



RESEARCH ARTICLE

REVISED **Análisis comparativo de los centros de detención en España e Italia 2018-2023: Abordar las deficiencias sistémicas y el cumplimiento de los derechos humanos**

[version 2; peer review: 2 approved, 2 approved with reservations]

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V2 First published: 08 May 2025, 5:124
<https://doi.org/10.12688/openreseurope.20108.1>
Latest published: 14 Jul 2025, 5:124
<https://doi.org/10.12688/openreseurope.20108.2>

Abstract

Background

This article examines the conditions and management of immigration detention centres in Spain and Italy.

Methods

The study analyses the reports of the Spanish Ombudsman and the Italian National Guarantor on visits to detention and internment centres for foreigners to identify similarities and differences in the functioning of these centres depending on the country. Using a qualitative content analysis approach with NVivo 14 software, 16 reports (10 Italian and 6 Spanish) published between 2018 and 2023 were analysed. The reports were selected based on comparability, excluding non-relevant or non-equivalent documents in both countries.

Results

The findings reveal deficiencies in health care, staff training, legal care, hygienic conditions, and transparency in managing removals in both countries. Additionally, there is an abuse of detention as a migration control measure and a de facto use of these centres as first

Open Peer Review

Approval Status

	1	2	3	4
version 2				
(revision)				
14 Jul 2025	view		view	view
	↑		↑	
version 1				
08 May 2025	view	view	view	

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reception centres. A significant difference is the length of detention, which is limited to 60 days in Spain compared to 180 days in Italy.

Conclusions

This analysis highlights the need for reforms to improve conditions in these centres, ensure respect for fundamental rights, and stop their use as first reception centres.

Plain language summary

This article looks at the conditions and management of immigration detention centers in Spain and Italy. It studies reports from the Spanish Ombudsman and the Italian National Guarantor on visits to these centers to find similarities and differences between the two countries. Using a qualitative content analysis with NVivo 14 software, 16 reports (10 Italian and 6 Spanish) published between 2018 and 2023 were analyzed. The reports were chosen for their comparability, excluding non-relevant or non-equivalent documents.

The results show problems in health care, staff training, legal care, hygiene, and transparency in managing removals in both countries. Additionally, there is an overuse of detention as a migration control measure and these centers are often used as first reception centers. A major difference is the length of detention, which is limited to 60 days in Spain compared to 180 days in Italy. This analysis highlights the need for reforms to improve conditions in these centers, ensure respect for fundamental rights, and stop their use as first reception centers.

Keywords

Detention centres, Internment centres, Spanish Ombudsman, Italian National Guarantor , qualitative content analysis, operational deficiencies, migration control, Fundamental Rights

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Competing interests: No competing interests were disclosed.

Grant information: This project has received funding from the European Union's Horizon 2020 research and innovation programme under grant agreement No 872209 (Project "Global social work and human mobility: comparative studies on local government and good social work practices in the euro-mediterranean region" [Global-ANSWER]).

The funders had no role in study design, data collection and analysis, decision to publish, or preparation of the manuscript.

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How to cite this article: Zanón Bayón-Torres LM, Juárez Rodríguez A and Fernández M. **Análisis comparativo de los centros de detención en España e Italia 2018-2023: Abordar las deficiencias sistémicas y el cumplimiento de los derechos humanos [version 2; peer review: 2 approved, 2 approved with reservations]** Open Research Europe 2025, 5:124 <https://doi.org/10.12688/openreseurope.20108.2>

First published: 08 May 2025, 5:124 <https://doi.org/10.12688/openreseurope.20108.1>

REVISED Amendments from Version 1

We acknowledge the absence of interviews with detainees or institutional staff as a limitation, stemming from ethical and access constraints. Consequently, the analysis relies on institutional and documentary sources. To address potential translation bias, DeepL Pro was used to ensure accuracy, although techniques such as back-translation were not employed; this limitation is now explicitly stated. Regarding the timeframe, the full impact of the 2023 EU Pact on Migration and Asylum is still unfolding, underscoring the need for continued research. The imbalance in the number of reports between Italy and Spain reflects structural differences in institutional output; this was mitigated through thematic coding and is now more clearly addressed in the methodology. A detailed explanation of the coding process has been added, including category development and joint review sessions. While no formal inter-coder reliability test was conducted, consistency was ensured through collaborative discussions. Relevant studies were incorporated to strengthen the comparative framework and contextualize the contribution. The selection of Spain and Italy is justified by their roles as key entry points for migration, documented human rights concerns, and their inclusion in the broader research project. The phrase “all stages of migration control” has been clarified to include arrival, irregular stay, and the pre-expulsion phase. The term “irregular situation” is defined as equivalent to “irregular status” or “undocumented status.” On the issue of privatization, it is explained that Spain’s immigration detention centers (CIEs) are state-run, while in Italy, although private entities are involved in some services, ownership remains public. The role of the “supervisory judge” has also been clarified. Updated figures and sources on repatriation rates have been included. Finally, a new table presenting results disaggregated by country and code has been merged with the previous one for improved clarity and efficiency.

