

Research project EUPRETRIALRIGHTS

Improving the protection of fundamental rights and access to legal aid for remand prisoners in the European Union

EMPIRICAL STUDY

**The actors of legal protection,
their professional practices
and the use of law in detention.**

Report on SPAIN

*Dr. Esther Pascual Rodríguez
Clara Rey Sánchez¹*

Pontifical University of Comillas

1 October 2018



1 With the cooperation of *Prof. dr. Pedro José Cabrera Cabrera*

This report is part of the research project EUPRETRIALRIGHTS from the consortium of partners :

Centre National de la Recherche Scientifique
Laboratoire SAGE, Université de Strasbourg
CESDIP, Université de Saint Quentin en Yvelines/Ministère de la Justice
European Prison Litigation Network
University of Utrecht, Montaigne Centre for Rule of Law and Administration of Justice
Helsinki Foundation for Human Rights, Poland
Dortmund University of Applied Sciences and Arts
University of Florence, L'Altro diritto-Inter-university Centre
Bulgarian Helsinki Committee
Ghent University, Institute for International Research on Criminal Policy
General Council of Spanish Bars
Pontifical University of Comillas

This project was funded by the European Union's Justice Programme (2014-2020).

The content of this publication represents the views of its authors only and is their sole responsibility. The European Commission does not accept any responsibility for use that may be made of the information it contains.



- **THE NATIONAL CONTEXT**

- Spaces of pre-trial detention

In Spain, the places of detention can be found in the police stations (“comisariás”) of the National Police, in the barracks (“cuarteles”) of the Civil Guard and in the Posts or Units of the Autonomous Police and Local Police. Also within the duty Courts there are specific premises for detainees. In a colloquial way all these places are called “dungeons” (“calabozos”), and when this word is used in Spanish it is clear that the person is detained (the word “cell” already refers to ordinary prisons where convicted persons serve their prison terms). Detained persons are separated by sex. Depending on the police station or the court, these detention cells hold 1 or several detainees. They are spaces in which there is nothing more than a stone bench or reinforced concrete that comes out of the wall with a completely opaque door (without bars). Detainees are provided with the corresponding meals and, during the night, with a blanket and a foam mattress. There are no bathrooms in the cells so if the detainee needs to go to the toilet he/she has to request to be escorted. The most modern dungeons are in better conditions than the old ones in terms of painting, cleaning and odor.

When the investigating judge orders pre-trial detention, the detained person becomes a pre-trial inmate and is taken to an ordinary prison facility. Depending on the region, there are prison facilities for pre-trial inmates exclusively (for example, Soto del Real prison (also known as “Madrid V”) or Estremera prison (known as “Madrid VII”), or prisons that hold both convicted and pre-trial inmates, though in different modules. Indeed, convicted and pre-trial prisoners are never mixed, except in the case of women’s prisons, where sometimes, due to the low number of inmates, it is not possible to open a module exclusively for pre-trial inmates and are therefore mixed together with convicted prisoners (this is for example the case in the women’s prisons of the Canary Islands and the Balearic Islands or in Cuenca.) Once in pre-trial detention, the person is accommodated in a cell, either individual or shared with another inmate. Usually, cells are built to accommodate up to two people. Depending on the prison facility, cells are smaller or bigger, ranging from 10 square meters to 13 or 14. All have a small window with systems that prevent jail breaks. The prison facility where the person is kept will be the closest to the Investigative Court in order to facilitate the proceedings, particularly the hearings where the pre-trial inmate must take part. For example, pre-trial inmates remanded in custody by the Audiencia Nacional (a special court located in the city of Madrid with jurisdiction throughout the whole of Spain regarding crimes of terrorism and crimes against the State or Crown) are sent to the prisons located in the region of Madrid (there are seven prisons); yet the general rule is that pre-trial inmates are sent to prisons located in the place where they committed the crime (territorial jurisdiction) close to the Investigative Court that ordered their remand in custody.

Once the person is convicted by a final judgement and is classified into one of the three prison regimes (known as 1st, 2nd or 3rd grade) after the so-called “period of observation”, that can last up to a maximum of two months, he/she becomes a classified prisoner. This means that depending on the prison facility (whether it is a small prison or a so-called “macro prison”, also known as “cárceles tipo”) he/she will be held in a prison exclusively for convicted prisoners, or in a module for convicted prisoners inside a prison that holds both pre-trial and convicted inmates. At this point, the criterion of proximity to the inmate’s domicile is taken into account when deciding the prison facility to which he/she will be sent.

It is also the case that a person may be remanded in custody and also, at the same time, be serving a final sentence. In this case, he/she is considered a prisoner in situation of pre-trial detention, so he/she can not be classified into one of the three prison regimes and will be held either in a prison for pre-trial prisoners or in a module for pre-trial prisoners within a prison that houses both convicted and pre-trial inmates.

- o Main social characteristics of the general detained population in country

PRISON POPULATION BY PROCEDURAL-CRIMINAL SITUATION, BY SEX²:

Situation	Men	%	Women	%	Total	%
Pre-trial inmates	7.831	14,2	688	15,6	8.519	14,3
Convicted inmates	45.863	83,4	3.658	83,1	49.521	83,4
Under security measures	571	1,0	31	0,7	602	1,0
Mixed: convicted and pre-trial	731	1,3	23	0,5	754	1,3
Total	54.996	100,0	4.400	100,0	59.396	100,0

PRE-TRIAL PRISON POPULATION BY AGE AND SEX³:

Age	Men	%	Women	%	Total	%
18 to 20 years old (Pre-trial)	362	4,6	22	3,2	384	4,5
21 to 25 years old (Pre-trial)	925	11,8	100	14,5	1.025	12,0
26 to 30 years old (Pre-trial)	1.101	14,1	110	16,0	1.211	14,2
31 to 40 years old (Pre-trial)	2.536	32,4	245	35,6	2.781	32,6
41 to 60 years old (Pre-trial)	2.646	33,8	199	28,9	2.845	33,4
Over 60 years old (Pre-trial)	256	3,3	12	1,7	268	3,1
Not recorded (Pre-trial)	5	0,1	0	0,0	5	0,1
Total	7.831	100,0	688	100,0	8.519	100,0

2

<http://www.institucionpenitenciaria.es/web/portal/administracionPenitenciaria/organizacion/serviciosCentrales/secretariaGeneralInstitucionesPenitenciarias.html>

3

<http://www.institucionpenitenciaria.es/web/portal/administracionPenitenciaria/organizacion/serviciosCentrales/secretariaGeneralInstitucionesPenitenciarias.html>

CONVICTED PRISON POPULATION BY AGE AND SEX⁴:

Age	Men	%	Women	%	Total	%
18 to 20 years old (Convicted)	305	0,7	21	0,6	326	0,7
21 to 25 years old (Convicted)	3.556	7,8	254	6,9	3.810	7,7
26 to 30 years old (Convicted)	6.354	13,9	419	11,5	6.773	13,7
31 to 40 years old (Convicted)	15.064	32,8	1.252	34,2	16.316	32,9
41 to 60 years old (Convicted)	18.545	40,4	1.563	42,7	20.108	40,6
Over 60 years old (Convicted)	2.038	4,4	149	4,1	2.187	4,4
Not recorded (Convicted)	1	0,0	0	0,0	1	0,0
Total	45.863	100,0	3.658	100,0	49.521	100,0

DISTRIBUTION OF FOREIGNERS AMONG PRISON POPULATION, BY SEX⁵:

Gender	Total	%
Men	15.395	92,43
Women	1.261	7,57
Total	16.656	100

DISTRIBUTION OF PRISON POPULATION BY REGIONS⁶:

REGIONS	Men	%	Women	%	Total	%
Andalucía	12.867	23,4	949	21,6	13.816	23,3
Aragón	1.773	3,2	97	2,2	1.870	3,1
Asturias	1.167	2,1	101	2,3	1.268	2,1
Baleares	1.406	2,6	136	3,1	1.542	2,6
C.A. Ceuta	232	0,4	24	0,5	256	0,4
C.A. Melilla	259	0,5	8	0,2	267	0,4
Canarias	2.994	5,4	225	5,1	3.219	5,4
Cantabria	516	0,9	26	0,6	542	0,9
Castilla La Mancha	1.733	3,2	33	0,8	1.766	3,0
Castilla Y León	3.790	6,9	271	6,2	4.061	6,8
Cataluña	7.801	14,2	580	13,2	8.381	14,1
Extremadura	1.039	1,9	67	1,5	1.106	1,9
Galicia	3.127	5,7	196	4,5	3.323	5,6
La Rioja	295	0,5	10	0,2	305	0,5
Madrid	6.795	12,4	835	19,0	7.630	12,8

4

<http://www.institucionpenitenciaria.es/web/portal/administracionPenitenciaria/organizacion/serviciosCentrales/secretariaGeneralInstitucionesPenitenciarias.html>

5

<http://www.institucionpenitenciaria.es/web/portal/administracionPenitenciaria/organizacion/serviciosCentrales/secretariaGeneralInstitucionesPenitenciarias.html>

6

<http://www.institucionpenitenciaria.es/web/portal/administracionPenitenciaria/organizacion/serviciosCentrales/secretariaGeneralInstitucionesPenitenciarias.html>

Murcia	1.582	2,9	116	2,6	1.698	2,9
Navarra	278	0,5	20	0,5	298	0,5
Pais Vasco	1.168	2,1	139	3,2	1.307	2,2
Valenciana	6.174	11,2	567	12,9	6.741	11,3
Total	54.996	100,0	4.400	100,0	59.396	100,0

CRIME TYPOLOGY OF CONVICTED PRISON POPULATION ACCORDING TO THE ABOLISHED CRIMINAL CODE⁷:

Abolished Code	Men	Women	Total
External Security	0	0	0
Internal Security	39	1	40
Counterfeit	1	0	1
Against the Justice Administration	2	0	2
Road Safety offences	2	0	2
Threats to Public health	9	2	11
Against Public officers	0	0	0
Offences against persons	70	5	75
Sexual offences	23	0	23
Against Honour	0	0	0
Against freedom	4	0	4
Property crimes	35	1	36
Against civil status	0	0	0
Other crimes	1	0	1
Minor offences	0	0	0
Not recorded	0	0	0
Total	186	9	195

CRIME TYPOLOGY OF CONVICTED PRISON POPULATION ACCORDING TO ORGANIC LAW 10/1995, of 23 November, CRIMINAL CODE⁸:

