

SPAIN

The Spanish prison population has grown from 35.898 in 1/1998 to 67.066 in 1/2008 which is an alarming increase of + 87 %. In spite of overcrowded prisons (rate 135%), a Prison Administration which openly criticises the Judiciary for handing out more and longer prison sentences and the construction of new prisons, the prison population has kept growing even under the Socialist government (Sp1).

Further to a request, the Ministry of the Interior “Subdirección General del Tratamiento y Gestión penitenciaria” replied in great detail in three parts:

- a) The royal decree No. 190/1996 and the law No. 6/1996 concerning the voluntary sector already reflect substantially the essence of the new “108 European Recommendations”.
- b) NGO’s involved in prison life at all levels are active (ES2) in the following fields:
 - professional counselling and job research,
 - remunerated work in prison,
 - accommodation for detainees on occasional, conditional or final leave,
 - legal counselling,
 - dependencies and illnesses (alcohol, drugs, AIDS),
 - mental and physical incapacities,
 - assistance for families and children,
 - help for foreigners,
 - programs for general and professional education, languages, culture,
 - sports and leisure,
 - information, discussion clubs on a great variety of themes,
 - teaching of scripture and general ethics, etc.

In a decree dated 7.2.2007, the “Dirección general de Instituciones Penitenciarias” defines the areas and ways in which the NGOs work with the administration and states that the “Comisión de Seguimiento del voluntariado y ONGs” is the forum in which they meet (Es3).

- c) On 9 pages are detailed over 500 local and national Associations with their regional affiliations (Es4) . On www.ikusbide.net one can find 60 (!) pages of these voluntary organisations under the title “Programas de Intervención por ONG” (Es5) with the names, centre/prison in which they work, whether the programs are annual or biannual, title of the programs, purpose and type of activity. Some of the associations are:
 - **Asociación “Proyecto Hombre”** with 31 regional affiliations and 26 centres, was founded in 1984 under the auspices of the Catholic church. They operate according to the therapeutic community model, have programs of self-help and prevention (“rompicabeza – puzzle”). 1500 professionals and 15.000 patients are involved in several detoxification programs (Es6).
 - **Caritas** with 15 offices - drugs, re-socialisation. Their website contains among others,
 - * a 220-page study on the “Situación de los presos extranjeros en el centro Penitenciario de Topas (Salamanca)” (foreign prisoners in the Topas (Salamanca) prison”, which started in 2002 and finished in 2006. It

touches on all aspects of foreigners in Spanish jails and analyses the concrete situation in the Salamanca prison” (Es7),

- * a 100-page enquiry on “Intervención sobre drogas in centros penitenciarios – interventions on drugs in prisons” (Es8),
- * 2 studies on women prisoners in Andalucía and Catalonia (Es9),
- * “La capellanía penitenciaria - orientaciones y criterios” (Prison Chaplaincy – orientations and criteria).

