



**MARCH
-MAY
2020**

**CORONAVIRUS
MANAGEMENT IN
CATALAN
PENITENTIARY
CENTERS**

**MONITORING THE DEPRIVATION OF LIBERTY AND
POLICE ACTIVITY DURING THE COVID-19
EMERGENCY**

NEW RESEARCH PROJECT INTO COVID AND THE DEPRIVATION OF LIBERTY

Since the beginning of the Covid-19 health emergency, here at the SIRECOVI team of the Observatory of the Penal System and Human Rights (OSPDH) we have been analysing how political decisions taken to control the spread of the virus have affected the penal system.

We have held various campaigns in collaboration with other human rights organizations and families' associations in support of people deprived of liberty, urging public administrations to comply with the recommendations issued by numerous international organizations, and to adopt measures that are more respectful of the fundamental rights of prisoners.

After the first two months of work, we decided to shape a structured research project that we have called "Monitoring the deprivation of liberty and police activity during the Covid-19 emergency". The main objective of this new project is to carry out constant monitoring of the impact that the pandemic - and measures adopted to combat it - are having in prisons, and implications of police activity, monitoring compliance with restrictive measures of movements, activities or social distancing. For more information regarding the project's objectives and methodology, you can consult our presentation letter at the following link:

<http://www.ub.edu/ospdh/ca/node/656>

To monitor the prison system, we intend to produce an ongoing dynamic diagnosis that reflects, both in a quantitative and qualitative way, the level of impact that the pandemic is having on the prison systems belonging to the

General Secretary of Penitentiary Institutions (SGIP, which covers the Spanish state, except Catalonia) and the Secretary of Criminal Proceedings, Reintegration, and Victim Care (SMPRAV, which covers Catalonia). More than just monitoring the number of infections, this dynamic diagnosis aims to offer information regarding the measures adopted by the administrations and their implications on communications, prison population reduction, health services, social reintegration, work and education.

Obviously, the end of the State of Alarm does not mean the end of the pandemic. Administrations face a complex challenge in which they will likely have to continue to take action in an unpredictable pandemic, with its possible peaks and troughs.

With all this in mind, we have drawn up a plan to carry out monitoring that continues, at least, until the summer of 2021. We hope that the results of these diagnoses can contribute to the work of other human rights organizations, families' groups, support groups for imprisoned people, legal groups, and the managers of public administrations.



COVID IN CATALAN PENITENTIARY CENTERS

Catalonia is the only autonomous community of the Spanish state with devolved powers of penitentiary management. Thus, two penitentiary systems coexist within the Spanish State which, despite sharing the same legislative framework, differ in terms of their organization, models and programs.

In Catalonia, prison management falls under the auspices of the Justice Department of the 'Generalitat de Catalunya' (Catalan government) via the Secretary of Criminal Proceedings, Reintegration, and Victim Care (SMPRAV), therefore SMPRAV is in charge of defining and executing the main action protocols for the management of the pandemic. In turn, it is important to remember that in Catalonia, prison health matters were transferred to the Health Department of the Generalitat in 2014, so the health services of Catalan prisons are integrated and depend on the public health system. The Penitentiary Health Program (PSP) - in coordination with the various Catalan government departments - is the body in

charge of coordinating the activities, programs and operating protocols of all the Primary Penitentiary Care Teams in Catalan prisons.

This division of competences means that unlike the prisons dependent on the Spanish state, health action protocols in Catalonia must be agreed between the two administrations.

Obviously, the coexistence of two prison systems with different competences has led to and continues to lead to differences in the measures adopted by both administrations in the management of the current health crisis and the deadlines for their execution, requiring a differentiated analysis of the main measures and results for each of the administrations.

SIRECOVI is a system with territorial competence in Catalonia, as such we are well placed to study the impacts of these measures on the Catalan prison system, both because of the constant dialogue we maintain with the various relevant administrations and civil society organizations in Catalonia, as well as the

bond of trust established for years with prisoners, their families and support groups.

For this first report on the monitoring and analysis of the impact that the pandemic and the measures adopted are having in the prisons of Catalonia during the lockdown period (March-May 2020), in addition to an in-depth study of newspaper archive material, we have analysed the measures adopted by SMPRAV and the communication campaigns they carried out during the pandemic, analysing their impact from sources such as prisoners, social organizations, family members and support groups, and from prison workers' unions. We have also had valuable information provided by entities such as the Catalan Prison Legal Guidance Service (SOJP) and the Catalan ombudsman.

After presenting all the systematized information in various thematic blocks, we conclude this report with a series of evaluations made after the diagnosis, with the aim of highlighting those measures that have had the greatest impact, as well