Organic Law	Men	%	Women	%	Total	%
Homicides in all its forms	3.440	7,5	311	8,5	3.751	7,6
Injuries	2.230	4,9	149	4,1	2.379	4,8
Offences against freedom	588	1,3	42	1,2	630	1,3
Sexual Offences	3.221	7,1	43	1,2	3.264	6,6
Offences against honour	3	0,0	0	0,0	3	0,0
Offences and minor offences constituting gender-based violence	4.305	9,4	14	0,4	4.319	8,8
Against family relationships	196	0,4	14	0,4	210	0,4

7

<http://www.institucionpenitenciaria.es/web/portal/administracionPenitenciaria/organizacion/serviciosCentrales/secretariaGeneralInstitucionesPenitenciarias.html>

8

<http://www.institucionpenitenciaria.es/web/portal/administracionPenitenciaria/organizacion/serviciosCentrales/secretariaGeneralInstitucionesPenitenciarias.html>

Against wealth and the socioeconomic order	18.130	39,7	1.453	39,8	19.583	39,7
Threats to Public health	8.416	18,4	1.155	31,7	9.571	19,4
Road safety offences	1.238	2,7	32	0,9	1.270	2,6
Counterfeit	635	1,4	101	2,8	736	1,5
Against the Public Administration and the public finances	230	0,5	19	0,5	249	0,5
Against the Justice Administration	720	1,6	114	3,1	834	1,7
Against public Order	1.668	3,7	126	3,5	1.794	3,6
Other crimes	578	1,3	68	1,9	646	1,3
Minor offences	36	0,1	6	0,2	42	0,1
Not recorded	43	0,1	2	0,1	45	0,1
Total	45.677	100,0	3.649	100,0	49.326	100,0

Major trends during the past 10 years:

Regarding the main trends in the area of imprisonment and the fulfilment of the sentence: we can conclude that for the last ten years there has been a considerable decrease in the number of prisoners, both pre-trial and convicted, in Spain. In 2008 there were a total of 67,904 prisoners, out of which 16,699 were pre-trial inmates. Currently (beginning of 2018) there are 59,396 prisoners, of whom 8,119 are in pre-trial detention. The decrease is thus significant as regards the two variables. This reduction of the prison population has been occurring since 2012, and until 2011 it was increasing (indeed, in 2010 Spain reached the very high figure of 70,466 prisoners, out of which 14,148 were pre-trial prisoners, in 2011 it rose to 73,766, of which 13,748 were pre-trial detention). As said, this increasing trend changed in 2012 when the total prison population progressively decreased to 70,415, of which 11,267 were pre-trial inmates. By 2016 it had already dropped to 61,620, of which 7,783 were pre-trial prisoners

At present, it can be concluded that the total number of prisoners has decreased (ever since 2012) and currently stands at 59,396 prisoners. However, the number of pre-trial prisoners that also fell significantly in 2016 (7,783) has increased again in 2018, and currently stands at 8,519 pre-trial prisoners.

The decrease of the general prison population is due, among other, to: the departure of numerous population groups since the beginning of the financial crisis in Spain, the release of many prisoners whose extension of their prison sentence was revoked - following a judgment of the ECtHR concerning the "Parot Doctrine"- and the increased resort to more alternative measures other than prison sentence.

Regarding the prevalence of mental pathologies in prison⁹:

- The rate of addictive mental pathology in prison is 49,6%.
- The rate of mental pathology in prison is 25,6%.
- The rate of addictive and mental pathology in prison is 12,1%.

Regarding the level of studies and education:

Half of the prisoners have primary education, 7% never finished that cycle and 1% of the prison population is illiterate¹⁰.

In the last 10 years the number of inmates receiving education or vocational training within prisons amounts, on average, to:¹¹

Basic Education: 10,897 students (“Basic Education” includes: Level I: Literacy, Literacy for foreigners and Spanish for foreigners. Level II: Consolidation of knowledge 1 and 2 (Basic instrumental techniques).

Secondary Education: 4,324 students (“Secondary Education” includes: 1st Cycle, 2nd Baccalaureate Cycle, Middle Level Training Cycles, Higher Degree Training Cycles and Official Language Schools).

University education: 1,190 students (after passing the entrance examination known as “direct access for people over 25 years of age”. University education also includes Doctorate studies).

- o Recent evolutions of initiatives to compensate juridical inequalities among detainees/prisoners

In Spain, due to the economic crisis, many programmes aimed at people deprived of liberty have been cancelled (including both: programmes available within prison and programmes made available to inmates at the moment of release). Many of these programmes are organised by NGOs and Associations, which could not obtain the necessary funding for carrying them out. In addition, the units for mothers that were built during the mandate of the previous General Secretary of Penitentiary Institutions have not been opened, the budget of numerous Services for Legal Advice in Prison has been reduced (up to the point where the provision of such Services rely on the altruism of the lawyers ascribed to the Service), etc. Only, free legal aid has continued to be granted and the number of applications has even increased, due to the financial crisis. The levels or scales of remuneration of free legal aid lawyers were reduced when the financial crisis out-broke and, although since 2016 investment in free legal aid has grown slightly, it still remains well below the levels of 2008.

- o Litigant information¹²:

In 2016 (the last date on which a study was conducted), 826,134 litigants applied for free legal aid (out of which, 640,000 applications were processed through the so-called “Electronic File”). Free legal aid was granted to 85% of these applications. In 2016, there were 461,823 appointments of ex-officio lawyers (or lawyers from the duty shift, “abogados del turno de oficio”) in the criminal order.

It is impossible to ascertain the other issues raised.

Regarding the practical means to litigate:

Only registered lawyers in one of the 83 Spanish Bar Associations can plea before the courts (and it must be noted that they must be registered under the modality “practising lawyer” and must also be up to date with their tax obligations). Therefore, only the following lawyers may litigate:

- Ex-officio lawyers appointed from the “duty shift” following a pre-set order
- Private lawyers hired by the client
- Lawyers who work for companies (insurer companies for example) or large law firms
- Lawyers who want to litigate accepting the waving of their fees

10 “Andar 1 km en línea recta. La cárcel que vive el preso del siglo XXI”: Julián Carlos Ríos Martín y Pedro José Cabrera Cabrera. Fundación Santamaría. 2010.

11 Informes anuales de la SGIIPP.

12 XI Informe del Observatorio de Justicia Gratuita. Abogacía Española-LA LEY 2016. Estadística completa 2012-2016.

NGOs do not usually pay for a lawyer to privately represent and assist individuals in trial, because this is precisely what ex-officio lawyers (or lawyers from the duty shift “abogados del turno de oficio”) do, they usually provide counselling or representation.

However, it may be the case that they constitute themselves as what is known as “popular or particular accusation”. For example, GREENPEACE against a legal person for crimes against the environment. Nevertheless, this possibility is not accepted in prison litigation (i.e. litigation before the Judges for Prison Supervision), since the 5th additional provision of the Organic Law of the Judiciary (as modified by Organic Law 5/2003, of 27th May) expressly foresees that only “the Public Prosecutor and the inmate or the person released on parole are legitimated for bringing action” in prison litigation.

University legal clinics (students) can not under any circumstances constitute themselves as lawyers and litigate. Trainees can certainly accompany a registered lawyer during the whole process (to jail, to the “dungeons”, to the courtroom, etc.) but they can not defend, represent, counsel, etc. since they are not registered as “practising lawyers” in a Bar Association (there are two modalities of registration: as “non-practising” and as “practising”, only this last modality allows lawyers to plea before courts)

2. LEGAL PRACTITIONERS - LAWYERS

Lawyers: defined according to the National Council of lawyers

2.1 Lawyers and litigation work

****General policy of the Bar (and of unions of lawyers) on legal counsel for prisoners****

- **Does the Bar organize dedicated workshops or education on penitentiary law? Precise frequency, size of audience.**

To enrol in the so-called “duty shift” (“turno de oficio”, i.e. a list of lawyers who agree to be appointed ex-officio) it is mandatory to attend and successfully complete a specific course for that particular shift (there are duty shifts for civil law, criminal law, etc. and in the bigger Bar Associations there are also duty shifts for the assistance of detainees, prisoners, foreigners, etc.). However, once enrolled in the duty shift it is no longer mandatory to attend courses, seminars or conferences.

Bar Associations, through their study centres, offer all year round courses and seminars. Some of these courses are free for lawyers ascribed to the duty shift or are offered at a lower price than for lawyers who do not belong to the duty shift (these courses are also open to lawyers who are not ascribed to the duty shift, but in this case they must pay the whole price).

Only when there is a very important legal reform, for example amendments to the Civil Code or the Penal Code, is it compulsory to attend a course on the legal novelties introduced by the reform. Otherwise, training and refresher courses are never compulsory, and it is the lawyer’s responsibility to keep up-to-date. Unfortunately, there are many lawyers who, for different reasons, disregard their continuous training.

The General Council of Spanish Lawyers also holds an Annual congress that covers all fields of Law, but it is not compulsory to attend.

As regards courses/training on penitentiary law, the same applies here: if the Bar Association has a specific duty shift for penitentiary issues (“turno de oficio de penitenciario”) it is compulsory to attend a course on criminal law and penitentiary law to be able to enrol. Yet once ascribed to the duty shift, it is no longer mandatory to attend refreshing courses. As regards the frequency and size of audience, by way of example, the Valencia Bar Association offers once a year an on-line course on penitentiary law with a capacity for 60 learners, yet last year (2017) only 39 lawyers

enrolled.¹³ The Madrid Bar Association this current year (2018) offers six courses related to prison law, some of which are on-site and some are on-line.¹⁴

On general terms, it can be said that lawyers who want to be in continuous training find the opportunity and means to do so, but since it is not compulsory, few lawyers attend refreshing courses.

All the lawyers interviewed (5 in total) consider that it would be good if lawyers from the duty shift took exams every 2 or 3 years or if an “inspection service” randomly monitored the legal assistance provided by lawyers from the duty shift. That would ensure the quality of the service.

- **Are there dedicated networks of lawyers? Are they generalists or dedicated to specific categories of detainees/prisoners or for specific legal fields? (for incarcerated foreigners, for prisoners with certain types of conviction, ...)**

The interviewees knew nothing about networks of lawyers. To the best of our knowledge, there are no informal networks of lawyers, not even among the lawyers of specific categories of prisoners (for example, the lawyers of prisoners belonging to ETA terrorist group know each other, but each lawyer defends his/her own cases). Nevertheless, the duty shifts within the Bar Associations are organised, firstly, according to the main areas of law: civil, criminal, etc. and, secondly, and always depending on how big the Bar Association is, according to more specific legal fields. Thus, there is a duty shift for detainees, for minors, for prisoners, for foreigners, etc. These specific duty shifts can be considered “networks”

- **Does the Bar edit information booklets/digital tools on penitentiary law, access to legal counsel, practical problems faced by lawyers providing legal aid in police custody and prison? Who designs and promotes such tools? To what extent are they relevant with regard to major prison litigation issues? To what extent are they used by practitioners? Which importance do they give to these tools?**

Each Bar Association is different, yet most of them have “newsletters”: i.e. those lawyers registered receive by e-mail on a weekly basis a dossier with relevant sentences, cases, legal analysis, etc. It is a very useful tool because they are made for lawyers and specifically target the practical problems lawyers may face when practising law. They provide useful and valuable information according to the area of law to which you have registered (you can register in more than one area of law). In the Madrid Bar Association the “newsletter” regarding prison law is called “cuadernos de derecho penitenciario” and the “newsletter” on criminal law is called “boletín de actualidad penal”. There is also a “newsletter” regarding the European Court of Human Rights.

