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Committee against Torture

Concluding observations on the sixth periodic report of Spain

Addendum

Information received from Spain on follow-up to the concluding observations*

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* The present document is being issued without formal editing.

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1. In accordance with paragraph 24 of the concluding observations of the Committee against Torture on the sixth periodic report of Spain, adopted at its 1328th meeting (CAT/C/SR.1328), held on 15 May 2015, the following information is presented on the follow-up by Spain to the recommendations indicated by the Committee.

(a) Incommunicado detention and fundamental legal safeguards (para. 10).

2. In 2015, Spanish criminal procedural law was amply reformed by Organic Act No. 13/2015 of 5 October, amending the Criminal Procedure Act to strengthen procedural safeguards and regulate technological research methods.[1] The reform, which came into force on 6 December 2015, strengthened the safeguards established to protect detainees and thoroughly reviewed incommunicado detention. In addition, this procedural reform complies with international obligations to transpose into the Spanish legal system Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty.

3. The purpose of this reform is clearly expressed in its preamble:

> "The rights of persons who have been arrested or deprived of their liberty are set out in article 520 of the Criminal Procedure Act (LECRim), which strictly conforms to the requirements of European standards, making specific reference, inter alia, to the right of detainees to appoint a lawyer whom they may meet privately, even before they have given a statement to the police, the prosecutor or the judicial authority. If, for reasons of geographical remoteness, it is not possible for counsel to be present immediately, the detainee will be allowed to communicate with him or her by telephone or by videoconferencing, unless such communication is not possible. Article 520 also governs the right of a detainee to inform a relative that he or she has been deprived of his or her liberty, the right to communicate by telephone with a third party of his or her choice and, in the case of foreign detainees or prisoners, the right to communicate with the consular authorities.
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> In order to establish the status of the arrested defendant, this provision requires the police report to state the time and place of his or her arrest, appearance before the court, or release. In order to safeguard the constitutional rights to honour, privacy and self-image, in accordance with the doctrine of the European Court of Human Rights, which requires that detention should respect human dignity and not involve any greater hardship than that entailed by detention itself, the law requires those who order detention, as well as those who execute it, to uphold these rights, in accordance with the instructions issued by the Office of the Public Prosecutor and the Ministry of the Interior. This protection, however, cannot lose sight of the need to respect the fundamental right to information, under the terms set out in article 20 of the Constitution and the doctrine of the Constitutional Court, as an expression of the rule of law.
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> So-called 'incommunicado detention' has also been reviewed as part of this reform, in order to bring it into line with the requirements of European Union law. The new regulation set out in article 527 allows this form of detention to be applied when the legally established requirements comply with the new wording of article 509. In addition, although the judge is empowered to restrict some rights according to the needs of each case, this restriction should not be applied automatically and indiscriminately to every case or for longer than is strictly necessary".

[1] https://www.boe.es/diario_boe/txt.php?id=BOE-A-2015-10725.

4. As for the concept of incommunicado detention and the strengthening of legal safeguards, the new article 509 defines the former as an exceptional measure that can be ordered only in the event that one of the two requirements set down in law applies (previously there were four). The main developments and improvements introduced by the reform are as follows:

(a) Incommunicado detention cannot be applied to persons under the age of 16 (art. 509 (4), Criminal Procedure Act);

(b) Incommunicado detention must be authorized by a judicial authority by means of a reasoned decision (art. 509 (1), Criminal Procedure Act);

(c) Its duration is also shortened to five days, with a single permissible extension of a further five days (art. 509 (4), Criminal Procedure Act);[2]

(d) Incommunicado detention may be applied only exceptionally, the number of cases in which it may be ordered being now limited to two, compared with the four established previously (art. 509 (1), Criminal Procedure Act):

- An urgent need to avert serious consequences that might endanger the life, liberty or physical integrity of a person;
- An urgent need for immediate action by the investigating judges to avoid placing the criminal proceedings in substantial jeopardy.