- **Cruz Roja** (Red Cross) offers through its 33 regional affiliations a whole range of services for the re-socialisation of former detainees,
- **FEAPS** founded in 1992, is the confederation of all local and regional organisations of mentally disabled people which comprise today some 808 associations, 17 autonomous federations, 96.000 clients, 3900 centres and services, 19000 professionals and 7000 volunteers. FEAPS has worked in prison since 1999. A 108 page document “PNTCR – Guía de Intervención para personas con discapacidad intelectual afectas por el régimen penal penitenciario” provides ample information. Through their affiliations FEAPS is working with so-called “Manuales de la Buena Practica” in 11 prisons, as for example in Madrid in the prison of Alcalá Meco (Es9a). The principal aim of the FEAPS action in prison is obtaining alternatives for imprisonment, as a normal prison is not equipped for dealing with (and even less curing) the mentally incapacitated.
- **UNAD** - founded in 1985, this is the umbrella organisation for 250 associations of volunteers working mainly for the prevention of drug abuse,
- “**Horizontes Abiertos**” (E10) was founded 25 years ago by Padre Garralda and works generally for prisoners, their re-socialisation, children of prisoners, immigrants and disabled detainees . According to their website, there are 580 volunteers, 140 members and 8 communities. 81% of their interventions are financed by public institutions and 16% by the private sector; among them Real Madrid (Es11) and Vodaphone (Strada–Es12),
- **Alcohólicos Anónimos** work mainly in 5 Madrid prisons,
- 4 Associations of gypsy men (for example the Asociación Gitana Gao Lacho Drom) are active in several prisons. There are gypsy women’s associations, such “Mujeres Nakera Romi“ or the **Asociación de Mujeres Gitanas Romi**” which works in the prison of Albalote/Granada,
- **ACOPE** (Asociación de colaboradores con las presas) which works in Madrid and Avila for women (conditional and final, release, accommodation, workshops),
- **APEX** is the association which cares for the 1200 Spaniards in foreign jails,
- “**Asociación La Calle**” (Es13) is active mainly in the Madrid V (Soto del Real) prison where it prepares detainees for release by teaching social and professional skills,
- “**Ambassadors in Sport España**” teaches sport in the Albolote prison.
- The “**Foundation Real Madrid**” finances soccer and basketball activities in the 6 Madrid prisons. In 2007 a tournament with 800 detainee players took place for the third year running (Es14).
- “**Ambito Asociació**” works in the prisons of the Provincial Authorities of Valencia where they support groups of drug addicts and foreigners and prepare them for release with follow-up surveillance.
- “**Amigos dentro y fuera** – friends inside and outside” work in the Madrid II prison only; the volunteers are involved in several programs.
- “**Asociación Bidesari**”, the Basque association works in Nanclares de Oca and Basauri where they offer social integration courses,

- The “**Confraternidad Carcelaria de España**” (Es15) works with 70 volunteers and teaches production techniques to young people leaving prison.
- “**Solidarios para el Desarrollo**” is a NGO offshoot of the Complutense University which works with 2000 volunteers for the homeless and the mentally handicapped through other Spanish and South American Universities. Together with “Horizontes Abiertos” and the Andalusian association “**Enlace**” with its 60 drug dependence and aids volunteers, they organised in 6/2004 a rock concert tour together with the Atletico Madrid goal keeper Mono Burgos (Es16).
- The Catalan “**Canal.Solidario**” talks about the qualities prison volunteers should have (heart, modesty, perseverance). For those working with drug addicts a solid preparation and experience is needed. It appears that 80 % of the detainees in Andalusia have some form of addiction (Es16A).
- “**Asociación Colectivo Paréntesis**”, Murcia invites volunteers to co-operate in their “Proyecto Apolo” which comprises workshops for music, theatre, cinema, literature, handicraft and general prison visiting activities (Es17) .
- The **Students of Granada University** (Es18) mobilize volunteers around projects in the Albolote prison (computer, radio, cinema, sports, culture),
- “**Asociación DARSE**” (Es19) is Madrid-based; members have been working in prisons since 1999. They formed their own organisation in 2002 and are working now both in and outside prison with very down-to-earth actions,
- “**Girasol Levante**” (Es20) was created in 2002 in Alicante and Valencia and works in drug dependency according to the “Metodología Girasol”. This NGO promotes theatre activities in prison as part of their therapy. Workshops are called “Cuentan en la cárcel” and “el voluntariado en prisiones”. Projects in 4 Spanish cities. They say that the probability that mentally deficient people become drug addicts in prison (or addicted prisoners mentally ill) is between 43 and 50 %.
- The “**Fundición Atenea GID**” is a research institution specialized in the different forms of social exclusion such as poverty, dependencies and prison. It co-operates with the public services and the associations. Atenea was the driving force behind the unification of the Voluntary Prison Associations in the “Consejo Social Penitenciario” in 2007.

