Covid unit because if there is a positive, they will use one of the four respiratory isolation cells in the infirmary.

We visit the admissions module and the juvenile module, where four inmates are interviewed. To end the visit, in the director's office, part of the Team watches the recording of the last restraint made in the centre and the same way of proceeding is found as in Puig de les Basses. Furthermore, as a result of the visit, the Ombudsman starts an ex officio action relating to the death of an inmate at the beginning of 2021 and on an experience that is to be set up at the centre and which provides for an installation to allow video calls to be made by phone, and not over a wireless connection, as is currently the case.

Finally, the Juvenile Prison also experienced various difficult times in managing the coronavirus. The most complicated was in July-August 2021, in which they had to lock down an entire module. On the day of the visit there was no current outbreak. We visit the communications department, where inmates

make video calls and other types of communications. Also the DAE, which was enabled as a space for quarantine, and the different spaces of the DERT.

With regard to juvenile detention centres, all visits are to follow up on the recommendations made on previous visits. A total of four juvenile justice educational centres and the Els Til·lers girls unit were visited.

The visits were especially focused on assessing the general effects of the pandemic on the operation of the centres. In all, both the conflictiveness and the number of young people admitted decreased substantially due to the fall in crime during the lockdown. It is also noteworthy that, especially at the beginning of the pandemic, the situation of exceptionality and fear of contagion led to an attitude of collaboration and delegation of responsibility by the boys on the management of the centre. Video calling was also encouraged.

There have also been a number of changes in the organisation of some of the centres. This is the case of Can Llupià, which before coronavirus was the reference centre for young people's fulfilment of precautionary measures, but which became the admission centre for all youngsters under a detention order. L'Alzina has been an admission centre for all boys under a detention order and where, in the event of positives, the protocol of transfer to the educational centre was activated. Overall, the assessment of pandemic management is positive.

The therapeutic unit of Els Til·lers, in the Parc Sanitari de Sant Joan de Déu, a mixed facility designed to facilitate the rehabilitation and social and community reintegration of adolescents and young people with severe mental disorders and transgressive behaviours is also visited again. Like juvenile justice educational centres, there were few residents during lockdown, when it is a resource that usually has a waiting list.

In the case of the girls admitted to the Els Til·lers independent unit, they had very few infections during lockdown because there were releases but practically no admissions. The unit works from a gender perspective with external professionals, who go to the centre to advise and report on different views, aside from other

specific programmes that are made at the centre to work on affective-sexual education and child-parent violence, among others.

As for the CREI Can Rubió, there has been a change in the function of the centre, because although today it is still conceived as a CREI for girls with behavioural problems, it currently only receives young people, most of whom are or have been victims of sexual violence. The infancy area of the Ombudsman has ordered official action for each of the girls who require it, some of whom were interviewed, as well as general action on the centre to address both the profile of girls admitted and the lack of resources to do its work.

Finally, the residential resource for people with intellectual disabilities, minors and adults, Mont-Martí, was visited for the second time. The last visit by the MCPT took place on 31 March 2015, and some recommendations from that time are still not being met, such as the fact that the separation of children from adults is not guaranteed and that the staff do not have specific training to care for children and adolescents with disabilities. However, the practice of locking up teens at night has been eliminated. It is also clear that the conditions of the centre have improved, although the conditions of warmth and personalisation of the rooms still need to be improved, despite the difficulties of maintenance, especially in the behaviour disorder unit.

V. STATE OF COMPLIANCE WITH THE RECOMMENDATIONS OF PREVIOUS YEARS

1. MECHANICAL RESTRAINTS IN PRISONS AND JUVENILE JUSTICE UNITS

To regulate the application of mechanical restraint in prisons, the Secretariat of Criminal Measures, Reintegration and Victim Care has provided various internal regulations that, in the opinion of the MCPT, should be revised to improve the conditions and procedures in which measures to contain the inmate population were carried out. In this sense, in recent times, various national and international bodies, including the Committee for the Prevention of Torture of the Council of Europe and the MCPT itself have stressed the need to promote changes related to the prevention of immobilisations and the de-escalation of situations of conflict, the position in which a mechanical restraint should be carried out, its duration and the personnel who should apply it, among other issues.