(e) Article 527 sets out the safeguards that must be observed in all cases. In this regard, judicial authorization of incommunicado detention does not automatically result in the restriction of the detainee's rights of communication. On the contrary, the new wording of article 527 of the Criminal Procedure Act provides that the judge "may", exceptionally, deprive the detainee of any of these rights only if "the circumstances of the case justify it" and to the extent that they so require. In other words, all rights to communication may not be restricted and not be restricted in their entirety, but only adapted in accordance with the circumstances of the case. Since they are exceptional, the rules imposing such restrictions of rights must be interpreted restrictively;

(f) Likewise, the possible restrictions of rights have been reduced (art. 527, Criminal Procedure Act). Only the following rights may be restricted exceptionally, in whole or in part, according to the circumstances of the case:

- "To appoint a trusted lawyer". This never precludes the right to seek and obtain the appointment of a lawyer ex officio, nominated by the Bar Association from among counsel specializing in criminal law with more than 10 years of experience, who will serve even if not appointed by the person concerned, as set out in article 520.2.b) and 520.2.j) of the Criminal Procedure Act.
- "To communicate with all or any of the persons whom he or she is entitled to contact, with the exception of the judicial authorities, the public prosecution service and the forensic medical examiner". Communication is forbidden exclusively with such persons as might contribute towards creating the risks that have justified the decision to order incommunicado detention. The prohibition can never be extended

[2] "Incommunicado detention shall last no longer than is strictly necessary to conduct urgent inquiries aimed at averting the dangers mentioned in the previous article. Incommunicado detention may not be applied for more than five days. In cases where persons are detained on suspicion of any of the offences referred to in article 384 bis or other offences committed by common accord and in an organized manner by two or more persons, incommunicado detention may be extended for a further period not exceeding five days."

to the judicial authority, the prosecutor or the forensic medical examiner, with whom contact may be requested and obtained by the detainee at any time.

- "To meet his or her lawyer in private". This clause shall be applied by the judicial authorities only in exceptional cases, when, in the light of the particular circumstances of the case, a private meeting with a lawyer renders it necessary. It must be borne in mind that, given the nature of the offence with which the detained persons are charged (such as belonging to a terrorist organization or organized criminal gangs), holding the interview in the presence of witnesses ensures the safety of the lawyer assisting the detainee, who might otherwise be subjected to extortion or threats. It should be recalled that the transposed European Union Directive, in its preambular paragraphs 22 and 43, recognizes that the right to speak in private with counsel does not prevent Member States from making "practical arrangements to ensure safety and security, in particular of the lawyer and of the suspect or accused person, in the place where such a meeting is conducted".
- "To access proceedings, either in person or through his or her lawyer, aside from the elements essential to challenging the legality of the detention". This clause introduces the right for the first time, from the very moment that the detention begins, to have access to the elements of the proceedings that are essential to challenging the legality of the detention. This further facilitates the use of the right of habeas corpus.

5. In addition, article 520 (2) establishes the right of all detainees or prisoners "to be examined by the forensic doctor or legal substitute thereof, or, failing which, by the doctor of the institution where the detainee is located, or by any other doctor dependent on the State or other public authorities".

6. Under article 527 (3), detainees whose right of communication is restricted shall undergo at least two medical examinations every 24 hours. The competent judge must have access at least every 12 hours to a report on the physical condition of the incommunicado detainee, issued by the forensic doctor.

7. It should be noted that article 475 of Organic Act No. 6/1985 of 1 July, of the judiciary, requires candidates wishing to join the Forensic Medical Experts Corps to hold a degree in medicine specializing in forensic medicine. According to article 479 of the above-mentioned Act, forensic doctors are defined as career staff, serving the judicial administration, whose duties include providing "technical assistance to courts and prosecution services in areas pertaining to their professional discipline, by issuing reports and opinions as part of the legal process or in criminal investigations undertaken at the former's request". In addition, they are responsible for "assisting or if necessary supervising any injured or sick detainees, who are placed under the jurisdiction of the courts and prosecution services, in the cases and in the manner determined by law". In order to ensure that these duties are performed appropriately, the above-mentioned article stipulates that forensic doctors must be under the orders of the judges and prosecutors, and must act on such orders independently and in accordance with strictly scientific criteria.