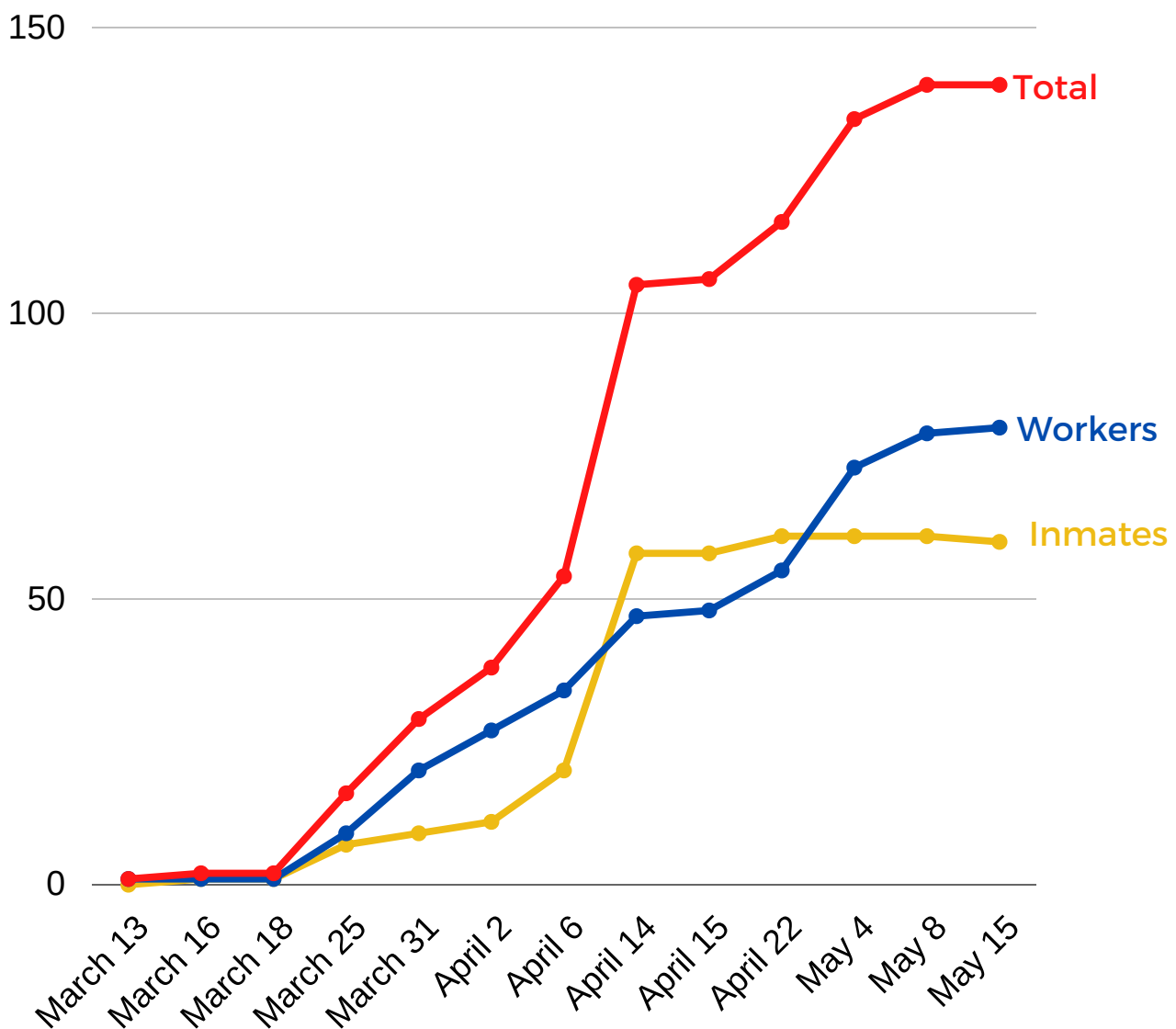
as those that have not, pointing in turn to other measures that we believe could have been adopted and others that could be expanded or maintained even after the pandemic.

We at the OSPDH are convinced that more open, less populated prisons with a reinforcement of health care will offer a post-covid19 prison system that is much more respectful of the fundamental rights of prisoners and consistent with the constitutional purpose of the custodial sentence.



CONTAGION STATISTICS

GRAPH 1: BALANCE SHEET NUMBER AFFECTED BY COVID-19



Source: Own elaboration based on data published by the Conselleria de Justícia, Generalitat de Catalunya.

SANITARY MEASURES

March 10th

SMPRAV adopts the first preventive measures to minimize the impact of COVID in prisons. Justice and Health (departments of the Catalan Generalitat) approve an action protocol for possible cases of coronavirus: prisoners suspected of contagion will be isolated in a cell and health workers will determine if they should be transferred to hospital to undergo tests and they will remain isolated until the result or they will be tested in prison. Positive cases will be transferred to the Terrassa Penitentiary Hospital Unit (UHPT) to be treated.

March 11th

The OSPDH addresses a statement to SMPRAV, the PSP and the Catalan ombudsman urging them to adopt preventive measures to stop the spread of COVID among the prison population without enforcing greater restrictions on their fundamental rights than those they already have due to their condition of being deprived of liberty.

March 13th

After detecting the first positive for coronavirus in a Catalan prison, the SMPRV adopts new

measures to stop the spread of the virus. Justice and Health have identified people with previous pathologies and those over 65 years of age - a total of 265 people - whom doctors will analyse one by one. It is expected that depending on the indications of the health authority, all cases of special vulnerability can be concentrated in specific units.

March 14th

An inmate from unit 13 of CP Brians 2 is the first prisoner to test positive for coronavirus. The inmate is transferred to the UHPT where 22 of the 31 beds available have been assigned to patients with coronavirus.

Justice decides to isolate the unit where the prisoner was located, in which there are 105 inmates who will not be able to access the rest of the common facilities for 14 days.

The prisons section of the UGT trade union complain that they had warned this would happen in a meeting with Justice held on March 10th and warned that the measures adopted by SMPRAV are insufficient because there are not enough prison or health personnel to face the crisis, and they do not have sufficient PPE available such as masks or disinfectant gels.



March 16th

Dozens of civil society organizations petition SMPRAV to adopt measures to prevent the fatal effects that the coronavirus can have on a particularly vulnerable population, among which it is worth highlighting: the immediate reinforcement of health personnel in prison, the provision of PPE for prison officers and inmates and that the isolation of people affected by the coronavirus happens in a medical facility instead of a cell.

March 18th

SMPRAV begins to distribute surgical and FFP2 masks to prison professionals.

The Catalan Justice Department, in compliance with the contingency plan prepared by the Penitentiary Health Program (PSP), establishes that the most vulnerable prisoners who cannot be released - for reasons of conviction - remain confined to coronavirus-free units in separate residential units. In the Lledoners prison a unit is enabled where 8 inmates enter.

March 19th

Wad Ras women's prison in Barcelona is placed under lockdown and more than 110 inmates are quarantined after several of them test positive for coronavirus. New entries are cancelled, with the inmates being transferred instead to Brians 1 prison in Martorell.

March 26th

The CSIF trade Union reports SMPRAV to the Labour Inspectorate for insufficient protection measures in prisons, due to the lack of PPE and insufficient disinfection of the facilities.

March 27th

The Department of Justice announces the disinfection of the Barcelona open centre after 5 positive diagnoses (2 inmates and 3 employees) and that it will distribute 50,000 expired masks and 11,000 generic protection masks to Catalan prison officers among the prison population.

In Brians 1 prison, the 72 inmates of unit 5 are confined after one tested positive for coronavirus, while in Brians 2 prison the lockdown of unit 13 is lifted.

March 28th

The UGT union speaks out against SMPRAV for distributing expired masks to prison staff.