In this area, the MCPT has recommended that immobilisation and mechanical restraint should be the last resort in resolving conflict situations and that all non-coercive avenues should be exhausted before resorting to them. It has therefore stressed the need for de-escalation measures to be set out in protocol and carried out by a multidisciplinary team properly trained and capable in conflict resolution.

Regarding the duration of a mechanical restraint, the MCPT has indicated that it must be that strictly necessary, as provided by applicable prison regulations. In this regard, the MCPT found that many of the restraints were excessive in time and there was no evidence to justify the person remaining immobilised, as the circumstances behind its application had disappeared.

It also made it clear that resorting to mechanical restraint for regimental purposes should not have elements of punishment. In fact, in no case can the measure taken be punitive.

Finally, the MCPT has recommended that mechanical restraint be an exclusively sanitary measure because of the risks it poses to people's health.

In this context, the Secretariat considered it necessary to review and adapt the current internal regulations in this area and in May 2021 approved Circular 2/2021, on the Protocol for the application of means of restraint in prisons in Catalonia, which, among other things, introduces the use of verbal restraint techniques to minimise the application of coercive means in general, and mechanical restraint in particular, and on the other hand, modifies the position of immobilisation to supine as the least harmful.

The visits made after the approval of the Circular show a significant fall in the number and duration of restraints in bed. In fact, the protocol aims at zero mechanical restraints, as determined by various agencies and institutions. It is for this reason that the MCPT positively views the paradigm shift in the field of restraint and, in particular, the aforementioned circular, insofar as it adapts to the criteria and requirements that both national and international control bodies have transferred to the Secretariat for Criminal Measures on several occasions.

As a novelty, the protocol provides that if, despite verbal contention, the inmate increases their alteration in a way that may jeopardise their physical integrity or that of others, the measure to be applied is temporary isolation in a padded cell. The protocol also provides that such cells will be put into service in prisons after being validated through a pilot project. Once the procedure for the use of padded cells has been validated, the protocol is expected to be updated by incorporating the padded cell as a coercive means in place of measures of mechanical restraint on a bed.

Therefore, once the centres have this alternative, the use of the bed restraint measure in prisons in Catalonia is expected to be prohibited. The Team is not aware that the pilot programme has been carried out at CP Brians 2, as provided by the Circular, and the visits to the prisons show that no action has been taken in this regard either.

On 4 November, by means of Motion 35/XIV, the Parliament of Catalonia urged the Government to “revise, with prior consultation with the spokespeople involved, Circular 2/2021 on the Protocol for the application of means of restraint in prisons in Catalonia, to ensure that the officials in charge of keeping order in the prisons have the appropriate regulatory coverage to do so”.

Subsequently, the Justice Department announced its intention to amend Circular 2/2021, as, according to published information, “it is not operative.”

In this regard, the MCPT suggests that this review be conducted in a transparent manner and shared by all relevant spokespeople, and that it should include people specialising in respect for human rights in the prison area, and bearing in mind and always respecting the recommendations made by the Committee for the Prevention of Torture and the Ombudsman himself. Any rules relating to the application of means of restraint in prisons must aim at zero restraint and must be based on the guarantee of the rights of people in custody, as well as the security of these people and of the personnel who may have to apply the measure.

In this context, and given that it has been announced that the revision of Circular 2/2021 would be applicable from 1 January 2022, the MCPT has urgently requested that the draft with which the Secretariat is working be sent to the Mechanism.