- **Relations between the Bar and national Penitentiary administration (at different hierarchical levels). Tensions, cooperation?**

As said, each Bar Association is different, but on a general basis it can be said that relations between Bars and the prison administration are not particularly cordial. For example, when lawyers request access to a prisoner file, it is always denied; the prison direction always redirects such kind of requests to courts (that is, access must be requested via the Judge for Prison Supervision) or ask that the inmate him/herself request it personally. Another example is that prison directors, generally, do not like to

¹³ <http://www.icav.es/ver/12565/curso--derecho-penitenciario-on-line-.html>

¹⁴ https://formacion.icam.es/web3/cache/P_CEI_cursosPenal.html

receive lawyers and the same applies to other members of the Prison Board: it is always difficult to get an appointment. Sometimes, it also happens that the lawyer has to wait for a long time before entering prison (to pass through the security arch, etc.). On the light of the above, it can be concluded that the relationship is simply correct, but no real support is given to the lawyer's work.

As regards the relationship between the upper echelons of the Bar Associations and the Prison Administration (the General Secretariat) the interviewees believe it is diplomatically cordial, but not a close relation

General profile of lawyers active on litigation

- **Level of legal education, average age, power position within the Bar and capacity to bring problems to the bar encountered during legal practice in prison.**

The interviewees (5 in total), who are lawyers active on prison litigation, may serve as example: they range from Doctors in Law to graduates in Law. Their age ranges from 38 to 65. Some are ascribed to the "duty shift for penitentiary" some are not, though all of them are registered in a Bar Association (otherwise they would not be allowed to plea before the courts). None of them have powerful positions within their Bar Association.

They relate the following means to bring problems to the Bar encountered during legal practice: for reporting unfair situations and complaints there is 1.) the possibility of complaining before the so-called "lawyer's Ombudsman", which is a telephone application for reporting on the problems find in the day-to-day as a lawyer regarding courts. 2.) file a complaint before the appropriate "Observatory" of the Bar Association (there are several Observatories within the Bars: for human rights, gender-based violence, etc.).

The lawyers interviewed consider that these complaints are not effective. They also complained about the way they are sometimes treated by the court officials: lack of education and even lack of respect. They report to sometimes feel as if lawyers were the enemies of all the judicial staff: they make lawyers wait hours and hours until trials are hold or declarations taken, they do not want to photocopy the judicial file for the lawyer, etc. In general, the lawyer feels mistreated by the justice system.

- **Professional profile of lawyers acting in the field of prison litigation (larger firms, smaller offices, members of NGOs or professional interest organisations).**

In Spain, usually, lawyers ascribed to the criminal and/or penitentiary duty shift are usually lawyers who have their own small law office or work in a small collective law firm. There are also lawyers specialised in these areas who work for NGOs. However, in the last years, there have been many high profile cases in Spain where royals, bankers, politicians etc. have been condemned for corruption and this has forced the bigger law firms to look for training in prison law to counsel their clients when they enter prison.

- **Which proportion of litigation case work within their everyday practise?**

In bigger cities (like Madrid or Barcelona) there are lawyers who really specialize in particular areas of law, but in smaller cities, the reality is that lawyers have to take on every case (whether it is criminal, civil, administrative, etc.) to be able to make a living.

- **Connections between lawyers and NGOs / Human Rights organisations / Legal Clinics/ Universities / ...:**
 - **Are most dedicated lawyers either members of or close to such organisations?**
 - **Are there situations of competition/tensions between the two?**
 - **Relationship with the judiciary?**

In general there is no official relationship between lawyers and human rights organizations, nor NGOs. Lawyers who do contact NGOs or human rights organizations are usually involved beyond their purely legal work. For example, there are lawyers who seek the means (centres, programmes, etc.) for convicted persons to undertake a detoxification cure to avoid entering prison. But this depends on the lawyer, since it is not part of their job, and it tends not to be the general rule; in most cases, what lawyers tend to do is to advise the prisoner/detainee to contact him/herself the NGO

More and more lawyers have students from the Law Degree or students from the Master for Accessing the Legal Profession in practice, as trainees.

Legal relief specialization

Selection of cases - according to which legal or social/political criteria (is there a dedication to specific populations of detainees/prisoners or specific issues – i.e. disciplinary, security measures, relationship with the family, etc.)?

If you are a lawyer ascribed to the duty shift, you defend what has been “turned over” to you, and it can be any matter of criminal or penitentiary nature (depending on the Bar Association and the number of duty shifts). In the case of private lawyers, it is up to them to decide which cases they want to handle.

2.2 ****How is litigation case work financed?****

- **What is understood by “pro-bono” in the country?** Pro bono is not common in Spain. If someone does not have money to litigate he/she applies for free legal aid and the scheme for free legal aid relies on lawyers from the duty shift. The Spanish free legal aid scheme is also available for legal persons (i.e. they can also benefit from free legal aid)
- **Is there state-funded pre-trial aid?**
 - **If yes, is it sufficient to cover expenses?** It is sufficient to cover the expenses of a judicial procedure, but not for the lawyer to make a living
 - **If not what are the consequences? (selection of specific cases, insufficient time, coverage of expenses through other sources than pre-trial aid?)** Free legal aid lawyers always have to look for other means of income: they also take in cases which are not assigned through the duty shift (private clients), or teaching at Universities, etc.
- **Other? (e.g. private funding, coverage through other case work, legal insurance...)**
- **Legal aid:**
 - **Amount of aid?**
The amount of free legal aid depends on each autonomous community and on whether the legal service provided relates to procedures before certain courts (for example, a jury court or a court with jurisdiction throughout the entire national territory like the Supreme Court, Audiencia Nacional, etc.)

On average, the duty lawyers' fees for the legal aid provided in a criminal procedure amount to € 300 for the entire procedure (i.e. the provision of legal aid in police station, at the investigating court for the production of evidence, statement taking, etc., the appeal of judicial orders, preparing the statement of defence and the oral trial, etc.). If the proceedings take place before a jury court, the fees raise up to 400 Euros on average. A trial for minor offences is 200 Euros.

If the lawyer services consist just on the filing of an appeal (as it is normally the case of prison related issues) then the fees amount on average to 150 euros. The legal services provided as lawyer from the duty shift are exempt from VAT, but are nonetheless subject to withholdings on account of income tax.

- **What type of costs may it cover, which costs does it rule out?** Free legal aid covers all the costs of the procedure: the lawyers' fees, any forensic evidence that must be carried out (any type of expert evidence), the interpreter who intervenes in court (the interpreters' visits to prison are excluded, hence any visits made by the lawyer to prison will not be officially translated, but may be translated through another inmate acting as a translator) and the court fees if the court decision orders the convicted to pay them.

- **Forms of payment?** By credit on the lawyer's bank account

- **How is the aid provided? Directly to the lawyer or to the applicant? Can the aid be directed to the applicant's family?**

The Free Legal Aid Commission notifies both the appointed lawyer from the duty shift and the client whether free legal aid has been granted or not. If it has been granted, the lawyer must submit the judgement delivered by the court to the Bar Association (which then forwards it to the Free Legal Aid Commission) in order to get paid 100% of the free legal aid. If the lawyer only certifies the completion of one procedural act, he/she only gets paid 70% of the total amount of free legal aid. If the applicant has not been granted free legal aid, it is the lawyer who must charge the client directly, basing his/her fees on the guiding criteria of the Bar Association. Free legal aid cannot be directed to the applicant's family

- **Are there any delays for reimbursement?**

Given that the Autonomous Communities and the Ministry of Justice pay with 6 months delay, and sometimes even 1 year later, Bar Associations have agreements with banks to enable on-time payments through a service called CONFIRMING, which consists of an advance payment from the bank for the services provided by the lawyer. This system lessens the amount that the lawyer finally receives, since the Bank charges a small amount for advancing the payments.

- What are the known consequences of the origin of funds (e.g. state-funded lawyer vs. paid lawyer) in terms of quality of service?

There is a popular confusion that the lawyer from the duty shift (abogado del turno de oficio or ex-officio lawyer) is always free, but it is not always the case and this should be clear. Lawyers from the duty shift are appointed by the Bar Association and, in most cases, free legal aid is granted and the lawyers' fees are borne by the State/Autonomous Community. If, however, free legal aid is not granted, the client must pay the lawyer assigned ex-officio by the Bar Association from the duty shift roster. Once this has been clarified, it must be acknowledged that the general opinion is that: lawyers from the duty shift (or ex officio lawyers):

- do not do their job well.
- They are so badly paid that they do the minimum possible
- They are not interested in the client.
- They are the "worse off" of the legal profession
- Always better a private lawyer who will serve the client much better

However, according to surveys conducted by the Observatory of Justice, this opinion comes from people who have never made use of the services of a lawyer from the duty shift. According

to this said Observatory, the duty shift is one of the best valued public services by the citizens who have made use of it.

Generally, lawyers from the duty shift are very vocational lawyers, who believe in what they do. Money is, obviously, an important goal, yet the “duty shift” is so badly paid that from an economic point of view it is not worth practising law within the “duty shift”. Lawyers solely interested in making money practice law elsewhere. Therefore, given that they tend to be very vocational people, they usually fight right to the end. In fact, many defendants after having made use of the services of a lawyer from the duty shift, highly appreciate the work done. Even so, just as in any other profession, there are very unprofessional lawyers, but that may also be the case when hiring a private lawyer.

The negative opinion towards lawyers from the duty shift comes mainly from people who have never been defended by one.

2.3 Access of lawyers to their clients

- **How does a lawyer access a potential client, that is, make his or her existence known to a prisoner?**

It is mainly the "word of mouth" that brings the most clients to lawyers.

There are well-known law firms which always have clients; these law firms tend to be very large in size (many lawyers, offices all over Spain, etc.) and also tend to be expensive for average prisoners; their clients are rather the small percentage of prisoners who have high incomes (for example, politicians who end up in prison).