April 1st

The CCOO union reports the Department of Justice to the TSJC (Catalan Justice Tribunal) for failure to carry out diagnostic tests on suspected infected workers and for the absence of protocols, and demands the replacement of masks.

April 2nd

A new unit (4) of Brians 1 prison is put under lockdown after a new positive, there are now 2 units in lockdown in that prison as well as its infirmary. Unit 4 and the semi open unit (MESOB) are in lockdown at Quatre Camins prison.

April 6th

The prisoners located in the infirmary of Brians 2 prison complain that they are not given masks.

April 7th

Unit 8 of the Quatre Camins prison is put under lockdown, adding to the three units already confined in said prison.

April 8th

The CSIF Union complains that the COVID containment protocol decreed by SMPRAV is not being applied, mentioning a negligent attitude towards inmates and officials by the secretary general and director of Quatre Camins prison who “walk around the prison without any type of protection or masks or gloves”, despite the fact that the director himself had tested positive for coronavirus. They also denounce unequal treatment when applying the diagnostic tests, prioritizing their application to management positions despite the fact that they have not had close contact with any infected individuals, and not performing them on lower-ranking workers who have had close contacts or have symptoms.

The TSJC has ordered the Department of Justice to provide all Catalan prisons with immediate mass access to rapid COVID-19 tests, to disinfect all work centres on a daily basis, to provide protection material to prevent contagion (masks gloves, gowns, face shields, goggles, antiseptic gels and non-contact thermometers) and to replace expired material.

April 9th

The Government announces that the UHPT secure hospital has reached the limit of its capacity and enables a new hospital area for prisoners with COVID on the second floor of the Brians 2 prison infirmary, adding 22 new beds. While the most serious cases are treated at the UHPT, this new service will attend to inmates who do not require respiratory support and those who, having already overcome the disease, have not completed their quarantine.

The health department equips the health professionals of this new service with the same personal protective equipment used in hospitals and the safety protocols are adapted with health criteria.

To date, units 4 and 5 and the infirmary of Brians 1, unit 4 and the semi-open unit of Quatre Camins and the Brians 2 Mental Health Unit are under lockdown.

April 11th

After carrying out 65 PCR tests on inmates of the Quatre Camins prison, 22 new positives were diagnosed, adding to the 32 already counted in this centre. While those who tested negative remain isolated in unit 1, positive inmates with mild symptoms who do not require respiratory support remain in the unit 4.

Justice announces that it will build a field hospital in unit 4 of the Quatre Camins prison with 145 new beds, which will act as an extension of the UHPT.

In the following days, prisoners and family members condemn the poor conditions in unit 1 of the Quatre Camins prison, in which the inmates remain isolated. They explain that the unit is undergoing renovations, that many mattresses are filthy, that there are beetles, rats and leaking taps, and that they do not have toilet paper, soap, razors, masks or gloves.

Some inmates report that they have stayed 30 hours at a time without leaving the cell and that they only have 30 minutes a day to shower and go out to the yard or the prison shop.

April 22nd

To date, 289 tests have been carried out on prisoners in Catalonia, a figure that represents 4% of the total prison population.

May 6th

Justice announces that it will carry out PCR tests on all prisoners and workers in prisons and juvenile justice centres in Catalonia, starting next week. They explain that they will begin with the officials who are on leave (646 of the 1,046) and the tests will later be extended to the rest of the professionals and finally to the prisoners.

COMMUNICATIONS MEASURES

FAMILY COMMUNICATIONS

March 13th

SMPRAV postpones all leave and face to face visits. Calls are maintained through visiting booths and the possibility of extending their duration is being studied. At the moment the number of telephone calls has increased from 10 to 15, now inmates have 40 more minutes of phone calls a week.

March 16th

SMPRAV decrees the restriction of all ordinary face-to-face, intimate and family visits with prisoners in Catalonia, as well as the delivery of packages to them.

Dozens of civil society organizations petition SMPRAV to adopt measures to alleviate the restrictive measures adopted, including free extra telephone calls and the increase in ordinary verbal communications through visiting booths, urging it to urgently install a video call system in all prisons between inmates and the people with whom they carry out ordinary communications.

March 21st

Due to the lockdown decreed for all citizens, SMPRAV enables bank account numbers for each prison, so that family members and relatives can send money to inmates by transfer, without having to travel to jail.

Justice informs that it will guarantee a telephone balance to inmates without financial resources – most of whom are foreign nationals - for national and international calls.

Family members and support groups for people deprived of liberty criticized this measure, considering it totally insufficient since only inmates without money can benefit and not those with low incomes. The families also report a rise in the cost of calls and the low amounts paid to inmates without resources.

March 22nd

SMPRAV announces the expansion of telephone calls, now inmates will be able to make twice as many calls, going from 10 to 20 calls a week lasting for 8 minutes each.

March 24th

SMPRAV announces the launch of a pilot plan at the Quatre Camins prison so that inmates can communicate with family and friends by videoconference through the centre's library computers.





Justice announces the purchase of 230 mobile phones to distribute among all penitentiary and juvenile justice centres, so that inmates can make video calls via WhatsApp, along with the purchase of 160 televisions that it will distribute among the inmates without income in the cells, where prisoners who have just entered prison must quarantine before sharing a unit with the rest of the inmates.

The opening of telephone lines was also announced so that inmates' relatives could receive information on the situation of the prisoner and also on the measures adopted by SMPRAV in the face of the health emergency. Families have different telephones depending on the demarcation of each penitentiary. Some families report that the waiting time is very long and in several cases the professional who answered the call did not have the requested information nor did they transfer the call to the correct penitentiary.

March 25th

Justice begins to distribute mobile phones in the Penitentiary Centres of Catalonia. They affirm that it is estimated that 3 out of 4 inmates who are in the ordinary and closed regime will benefit from this measure and that each of them will be able to make 3 video calls per month.

Relatives and prisoners denounce the lack of privacy in the video-calls to the extent that an official must always be present, even in some

cases through the glass. They also point out the insufficient number of booths in the units, compared to the high number of inmates and the possibility of making more calls.

April 6th

Families of Prisoners of Catalonia complain that mail is arriving with 15 days delay and that telephone lines fail a lot and a recorded message is heard that informs that the lines are jammed.

May 4th

Justice launches a new telephone line so that the relatives of infected inmates have information on the progress of their health status from the moment of diagnosis and, directly, through the health personnel of the Department of Health that treats each of the patients.