8. Accordingly, forensic doctors who examine persons deprived of their liberty shall be required to report any signs of torture or inhuman and degrading treatment. Thus, article 176 of the Criminal Code establishes a grave criminal liability for the offence of torture (under articles 173 to 175) for "any authorities or officials who, in breach of the duties of their office, allow other persons to perform the acts described therein".

9. In addition, as provided for in the new article 520 bis (3) of the Criminal Procedure Act, the competent judge may request information on the condition and situation of the detainee at all times during the detention and may verify the matter personally. Article 527 (2) contains the same provision for cases where the detainee is held incommunicado.

10. An important point regarding the material effects of incommunicado detention and the absolutely exceptional nature of its application is the objective fact that no detainees at all were held incommunicado in 2015 and 2016.

11. In 2015, despite the fact that 144 individuals were detained on suspicion of terrorist activity (28 for their associations with ETA, 75 for links with jihadi terrorism and 41 for links with other kinds of terrorism), incommunicado detention was not applied in any of those cases. Similarly, until April 2016, although 28 persons were detained in Spain for terrorist offences (19 for links with jihadi terrorism and 9 for links with other forms of terrorism), incommunicado detention was not applied in a single case.

12. These facts confirm the trend reported to the Committee when the Spanish delegation last appeared before it, to the effect that regular practice reflected a sharp decrease in the use of incommunicado detention over the preceding three years, both in the decisions made by investigating judges, who had used restrictive criteria when ruling on incommunicado detention, and by the security forces themselves, who had exercised self-restraint when requesting incommunicado conditions in detentions conducted in the course of counter-terrorism operations.

13. It may be said that we are before the implementation of very specific legislative measures, which clearly tend to place restrictions on incommunicado detention, with stricter regulations, as recommended by the Special Rapporteur on Torture in 2012. In addition, however, the material practice of the security forces anticipated the new legislation, so that now that the reforms are in effect, only very restrictive and absolutely exceptional use is made of incommunicado detention in cases of terrorism, with the result that it is reserved for extremely exceptional cases (none at all in 2015 or 2016), which entail a substantial and serious risk.

14. All of the above shows that the Kingdom of Spain, following the ethical example set by victims of terrorism, has made a clear commitment to human rights in the fight against terrorism.

(b) Temporary migrant reception centres (para. 16)

15. As mentioned earlier, the temporary migrant reception centres (CETI) in Ceuta and Melilla are publicly run centres, intended to serve as temporary residences for migrants while their administrative status is assessed with a view to their being referred to the most appropriate service according to the situation.

16. Persons who are admitted are free to enter and leave the centre as they wish.

17. The basic services provided at the reception centres include accommodation, clothing, maintenance, cleaning, hygiene and security. These are supplemented by specialized services such as health programmes, training programmes, leisure activities, sports, culture, legal advice and social work.

18. The growing influx of Syrian refugees since 2012, and especially the arrival of families with dependent children, was a major challenge for the centre in Melilla (occupation levels at the centre in Ceuta have remained lower). Most of these persons came from conflict zones and wanted to seek international protection. To respond to this growing demand from the Spanish State, the Ministry of the Interior set up an office for asylum seekers at the Beni-Enzar border, the main entry point to Melilla, through which requests for international protection were channelled.

19. For its part, the reception centre has made as much space as possible available to host this major influx, which has given rise to a change in the profiles of the individuals taken in, most of whom are families with children, which in turn has necessitated changes in the layout of the centre to meet their specific needs.

20. At the same time, the Ministry of the Interior and the Ministry of Employment and Social Security have made significant efforts to facilitate the transfer of persons out of the reception centre to the most appropriate service according to their administrative situation.

21. As a result of such transfers, it has recently been possible to alleviate the extreme overcrowding experienced at the Melilla reception centre, which housed 504 occupants on 4 March 2016 and can now accommodate 700 occupants, following the improvements made during 2015.