Lawyers working on their own or in small law firms receive many clients from the “duty shift”. If the client is very satisfied with the service provided by the lawyer appointed from the duty shift, normally whenever he/she needs again legal assistance in the future they will look for the same lawyer (this time they will contact the lawyer directly without requesting the appointment of a lawyer from the duty shift) or will recommend that particular lawyer to other prisoners. However, in these cases the clients cannot benefit from free legal aid, since the free legal aid scheme only covers the legal services provided by lawyers from the duty shift, who are appointed according to a pre-set order and thus the client cannot choose.

There are also law offices that carry out huge advertising campaigns in the media (newspapers, etc.) and can also reach prisoners.

- **How is lawyer attendance organized within detention facilities?**

In police stations, generally, lawyers are treated very correctly by the police. However, and although the police should allow the lawyer to see the police report in accordance to the latest legal amendments of 2015, they continue to deny access to the police statement. As regards the facilities, they are usually not comfortable, nor clean.

- **Material problems related to access (e.g. remote prisons, costs of transportation)**

Prisons are located far from the city centres. The Madrid Bar Association has a free transfer service for all lawyers which takes them to prison for free in the afternoons. Each day the free transfer service goes to a different prison (i.e. on Monday to Valdemoro prison, on Tuesday to Navalcarnero prison, etc.) It departs at 4:30 p.m. and returns at 8 p.m. So if the lawyer makes use of such service he/she knows that he/she will be there all afternoon. If the lawyer goes to prison to meet a client as his/her appointed lawyer from the duty shift, the lawyer gets paid 20 Euros (other Bar Associations have other rates) for the visit (it must be documentary proved that the said visit took place).

Other Bar Associations do not offer such free transfer service and the lawyer goes to prison with his private car or making use of the public transport system, which usually does not stop near the prison.

- **Administrative problems related to access (e.g. security measures, searches)**
Lawyers when accessing prison must go through the “security arch” (a metal detector

like at the airports). If it starts beeping, the lawyer is searched by the security officials. Bags undergo a security screening and no mobile phones or electronic devices are allowed

- **Problems within detention facilities (e.g. mobility between wards, waiting times, existence of a dedicated space to meet detainees? Issues of confidentiality? Relations with staff: with officers, medical staff, social workers etc., on legal issues connected with their specific fields).**

The communications between lawyers and prisoners (convicted and on remand) are carried out in special booths/parlours for interviews with lawyers. They have a glass barrier and an intercom and chairs for the prisoner and the lawyer, as well as a small ledge for writing. The sound is usually quite bad and if they want to exchange documentation it has to be done through a security officer visually monitoring the parlours. The security officer checks the documentation and delivers it to the prisoner or the lawyer and vice versa.

- **Access to detainees and prisoners' files?**

According to the last legal amendments (enacted in 2015) the police should allow the lawyer access the police statement (understood as the file that the police forwards the judge reporting all that has taken place in the police station: the statement, the criminal complaint, etc.). However, the truth is that they continue to prevent the lawyer from accessing the file and, in practice, it is not until the police report reaches the investigating court that the lawyer can finally access it. There are many complaints filed for this reason, but the police ignores them; in their opinion it suffices if the police literally reads out to the lawyer the criminal complaint.

As regards the situation in prisons, lawyer do not have access to the prisoner file either. As already stated in previous paragraphs, lawyers have to request via the Judge for Prison Supervision access to such files since, on a general basis, access is denied by the Prison Administration

- **How are cases initiated, through initiative of the lawyer/the prisoner?**

Generally cases are initiated through the initiative of prisoners since, generally, prisoners want to appeal every act/decision from the prison administration.

3. LEGAL PRACTITIONERS - NGOs (e.g. NGOs / Human Rights organisations / Legal Clinics/ Universities / monitoring bodies that provide legal advice and/or may start litigation)

ROSEP¹⁵ ("Red de Organizaciones Sociales del Entorno Penitenciario" literally: Network of Social Organizations of the Prison Environment) is a network that encompasses many of the social organizations that in some way intervene in the criminal and prison environment. It was born in 2013 with the idea of achieving collectively, between the majority of possible entities that act in that area, a joint and shared approach towards certain issues that the prison reality is putting on the table and that need a joint response or reflection.

ROSEP is a network that operates at the state level, comprising organizations of the third sector that intervene in prisons and/or in the prison context.

Currently, ROSEP comprises the following organizations:

1. ACOPE
2. ADAP
3. ADHEX
4. Ámbit
5. ASFEDRO
6. ASIES
7. Asociación Albéniz

8. Asociación Arrabal AID
9. Asociación Arrats
10. Asociación Benéfica DARSE
11. Asociación Camino de Fe y Esperanza
12. Asociación ciudadana de Ayuda al Toxicómano (ACAT)
13. Asociación Colectivo La Calle
14. Asociación "Con un pie fuera" (CUPIF)
15. Asociación Eslabón Iniciativas de Promoción de Empleo.
16. Asociación Evangélica Nueva Vida
17. Asociación Igualdad es sociedad, derechos y oportunidades para colectivos en desventaja (ASIES)
18. Asociación JOMAD
19. Asociación para la Reinserción Social Zaqueo
20. Asociación Pasos Solidarios
21. Asociación PODEMOS
22. Asociación PRETOX
23. Asociación Proyecto Hombre
24. Asociación SARE
25. Asociación Zubietxe
26. Cáritas Española
27. Colectivo de Prevención e Inserción- Andalucía (CEPA)
28. Colectivo La Calle (Sevilla)
29. Comité Antisida de Salamanca
30. CONCAES
31. Entainar
32. Red ESEN (Espetxe Sarea Euskadi-Nafarroa)
33. FEREDE
34. Fundación ADSIS
35. Federación Andaluza ENLACE
36. Fundación Atenea
37. Fundación Cruz Blanca
38. Fundación Diagrama
39. Federación Liberación
40. Fundación Manantial
41. Fundación Prolibertas
42. Fundación Secretariado Gitano
43. GIRASOL Levante
44. INCIDE
45. Madres en Defensa de los Jóvenes Drogodependientes
46. Pastoral Penitenciaria de Avilés
47. Marillac
48. Obra Mercedaria de Valencia
49. PATIM
50. Rompe Tus Cadenas
51. SILDAVIA
52. Siloé
53. Solidarios para el Desarrollo
54. UNAD (Unión de Asociaciones y Entidades de Atención al Drogodependiente)
55. Vida Carmona

- **Description of dedicated networks (NGOs/ Human Rights organisations / Legal Clinics/ Universities / monitoring bodies (that provide legal advice and/or may start litigation)).**

- **Brief history of each relevant body.**

Besides the aforementioned organizations, the “state-wide APDH”¹⁶ (APDH=Asociación Pro Derechos Humanos) and the “APDH of Andalusia”¹⁷ also hold great sway in the prison environment. The APDHA began its activity in 1989. Its work focuses on the defence of human rights. We have interviewed Mr. Francisco Miguel Fernández Caparrós from the APDH Andalusia (Secretary of the Branch office in Granada)

- **Staff (number, permanent or temporary staff, professional experience).**

Currently, in the branch office in Granada (there is a branch office in every province of Andalusia, which makes a total of 8 branch offices) there are 15 people actively working, though the only paid position is that of the Secretary.

- **Internal relations between departments (policy, law, finance, HR...); and notably with the policy department: e.g. modes of cooperation, cases of conflict, strains and hierarchy between these departments and how they collide or not.**

They have 4 activity areas: migration, prisons, social work and marginalization; and there are 3 departments: Treasury department, Secretariat and Coordination. They also have another institutional position: legal advisor for prisoners. The relationship between the different areas and departments is fluid and chaotic.

- **Legal relief policy**

Selection of cases - according to which legal or social/political criteria (is there a dedication to specific populations of prisoners or specific disciplinary cases)?

As regards the political criteria, everything that concerns prison is assumed (i.e. “taken on board” in the sense that the organization works on it): advice is provided and sometimes apdh also does “strategic litigation” (if the case can have an impact in the media).

Once a week, on a fixed day, advice is provided. It is usually done “on appointment” (the prisoners request a meeting with the organization by letter) and this way apdh can already “filter” the case by subject matter and know who must go to prison (thanks to the letter apdh already knows if it is a purely penitentiary issue, or is related to immigration affairs or social work). If from the letter or later during the interviews apdh learns that an episode of ill-treatment or torture has taken place, apdh reports it to the Commission for the Prevention of Torture.

- **How is litigation work financed?**
- **Source of funding (public funds, funds stemming from private sectors such as private foundations)**

16 <https://www.apdhe.org/>

17 <https://www.apdha.org/>

The economic members of the organisation are the ones who contribute the most. Currently the branch office in Granada has 120 economic members. Sometimes apdh obtains subsidies requested for the execution of specific projects in one of the 4 areas or for the preparation of studies that will later serve the branch office.

- **assessments of possible impacts of funding notably on the selection of cases and their publicity (press, reports, ...)**

Apdh produces reports of great relevance, especially in the field of migration and borders. The last report was on the “female porters at the border” and every year they draft the report “FRONTERA SUR” (southern border). In fact, this last year’s report has been taken to the European Parliament.

- **Within detention facilities**

- **Where are these actors located? Possibility to use a permanent office/desk?**

Adhp does not have “spaces” in the places of detention. They are not called for the legal defence of arrested persons. Arrested persons within the areas where adhp conducts its activities call lawyers from the “duty shift”. However, it does happen that every year they learn about a few cases (2 to 3 cases) of abuse and mistreatment during detention. Whenever this happens, adhp either refers the matter to the Commission for the Prevention of Torture or files a complaint against the police as a private accusation (if the case is considered as strategic litigation) or refers it to the Bar Association for the provision of legal aid via a lawyer.

- **How do they access a potential client, that is, make their existence known to a detainee/prisoner?**

Fundamentally through the “word of mouth” which is the method with the greatest repercussion in prison.

- **Modes of organisation of attendance in prison facilities.**

As already said, adhp goes to prison once a week on a fixed day and meets the prisoners who have so requested by letter. The prison facilitates the activities of adhp, and other NGOs and social actors, if the prison director orders it. This kind of facilities are: to avoid long waiting times, to provide a space to carry out the activity, provide information on prisoners.

- **Material problems related to access (e.g. remote prisons, costs of transportation)**

In Granada they are banned from entering the local prison called Prison Center of Albolote, because 10 years ago the prison administration accused adhp of promoting mutiny as a result of a campaign they made to denounce the abuses that were taking place in that prison (Adhp filed many complaints “en masse”, hence, the Prison Director accused them of promoting mutiny). Currently, the only way they have of reaching prisoners is through a lawyer working at the association that goes as a private lawyer, not on behalf of the association. The prison administration cannot deny her access and is the person who interviews with prisoners.