VIDEO-CALLS IN FIGURES

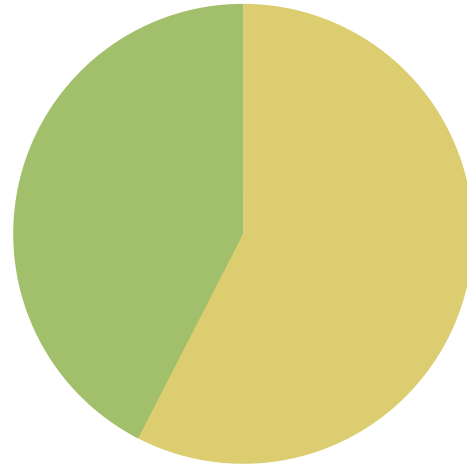
GRAPH 2: PERCENTAGE OF PRISONERS WHO HAVE MADE VIDEO CALLS

- From March 24th to April 24th, 14,376 video calls were made



- An average of 480 video calls per day

No
42.5%



Sí
57.6%

Source: Prepared by the authors based on data from the Department of Justice, Generalitat de Catalunya.

LAWYERS AND THE PENITENTIARY LEGAL GUIDANCE SERVICE (SOJP)

March 16th

The Penitentiary Legal Guidance Service (SOJP) is suspended.

March 18th

Although Justice does not prohibit lawyers' access to prisons at any time, it recommends that they avoid (both SOJP and private), as far as possible, going to the prisons, advising the use of video-conferencing or telephone calls. In the case of essential visits, these are made in the lawyers' area, and they must go to the centres with a mask and gloves.

March 19th

The ICAB sets up a system so that lawyers can make video-conferences from any device without having to travel.

March 23rd

The Penitentiary Legal Guidance Service is re-established.

The Service works differently depending on each bar association and each Penitentiary Centre: In Brians 1 and Brians 2 prisons the service is offered by video-conference. The Sant Feliu de Llobregat Bar Association opens its facilities every day to carry them out.

In the Mas d'Enric prison it is carried out in the same way with the collaboration of ICAT.

At Ponent prison, it has been decided to provide the service by telephone (through lawyers calling a specific number) since the place where the video-conference equipment



is located made it difficult for all inmates to access.

In the Quatre Camins, Puig de les Basses, Lledoners and Wad Ras prisons, the service is provided in the visiting booths of the various centres. Lawyers must be separated from inmates with screens and they are not allowed to exchange documentation.

At the Quatre Camins Youth Juvenile Detention Centre the service has been paralyzed.

April

The SOJP affirms that the service has developed in a uniform way, not highlighting a drop or increase in the number of requests managed during confinement.

They also affirm that, in principle, it has been possible to guarantee the confidentiality of the interviews at all times, both in those carried out by video-conference and in telephone calls.

On the contrary, it should be pointed out that the software that lawyers usually use - which allows them to consult petitions, makes it easier for them to write documents and allows them to print them to deliver them to inmates directly - has not been available. This has forced the lawyers to deliver the documents in coordination with the prison officials, who must deliver them to the inmates to sign and return them to the lawyers, therefore it has not been possible to guarantee their confidentiality.

REINTEGRATION MEASURES

ASSESSMENT BOARDS AND EDUCATIONAL ACTIVITIES

March 10th

SMPRAV adopts the first preventive measures to minimize the impact of COVID in prisons: inmates' leave for collective activities is restricted, activities that require access by external groups are suspended, transfers between prisons around Catalonia is restricted to regimental and security reasons - except for Brians 1, due to its status as a remand centre - and, by agreement with the Ministry of the Interior, transfers between Catalan penitentiary centres and those of the rest of the Spanish State are suspended.

March 13th

SMPRAV limits the access of volunteers to prisons, only those who carry out activities related to specific treatment programs may enter. It is also decided to postpone leave for 15 days, although leave for those classified in article 100.2 are maintained.

March 18th

Specific treatment programs, school activities, leave and scheduled outings are suspended, only activities related to health and the prevention of COVID-19 and activities of stimulation and positive emotional management are allowed.

The activities of collaborating entities and volunteers are also suspended, with the exception of those carried out in the DAEs (special needs departments).

Individual attention is maintained, reinforcing attention to inmates who are at

risk of suicide, closed regime, or similar situations.

Regarding the rest of the rehabilitation activities:

(a) They are restricted to inmates of the same unit, without mixing inmates from different wings and must be carried out with a maximum of 10 inmates, occupying a maximum of 1/3 of the capacity of the room.

(b) Sports centres and training rooms are closed, sports activities are restricted to open spaces, provided that contact and proximity between people can be avoided.

(c) The artistic monitors will provide the inmates with materials and guidelines so that they can carry out artistic activities independently.

(d) In order not to increase the tension between the inmates, greater flexibility is established with respect to the obligatory nature of the activities, thus avoiding any absences negatively affecting their PIT (Individualized Compliance Program).

However, it is found that individual intervention is affected and many prisoners report abandonment by JdT (Assessment Board) professionals during the state of alarm.

April 8th

The high number of workers in Catalan prisons who are on sick leave - 28% - causes some prisons to be at their limit. According to the IAC-CATAC in Wad Ras prison the staff is operating at 60%.

April 22nd

To date, 31% of security personnel, 25.9% of office personnel and 30.7% of rehabilitation personnel are on sick leave or extraordinary leave.

April 28th

Some of the specialized care activities aimed at drug addicts, those with intellectual disabilities, women and LGTBI groups are resumed, which are developed by professionals from external entities.

April 30th

The Catalan Justice Department strengthens the treatment teams by hiring facilitators to increase the offer of sports and educational activities.

PRISON WORK AND TRAINING

March 16th

Inmates classified in article 100.2 have all leave suspended, so they will not be able to go out to work.

March 18th

Activity in the productive workshops is to be allowed to continue - without grouping interns from several units together - as long as there is raw material to carry out the activities, but training activities linked to workshops and occupational training are suspended.

Prison jobs are continued; laundry, bakery and food workers (as they are essential services) have to live in differentiated residential units, depending on their shift patterns, avoiding contact with inmates from other units.

