

No change: foreigner internment centres in Spain

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Draft regulations for the running of Spain's Foreigner Internment Centres fall far short of the hopes and demands of those campaigning for better guarantees of the rights of detainees.

Spain has a number of specially designated administrative detention centres for immigration detention; most are along its Mediterranean coastline, with one in Madrid, the capital. These Foreigner Internment Centres (*Centros de Internamiento de Extranjeros* – CIE) are operated by the police.

In January 2012, when the government finally began drafting regulations to govern the operation of these centres, campaigners hoped that this would involve a full review and would be an opportunity to move towards an alternative model giving more consideration to the basic needs of detainees and guaranteeing their rights. However, the current draft regulations do not pick up on any of the proposals put forward in previous years from various sources – except for the designation of detainees by names instead of by numbers. In some cases, they are even more restrictive than current practice. Furthermore, the drafting of the regulations offered an ideal opportunity for social and political debate between entities in the political, social, union and business spheres on the need for CIEs and the fitness of these institutions – an opportunity which was not taken up.

An evaluation of the draft regulations undertaken by a group of nearly 20 Spanish organisations and networks¹ highlights a wide range of concerns.

Police management: In 2012, the Ministry of the Interior expressed its wish to modify the management of CIEs so that the police would only be responsible for security in the centres rather than the entire operation, as is currently the case. However, according to the draft regulation, the Ministry of the Interior will retain exclusive competence over the CIEs and each centre will continue to operate under a Director who is a police officer.

Lack of information: Most detainees do not understand why they are in a CIE. The resulting

uncertainty and lack of information generate anxiety, vulnerability and distrust. The draft regulations ignore detainees' need for:

- information on their legal situation: When they enter a CIE, each detainee should be interviewed in a language that they understand to have their situation explained to them; they must also be kept informed of the latest administrative and legal rulings affecting them.
- prior warning of the date and time of expulsion and the location of their destination, including flight information: Detainees live in a state of great anxiety, knowing that they could be expelled at any time of the day or night without prior warning. Advance notification would allow them to, for example, inform family members in their country of origin in order to be met at the airport, say goodbye to friends and family in Spain or inform their legal representative in order to ensure that all possibilities of legal defence have been explored.²
- access to records or possibility to request copies of their records: A record is kept on each individual in the CIE but these are only available to lawyers.

Restrictions on communications: The draft regulations only allow for telephone communication by payphones. The total ban on the use of mobile telephones in CIEs raises constant complaints from detainees for various reasons. Many detainees have contact telephone numbers in their mobile phones that they do not keep in their heads; CIEs place limits on the length of telephone calls; and for family members, friends and lawyers, it is very difficult to call a CIE detainee and speak with them as the telephones are in high demand. The use of a mobile phone, even if only within certain timeslots and under certain conditions, may be their only form of communication with the outside world, and should

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be allowed. Moreover, detainees are unable to receive and send faxes, or photocopy documents. They have no access to email or the internet. This hinders communication with their lawyers and with the outside world, and from seeking information or carrying out necessary business.

Restrictions on visits: The CIEs currently have a daily timetable for visits. However, the draft regulations restrict visits to two days per week (except for partners and children). There is no reason given for this retrograde step.

Reduced opportunities to register complaints: Individuals detained in a CIE can currently present complaints to the CIE Supervisory Court. However, the draft regulations state that all petitions and complaints must be submitted to the Director, who will examine them before referring them, if he/she considers it necessary, to the appropriate department. Given the many and repeated complaints by detainees on conditions and reports of attacks, it is essential that detainees be given the opportunity to write directly to the court without having to go through the Director of the CIE itself.

Control and security: The draft regulations provide for: the possibility of restricting or cancelling visits; prohibiting the entry of items for detainees; inspection of dormitories and personal property of detainees; and personal searches of visitors and detainees (including, for the latter, the possibility of being strip-searched). There is no clarification of the justification for such restrictions, nor of the procedures to be followed, leaving it open to discretionary and abusive implementation. The regulations also state – ambiguously – that isolation cells may be used “for the period of time which is strictly necessary”. The Ministry of the Interior has ignored the ruling by the Supervision Courts of Madrid that limits use of this measure to a maximum of 24 hours. The regulations suggest camera coverage within CIEs as a possibility, not as an obligation; however, this equipment can be a key element in controlling possible abuses and in complaints investigations.

Lack of specific care for vulnerable populations: The regulation makes no reference at all to the conditions of internment and care for specific vulnerable populations. They cite no mechanism

for the identification and protection of refugees, victims of trafficking, stateless individuals or minors, nor do they provide a procedure to prevent refoulement. Provision of medical care within the CIEs will continue to depend on the Ministry of the Interior and contracts with private companies, instead of allowing Spain’s public health service to inspect and determine the medical care on offer. There is also no mention of the consequences of interning people responsible for children.

Restrictions on access by external organisations: The draft Regulations do cover the possibility of access to CIEs by organisations in addition to those contracted to provide services but, in some CIEs, on more restrictive terms than those currently in place:

- NGOs “could be authorised” to make visits, say the draft regulations but without explanation of the criteria governing that authorisation, which leads to the assumption that it will be at the discretion of the Director.
- Authorisation will be granted “for interviews with those detainees who request this”; in other words, NGOs will be unable to visit anyone who has not made a prior request.
- The Director must be asked for prior authorisation for each visit and details of the purpose of the visit must be provided. For NGOs that make regular visits to a CIE, a procedure of general accreditation for visits would make more sense.

For the reasons discussed above, the draft regulations for CIEs in Spain must be subjected to thorough revision prior to the approval currently expected by the end of 2013.

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1. This evaluation was undertaken jointly by members of the ‘Que el derecho no se detenga a la puerta de los CIE’ campaign, involving some 20 organisations and networks in Spain. <http://tinyurl.com/a-la-puerta-de-los-CIE>

2. The CIE Supervision Courts for Madrid and La Palmas have demanded a minimum of 12 hours’ written warning in Madrid and 24 hours in Las Palmas. This is a good practice that should be extended to all CIEs as part of the regulations.