- **Problems within police custody/prisons (e.g. mobility between wards, waiting times, existence of a dedicated space to meet prisoners? Issues of**

confidentiality? Relations with prison staff: with wardens, medical staff, social workers etc., on legal issues connected with their specific fields? Other aspects of work conditions?)

Detainees in police custody always move handcuffed from the street/place where they are detained to the police station, from there to the court and from there to prison if the provisional provision is ordered. Depending on the number of detainees at a particular police station, detainees may be placed in their own or with other detainees. Everything varies depending on the number of police cells that a particular police station has and the number of detainees. The lawyer's interview with the detainee is usually done in the office where the police takes the statement, behind closed doors and without the presence of a police officer, but sometimes it is also the case that the lawyer meets the detainee inside the police cell. As said, it very much depends on the police station and the sensitivity of the policeman on service. There are police cells that smell tremendously bad and it is very hard to carry out the interview there. However, most of the times, the interview is done in the office designated for police statements. In prison, lawyers always meet inmates at parlours with glass partitions and intercom. As regards NGOs, it depends: there are NGOs which also meet inmates at parlours with a glass partition and others enter the module/wards and meet with prisoners in the offices designated for the social workers, the educators, etc. It also depends on the sensitivity of the prison director, who decides how and where these interviews are conducted. The difficulties encountered by NGOs and lawyers is that it is very difficult to access the prisoner's file and, on the other hand, it is very difficult to meet with the educator or social worker or doctor, since they do not grant interviews with lawyers. Lawyers must then resort to picaresque techniques and wait until the educator, doctor, etc. quit their offices to talk with them.

.1. Access to case files? (also in police custody). Is there more specifically access to digital tools for defenders: how, what are the known obstacles?

There is no access to the detainees' files in the police stations. The police reads you the report, but they do not allow you to photocopy the file or even read it, despite the EU Directives. If a lawyer complains, their reply is that they should submit a complaint through the official channels, but they will still not allow the lawyer access the file. This is the way it goes in police stations. In court, they allow the lawyer to access the file and to photocopy it; yet all in hurry. It also depends on the court: in small cities with 1 detainee, the pace is different, but in Madrid with 150 detainees a day, the lawyer gets access to the file 2 minutes before the declaration and photocopies it days after the statement of inquiry. One of the main complaints of lawyers relates to this difficulty of accessing the file during the initial phases of the procedure (detention and preliminary proceedings).

In prison it is IMPOSSIBLE to access the inmate's file. The Prison Administration systematically denies it. Everything the lawyer requests must be done through the prisoner. That is, the prisoner may file a request to access certain documents (for example, the prison medical reports, their spreadsheet, the clearance of conviction, etc.) and then deliver them to the lawyer. If they do not grant the prisoner access to such documents, the lawyer can then file a complaint before the Judge for Prison Supervision and plea on appeal until the Province Court.

Other NGOs work similarly: they go to prison once a week on a fixed day. They are very committed to the situation of prisoners and their life in prison and thrive on volunteers who work for free. As regards their budget, most NGOs mainly depend on members' funds or public

subsidies. If at any time they are critical with the prison administration and, specially with the situation in a particular prison (through a press article, or an interview, or the publication of a report, or through the filing of a complaint), they are immediately banned from entering prison without giving any kind of explanation. For example, Salhaketa¹⁸ (a very critical association with the reality of prisons and which focuses on disclosing and publishing prisoners' letters of complaint) is not allowed to enter either. This practice is widespread in our country.

Pastoral penitentiary (pastoral penitenciaria), dependant on the Bishopric of each province, is may be the organization which receives the most facilities for accessing prison. Given that there is no longer a prison chaplain within the Prison Directorate (as used to be the case before the 80s), the services of religious counselling are currently provided by a person from pastoral penitenciaria. They do not only offer religious counselling, but also provide legal and social orientation, etc. Although they do not litigate concrete cases, it is more a question of advice and orientation. As said, the organization gets paid by the bishopric but it is a very small amount.

4. Prisoners as litigants

- **Assessment of shortage of juridical and economical capital of remand prisoners**
 - **Impact of recent austerity measures/budget cuts on access to legal information?**

In general, the prisoners interviewed have such a precarious economic situation that the recent economic crisis has only intensified their frailty circumstances. Hence they have always been and will always be beneficiaries of free legal aid. The granting of free legal aid is not referred by the interviewees as a problem. But they do refer that "lawyers from the duty shift do not care about the clients that are assigned to them through the duty shift". "Lawyers never come to prison and they prefer to settle with the Prosecutor than to stand trial". "It is always better to hire a private lawyer and pay for the services". When asked whether all the lawyers from the duty shift have been like this, their answer is no, "there are always exceptions. There are also very good lawyers from the duty shift, but that is not the general rule". Most of them would prefer to be able to freely choose the lawyer and still be granted free legal aid, instead of having to accept the lawyer from the duty shift that is assigned to them according to a pre-set order.

Nevertheless, what they refer as the most problematic issue, is not their access to free legal aid, but the difficulties they face to reintegrate into society when leaving prison; and here the austerity measures adopted after the economic crisis have had an impact. Once they are released from jail there is a subsidy called "prison release allowance" (subsidio de excarcelación), which is a minimum income for social reintegration. It amounts to more or less 400 Euros per month (paid in arrears) for a maximum period of 18 months. To apply, prisoners must meet several requirements¹⁹: must have been in prison for at least 6 months continuously, must register as a job-seeker with the employment office and submit various documentation. Thus, many ex-prisoners do not request this subsidy because: 1) They fear bureaucracy 2) they have to accept the job they are offered, even if they do not want to; 3) Many of them already have other subsidies for disability or illness, and can not benefit from two allowances

¹⁸ <http://www.salhaketa.org/about/>

¹⁹ https://www.sepe.es/contenidos/personas/prestaciones/quiero_cobrar_paro/he_salido_de_prision.html

simultaneously; 4) The prison release allowance has a specific duration so it is not a long-term solution. This subsidy is the only economic measure specifically directed to prisoners (the system does not foresee, for example, economic support during the first days, not even for those prisoners who have no money to pay for the bus ticket from prison to the city centre). Prisoners therefore direct all their complaints towards the fact of not receiving more economic support (and support in general, not only economic) when released from prison.

- **Obstacles or facilitations of remedies within facilities through other actors than lawyers, and formal legal practitioners (NGOs, human rights organisations, legal clinics, universities), e.g.: Police officers/wardens; Social workers; Families; Prison priests/imams; Volunteers from non-legal NGOs (e.g. Prison visitor organisations, educational support, cultural organisations, ...); social networks of former detainees/prisoners...** Generally, the prison chaplain helps prisoners a lot at different levels. Sometimes, the security officers and the technical staff of the Treatment Board are also very helpful. Indeed, many of the prisoners interviewed said that thanks to certain wardens they better managed the serving of their sentence. Everything depends on the character of the people. Prisoners are always looking for help of any kind, so they ask everyone (which often means that the same task is being done twice because there are 2 different people trying to fix the same thing). From the interviews' answers, we can conclude that one can find in prisons staff with a humane and helpful attitude, but one can also find the opposite.

- **Access to legal information**

- **What is the quality/relevance/accessibility of written/oral legal information on rights and duties in police custody/ prison?**

A few years ago, when entering prison for the first time, the prison administration provided inmates with a guide titled: "Prison step by step" ("La cárcel paso a paso"). Thereby, the prisoners' rights and duties were detailed, together with the daily routine within prison and other useful information. However, with the crisis, in 2011 this guide ceased to be delivered. Currently, prisoners are informed of their rights and duties verbally in the interview with the psychologist or the Educator, which takes place during the so-called "observation period" after their entrance in prison, although most of them discover their rights and duties little by little and through other prisoners.

In police stations, detainees are informed of their rights carefully and twice: first at the time of the arrest and later when the lawyer comes to assist the detainee during his/her police statement. If the detainee is a foreigner, he/she is informed of his/her rights upon arrival to the police station, where the detainees' rights are available in writing and have been translated into several languages. Besides an ex-officio lawyer, an interpreter is called in to translate the detainee during the police statement.

When the detainee is taken before the investigating judge he/she is again informed of his/her rights.

- **Where/through which members of staff is information made available?**

The general opinion among prisoners is that the prison administration does not help at all. The prison jurist can not be consulted on issues related to their prison sentence, the psychologist is never seen. They do have more contact with the social worker and the educator, but still the interviewees complained that for the prison administration and the technical staff they are only a number. Some spoke well of prison guards, because at some point they have helped them with paperwork and other small formalities; but they do not have a high opinion any of the members of the technical team. For example, some of the interviewees complained that the prison administration did not even help with paperwork not related to courts and their prison sentence, they referred that they cannot complete the procedures for tax declaration

or renewal of the ID in prison, because there is no one to help them carry out these procedures.

- **Is its availability mentioned to prisoners during intake?**

As said, since 2011 theoretically the social worker or the educator must inform the prisoner of his/her rights during intake, but most of the interviewees refer to have learned about their rights and duties little by little and through other inmates. The legal guide that was given to inmates before 2011 is not available in the library, but inmates have the possibility of consulting legal texts in the library (there are copies of the General Prison Law and the Prison Regulations). However, prisoners rely the most on the word of mouth between inmates and on the Handbook "Manual on Prison Execution: How to defend oneself in prison", which is distributed for free by the NGO Cáritas

- **Is this legal information provided and circulated by incoming lawyers; NGO/ Human rights organizations/universities/legal clinics; or by other outsiders (prison priests/imams, volunteers from cultural or educational support groups, social networks of former detainees/prisoners; ...etc.)?**

Yes, NGOs and priests/imams know how to refer prisoners to the sources providing legal information, which are mainly the Services for Legal Advice in Prison (Servicios de Orientación Jurídico Penitenciario). The lawyers from these Services are the ones who provide the legal information to prisoners. It is a highly requested service

- **Are there issues related to written and language proficiency: possible access to public writers/ interpreters when conversing with lawyers or others, access to translated documents on legal information. Who are the public writers/interpreters, how reliable are they? Official interpreters, members of prison staff, other prisoners? Any related privacy issues?**

In police stations and at courts, it is easy to have an interpreter. Sometimes you have to wait hours until he/she arrives, but the interpreter always arrives. However, once in prison there are no interpreters and other fellow prisoners act as interpreters (this is a very sensitive issue because the information transmitted may not be correct). There is no provision for the payment of interpreters in prison. It is only provided for police and court proceedings. Therefore, in prison foreigners have many difficulties until they learn the language, unless a fellow inmate helps them. This is a great disadvantageous situation.