Inmates begin to manufacture masks for Catalan hospitals in the productive workshops of the Quatre Camins youth CP.

March 26th

Justice announces that the workshops of the Quatre Camins, Brians 2 and Ponent prisons will manufacture 32,000 sanitary uniforms for hospitals during the coronavirus emergency.

The Brians 2 laundry begins to wash the uniforms of the health personnel of the prison so that the professionals do not have to take them home. Tension grows among prisoners and families' groups, who complain that prisoners continue to work in production workshops without having PPE.

April 6th

Tension grows between prisoners and family groups, who denounce that prisoners continue to work in the production workshops without protection measures.

April 14th

Prisoners in the third degree and those in article 100.2 of the prison rules return to work, both those who were under house arrest and those who were in jail. The latter will be located in the admission unit to avoid contact with inmates who do not leave the centres.



PRISON POPULATION REDUCTION MEASURES



Although SMPRAV did not take measures to reduce the prison population in the strictest sense during the state of alarm, it did take some measures to ensure that certain groups serve their sentences at home with controls of various kinds. These groups are:

1. Inmates in the third degree (low security)
2. Inmates in the second degree (medium security) who satisfy article 100.2 of the prison rules
3. Inmates with vulnerable health
4. Inmates over 70 years old

March 19th

SMPRAV considers applying art. 86.4 of the prison rules to prisoners classified in the third degree prior to the announcement of the state of alarm, provided that they meet the following requirements: (1) that a good evolution and adaptation of the person in the open regime has been verified, (2) that the measure favours their reintegration process and (3) that the inmate has a home where they can spend the lockdown under adequate conditions.

The Assessment Boards must make the application proposals that will be later resolved by SMPRAV Open Media Service, who must inform the Penitentiary Surveillance Prosecutor's Office of the decision. In case of appeal, the Penitentiary Surveillance Judges (JVP) and ultimately the Provincial Court must resolve it.

Article 86.4 of the Penitentiary Regulations allows inmates to sleep at home every day of the week, while being controlled through electronic tags.



March 24th

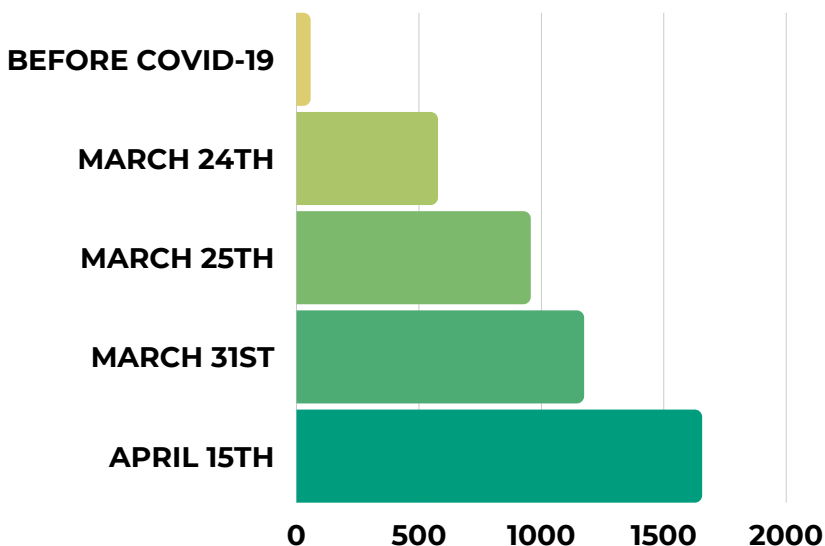
SMPRAV has applied art. 86.4 to 251 prisoners, which represents 15% of the population in third grade.

March 25th

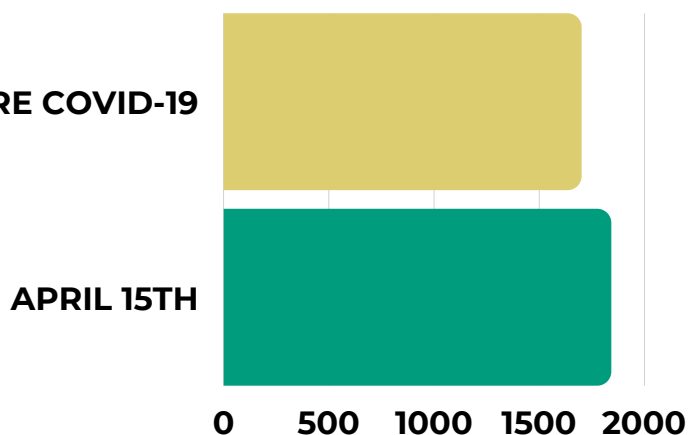
Art. 86.4 has now been applied to 628 prisoners.

The number of prisoners who sleep at home triples every day. Before the emergency, only 20% of third-degree prisoners benefited from this measure (325), now it is 55% (955). SMPRAV is considering the application of this measure to 240 more people.

GRAPH 3: EVOLUTION OF PRISONERS WHO SLEEP AT HOME (art. 86.4)



GRAPH 4: EVOLUTION OF THIRD-DEGREE PRISONERS



March 31st

The Penitentiary Centres will hold extraordinary Assessment Boards in order to study the evolution and prognosis of the people classified in art. 100.2 - who leave prison for work, volunteering, training or treatment - in order to assess whether they can spend the lockdown in their homes. In these cases, the proposals for home detention prepared by the prisons' Assessment Boards will not go through SMPRAV, and instead will be transmitted directly to the JVP who will forward them to the Prosecutor's Office. The two main criteria that will be taken into account to authorize home confinement are having a low probability of reoffending and having a home.

56 of the 157 second-degree prisoners who had applied for art.100.2 prior to the state of alarm have been progressed to third-degree status.

Several human rights organizations in Catalonia send a letter to the Department



of Justice reiterating the need to expand home detention, not only for more third-degree cases or those with article 100.2, but also for prisoners over 70 years old and those with serious illnesses.