At the same time, the MCPT, after seeing some contention following the approval of the new Circular, has addressed the Secretariat to request information on the reason why inmates, before being placed on the bed in supine position, with a tilt of head and trunk, are first held by the lower extremities with tapes with adherent strips

in prone position. It also asked for information on the training received by the people responsible for applying it and the body or department responsible for the training.

In addition, the Ombudsman has initiated various ex officio actions in relation to serious cases of inmate aggression of prison officials and the duty of the Administration to take the necessary steps to protect the integrity of its staff.

With regard to juvenile justice educational centres, the MCPT has also been informed during the visits of the fall in the number of restraint measures applied in the educational centres.

The MCPT is of the opinion that physical restraint measures should be used as a last resort and proportionately, with a guarantee of the physical integrity of the person and in no case as a sanction. They must also be supervised and carried out by professionals with specific training, highlighting the lack of justification by the fact that in the case of juvenile centres they are applied by external staff from security companies when, on the other hand, the same measures are applied by specialised officials in adult prisons.

With regard to mechanical restraints, it is worth noting that this year Organic Law 8/2021 of 4 June, on comprehensive protection for children and adolescents against violence, amended Organic Law 5/2000 of 12 January, regulating the criminal responsibility of minors (LORPM), and introduced a new wording to article 59 of this law, referring to surveillance and security measures, which prohibits its application.

The new wording of article 59 of this law establishes:

“2. [...] Exceptionally, the subjection of the wrists of a person fulfilling the internment measure with approved equipment is only admissible if it is carried out with a strict protocol and less harmful measures are not possible.

3. Mechanical restraint consisting of holding a person on an articulated bed or to a fixed object or anchored to installations or furniture is prohibited”.

The Ombudsman had called for the application of this measure to be abolished, considering that it should be applied only in accordance with medical criteria and under the supervision of health professionals.

The Ombudsman plans to monitor the application of the new regulatory framework, which restricts the use of physical restraint measures in justice educational centres and prohibits the application of mechanical restraint measures.

2. THE FUNCTION OF CUSTODY OF PEOPLE DETAINED BY THE LOCAL POLICE OF CATALONIA

Since 2014, the Mechanism has recommended that local police officers who make any arrests should transfer the detainee directly to the Mossos d'Esquadra Basic Police Area and that, to this end, an action protocol should be established between the corresponding council and the Department of the Interior, and even more so if this means that the local police vehicle leaves its municipal area. It is necessary to generalise these agreements, to speed up the reception of detainees by the police stations of the Government of Catalonia and to improve coordination between national and local bodies.

In this area, the closure of some custody areas in these years, the effort to rectify the deficiencies in some cases, the collaboration agreements that have been revised and the new guidelines that have been approved by the respective local security boards for the direct transfer of detainees by local police to the premises of the Catalan Police-Mossos d'Esquadra are positively viewed.

As an example, there is the Vic Urban Guard, which, in compliance with the MCPT's recommendations, proposed changes in the handling of detainees. In this case, the paradox is that the Catalan Police-Mossos d'Esquadra police station is a few metres from the GUV police station, so the inspector asked that the people detained by the GUV should go directly to the cells of the Catalan Police-Mossos d'Esquadra without entering theirs, since, in the end, the destination was the premises of the Mossos d'Esquadra. This new management

system means that when making an arrest, the GUV avoids mobilising two patrols, one to take the person for medical examination and make the report and the other to ensure custody until transfer to the Mossos d'Esquadra. As the MCPT has repeatedly pointed out, this avoids the fact that there are two custodies of detainees with the waste of staff and time that this entails.

In line with the harmonisation of coordination protocols between the local police and the Catalan Police-Mossos d'Esquadra, and following the case of the Basic Police Area of Osona, other local police have formally asked the PG-ME for the direct transfer of their detainees to the premises of the Catalan Police-Mossos d'Esquadra. This is the case of the Local Police of Manlleu, Torelló and Tona, with whom the corresponding agreements have been established.