The religious associations are very much present. Some of them are:

- “**La Pastoral Penitenciaria**” (Es22). “Los Capellanes de prisión (Prison Chaplains) have been working in Spanish prisons for the last 150 years. Since 1975 they have been part of the “Comisión Episcopal de la Pastoral” under the new name of “la Pastoral Penitenciaria. On the occasion of their 2005 annual congress, they published a survey of their presence in Spanish prisons: There were 52 delegations on diocese level, 585 Parish helpers, 148 chaplains, 665 associated institutions, 2793 volunteers of whom 1928 are active in prisons and 865 outside. In 166 accommodation centres, treatment of aids and detoxification are offered. The Pastoral was involved in 738 prison programs and publishes 3 magazines (Puente, C@uce, La Revistilla). In 2007, La Pastoral Penitenciaria wrote a long article about the ethical, social and religious task of their volunteers and the environment in which they work (Es23). It is part of the European ICCPPC (International Commission of Catholic Prisons Chaplains) which had its first meeting (Es24) in 1/2007 at Freising (Germany). The article “Capellandes tras las rejas” (Es25) explains the organisation and aims in detail. “Educación y prisión – consideraciones en torno a la presencia católica en el medio penitenciario español” (Es26) analyses the

legal and political initiatives of the catholic NGOs in a prison environment. Plenty of details going back to 2001.

- Testigos Jehova (**Jehovah's witnesses**) are active in 6 prisons,
- The Pastoral Penitenciara "**Amanecer**" (Es27) works only in the Burgos prison, teaches mainly religious matters, but is involved in sports activities too, prepares detainees for conditional and final release.
- the **Protestant Church** (Iglesia evangélica) works in 24 prisons.
- "**RETO a la esperanza**" with 13 provincial institutions works since 1992 in prisons and through detoxification centres for the reintegration of drug addicts. In a "co-operativa" 70 permanent staff and 180 workers offer second hand goods, furniture removal, used cars and spare parts; they refurbish apartments, do gardening, etc.
- **REMAR** runs 8 regional offices (missionary association run by pastor Miguel Diez). Detoxification, alternatives to imprisonment. They provide also essential services such as "social" canteens for prisons in Africa (Burkina Faso) and Guatemala.
- The "**Encomienda de Acción Penitenciaria**" is an offspring of the known colonial Royal Order (Real Orden de Caballeros de Santa Maria del Puig). They started their prison activity around 1990 (Es28), are part of Caritas and work closely together with the Association "Domus Pacis-Casal de la Pau" situated at Valencia. Apart from workshops and exhibitions, they are involved in prison visiting too.

In addition, there are such resounding names of prison associations as

- "Asociación Inicativas Solidarias" which works with 8 programs in Valencia,
- "Asociación con un pie fuera" (... with one foot outside) in Madrid,
- ACOGE (make him welcome – the foreigner), in several cities
- Mujeres Progresistas "Victoria Kent", "Pura Tomas", "de Andalucia",
- Asociación Evangélica Benéfico Asistencial Nueva Vida, Santander/El Dueso,
- Basque organisations such as Aldarriketa, Drogak Erangindakoen, Etorikintza,
- Asociación Islámica Masyid an Nour,
- Grupo de Educadores de Calle y Trabajo con Menores (Street workers),
- Hermanas Mercedarias de la Caridad, who are nuns belonging the medieval order of the "Mercedarios",
- Rincón de la Esperanza Cantabra (corner of hope) in the north of Spain, etc.

Going through the information available on internet, the important number and intense activity of **associations working in mental health, aids and detoxification is quite remarkable**. UNAD said on the occasion of their last congress in 9/2007 (ES29) that detainees have 2 to 4 times more psychological problems and severe depressions and that anti-social behaviour is 10 times more frequent than with people outside. In 2/2006, AVACOS (Asociación Valanciana contra el Sida) invited to a congress at Benidorm on "La prisión, una oportunidad de cambio para la salud - prison: an opportunity for changing health conditions) and in 5/2006 the Prison Administration organised the first "Jornadas de Salud mental en el medio penitenciario" (Mental Health days in prison - Es30).

According to the "Portal Solidario – voces sin barreras" (ES31) in 2001, 132 OGNs with 2648 volunteers participated in 480 educational and leisure programs. The demand for correspondence courses had trebled in 3 years (12.000 of a total of 46.000 inmates = 27 %). PECP/UNED offers correspondence courses in which 505 students in 34 prisons

participated in 2003. Auxilia, Barcelona organizes not only literacy correspondence courses, but professional education too.