22. Despite the level of overcrowding, attempts have always been made to provide special treatment to the most vulnerable groups. For example, efforts have been made to ensure that mothers (and if possible fathers) live with their younger children in a suitable space, where parent-child relations can be maintained and strengthened, in order to ensure that the children can grow and develop in the most normal environment possible, in which their main role models continue to be their parents. As a result, it has finally been possible to arrange for all families to be accommodated in separate facilities, ensuring that they can live together in privacy.

23. In addition, the walls and floors are being tiled; ceilings are being painted; cleaner, more secure lockers are being constructed; the doors to the rooms are being replaced, with steel being used instead of aluminium; windows are being repaired and the electrical wiring is being changed to make it more energy efficient; fluorescent lights are being replaced with low-consumption LED lamps in each room and stainless-steel clothes racks are being fitted. Each room contains cleaning materials (bucket, mop, broom, etc.) so that families can tidy up and clean their own rooms.

24. Landscaped areas have been created with swings for children to ensure that the reception centre is a pleasant place to live.

25. In addition, the lodgings for single men has been made separate from the area occupied by family units.

26. Although the situation in Ceuta is very different to that in Melilla, owing to the lower number of arrivals, the most sensitive and vulnerable cases (such as pregnant women or mothers with infants), are given special attention at both centres, so that mothers, both before and after births, can remain with their babies in the infirmary, which ensures better health checks and the best conditions for breastfeeding.

27. The same consideration is given to single women with children, whose situations are taken into account to find the best accommodation possible, by placing them together with other women in the same situation and, where circumstances permit, of the same nationality.

28. The age of the children is another factor that is taken into account by the support teams at the reception centres with the same aim of creating normalized conditions. In this regard, it may be reported that the NGOs already working at the reception centre in Melilla (funded by the Ministry of Employment and Social Security) have recently been joined by Save the Children staff, who have submitted a self-funding project of their own for looking after children at the centre.

29. Save the Children began by conducting an assessment of the work that had already been done with the children at the reception centre, which the NGO considered very positive. Following this assessment, Save the Children has focused its efforts on adding to what has already been done and on working directly with children in the following age groups:

- 0-3 years: psychomotricity, early stimulation, and workshops with parents on healthy eating habits, hygiene and a special space for breastfeeding.

- 15-18 years: basic notions of the Spanish language, social skills, learning to live with others, and managing emotions through psychosocial and family interventions.

30. As for health care and psychological support, the reception centres run a health programme, according to which every individual, on arrival, is given a personal plan, consisting of a programme followed from the time of admission to the time of departure, and including three different types of action: epidemiological surveillance, medical care and preventive medicine, applied at three different times, on admission, during the stay and on departure from the centre. In addition, the migrant centres employ specialized health-care staff (doctors and nurses), whose numbers have been increased.

31. As for the last point raised concerning visits to the centres, it may be noted that these take place constantly and that a number of organizations and bodies enjoy normal access to the centres, the only condition being that the visits must not disrupt the privacy of persons at the centre, or the normal functioning of the centre and the services provided.

(c) Solitary confinement (para. 17)

32. Strictly speaking so-called solitary confinement is more of a disciplinary measure than a sentence. It is regulated by articles 42 and 43 of the General Prisons Act and articles 253 et seq. of the Prison Regulations that implement that Act. Those Regulations govern the reasons for imposing solitary confinement (including aggressiveness, violence or repeated and serious disruption on the part of the detainee), the guarantees applied to it (including a prior medical examination and daily medical supervision), its maximum duration (14 days) and the location in which it is served (that is, the cell occupied by the inmate or another with similar characteristics).

33. While two or more punishments could indeed in practice entail a disciplinary regime lasting more than 15 days, such a situation is exceptional and requires the prior approval of the sentence administration judge and always strict medical supervision.