By contrast, there are still local police (e.g. Santa Coloma de Gramenet) which, despite the fact that there is a Catalan Police-Mossos d'Esquadra police station in the town, are of the opinion that the custody of detainees is part of its powers.

In this chapter, we must highlight the decision of Barcelona City Council, in coordination with the Department of the Interior, according to which, from the month of July, of all the people detained by the city's Urban Guard the people in the ABP custody area of the Catalan Police-Mossos d'Esquadra body shall be moved to Les Corts, in compliance with the MCPT recommendation.

If the largest local police force in Catalonia, and which logically makes more arrests and has more police stations and areas of custody, can take the step of unifying custody with the Catalan Police-Mossos d'Esquadra, the MCPT believes that there is no operational reason to justify maintaining custody of detainees by other local police forces.

In this sense, there is a legal issue that directly affects the proposed solution with respect to municipalities that head a judicial district. The issue arose this year, following a visit to the Vilanova i la Geltrú Local Police

Station, where it was revealed that the municipal secretary argues that the municipal detention centre cannot be closed because Vilanova is the head of a judicial district. The same situation occurs in other municipalities in the same situation.

The legal origin of the problem is found in the fifth final provision of Law 7/1985 of 2 April, on local bases, which provides that:

"From the enforcement of this law, the municipalities that are the head of a judicial district where there is no prison assume, under a regime of delegated competence, the detention of detainees at the disposal of the judiciary and the custody of detainees is the responsibility of the municipal police as judicial police. The competent prison administration shall make sufficient financial means available to the municipalities referred to in the preceding paragraph for this service to be maintained in the terms provided for in the relevant sector legislation."

While it could be considered that a municipal detention centre is not the same as a custody area, logically in practice the facility is unique, which clashes with the Mechanism's recommendation to close it.

Controversies subsequent to the 1985 Act have focused on the implications of it being a delegated power and the obligation contained in the second paragraph of the same fifth final provision of the competent administration providing the municipalities with sufficient financial resources to maintain this service. Also to what extent can legislation and treaties recognising the rights of internees be enforced in these establishments. With regard to the issue of compensation, the Government of Catalonia, as the competent administration, determines the amount to be paid to the municipalities. In fact, the Ombudsman made a recommendation in 2020, in the sense of asking the State Administration to review the amount it transfers to municipalities.

The figure of the municipal detention centre has been there for 150 years, when prisons were very scarce and there were serious difficulties of communication between municipalities. On the other hand, the

number of judicial districts has increased considerably in recent years. In Catalonia, moreover, there is a situation not foreseen in the 1985 Law: the existence of another police force, the Mossos d'Esquadra, different from the local police, and with functions as judicial and integral police throughout Catalonia and with facilities spread over all the counties of the country, including the municipalities heading judicial districts. Everything therefore indicates that we are facing a regulation that has been overtaken by the evolution of society itself.

To enable the desirable closure of areas of custody or municipal detention centres in municipalities heading a judicial district, the Mechanism suggests that the Department of the Interior should update the agreements with the municipalities heading judicial districts so that the ABP of the Mossos d'Esquadra might assume this function. There is the precedent of Puigcerdà Council, which asked the MCPT for its opinion on the obligation of the Council, which heads a judicial district, to keep the detention centre open and, having consulted with the General Directorate of the Police, it was concluded that it was not necessary. In fact, it has been closed for years.

In any case, the future Law of the Police of Catalonia, which the Ombudsman has repeatedly demanded, should clarify the areas of competence between the Government of Catalonia Police and the local police of Catalonia in the function of detainee custody.

At the same time, the Government should review the content of the fifth final provision of the Law on Local Regime Bases, in order to adapt it to the reality of the 21st century, so that municipalities heading a judicial district might be released from this delegated competence.