April 2nd

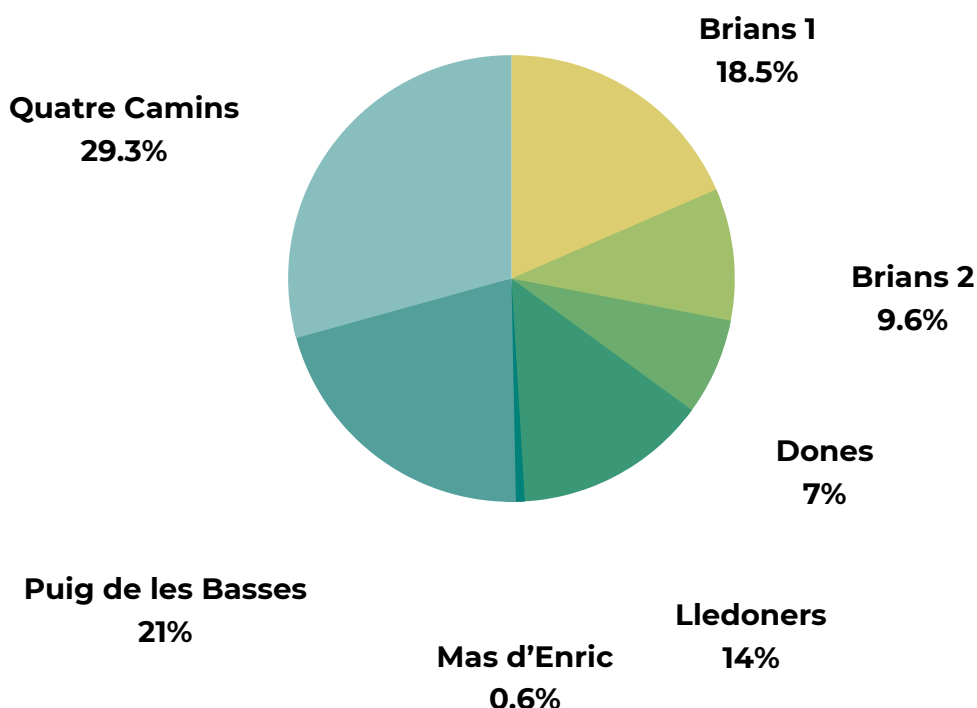
The Assessment Boards approve that 15 second-degree prisoners with art. 100.2 RP - 4 inmates from Wad Ras and 11 inmates from Quatre Camins - spend lockdown in their houses temporarily during the emergency, which represents 15% of the people imprisoned in said circumstance.

The proposals are pending approval by the Penitentiary Surveillance Judges.

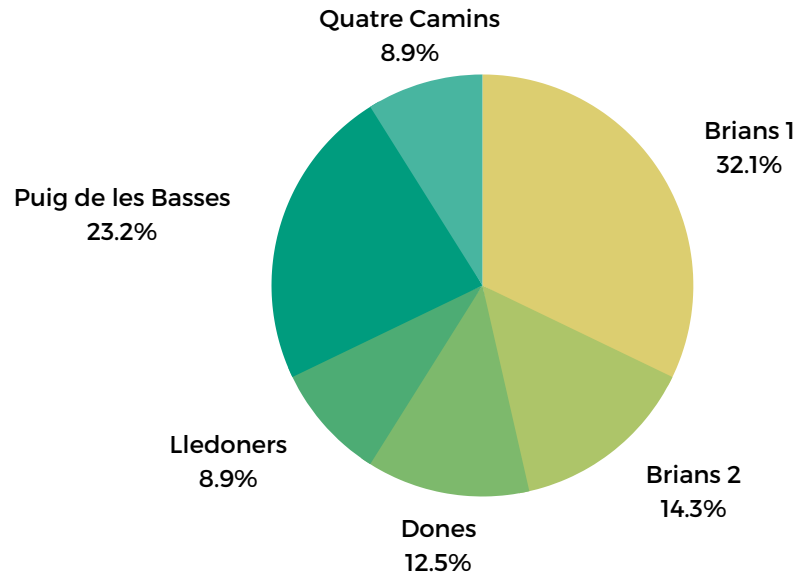
GRAPH 5: PEOPLE WITH ARTICLE 100.2 PROGRESSED TO THIRD-DEGREE



GRAPH 6: DISTRIBUTION OF THE POPULATION WITH SECOND-DEGREE AND ARTICLE 100.2 IN CATALAN PRISONS



GRAPH 7: PROGRESSED TO THIRD-DEGREE ACCORDING TO PRISON



April 10th

70% of semi-released inmates are now confined to their homes.

April 14th

Of the 22 prisoners who have approved art. 100.2 to go out to work, none of them have spent the lockdown at home.



April 15th

Health professionals and treatment teams allow 16 prisoners with vulnerable health to spend confinement outside prison. Since last week 11 of them have been confined in their homes and the remaining 5 in the so-called Dependent Units, extra-penitentiary flats managed by social entities.

Another 6 inmates with poor health who have not been able to benefit from this measure because they are awaiting trial, are transferred from Brians 1 prison to the infirmary of Lledoners prison.

As of today, 90% of third-degree prisoners (1655) are confined to their homes.

April 22nd

SMPRAV assesses whether prisoners over 70 years of age who are serving a sentence in Catalan prisons can spend confinement in their homes under telematic control in application of art 86.4. of the prison rules.

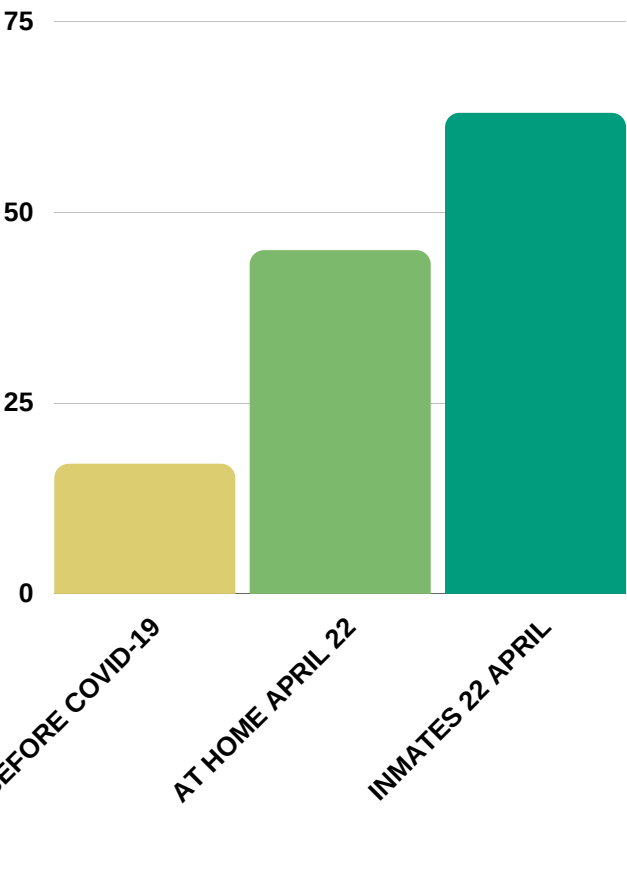
In Catalonia there are 108 inmates over 70 years old, before the pandemic 17 of them were already sleeping at home (16% of the total), at the moment there are 45 (41%) of the total, which means that the number has tripled since the start of the health emergency.