- **Is access to printed forms and other material enabling prisoners to file a motion on their own required by law / effectively provided?**

There are no official pre-printed forms required by law which prisoners must fill in for lodging a complaint/request, prisoners can simply make use of an A4 white paper to write down without any formality their complaint/request. However, within prison, there are forms at the disposal of prisoners, which are blank and their particularity is that these forms consist of three tracing papers, allowing the prisoner to keep a copy of the complaint he/she has filed.

The handbook aforementioned (Manual on prison execution: how to defend oneself in prison) includes examples of complaints, requests, etc. and prisoners copy these examples adjusting them to their circumstances. They also copy complaints already filed by other fellow inmates or request the help of the lawyers from the Service for Legal Advice in Prison. It also happens a lot that prisoners with studies tend to help the most disadvantaged inmates, exchanging favours.

4.3 **Organisational and practical issues related to legal aid**

****Formalities for filing a claim for legal aid**:**

- **Are pre-printed forms available in prisons and where? Are they provided to incoming lawyers; are they provided and circulated through NGO/ Human rights organizations/ universities/ legal clinics; are they provided through other**

outsiders (prison priests/imams, volunteers from cultural organizations or educational support groups, etc.), other...?

To apply for free legal aid, an official pre-printed form must be filled in (it is the only way to request it). This official form is not available in prison (it is available in the Internet but prisoners do not have access to the Internet). Most of the times, it is made available to prisoners through the lawyers from the Service for Legal Advice in Prison (sometimes it is also send by post by the Bar Association if the prisoner has contacted them by letter or it is handed directly to the prisoner by the inmate relatives, who have previously collected it at the Bar Association)

- **What is the quality/relevance/complexity of these forms? Is the information to be provided easily available to prisoners? what are the concrete consequences of missing information? How long does it usually take to fill the form?**

It is the same pre-print form for every citizen who applies for free legal aid and the interviewees consider it is "relatively complex" since "it is very detailed". By ticking the appropriate box, the applicant allows the Commission for Free Legal Aid to access and gather electronically most of the information that it requests for proving the lack of resources. This really makes a huge difference for prisoners, who do not have to contact the different Administrations involved to request their data, and also for the public in general since the possibilities of missing information are very much reduced. This possibility is known as "electronic file" (expediente electrónico) and the problem is that it is not yet available everywhere in Spain (though, it is foreseen that by 2019 it will be available everywhere). Finally, most prisoners when filling in the application for free legal aid resort to the lawyers from the Services for Legal Advice in Prison.

- **What is the complexity of the appeal proceedings on refusals? Does it require a legal practitioner?**

If prisoners are denied free legal aid they can appeal such decision before the Free Legal Aid Commission within 15 days from the date of notification. A lawyer is not needed at this stage. If the Commission continues to deny the granting of free legal aid, prisoners must then initiate proceedings (appeal) before administrative courts and at this stage a lawyer is required. This means that, in practice, it can happen that you request free legal aid in order to cover the costs of the lawyer from the administrative duty shift because you were not granted free legal aid to cover the costs of the lawyer for a criminal or prison matter.

****Organisation of financial aid for litigation and its concrete implementation****

- **Existence of dedicated staff/department to centralize and transmit claims for financial aid?**

Within the Prison Administration there is no such service/department to centralize and transmit claims for financial aid. Bar Associations and the Free legal aid commission do have departments for this, obviously; but they are not in contact with prisoners in a particular or special way. It could be said that it is the Service for Legal Advice in Prison (SOJPs in Spanish) in a way the one that centralizes and transmit claims for financial aid. Prisoners request appointments with the lawyers from the SOJP to fill in the application for free legal aid, but also to understand the letters they receive from the Free Legal Aid Commission and to lodge the appeals before such Commission in those cases when free legal aid is denied.

- **When provision of legal aid is not automatic, is there a policy towards claims made by prisoners? What is the composition of the body which makes the decision and to what extent it is aware of prison issues/ situation?**

No, there is no special policy towards claims made by prisoners.

- **What is the length of the processing time to get a decision on the grant of legal aid?** Between one and two months.
- **In countries where the law provides that the money flows to the applicants, are there practical aspects for prisoners whose access to banking services are**

limited? This does not apply in the Spanish reality, since free legal aid goes directly to the lawyer's bank account.

- **Are detainees expected to reimburse legal fees through their salary? Is their family expected to contribute? As a consequence, are there differences between the financial situation of prisoners before their incarceration and after their release?**

Unless the conditions set forth in art. 36.2²⁰ of the Law on Free Legal Aid are met, prisoners (nor any other citizen beneficiary of free legal aid) do not have to reimburse free legal aid through their salary (nor is their family expected to contribute)

Yes there are differences between the financial situation of prisoners before their incarceration and once in prison which influence the granting of free legal aid: the granting of free justice is easier once serving a sentence. Before being convicted, there are more denials, because they take into account the income of the family unit and the salary. However, once convicted, it is understood that the family unit no longer exists, and salary is no longer received (the salaries for work done in prison are very low). In the case of very well-off inmates, they do not resort to free legal aid.

4.4 Prisoners belonging to various minorities, under-represented or isolated groups within prisons (e.g. LGBT, foreign-nationals, women, minors, disabled persons, persons suffering from chronic diseases, mental illness, ...) or Prisoners facing special security measures, particular disciplinary sanctions, restrictions or isolation (e.g. individuals detained/convicted for terrorism, sexual assault, aggravated murder, gang-related violence, financial crimes, corruption, white-collar criminals, former law enforcement agents ...)

- **Status inside the facility / prison: access to social relief, financial aid.**

On paper, their access to free legal aid is exactly the same as other prisoners. However, foreigners for example, have the language barrier, plus the added barrier of the difficulty of proving their lack of sufficient means

- **Limited attention from prison staff or heightened attention to them (e.g. prisoners deemed particularly dangerous or to be protected against other prisoners)**

The prisoners who are considered dangerous, and are hence classified in a first grade prison regime (i.e. a high security regime), receive less attention since they can not join the treatment and activities organised for the rest of inmates. They spend 21 hours a day in their cells and go out for a walk to the prison yard for 3 hours with another prisoner or on their own. The contact with the prison officers is very tense and always with a glass panel in between. These officers earn more for what is known as "security bonus" and try not to have contact with the prisoner or the minimum required. These prisoners have a hard time accessing everything. It is a delicate point of our System.

- **Are there concentrations of specific categories of prisoners in designated wards/ or on the opposite a dispersion policy, and related obstacles (or facilitations) to the activation of certain types of legal relief, due to:** Specific categories of prisoners (pre-trial, minors, policemen, isolation, etc.) are concentrated in designated wards

Specific categories of prisoners are kept in designated wards: convicted prisoners are kept separately from pre-trial inmates; convicted are, in turn, kept separately depending on the prison regime (high security regime, medium regime and open regime, or

20 According to art. 36.2 of the law on Free Legal Aid, if the legal aid beneficiary is sentenced to pay the judicial costs (mainly, his/her lawyers' fees and the counterpart lawyers' fees), he/she will have to do so if within three years from the ending of the court proceedings, his/her financial situation improves. It will be presumed that the legal aid beneficiary's financial situations has improved if his/her income and economic resources exceed twice the amount set forth in article 3 of the Law on Free Legal Aid, or if the circumstances and conditions taken into account to recognize the right to free legal aid have been substantially altered. The Free Legal Aid Commission is responsible for declaring whether the legal aid beneficiary financial situation has improved in accordance with the provisions of art. 19 of the Law on Free Legal Aid.

according to the terminology used in the Spanish prison system: first, second and third grade regime). In addition, there are also wards for inmates belonging to the police and other law enforcement authorities, for inmates convicted of sex offences, for juveniles, etc.

- **Mobility within the facility / the penitentiary system**

Prisoners can not move freely within prison. Prisoners ascribed to a high security regime (first grade prisoners) only go from their cell to the yard and vice versa. No other kind of mobility is allowed (except when escorted to the doctor, to court, etc.). Inmates ascribed to the standard prison regime (second grade prisoners), usually have their cells upstairs and the common areas (canteen, yard, social area, offices of the prison staff, etc.) on the ground floor. At certain times, second grade inmates can move freely within the ground floor. They can exit their ward or module only if they attend productive workshops where they are employed, school, the gym or the library. Hence, the restricted area where they can move is larger, but still they must observe a schedule and there is a control of where they go. Restricted third-grade prisoners have greater freedom of movement and ordinary third-grade prisoners have total mobility in the outside world to perform their work as long as they return to spend the night at their "social integration centre". If they break the approved schedule agreed by the Treatment Board their open regime (third grade regime) may be revoked.

- **The impossibility for lawyers, NGOs or other key actors to access disciplinary wards (e.g. "terrorism wings", ...)**

Lawyers and NGOs have totally delimited their space inside prison. They can not move freely. They have to go through the security arch when entering prison and once inside they are escorted to the booths where they meet the prisoner. Once the interview is over, they are escorted back to the exit gate.

There are certain NGOs that do enjoy more free movement, since they carry out activities in the general sociocultural area or in the offices of each module, so these NGOs do freely move through certain spaces. NGOs always work with high security prisoners kept in isolation in special booths.

- **Intimidation/restrictions by wardens, social workers, other**

Intimidation exists. There are security officers who exercise intimidation and violence and are feared by the prisoners (and the opposite situation also exists). This is very difficult to prove and to report because prisoners fear the possible consequences. Fighting intimidation is very complicated, only the security cameras and ensuring anonymity/privacy at the time of reporting could alleviate this problem.

- **Psychological effects of disciplinary measures and confinement, (e.g. mental health issues/depression).**

Certain prisoners develop mental problems or depression or, in the case of those who already had mental problems before entering prison, their state may worsen. The prison administration itself recognizes that within Spanish prisons, 25% of the total prison population have some kind of mental illness and that within the prison environment these kind of illnesses tend to aggravate. Indeed, in most cases, the treatment that inmates were following outside prison is suspended once they enter prison (since there is no connection between the prison psychiatrists and those outside) or the dose or medication is modified. The physical effects of isolation (after a long period) are: loss of visual and auditory capacity, physical deterioration, muscular and bone problems, extreme weight loss or overweight, stress, etc.

The prison doctors themselves denounce the current situation of healthcare within prison: there is not enough staff, they earn less than doctors who do not work for the prison administration and they acknowledge the serious mental health problems in prisons, which is not being adequately addressed.

Inmates who are held in isolation do not receive the necessary and desirable medical attention.