3. RIGHTS OF PERSONS DETAINED PURSUANT TO ARTICLE 520 OF THE CRIMINAL JUSTICE ACT

The MCPT continues to state that the medical visits to which detainees are entitled are not generally conducted in private. It is for this reason that, in

accordance with the terms of the Istanbul Protocol, the MCPT has insisted that medical visits should generally be made in private and without police presence, unless the medical staff request such presence for security reasons. To this end, it should be remembered that the right to a private medical examination can only be limited in exceptional cases of unrest or risk, and that if the person waives an examination, they cannot be forced to have one.

In the case of the local police, some wait for instructions from the medical staff, or have even developed a protocol with the reference medical centre to generally make the visits in private. On the other hand, in the case of the Catalan Police-Mossos d'Esquadra, they insist on the observations and considerations made on previous occasions. In this sense, they are of the opinion that, given that the police are responsible for the custody of the detainee, in a medical visit it is necessary to take appropriate measures to ensure the detainee's custody and the safety of the medical staff and the officers themselves. They point out that hospital visiting rooms and CUAPs do not offer sufficient security for medical examinations without the physical supervision of police officers and that there are medical instruments that can be dangerous in these places.

This year, the MCPT has also found that in some judicial districts, legal assistance does not arrive within the maximum of three hours from the time the police report the arrest to the respective Bar Association, as provided by law. For this reason, members of the Team have met with representatives of the Barcelona Bar Association, who have conveyed their commitment to ensure that its members, especially those who provide the Duty service, meet these deadlines.

On the transferring of detainees to court, and the request that the MCPT sent to the Superior Court of Justice of Catalonia (TSJC) to consider reviewing the second transfer of detainees, the agreement adopted by the Secretariat of Government, in the place of the TSJC, was received, in which it is communicated that there are currently no elements that raise the need to change how people detained in the judicial district of Barcelona appear, for the following reasons:

- In addition to regular transfers at 9 a.m. and 12:30 p.m., two more extraordinary transfers are established, up to 9 p.m. under the jurisdiction of the Court of Detainees no. 1 and after 9 p.m. under that of the Court of Incidents.

- The Court of Incidents is competent to receive detainees on national and international orders for the entire 24-hour turn of duty. It is relatively common for people to be detained at the Office of Appeals in the Ciutat de la Justícia itself, in which case the people are not taken to a police station, but are immediately brought before the incident court on turn of duty.

- Detainees must go to court when the statements are taken and once all the initial police procedures have been carried out. Extraordinary transfers, on the other hand, are not subject to any express requirements, so once the record is established, the detainee is taken to court.

- The two ordinary transfers guarantee that the fast-track trials can be processed, since the necessary infrastructure is required for the preparation of expert opinions or the drug analyses by the National Toxicology Institute.

- The analysis of the situation during a week in June shows that virtually all the statements referred to by the detainees presented at 9 a.m. had been taken the night before and the testimonies of the detainees presented in second transfer were made during the course of that morning.

4. MATERIAL CONDITIONS OF DETENTION IN CATALAN POLICE-MOSSOS D'ESQUADRA CUSTODY AREAS

For many years, the MCPT had stressed the need to improve the hygienic conditions of some Catalan Police-Mossos d'Esquadra police stations, in particular the bad smells, but also the frequency with which the blankets given to detainees in prisons were renewed at the coldest times of year.

As a result of the pandemic, the cleaning and disinfection measures of the Catalan

Police-Mossos d'Esquadra police stations have been strengthened, which has resulted in a considerable improvement in the living conditions of the detainees and the police officers who serve there. The fact that the number of people passing each day through the ACD has also fallen has meant an improvement in the structural deficit of bad smells. Another milestone has been the individual use of blankets at all Catalan Police-Mossos d'Esquadra police stations.