Courses for prisons volunteers are offered frequently on internet and in the press, such as:

- by the University of Murcia. The law faculty has a department for volunteer and social studies which co-operates with the regional associations working with the handicapped, immigrants, homeless, prisoners, etc.(Es32),
- “La Casa encendida”, Madrid which organised a 4-day course for future “voluntarios” in 6/2006 (Es33) ,
- The “Escuela del Voluntariado” (Es34) in Madrid which organised in June 2005 a one-week course on “detainees, social exclusion and prison volunteers”,
- “Acoge” offered in 2/2004 a 4-day course in Malaga,
- The initiation courses for volunteers of the “Pastoral Penitenciaria” last generally for 16 hours; additional courses follow later. There was a 2-day seminar of Prison chaplains and volunteers in Antequera in 2007 with the objective of analysing the (episcopal) document on “prevention and re-socialisation and its applications” (Es34).

The University of Murcia in co-operation with the “Colectivo Parétesis” organised in October 2002 a “Congreso Voluntariado Penitenciario” (Es35). Working groups, presentations, the presence of several prison governors, lawyers, doctors and the active participation of volunteer groups working in a penitentiary environment made it a meaningful event (Es36) .

In March 2006, on the occasion of a “Congreso Penitenciario Internacional” at Barcelona (Es37), the Director of the Spanish prison administration, Señora Mercedes Gallizio, described the critical situation in Spanish prisons with an occupancy rate of 130 and an incarceration rate of 141 (= + 35 % in 6 years). She criticised politicians and judges, because the solution of the problem cannot be more and ever longer prison sentences. She said that 600 associations with a total of 5400 volunteers worked in Spanish prisons in co-operation with 19.000 professionals.

Compared with Northern Europe, few associations seem to be involved in “Restorative Justice and Mediation”. The Pastoral Penitenciaria addressed the problem in 2005 under the theme “Mediación y Reconciliación” (Es38).

“Eco-Lógicos” is an article (Es39) about reinsertion of detainees in the Cordoba prison through ecological projects (nature, gardens, parks). CEPEL is a pilot project for the introduction of environmental awareness in a prison setting and its effects on the prisoners.

The “Fundición Atenea grupo GID” and the Central Prison Administration invited all NGOs and professional organisations working in and around Spanish prisons to a 2-day meeting in 3/2007 to the “Casa Encendida” in Madrid. The theme was “Jornadas de la Intervención de las ONG en Centros Penitenciarios”. The official subjects were (Es40):

- + Present and future co-operation between the Administration and the NGOs,
- + The role of the NGOs in prisons. Networking.
- + Alternatives to imprisonment; health and addictions, re-socialisation after release from prison, immigration,
- + Making the public aware of the prison situation and re-socialisation.

The most controversial problems and questions remained (Es41):

- How did Spain become the country with the highest incarceration rate in Europe?
- Why do the social prison services co-operate so little with the outside services?
- Why does the Judiciary impose so many prison sentences and why are the judges not more involved in the re-socialization effort?
- Why do complementary NGOs, working in the same prisons, not know each other?
- Why is there no co-ordination and why do most associations work in one prison only (atomización) instead of joining in a complementary network?

Although in recent years community work as an alternative to imprisonment has increased by 400% and suspended sentences with obligatory anti-violence treatment by 225%, only 13% to 18 % of the prisoners live under the different forms of “semi-freedom”, which is half the percentage of neighbouring countries. Although criminality rose only 2 – 4 %, the prison population increased by 20 % in the same period. So far, only 12 prisons practice the “open prison system”; there will be 30 more by 2012.

In 2/2008 the “Consejo Social Penitenciario” was founded. This organisation unites 527 NGOs with their more than 5000 volunteers, 300 state institutions with their ramifications and the Prison Administration . Most of the organisations have been linked to the prison administration since 1979 through the “Comisión de Seguimiento del voluntariado y ONGs”, but in a very hierarchical fashion. There were 11 founding members of the new “Consejo” which deliver most of the programs (700 in total) in 77 prisons: Acope, Caritas, UNAD, Fundación Gizakia, FEAPS, Cruz Roja, Altenea, Fundación Padre Garralda, Pastoral Penitenciaria, Solidarios par el desarrollo). The main aim is, among others, to found a “Observatorio Penitenciario de la Reinserción” which should determine what works and what does not, the promotion of alternatives to incarceration, co-ordinate present and develop future programs and propose legal improvements (Es42).