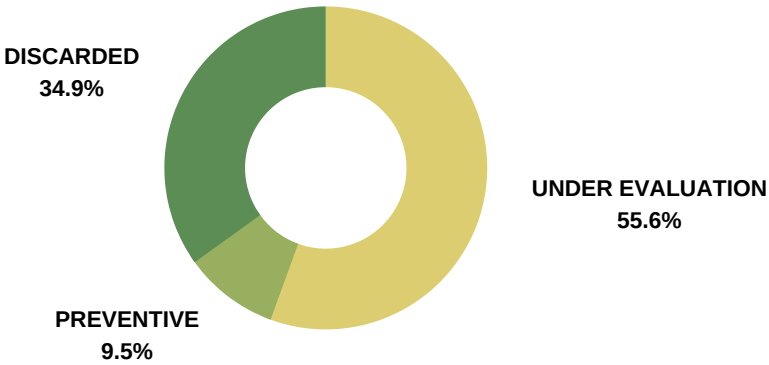
CENTRE PENITENCIARI DORSAL 2

Of the 63 who remain in prisons, the possibility that 35 of them may be confined to their homes is being studied. The remaining 28 will not be able to benefit from said measure, in 6 of the cases due to their remand status - depending on the decision directly of the judges - and in the other 22 because they pose a high risk of criminal reoffending.

GRAPH 8: EVOLUTION OF INMATES OVER 70 YEARS AT HOME



GRAPH 9: INMATES OVER 70 YEARS OLD WHO REMAIN IN PRISON



April 23rd

Justice asks the TSJC to allow remand prisoners and those with short sentences can spend the lockdown in their houses. Of the 1551 remand prisoners in prisons in Catalonia, none have been able to spend lockdown in their homes.

April 25th

The TSJC replies that the decision to release remand prisoners depends on each judge, which is why it urges the Catalan courts to slow down some remand detention orders and to positively assess requests to spend the lockdown at home of said inmates.



INCIDENTS

March 13th

Several inmates from unit 1 of Brians 1 prison begin a hunger strike in response to the restrictions adopted by the Department of Justice to tackle the health emergency.

March 16th

Inmates of unit 1 of Mas d'Enric prison set fire to papers and throw them from the windows of the cells to the central courtyard to protest against their defencelessness and the lack of information in the face of the Covid 19 crisis.

Inmates of Wad Ras women's prison refuse to eat and, starting a hunger strike, they demand that the Director of the Centre come to the dining room so that they can convey their demands to him. They demand alternative measures such as the use of electronic tag bracelets so that those inmates who enjoyed permits or third-degree status can spend the lockdown in their homes with their relatives.

March 19th

Some inmates of units 1 and 4 of Quatre Camins prison set fire to the sheets and throw them through the cell windows, in addition to hitting the bars of the cells to make noise.

March 21st

Prisoners in unit 4 of Brians 1 prison protest against the suspension of family visits. Throughout the day the protest spreads to other units of the prison.

March 22nd

The protests continue in unit 4 of Brians 1.

April 12th

Some inmates of the Quatre Camins prison, amid cries of despair and demands for freedom, beat the bars of the cell, set fire to sheets and throw them, along with other objects, from the windows of the cells into the courtyard.

ASSESSMENT OF THE MEASURES ADOPTED

Despite the complexity of the situation derived from the health emergency and the interest in taking measures to prevent contagion on the part of the Department of Justice, after monitoring the measures adopted, we can see that many of them have been poorly planned and rather reactive to the contagions that occurred, and the protestations of workers, prisoners and civil society organizations.

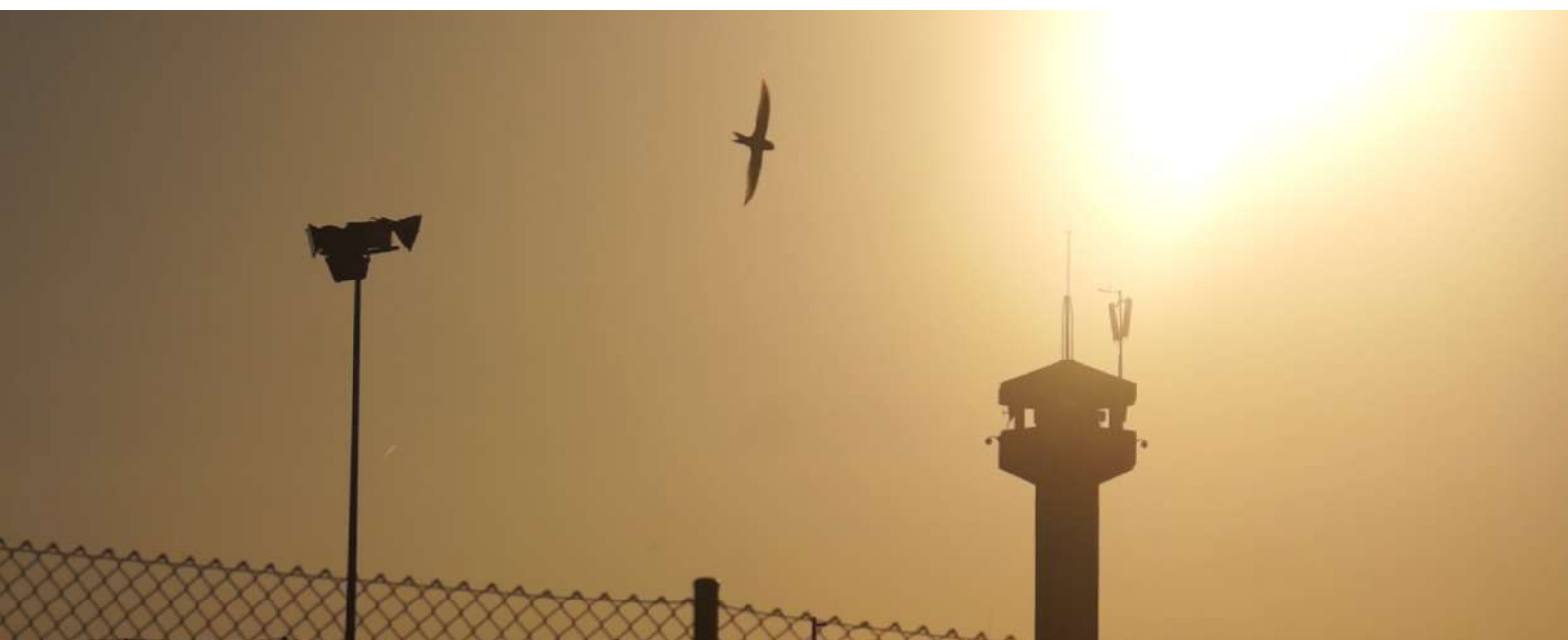
With regard to sanitary measures, the shortage of protective material and other prevention measures adopted must be especially highlighted, an aspect that has been decried by both trade union sectors and by prisoners, such as the disinfection of units always happening following the detection of positive cases and not in a preventive way.