However, from the viewpoint of civil rights, the visits to Catalan Police-Mossos d'Esquadra police stations still detect some shortcomings that the MCPT has denounced in previous reports. Despite the recommendations of the MCPT, and the positive response in principle from the Department of the Interior, video surveillance cameras have not yet been installed in the reviewing and identification rooms of the police stations and the full-faced motorcycle helmets have not been replaced in making restraints. Occasionally, the DGP has accepted the suggestion regarding the need to install a video surveillance camera in the identification room of some of the police stations visited, as is the case of the ABP Horta-Guinardó or that of Sarrià. These police stations do not currently have a video surveillance camera, although this room is never closed and, if there is anyone to identify, they are always accompanied by a police officer, like any other ordinary police booth or space. However, they have reported that it has been requested or that arrangements are being made with the administration service to resolve this issue.

Regarding the identification of the officers of the Catalan Police-Mossos d'Esquadra, when any officer has been found not wearing it, the reminder has been transferred to the Administration and the answer has been that arrangements have been made with all the staff of the service to insist on the inexcusable obligation to be properly identified with the Professional Identification Number placed correctly and visibly.

5. GENDER PERSPECTIVE IN THE FIELD OF PRISONS AND JUVENILE JUSTICE

Every year, the Ombudsman reiterates its commitment to women in custody and

visits inmates serving their sentences in the Wad Ras Prison or one of the modules of the Ponent, Mas d'Enric or Puig de les Basses prisons, either as the Ombudsman or on behalf of the Catalan Mechanism for the Prevention of Torture. Throughout its visits and deliberations with the Advisory Board, the MCPT has identified a number of situations in which inmates are discriminated against or are in a situation of special vulnerability because they are women. The annual reports to Parliament mention some of these circumstances, relate them to international standards, and propose measures to provide better guarantees for the dignity of women in custody.

On the visits, members of the MCPT or the Ombudsman interview some of the interns, civil servants and management staff. The situation of women is of particular concern to the Ombudsman, who since 2016 has wanted to include a gender perspective in the preparation of its annual reports and, in particular, those of the MCPT. In fact, as a result of their visits, the Ombudsman or the MCPT has made a series of recommendations to the Secretariat for Criminal Measures, Reintegration and Care for Victims.

Thus, improvements have been called for to attend victims of gender-based violence, to increase the training of prison staff on gender issues, to adapt and introduce improvements in the modules in which they live, and so on. Recommendations have also been made on access to employment, coercive means, maternity and semi-open modules.

This year, in the follow-up visit to the women's module of the Brians 1 Prison, the work is seen to have been completed on the new DERT, which is on the ground floor, where the former Infirmary had been located. Basically, what has been done is to rearrange and redefine the new space. The third floor where the previous DERT was located is uninhabited and is used as a multi-purpose unit.

It is also noted that women admitted to the DERT do not have a space where they can make video conferences with relatives with the privacy required for this type of

communication, so it has been recommended that an alternative space be sought. The same goes for the Òmnia point.

With regard to juvenile justice educational centres, some of the visits made (Els Til·lers girls' unit) show a technical approach that takes into account the gender perspective, after observing that the crimes committed are largely related to situations of dependency and/or violence.

Interviewed professionals explain that the Department is strongly committed to training professionals in the gender perspective.

In some cases, the centre works on the gender perspective with external professionals to advise, guide and inform on techniques to introduce a multi sector approach. There is also the use of different specific programmes to work on affective-sexual education (Límits [Limits] programme; Mirall [Mirror] programme; Programme to work on parent-child violence, among others).

The visits also show the importance of the intervention with the families, which is usually done individually, although moving towards a group intervention is under consideration, so that the families can listen to each other and reflect together.

6. REDUCING THE SIZE OF JUVENILE JUSTICE EDUCATIONAL CENTRES

In the field of juvenile justice, within the framework of the actions of the Catalan Mechanism for the Prevention of Torture, on the visits it was found that the fall in the number of adolescents and young people admitted in centres, which began in 2020 with the pandemic after a period of strong growth since 2017, is being maintained.