34. The following points should be noted with regard to the application of the Committee's recommendations:

- Firstly, the accumulation of punishments entailing more than 15 days' solitary confinement is absolutely exceptional and extremely uncommon, and, if it does occur, it usually includes interruptions.
- Secondly, the reform of the Criminal Code should lead to a reform of the General Prisons Act, which would provide an ideal opportunity for legislative reform of this form of punishment, in the sense of limiting its duration and improving the system of guarantees that apply to its use. However, the end of the previous parliamentary session and the current political situation in Spain have not provided the right opportunity to introduce such legal reforms.

(d) Excessive use of force by law enforcement officials (para. 18)

35. In general, the public holds the work of the State security forces in high esteem, a fact that corresponds to the extremely low rate of irregularities in the conduct of the police. Furthermore, the public authorities, particularly the political and police officials of the Ministry of the Interior, operate at all times a zero tolerance policy towards violations of rights, which favours investigation, transparency and cooperation with other State authorities, in particular the judiciary, whenever there is any suspicion that such a violation has taken place. Similarly, the latest report of the Ombudswoman, published in 2015,

confirms the drop in the number of complaints of ill-treatment and complaints of improper treatment by law enforcement agents.[3]

36. In relation to the events that occurred during the anti-austerity protests in 2011 and 2012 mentioned in paragraph 18 of the Committee's concluding observations, it should be noted that there has been a general improvement in this area, confirmed by the absence of references to any similar events in the Ombudswoman's 2015 report, despite the increase in the total number of protests. For example, in Madrid, the country's capital and the place where most of the country's largest demonstrations occur, there were 3,085 protests and gatherings in 2015, an increase of 8.7 per cent.

37. When members of crowd control units receive orders to intervene, it is usually in order to resolve violent situations that require rapid, decisive and forceful action, but which in no way is likely to disrupt the free exercise of citizens' rights of assembly and demonstration. In any case, the use of force is absolutely exceptional, as borne out by the statistics: at more than 6,000 protests and gatherings that have taken place since 2013, riot control equipment was used in only around 20, that is to say in only 0.2 per cent of cases.

38. Furthermore, two specific operational measures have been introduced, namely operating instructions on the use of riot control equipment and a new system for identifying the police officers on duty at protests and gatherings.

39. With regard to the first of those measures, the new Circular issued by the Office of the Commissioner-General for Citizen Security on the use of riot control equipment has now been fully implemented by the riot control units of the National Police. The Circular contains the following principles for the use of such equipment:

- The use of riot control equipment is the last stage of a gradual escalation in the resources employed.
- The police officer responsible for public order must authorize the use of riot control equipment, always subject to the basic principles of timeliness, appropriateness and proportionality.
- According to the Circular, riot control equipment may be used in "situations that pose a risk to police officers or other citizens", the purpose of its use being to deter "the action of those responsible for producing the risk to persons or property, always subject to the principle of causing the least possible harm". Its use must always be ordered by the head of the operational unit and monitored by the middle-ranking officers of the unit, in compliance with technical requirements.
- The selection of the type of riot control equipment depends on the location and conditions (subject, for example, to the prohibition of the use of smoke and tear gas in enclosed spaces, minimum distances for the use of riot control equipment, gradual escalation, etc.).
- In addition to the formal monitoring of the use of riot control equipment, the Circular establishes specific rules for monitoring the use of cartridges. They may only be used by police action units, and until they are used, the boxes, cartridge belts or bags in which they are carried must be sealed, and opened only in the presence of the commanding officer on the ground once authorization has been received from the head of the unit.

[3] Specifically, in her report, the Ombudswoman states that "the number of complaints of ill-treatment by the security forces was very low (twelve). In the opinion of the Ombudswoman, therefore, it is not a statistically significant problem, although by its nature it will always remain relevant".

40. These instructions are part of a wider process that, beyond the monitoring of the use of riot control equipment, provides for the training and preparation of the staff responsible for using it. This process includes the actual selection of staff that will use the equipment, induction courses, ongoing training, refresher and retraining courses and the professional experience of equipment users, those who order its use and those who authorize it. In order to join a police action unit, a candidate must have passed psychological, physical and knowledge tests, followed by a series of professional courses. Once admitted to a unit, officers are required to attend ongoing training, refresher and retraining days. The various training manuals detail the technical characteristics of the weapons and projectiles deployed and the conditions for their use, as set out in the aforementioned Circular, and address the fact that such equipment must constitute the last resort following a gradual escalation in the resources employed.