Both workers and prisoners denounced the shortage of diagnostic tests, leading to the TSJC demanding availability of more tests. It was not until May when these tests began to be carried out more extensively, despite the fact that the results of the tests carried out have shown a high rate of infected people at all times.

Also, the authorization of hospital areas seems to have always been carried out as a reactive response. The hospital area of CP Brians 2 was increased when the UHPT was already at the limit of its capacity and that of CP Quatre Camins was increased only after 22 new positives were detected in that prison.

We are also concerned about the situations in which some of the units have been confined, especially in the Quatre Camins prison - where inmates were confined in a unit undergoing renovations - which has led to complaints and protests by inmates and family groups regarding the poor conditions of detention that made it impossible to put into practice the recommendations of the health authorities. It is striking that Quatre Camins, where union sectors denounced the lack of application of the SMPRAV protocol and negligence on the part of its director, has been one of the most affected. Responsibilities could be studied and refined.

Regarding measures adopted in the field of communications, after the cancellation of all types of communication with the outside world, and in the face of the protests that began to spread through the prisons, SMPRAV decided to adopt measures to compensate for these limitations, such as an increase in the number of calls and the possibility of making video calls. Although these measures were



positively received by both inmates and relatives and human rights entities, families' groups have highlighted their limitations. Particularly noteworthy is the little or no confidentiality with which video calls are made, their reduced duration or the excessive expense of ordinary calls for those who are considered to have the resources to pay for them. Likewise, it should be noted that the increase in calls has not been fully taken advantage of by inmates with limited financial resources, nor by those with no money at all, since the balance guaranteed by the administration has turned out to be totally insufficient.

For all these reasons, we request that the possibility of making free video calls for the entire prison population be maintained, as it has been demonstrated to be a perfectly viable measure. At such a delicate moment, it is not admissible that prisons continue to not use the internet and new technologies.

Although the creation of information hotlines for relatives has been a positively valued measure, it arrived too late to alleviate the concern, anxiety and uncertainty experienced at the beginning of the State of Alarm.

In relation to communication with lawyers, we value very positively that lawyers have not been prohibited from accessing the prisons, although measures should be taken to guarantee the confidentiality of everything discussed in interviews held with lawyers.

With regard to measures in the field of assessment and reintegration, the stoppage of specific assessment programs - participation in which is a requirement in the Catalan prison system to enjoy prison benefits - has generated concerns and anxieties in some inmates, who will take more months to be able to obtain prison leave or access third degree status. The lack of visits by professionals from the Board of Directors is condemned by many inmates, and is worrying as in such circumstances it is very

difficult to make evaluations of inmates for the sake of grade reviews or assessment of proposals for leave, which we hope in no way may pose greater difficulties for prisoners or lengthen the time they will have to spend in prison.

Moreover, from the OSPDH we consider that in compliance with the constitutional foundations of the deprivation of liberty, this "lost" time in which people have been detained without access to assessment, prison leave or degree progressions, should be rewarded or restored with formulas to reduce the sentence or make it more flexible.

The continuity of prison work - unlike in the prisons dependent on the Spanish state - is striking in the face of the paralysis of occupational training activities. Especially when the maintenance of productive workshops has triggered complaints from workers and inmates, who denounced the lack of sufficient protection measures in said spaces.

Regarding de-carceration measures, it should be noted very positively that the vast majority of people who were in the third grade were able to spend confinement in their homes. However, this possibility has only occurred in a very limited way to other groups such as people in the second degree with art. 100.2, people over 70 and, above all, people with high-risk health problems.

It is noteworthy that, despite the contingency plan prepared by the PSP at the beginning of the emergency, special emphasis was placed on the need to adapt protection measures for the most vulnerable population, the de-carceration of these people did not begin to be assessed until the month of May. As the OSPDH has already pointed out in several campaigns, the prison community is per se an at-risk group, due to the illnesses that affect inmates in a much more widespread way compared to the rest of the population. We



refer to pathologies derived from the consumption of narcotic substances, as well as HIV, hepatitis C and tuberculosis, among others.

We at the OSPDH ask SMPRAV to consider the continuation of article 86.4 of the prison rules (home detention) for all inmates who have benefited from the measure without incident. Likewise, we ask that the hygienic sanitary measures recommended by the health authorities continue to be applied and that progressions to third degree continue to be studied with application of art. 86.4 during the de-escalation phase and even during the “new normal”. We also request that the possibility of making video calls for the entire prison population be maintained.

Less populated prisons are clearly more beneficial for all concerned; they facilitate coexistence and treatment, in addition to favouring a better working capacity of professionals and officials, and would put Catalonia at a better level compared to other European countries with respect to the number of people serving sentences in semi-freedom regimes.