CATALONIA

Since 1984, Catalonia administers independently its 7 prisons with altogether some 8800 inmates. Instead of Spain’s high incarceration rate of 141 per 100.000 inhabitants, Catalonia has a rate of 108 only (La Vanguardia 6/2006 – Cat1).

In a response to an enquiry, the “Serveis Penitenciaris” emphasised the effort by the Catalan administration to provide adequate training of all volunteers. The main conclusion of a “Seminar of prison visitors” was that specific training of volunteers who enter prisons, was necessary. 3 stages were deemed important (Cat2):

- the initiation of beginners
- the recycling of active volunteers
- further education for the future.

The main objective of the “Comisión de Formación” was the recycling of all volunteers who are part of the programs approved by the “SSPRiJJ” (Secretaria de Servicios Penitenciarios, Rehabilitación y Justicia Juvenil” during the first training sessions between 2004-2006, which would permit them to improve their knowledge through additional training courses later. The commission considered that it was the prison administration’s duty to train the volunteers adequately, allowing them to fit in with administrative functions and the programs in place. To reach this goal, the Commission drew up a specific course “Intervención en centros

penitenciarios desde el voluntariado” which is based on a general teaching plan for volunteers. The course is planned so as to fit in with general volunteer courses which would enable the volunteers to take them at their personal convenience. .

In 18 training sessions between 2004-2006, 221 of the 330 voluntary workers took the recycling course at institutions such as Fundació Pere Tarrés, Federació Catalana de Voluntariat Social, Escola del Voluntariat Evangèlic and Creu roja.

At present there are 513 voluntary prison workers in Catalonia of whom 330 belong to non-confessional associations and 183 to religious organisations. In addition to the “further education plan” the Commission is working on a specific course for volunteers who are required to enter prison only sporadically and for short periods of time (the equivalent to the Italian prison visitors per art. 17).

The list of approved associations entering prisons comprises more than 30 names (Cat3), such as

- Associacio Anti-Sida (there are 3 altogether in Lleida, Barcelona, Gerona)
- Religious associations such as:
 - . Capellana Catòlica de Tarragona
 - . Del. Diocesana de Pastoral Penit. Bisbat de Vic at Manliu
 - . Sepap del Basbat de Gerona
 - . Pastoral Penitenciaria at Lleida and Barcelona
 - . Consell evangèlic de Catalunya (in a congress report of 11/2007 it says that 55 “pastoral agents” worked in 10 penitentiary institutions and that 75 candidates followed prison visitor courses in 2007)
- Various associations such as
 - . Creu Roja a Catalunya, Gerona
 - . Dona i Presò, Barcelona
 - . Escola Esportiva, Brafa at Barcelona
 - . Fundacio Autònoma Solidària at Bellaterra
 - . Justícia i Pau, Barcelona
 - . Centro de Ayuda et Inserción social, Lleida
 - . Associació Ex Pres “4 camins” at Granollers, etc.

“PRESOS SIN FRONTERAS” was created in 2003 and works essentially in the La Roca del Vallès (Barcelona) prison. It is involved in professional teaching, re-socialisation programs and legal counselling (Es21)

The SEPAP-BARNA (Secretariado Diocesano del Pastoral Penitenciaria – Provincia eclesiàstica de Barcelona) explains the religious significance of prison visiting and the strategy of how to work efficiently (Cat4). In a recent congress, the 123 volunteers discussed the relationship with the detainees and their families (Cat5). The person responsible for the mediation service of Sant Adrià del Besòs stressed the necessity for the victim to contribute actively to the re-socialisation of the delinquent through mutual reconciliation. The lack of prison chaplains was also discussed.

An inspection of the Catalan prisons by the Council of Europe’s CPT resulted in 2005 in stating several shortcomings (for example the lack of individual cells). The Catalan Prison Rules will be completed by 2010 (Cat6).

In 1/2005 the right to religious assistance of the detainees was defined in a decree which deals with the role of the prison chaplains, the volunteers and their organisations (Cat7).