41. To supplement the above measures, and in particular to safeguard against possible cases of abuse or excessive use of force, a new identification system for members of police action units is now fully operational and worn by all officers, so that they may be easily identified if necessary. This new identification sign, which is highly visible and easy to identify, is displayed on shock proof vests, the most visible item worn by officers in the field, and is large enough to be seen correctly.

42. The isolated cases of the use of force that occurred in 2011 and 2012 have been the subject of an independent judicial inquiry. In this respect, one must refer to the recent hearing in the case of Ester Quintana, one of the events mentioned by the Committee during its consideration of the sixth periodic report of Spain. Quintana lost an eye at a protest in Barcelona during the general strike of 14 November 2012. Two new events have since taken place and may be of interest to the Committee:

- Ester Quintana has received compensation of €260,931 from the Government of the Autonomous Community of Catalonia.
- Recently oral proceedings began for causing bodily harm, in which the prosecution service has brought charges against two officers of the Mossos d'Esquadra, the police force attached to the Government of the Autonomous Community of Catalonia.

43. With regard to the steps taken to investigate and punish those suspected of the excessive use of force during repulsion operations at the borders of Ceuta and Melilla mentioned by the Committee in paragraph 18 and, specifically, regarding the events that occurred at El Tarajal beach on 6 February 2014, the following information should be noted.

44. The events that occurred on 6 February 2014 at the Ceuta border at El Tarajal, led to the launch of Inquest No. 123/2014 by the Sixth First Instance and Examining Court of Ceuta. After a lengthy investigation, the judge decided to stay proceedings on 15 October 2015. The judge recognized firstly that in this case the Civil Guard officers were exercising their duty to guard and secure the border, which entails preventing the illegal entry of persons onto the national territory, except at designated locations. In the course of fulfilling that duty, officers are authorized to use regulation riot control equipment, provided that they obey the principles of timeliness, appropriateness and proportionality included in the basic principles governing the action of Spanish police officers (article 5 of Organic Act No. 2/1986 of 13 March concerning the security forces and law enforcement agencies). The judge reached the final decision to stay proceedings also on the grounds that the evidence presented by the private prosecutor and the defence (including forensic reports, recordings, expert analysis of video and audio recordings, documentary evidence and witness statements) did not provide sufficient proof that criminal acts had been committed. The judge observed in this case that the initial conclusions of the reports of the private prosecutor were not later corroborated either by objective evidence, or by expert reports or

by the forensic reports certified before the court. According to the court's ruling, it is not known whether the deaths occurred in the waters off Ceuta or Morocco but that, in any event, they were not brought about by the injuries caused by the impact of riot control equipment. The judge therefore concluded the judicial inquiry thus: "In conclusion, the attendant circumstances on 6 February 2014 warranted the use of riot control equipment by the Civil Guard officers, who were forced to deploy it in the exercise of their duty to protect the Spanish border".

45. The order for the case to be set aside has been appealed by the Comisión Española de Ayuda al Refugiado (Spanish Refugee Aid Committee) and the Asociación Coordinadora de Barrios para el seguimiento de Menores y Jóvenes (Neighbourhood Coordination Association for the Monitoring of Children and Young People), both represented as civil parties in proceedings. Those appeals are pending the decision of the Cádiz Provincial High Court.