4.5 Organisation of remedies inside prison facilities among prisoners

- **Are there detainee committees? Are they self-organized or organized by the prison administration? Are they allowed to provide legal advice to other prisoners or not?** Generally speaking, in Spain there are no “detainee committees”. Prisoners belonging to ETA terrorist group can adhere to the so-called “Collective of the Basque political prisoners” (EPPK for its acronym in Euskera, the Basque language: Euskal preso politikoen kolektiboaren <http://www.eppk-bt.net/zer-da-hau/>). This committee, provides 120 euros a month to its members, offers free transfer to prison to prisoners’ families and also free legal advice. If an inmate ceases to be part of this committee, he/she is labeled a “traitor”, is ostracised by the other members of the committee and risks losing the possibility of family visits (in case the family lacks financial means to personally pay for the journey to prison; here it must be reminded that a dispersion policy is applied to ETA prisoners and some may serve their sentences in the south of Spain), he/she also loses the legal advice offered by the Collective; however, this service is the least important because ETA prisoners do not recognize the Spanish institutions - penitentiary and judicial- and therefore never resort to them to request or appeal. The legal advice provided merely consists on psychological support, there is no legal work.
- **Are there ‘Jail-house lawyers’ who help other prisoners (with practical information/ translation/ education/help in writing documents or making contacts lawyers/NGOs): Profile (e.g. type and length of conviction).**
Yes, there exists the so-called “jail-house lawyers”: inmates who help other with the drafting of their complaints and requests and who informally advice and even translate. Some study law within prison and when release, work as lawyers practising law. They also share Codes and Handbooks, which some have bought, they borrow money from each other, etc.
- **Centralization (e.g. one or several prisoners are the key litigants and centralize complaints, serving as go-betweens for prisoners, barristers and NGOs) or**
Centralization is not common in Spanish prisons
- **Dispatching? (individualism and absence of organisation)?**
Prisoners do not organise themselves collectively; rather some inmates help other fellow inmates individually

ACCESS TO THE INTERNET/DIGITAL TOOLS FOR PRISONERS

Experimentation with or implementation of digital tools for prisoners and for defenders

The new appointed Secretary General of the Prison Administration (Ángel Luis Ortiz, in office since June 2018) has adopted the implementation of a pilot project regarding the use of video-conferencing between Bar Associations, prison facilities and courts. It aims at facilitating the legal representation of prisoners in courts which are outside the region where the prison facility is located. It will save both the prisoner and the lawyer from travelling to that region for a court hearing. It is a pilot project and as such there is still not much information available and interviewees were not aware of the details.

- Who designs and promotes such tools? To what extent are they relevant with regard to main prison litigation issues? Are they useful and understandable for those who need and use the information?

The Public Administration is obliged to launch a public tender process before concluding any contract. None of the interviewees knew which exact IT company was designing and implementing the video-conferencing pilot project, but they agreed that it must have been contracted through a public tender process.

As regards the question of whether they are useful and understandable for those who need the information, the interviewees said it was still early to judge these two points.

- Are digital tools for communication between courts and applicants (in the framework of proceedings) available in prison? Under which conditions? To what extent is the confidentiality respected when using the computer equipment provided? In case IT tools are deployed at a large scale within the judicial system, how do courts deal with non digital applications? Is there a difference between two kinds of applications (in terms of quality of the examination on the merits)?

As said, interviewees were not aware of the details because of the pilot project is still at an early implementation stage, and could not judge whether confidentiality was being respected in practice.

6. RELEVANT LITERATURE

Reports, briefings and other information:

1. Spanish Ombudsman, Spain's National Preventive Mechanism against Torture, Annual Report 2016, Madrid 2017
2. Spanish Ombudsman, Study of injury reports on people deprived of their liberty, Madrid 2014
3. Ararteko, (Ombudsman of the Basque Country), Estudio sobre el sistema de garantías en el ámbito de la detención incomunicada y propuestas de mejora, Vitoria, 2008
4. European Committee for the Prevention of Torture, Report to the Spanish Government on the visit to Spain carried out from 27 September to 10 October 2016, CPT/Inf (2017) 34
5. European Committee for the Prevention of Torture, Report to the Spanish Government on the visit to Spain carried out from 31 May to 13 June 2011, CPT/Inf (2013) 6
6. European Committee for the Prevention of Torture, Report to the Spanish Government on the visit to Spain carried out from 19 to 22 June 2012, CPT/Inf (2013) 8
7. Secretaría General de Instituciones Penitenciarias (Spanish Prison Administration)
<http://www.institucionpenitenciaria.es/>
8. Consejo General de la Abogacía Española (General Council of the Spanish Bar Associations)
<https://www.abogacia.es/>
9. XII Informe del Observatorio de Justicia Gratuita del Consejo General de la Abogacía Española (Report from the Observatory for Free Legal Aid run by the General Council of the Spanish Bar Associations): <https://www.abogacia.es/wp-content/uploads/2018/07/XII-OBSERVATORIO-JUSTICIA-GRATUITA-2017-OK-revisado.pdf>
10. Servicio de Orientación Jurídico Penitenciario del Consejo General de la Abogacía Española (Service for Legal Advice in Prison coordinated by the General Council of the Spanish Bar Association)
<https://www.abogacia.es/tag/soj-penitenciario/>
11. United Nations Office on Drugs and Crime (UNODC), Global Study on Legal Aid, Country Profiles, 2016 https://www.unodc.org/documents/justice-and-prison-reform/LegalAid/GSLA_-_Country_Profiles.pdf
12. Justicia gratuita. Carta de derechos y deberes. Consejo General del Poder Judicial, 2017 (Free Justice. Letter of Rights and Duties. General Council of the Judiciary)
<http://www.justiciagratis.es/publico/>
13. Ministry of Justice, personal formalities and procedures for requesting free legal assistance
<http://www.mjusticia.gob.es/cs/Satellite/Portal/en/servicios-ciudadano/tramites-gestiones-personales/asistencia-juridica-gratuita>
14. Action guidelines, conclusions and agreements approved by the Judges for Prison Supervision in their meetings celebrated since 1981
<http://www.derechopenitenciario.com/normativa/criterios/Historicocriteriosjvp.asp>

Handbooks

1. ALBINYANA OLMOS, Josep Lluís, CERVERA SALVADOR, Sabina. *Vida en prisión: guía práctica de derecho penitenciario*. Madrid: Fe d'erratas, D.L., 2014
2. ÁLVAREZ RODRÍGUEZ, Carlos, MARTÍN GARCÍA, Javier (Coords.). *La justicia gratuita. Guía del abogado de oficio*. Valladolid: Fundación Lex Nova, 2ª ed. 2010
3. ÁLVAREZ RODRÍGUEZ, José Ramón. *La asistencia letrada y diligencias policiales prejudiciales*. Madrid: Tecnos, D.L., 2014
4. CAROU GARCÍA, Sara. *Primer grado penitenciario y estado de derecho: el estatus jurídico de los reclusos en régimen de máxima seguridad*. Barcelona: J.M. Bosch, 2017
5. CASTRO ALONSO, José Luis, FERNÁNDEZ ARÉVALO, Luis, RÍOS MARTÍN, Julián Carlos. *Ley General Penitenciaria: comentarios, jurisprudencia, doctrina y concordancias*. Madrid: Constitución y Leyes, 2010.
6. CIERCO SEIRA, César. *Tasas judiciales y justicia administrativa: reflexiones a propósito de la tasa por ejercicio de la potestad jurisdiccional y su generalización en el orden contencioso-administrativo*. Madrid: Marcial Pons, 2014
7. COBO DEL ROSAL, Manuel. *Incomunicación procesal e imposición de abogado del turno de oficio (segmento de un proceso infame)*. Madrid: CESEJ, 2006
8. COLOMER HERNÁNDEZ, Ignacio. *El derecho a la justicia gratuita*. Valencia: Tirant lo Blanch, 1999
9. CUEVAS GAMA, María Sol (Coord.). *Turno de oficio*. Madrid: Memento Experto Francis Lefebvre, 2016
10. DORREGO DE CARLOS, Alberto (Coord.). *Régimen jurídico de la prisión provisional*. Madrid: SEPIN, 2004
11. FERNÁNDEZ APARICIO, Juan Manuel. *Guía práctica de Derecho Penitenciario 2017, adaptada a la LO 1/2015, de reforma del Código Penal y a la Ley 4/2015, del Estatuto de la Víctima del Delito*. Madrid: SEPIN, 2016
12. FERRER GUTIÉRREZ, Antonio. *Guía sobre diligencias básicas en materia penitenciaria*. Valencia: Tirant lo Blanch, 2013
13. GALLEGO DÍAZ, Manuel, CABRERA CABRERA, Pedro José, RÍOS MARTÍN, Julián Carlos and SEGOVIA BERNABÉ, José Luis. *Andar 1km en línea recta. La cárcel del I siglo XXI que vive el preso*. Madrid: Universidad Pontificia de Comillas, 2010.
14. GARCÍA ESPAÑA, Elisa, BECERRA MUÑOZ, José, AGUILAR CONDE, Araceli. *Realidad y política penitenciarias. Informe ODA 2010/2011*. Málaga: Instituto Andaluz Interuniversitario de Criminología, 2012
15. GONZÁLEZ PILLADO, Esther, ESPINO HERNÁNDEZ, Luis Diego. *El coste del proceso y el derecho de asistencia jurídica gratuita*. Madrid: Boletín Oficial del Estado, 2004
16. GUERRA PÉREZ, Cristina. *La decisión judicial de prisión preventiva: análisis jurídico y criminológico*. Valencia: Tirant lo Blanch, 2010