In 1/2006 an agreement was concluded between the Spanish Ministry of Health and the Catalan Health Services to launch a campaign of prevention against aids in the Catalan prisons which included both professional and voluntary workers (Cat8).

In 9/2006, the “Observatory of the Penal System and Human Rights” of Barcelona University denounced torture and ill-treatments in Catalan prisons. It says (Cat9) that the Catalan government (Generalitat) knows what is going on, but does not intervene. The prison guards of the CAPAC-Union which have the majority, are particularly radical and repressive.

PORTUGAL

With its 54 prisons, Portugal seems to be one of the rare European countries in which the prison population went up sharply 10 years ago, only to go down to today’s level:

	<u>Prison population</u>	<u>Occupancy rate</u>
1992	9.100	93 %
1998	14.598	146 %
2007	12.803	103 %

It is likely that the investigation by the “European committee for the Prevention of Torture - CPT” in April of 1999 (Po1) and the follow-up action of the Portuguese government reported in July 2001, have something to do with this reversed tendency. The CPT paid its 7th visit to Portugal in 1/2008 (Po2) concentrating on Police stations, high security jails and psychological hospitals (report available on internet).

Although Portugal has an average rate of remand prisoners of only 20,2 %, the Portuguese press and the websites deal frequently with the problem of people being held in prison without trial (possibly in remembrance of the Salazar regime and the famous torture prison at Caxias). Example: the article in 2006 by Antonio Mesquita in the “Do Popolo”. (Po3).

Amnesty International protested in 2004 to the Portuguese government, because a detainee, Albino Libanio, had been beaten up in a Lisbon prison by 10 guards in a punitive action because he had apparently not shown enough respect to a young assistant prison guard (Port 4); It appears that there was no subsequent intervention by the superiors and the prison authorities to correct the situation.

Taking into account a disproportionate increase of young and drug-dependant detainees and the new European context, Professor Freitas do Amaral und his Commission proposed in 2004 31 changes on penitentiary matters, such as more community work, the electronic bracelet, drug trafficking, treatment of dependencies and infectious diseases. Many of these measures were already incorporated in laws, but they had not yet been effectively introduced by the Prison Administration. The pending improvements should be in place by 2016 (Po5).

In reply to a request, the Portuguese Prison Administration (Port 6) specified that the activity of prison visitors is defined by decree-law No. 265/79 in article 94 “moral and religious assistance to prisoners”. Chaplains of every religion, even those not attached to a particular prison, are entitled to prison access. Voluntary prison visitors and social workers need to be approved by the Ministry of Justice on the recommendation on the Prison Administration. Article No. 30 says: “All visits by outside people which improve the prisoner’s health and his chances of social re-insertion or those destined to solve personal, legal or economic matters which cannot be solved by correspondence, by outside people and which cannot wait until the day of release, must be allowed”.

Most of the voluntary prison visitors exercise their function out of religious belief and are members of the churches or religious associations. Their activity is covered by the law of religious freedom (No. 16 of June 22nd 2001). The prison administration guarantees the detainee both free access to a religious activity and protection from religious coercion and propaganda. Religious groups wanting to work in prisons must have the Ministry's approval.

Approximately 50 religious associations work presently in Portuguese jails, for example:

- the "Associação São Vicente de Paulo",
- the "Centre for encounter and reflection" of the Inácio de Loyola university, associação "you have visited me",
- "group Mateus 25" – Catholic church,
- the evangelical church "Assembleia de Deus",
- the associação "Testemunhas de Jeova" (Jehova's witnesses)
- "Dar a mão" (give a hand) is an association which has been working for many years in the Tires women's prison. Manuela Ivone Cunha has written about this prison. Titles: "The female jail at Tires" and "Ways and by-ways around a women's prison" (Po7/8),
- the "Fellowship of institutions for aid to prisoners".

The law 71/98 provides the legal framework for the voluntary sector. The prison administration welcomes offers from the voluntary associations particularly in the field of social and cultural activities.

A manual for voluntary prison workers is in preparation which will outline not only the definition of their multiple activities, but also give guidelines on the formation of prison visitors and the programmes to be proposed by the voluntary associations. This project is being developed in co-operation with the "National Council for the promotions of the voluntary sector".