In the case of the Can Llupià centre, with a maximum capacity of 201 places, in March 2021 66 places are taken. In the case of the L'Alzina centre, its occupation in April 2021 stands at 53 places, with a maximum capacity of 90. The El Segre centre, on a visit in May 2021, had an occupancy of 26

places, with a capacity of 45. Also, during the visit made on 3 June, the Montilivi centre had 12 places occupied of a total 22 available.

On the visits made, the teams from the educational centres reported that the fall in occupation has led to a significant improvement in coexistence in the educational centres, with fewer conflicts and generally an improvement in the possibilities of educational intervention.

In this regard, it should be remembered that, since the measures adopted in 2012, the Ombudsman and the MCPT have called for the creation of smaller centres so that they can more effectively guarantee individualised care for adolescents and young people, beyond maintaining professional ratios.

7. RELATIONSHIP OF CHILDREN WITH PARENTS IN PRISON

On 7 October 2020, the Ombudsman issued a resolution on the right of children with parents in prison to relate with them, with various suggestions addressed to the Justice Department.

On 22 April 2021, the Ombudsman received information from the Justice Department in response to these suggestions, which gives an account of the actions taken and reflects the desire to continue advancing in lines of work that include the perspective of children, in accordance with the suggestions of the Ombudsman. Thus, the possibility of setting up a working group in collaboration with first-level entities of the Table of Social Participation (henceforth TPS) to draw up a document of good practices in the relations of children and adolescents with their imprisoned parents will be studied. From the framework of the first-level TPS, it is possible to consider the creation of participatory structures where children and adolescents can give their opinion and give ideas in the processes of drawing up penitentiary regulations).

The interviewees (inmates and professionals of the centres) are seen to very positively view the introduction of telematic means,

following the Covid-19 pandemic, in the relating and family communications.

With regard to the sufficiency of spaces, the visits carried out highlighted the need to improve the spaces to guarantee suitable and child-friendly environments. In this sense, although it has been shown that prisons such as Lledoners have made progress in this regard,

it is still necessary for this adaptation to become a reality in all Catalan prisons. Thus, in the case of the Juvenile Prison, the insufficiency of adequate family communication spaces stands out. The rooms are spacious and bright and TV sets are planned. They are clean and nice, but they are not conceived for children.

VI. CONCLUSIONS AND RECOMMENDATIONS

Pandemic and inmate rights. The Covid-19 pandemic has had a serious impact on the lives of people in custody in the context of prisons and juvenile justice. In addition to the impact on health, there have been measures to limit contacts between inmates and with external people, as well as restrictions on treatment and leisure activities, which must be limited to each residential module, etc. Although there have been outbreaks of Covid-19 in different centres and modules, the prevention protocols adopted and the vaccination of civil servants and the inmate population have kept the infection rate in the centres relatively low. Also, the visits to the prisons and juvenile justice units have shown that the management and the teams of professionals have taken and modified measures according to the evolution of the infection and the new situations encountered daily.

The intense, collaborative and continuous work of all the staff of the centres, not only the health staff, and the pedagogical work done by the centre management teams with the internees in making them aware of the situation they were in and which meant taking restrictive measures that affected their daily lives and communication with their families, must particularly be stressed.

If the pandemic has brought anything positive it has been the generalisation of communications through video calling. At first, as a universal alternative to personal communications. Later, as a communication tool for inmates whose relatives have difficulty getting to the centres, often because they live abroad.

The Mechanism recommends maintaining and improving these telematic communications. Adequate spaces and sufficient coverage are required to continue the video call communications experience. Depending on the situation of each centre.

- The areas dedicated to communications need to be reviewed to adapt them to new uses of ICT, while taking steps to ensure

the confidentiality and privacy of video conference communications.

- There is a need to increase the number of video conferencing devices due to the considerable use made of them, given that it is one of the largest prisons.