46. Another relevant and similar case is that of Inquest No. 866/2014, opened by the Second First Instance and Examining Court of Melilla, which investigated the events of 18 June 2014, 13 August 2014 and 15 October 2014 that occurred at the border fence in Melilla, when an undetermined number of foreign nationals entered Melilla at an unauthorized crossing point, by storming the fence that marks the border between Spain and Morocco. On 7 April 2015 and 11 August 2015, the decision was taken provisionally to stay proceedings. In this case, the charge was based on the alleged disproportionate use of force by the police officers involved. The evidence presented to corroborate the facts (based chiefly on recordings provided by the complainants, journalists and the Civil Guard, statements from photojournalists who witnessed the events, health-care staff and officers, and medical reports from hospitals and the Red Cross), which was cross-examined before the judge, did not show that the actions of the officers involved were excessive or that the immigrants suffered degrading or undignified treatment. After the stay of proceedings was appealed before the Málaga Provincial High Court by the NGOs Andalucía Acoge, SOS Racismo, Asociación Pro Derechos Humanos de Andalucía (the Pro-Human Rights Association of Andalusia) and the Prodein Foundation, the court dismissed the case definitively on 6 April 2016. It ruled that the officers had not used excessive force, but had rather undertaken actions "proportionate to the magnitude of the problem caused by the attempt to enter the territory illegally", which "can only be described as a flood" in view of the "coordinated and violent assaults committed by a large number of persons". The ruling also makes reference to the video recordings supplied by the NGOs and "disseminated on social networks, which had been prepared for the purpose, with the removal of any images that might have defeated the objective pursued, which was precisely to present a partial view of events". In the light of the aforegoing, the court concluded that there were no reasons that justified maintaining the investigation open or establishing a report of punishable acts.

47. It is worth pointing out that in recent years, and particularly since the publication of the Committee's concluding observations, there have been no similar incidents. At the same time, a significant effort has been made to improve the training of officers on duty at the borders of Ceuta and Melilla. The training is based on three main pillars, as follows:

(a) The services offered by the Civil Guard officers deployed at the borders in Ceuta and Melilla are special insofar as they are undertaken by operational units, that is, in groups, in a coordinated manner and under the orders of operational commanders;

(b) Considering the type of services provided by the Civil Guard, the aims of instruction and training require a range of educational, informative and command activities, that include ad hoc talks, operational briefings, specific talks by psychologists of the Civil Guard psychology department, the service orders issued by each commander and the consequent exchanges between the different ranks of personnel deployed;

(c) The instruction and training of units is ensured through the Annual Operational Techniques Plan, Citizen Security Days, annual training activities on "managing incidents in the course of service" and the Specific Training Plan;

(d) In the light of the steady trend in land border breaches in Ceuta and Melilla in recent months, instruction and training activities have focused on the following aspects of operations:

- Stronger awareness of the human rights dimension, and in particular of legislation on aliens (Organic Act No. 4/2000 of 11 January on the rights, freedoms and social integration of foreigners in Spain) and of the basic principles of conduct (Organic Act No. 2/1986), in order to ensure that legislation is applied in specific situations and incidents that may arise during border-protection operations.
- Support for the exercise of legal compulsion and the use of the resources available for that purpose, in a timely, appropriate and proportionate manner, focusing specifically on their use in particular situations and incidents that may arise during border-protection operations.
- The employment of the necessary and appropriate physical resources to conduct professional action under the safest possible conditions for personnel by regulating their action in line with existing orders and instructions.
- Prevention and protection measures applicable to the action to be taken in cases of sickness and the use of personal protective equipment and the rules of hygiene, in order to prevent the risk of infection, intoxication or injury.

48. Generally speaking, the context in which police operations are carried out at the border in Ceuta and Melilla is particularly complex owing to the unprecedented migratory pressure on those independent cities, which often leads to large-scale and violent assaults. Any person wishing to request international protection at the border may do so by applying to the police authorities at the border posts of Ceuta and Melilla. The opening of new offices at those border posts aims to strengthen the international protection system, which is functioning normally in both cities. It therefore provides an additional support for the existing structure, as a result of increased migratory pressure, that seeks to improve the service offered and to consolidate still further the system of protection of the rights and guarantees of those seeking international protection. It also supplements the existing possibility of requesting international protection at border posts and will help to strengthen the guarantees offered by the international protection system. Both the Representative of the Office of the United Nations High Commissioner for Refugees in Spain and the Ombudswoman have expressed their approval.