17. GUTIÉRREZ DE CABIEDES, Pablo. *La prisión provisional (a partir de las leyes 13/2003, de 24 de octubre y 15/2003, de 25 de noviembre)*. Cizur Menor (Navarra): Aranzadi, 2004
18. LLERA GUTIÉRREZ, Ángel F. *La asistencia letrada al detenido en comisaría y juzgados: visión práctica*. Alhaurín el Grande (Málaga): Ley 57, D.L., 2012
19. MARTÍN CONTRERAS, Luis. *El derecho a la asistencia jurídica gratuita*. Barcelona: Bosch, 2009
20. MARTÍN DIZ, Fernando. *EL juez de vigilancia penitenciaria: garante de los derechos de los reclusos*. Granada: Comares, 2002
21. MARTÍN RÍOS, María del Pila. *Medidas cautelares personales: detención, libertad provisional y prisión preventiva*. Lisboa: Juruá, 2016
22. MARTÍNEZ LAGO, Miguel Ángel, ALMUDÍ CID, José Manuel. *La financiación de la asistencia jurídica gratuita en España. Evaluación y propuesta de reforma*. Cizur Menor (Navarra): Aranzadi, 2016
23. MATA Y MARTÍN, Ricardo. *Fundamentos del sistema penitenciario*. Madrid: Tecnos, 2016
24. NAREDO MOLERO, María, SEGOVIA BERNABÉ, José Luis, TORRES. M.^a José. *Cuadernos de formación penitenciaria*. Madrid: Cáritas Española, 2^a ed., 2001.
25. NAVARRO GARCÍA, Montserrat, SEGOVIA BERNABÉ, José Luis, (Dirs.). *El juez de Vigilancia Penitenciaria y las medidas de seguridad*. Madrid: Consejo General del Poder Judicial, Centro de Documentación Judicial, D.L., 2007
26. NIETO GUZMÁN DE LÁZARO, Luis F. *Turno de oficio y justicia gratuita*. Las Rozas (Madrid): La Ley, 2008
27. NISTAL BURÓN, Javier. *La responsabilidad patrimonial de la Administración Penitenciaria (conforme a la nueva normativa de la Ley 4/2015 de 1 de octubre)*. Valencia: Tirant lo Blanch, 2016
28. RÍOS MARTÍN, Julián Carlos, ETXEBARRIA ZARRABEITIA, Xabier, PASCUAL RODRÍGUEZ, Esther. *Manual de ejecución penitenciaria: defenderse de la cárcel*. Madrid: Universidad Pontificia de Comillas, 2016
29. RÍOS MARTÍN, Julián Carlos, SEGOVIA BERNABÉ, José Luis, ETXEBARRIA ZARRABEITIA, Xabier. *Manual para la defensa de los derechos y las libertades ante la intervención de la policía. Propuesta de buenas prácticas judiciales, policiales y penitenciarias*. Madrid: Universidad Pontificia de Comillas, 2015
30. RIVERA BEIRAS, Iñaki (coord.). *Cárcel y derechos humanos: un enfoque relativo a la defensa de los derechos fundamentales de los reclusos*. Barcelona: Bosch, 1992
31. RIVIRIEGO PICÓN, Fernando. *Los derechos de los reclusos en la jurisprudencia constitucional*. Madrid: Universtias, 2008
32. RODRÍGUEZ GARCÍA, Nicolás. *Justicia gratuita, un imperativo constitucional (doctrina, jurisprudencia, legislación y formularios, con especial referencia a los procesos de amparo constitucional)*. Granada: Comares, 2000

33. SANGUINÉ, Odone. *Prisión provisional y derechos fundamentales*. Valencia: Tirant lo Blanch, 2003

Journals:

1. AGULLAR GONZÁLEZ, José María. La justicia gratuita en España: aproximación a un análisis cuantitativo. *Foro Nueva Época*, vol. 16, n.º 1 (2013): 25-48

2. CANO MATA, Antonio. La actividad administrativa penitenciaria y su fiscalización por el Juez de Vigilancia Penitenciaria. *Revista de Administración Pública*, n.º 95 (1981): 155-178

3. CID MOLINÉ, Josep. The penitentiary system in Spain. The use of imprisonment, living conditions and rehabilitation. *Punishment and society*, Vol. 7, Issue 2(2005): 147-166

4. DÍEZ RIPOLLÉS, José Luis, GUERRA-PÉREZ, Cristina. Pre-trial detention in Spain. *European Journal of Crime, Criminal Law and Criminal Justice*, 18 (2010)

5. GONZÁLEZ SÁNCHEZ, Ignacio. La cárcel en España. Mediciones y condiciones del encarcelamiento en el Siglo XXI. *Revista de Derecho Penal y Criminología*, n.º 8 (2012): 351-402

GUERRA PÉREZ, Cristina. Pre-trial detention in Spain. *European Journal of crime, criminal law and criminal justice*. Vol. 18, n. 4 (2010): 369-402

GUILLÉN NAVARRO, N.A. Análisis Actual de la Responsabilidad Patrimonial en el ámbito Penitenciario, *Revista Aragonesa de Administración Pública*, nums. 39-40 (2012)

RIVIRIEGO PICÓN, Fernando and BRAGE CAMAZANO, Joaquín. L'exécution des peines privatives de liberté en Espagne et le controle du Tribunal Constitutionnel. *Revue de science criminelle et de droit pénal comparé*, nº 3 (2009): 623-638

UBASART GONZÁLEZ, Gemma. Torture and deprivation of freedom: the Spanish case. *Crime, Law and Social Change*, vol. 60, issue 4 (2013): 401-427

PhD thesis, conferences and lectures

COLMENAR LAUNES, Ángel. El Régimen disciplinario y su procedimiento en el sistema penitenciario español. Universidad Nacional de Educación a Distancia, *Derecho Penal y Criminología*, 2016

GARCÍA CASTAÑO, Carlos. Ponencia: Asistencia en fase penitenciaria, asistencia jurídica gratuita en fase penitenciaria, turno de oficio y servicios de orientación jurídica penitenciaria, Noviembre 2005. III Jornadas de Asistencia Jurídica Gratuita (10 años de vigencia de la Ley 1/96). Real e Ilustre Colegio de Abogados de Zaragoza, 23-25 de febrero de 2006

GIMENO SÁNCHEZ, Arturo. Las garantías en materia de derechos fundamentales de los reclusos en el ordenamiento jurídico español. Valencia: Universidad de Valencia, Instituto de Criminología, 2000

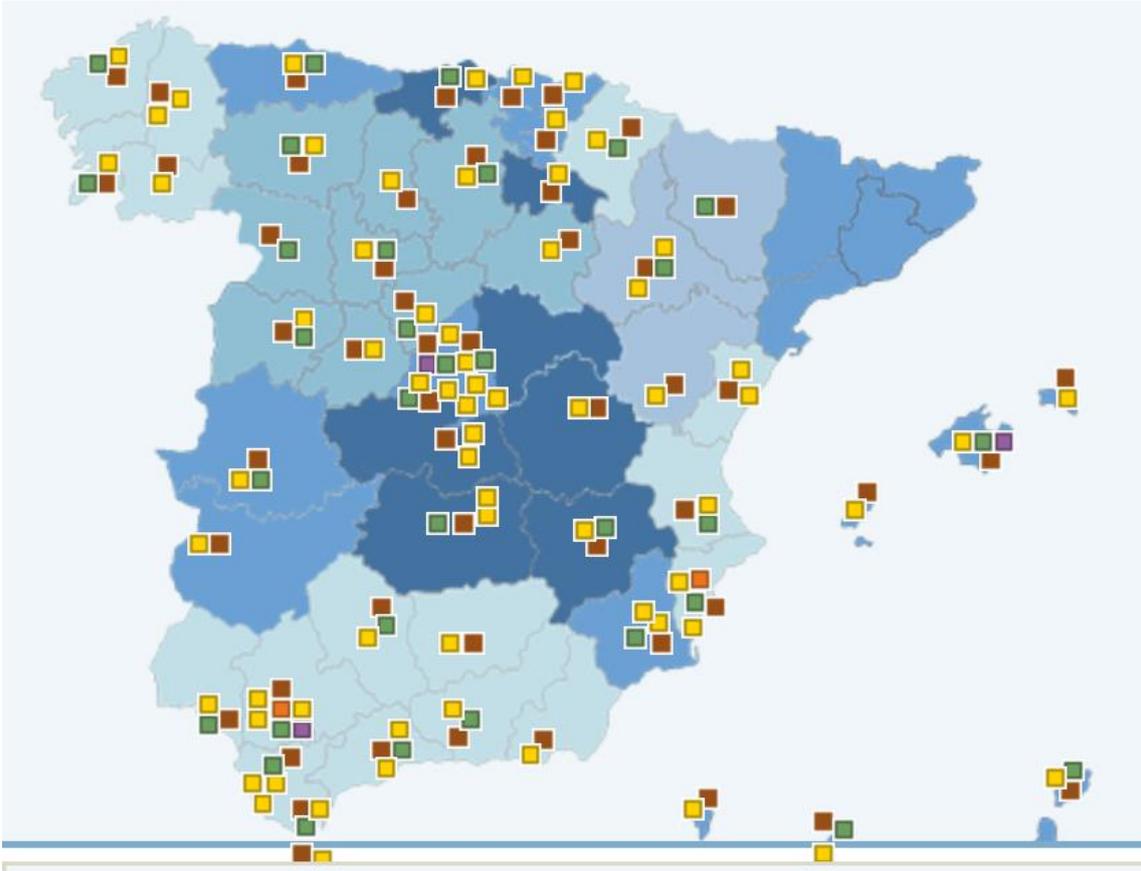
GUDÍN RODRÍGUEZ-MAGARIÑOS, Faustino. Retos del Derecho Administrativo frente al sistema penitenciario del siglo XXI. Universidad Nacional de Educación a Distancia, *Derecho Administrativo*, 2004

MAQUEO RAMÍREZ, MARÍA SOLANGE. Elementos económicos y constitucionales en el análisis de la asistencia jurídica gratuita. Universidad de Salamanca, *Economía aplicada*, 2011

SURROCA CARRASCOSA, Alfredo. La detención policial: análisis comparativo con el Derecho Europeo. Universidad Nacional de Educación a Distancia, Derecho procesal, 2010

ANNEXES

Code	M/F	Specialisation/function
R1	M	Prison director (> 20 years)
R2	M	General Secretary of Penitentiary Institutions (- 2 years)
R3	M	Funcionario de seguridad (+ 15 years)
R4	M	Judge of Audiencia Nacional (+ 30 years)
R5	M	Judge of Surveillance (+ 28 years)
R6	F	Prosecutor of Surveillance (+ 25 years)
R7	F	Secretary of Judge (now Letrado de la Administración de justicia) (+ 30 years)
R8	M	Penitentiary Lawyer (+ 15 years)
R9	F	Penitentiary Lawyer (+ 20 years)
R10	F	Penitentiary Lawyer (+20 years)
R11	M	Member of the CPT in Spain (+30 years)
R12	M	President of the ONG for prisoners (+10 years)
R13	F	Coordinator of the Servicio de Orientación Jurídica Penitenciaria (+ 25 years)
R14	M	President of the ONG for prisoners (+ 8 years)
R15	F	Member of a ONG for prisoners (+12 years)
R16	M	President of the Pastoral Penitentiary (+10 years)
R17	F	Prisoner (+ 4 years)
R18	M	Prisoner (+ 3 years)
R19	M	Prisoner (+12 years)
R20	M	Prisoner (+20 years)
R21	M	Judge of Juzgado de Ejecución (+ 14 years)



21

21

<http://www.institucionpenitenciaria.es/web/portal/centrosPenitenciarios/localizacion.html>