On another level, the containment and isolation measures that have been taken in the centres may have had an impact on the mental well-being of those in custody. It is in this sense that the MCPT recommends that the treatment and follow-up of the psychological sequelae that may have been caused by the pandemic be a priority for the penitentiary services of the Catalan Institute of Health.

Application of coercive means. In prisons, immobilisation and mechanical restraint should be the last resort in resolving conflict situations and all non-coercive avenues should be exhausted before resorting to them. De-escalation measures to be set out in protocol and applied by a multidisciplinary team properly trained and capable in conflict resolution. The duration of a mechanical restraint must be strictly necessary to bring the contained person under control and in no case may it be punitive. In fact, in the opinion of the MCPT, mechanical restraint should exclusively be a health measure.

Circular 2/2021, from 1 May 2021, responds in essence to the recommendations made in previous years by this institution and the Committee for the Prevention of Torture. In view of the announcement to modify Circular 2/2021, the MCPT suggests that this review be conducted in a transparent manner and shared by all relevant spokespeople, and that it should include people specialising in respect for human rights in the prison area, and bearing in mind and always respecting the recommendations made by the Committee for the Prevention of Torture and the Ombudsman. Any rules relating to the application of means of restraint in prisons must aim at zero restraint and must be based on the guarantee of the rights of

people in custody, as well as the security of these people and of the personnel who may have to apply the measure.

In the case of children and adolescents in any detention centre, the recent adoption of Organic Law 8/2021 of 4 June, on comprehensive protection for children and adolescents against violence, is in line with the recommendations already made by the Ombudsman, in the sense of abolishing the application of this measure to minors, to whom it should only be applied under medical criteria and the supervision of health professionals.

Relationship of children with parents in prison. The visits made this year highlighted the need to improve family communication spaces to ensure suitable and child-friendly environments. In this sense, although some centres have made progress in this regard, much is yet needed for this adaptation to become a reality in all Catalan prisons.

It is necessary to show greater sensitivity in rethinking the current spaces dedicated to family relationships in order to create a more welcoming atmosphere for the children during visits, including elements of decoration of the spaces intended specifically for them. Also, the possibility of providing entertainment games, dolls, crayons, etc. All in accordance with the recommendations made in the Ombudsman resolution AO 220/2019 and in Recommendation CM/Rec (2018) 5 of the Council of Europe.

Custody of people detained by the local police in Catalonia. Since 2014, the Mechanism has recommended that local police officers who make any arrests should transfer the detainee directly to the Mossos d'Esquadra Basic Police Area and that, to this end, an action protocol should be established between the corresponding council and the Department of the Interior, and above all if this means that the local police vehicle leaves its

municipal area. It is necessary to generalise these agreements, to speed up the reception of detainees by the police stations of the Government of Catalonia and to improve coordination between national and local bodies.

Guarantee of detainee rights in the police field. The MCPT continues to state that the medical visits to which detainees are entitled are not generally conducted in private. It is for this reason that, in accordance with the terms of the Istanbul Protocol, the MCPT has insisted that medical visits should generally be made in private and without police presence, unless the medical staff request such presence for security reasons.

Video surveillance cameras must also be installed in all spaces on the detention circuit, from the police station car park to the cell. In this sense, the Catalan Police-Mossos d'Esquadra police stations do not yet have video surveillance cameras in the review and identification rooms, something which should be corrected as soon as possible.

Inclusion of the gender perspective in the field of prisons and juvenile justice. The MCPT has repeatedly recommended that the gender perspective be incorporated into the treatment of women and adolescents admitted to prisons and juvenile justice units. This holistic perspective should involve reviewing the modules and other custody areas, the treatment programmes offered to these people and rethinking other activities that, without resulting directly from their situation, are essential for the better reintegration of women and young people into society.

As the crimes committed by women are often related to situations of dependency and/or violence, it is necessary to generalise the existing programmes to work on affective-sexual education and gender-based and child-parent violence.

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