Any further responses from the reviewers can be found at the end of the article

Introduction

Immigrant detention centres are facilities where individuals who are not citizens or legal residents of a country are held while their immigration status is being determined. These centres are used to detain people who are awaiting deportation, those who have violated immigration laws, or those who are seeking asylum. In the European Union, these centres play a key role in internal migration policies, acting as a control measure for foreigners¹. They are regulated under Directive 2008/115/EC (Return Directive), which confirms that the centres are designed to ensure the expulsion of persons in an irregular status (persons whose presence in the territory is not regularised in accordance with national immigration law). Article 16 stipulates that detention must be carried out in specialised centres, with a maximum period of six months (Article 15.5)².

Immigration detention is debated because it conflicts with human rights versus national security and sovereignty³. It constitutes a restriction on liberty ordered by administrative or judicial authorities to facilitate measures such as expulsion⁴. The Parliamentary Assembly of the Council of Europe noted in 2010 that the detention increase is due to increased arrivals and the tightening of migration policies.

Immigration detention centres in Spain and Italy play a central role in their migration management systems, as both countries serve as primary entry points to Europe. In Spain, these facilities are known as Centros de Internamiento de Extranjeros (CIE), detention centres for foreigners, while in Italy, they are called Centri di Permanenza per il Rimpatrio (CPR), Repatriation Holding Centres.

Legal and political discussions surrounding detention centres have been particularly pronounced in both countries. In Spain, the role of CIE has been the subject of ongoing debate, with incidents involving detainee protests and allegations of inadequate conditions prompting calls for reform. In Italy, some regional governments have expressed reservations about expanding the CPR system, citing concerns about their operation and oversight. Indeed, these centres face various challenges regarding their capacity, legal framework, and human rights considerations.

In Spain, NGOs have documented issues like overcrowding, inadequate medical care, and substandard living conditions in CIE, which are meant to be administrative rather than punitive. This has led to widespread criticism resembling prison environments^{5,6}. Similarly, in Italy, organisations like the Italian Coalition for Civil Liberties and Rights report ongoing problems, including overcrowding, limited medical services, and poor hygiene conditions⁷. CPR, designed for administrative purposes, have also been criticised for their prison-like conditions, resulting in protests and legal disputes^{8,9}.

In addition to their function of custody and detention for foreigners who are to be expelled, the detention centres for foreigners currently perform two other functions. First, they act as first reception centres for foreigners arriving at the European southern border. Second, the excessive use of deprivation of liberty to manage unwanted migration hinders the integration of migrants who remain in the country for prolonged periods. Thus, these centres have become deportation devices and detention centres and are present at all stages of migration control^{10,11}. In other words, people can be detained in these centres at different stages of their migration process or during their stay in the country. These centres are therefore used at the border upon arrival, where they serve as places of identification and initial detention, with the deprivation of liberty being abused. Secondly, they are used as a precautionary measure while awaiting the resolution of the expulsion order, with admission possible after a more or less prolonged stay in the country and even after the occurrence of a subsequent administrative irregularity. Finally, once the expulsion order has been resolved, they function as detention facilities until the return measure is enforced.

The recent approval of the New European Pact on Migration and Asylum in December 2023 introduces changes to the EU’s approach to migration governance¹². The pact aims to streamline border procedures, differentiate between asylum seekers and economic migrants, and reinforce mechanisms for returning individuals without legal residence status¹³. It also establishes

solidarity among EU member states, allowing them to contribute by relocating asylum seekers or providing financial support to countries managing significant arrivals¹⁴, such as Spain and Italy. While these provisions seek to create a more coordinated European migration system, they have also prompted discussion regarding their potential impact on detention policies -including provisions for expanding screening and return procedures- and raised concerns among human rights organisations and scholars about the balance between efficient processing and the rights and freedoms of migrants¹⁵.

The paper's main aim is to compare and contrast the functioning of detention and internment centres for foreigners in Spain and Italy by analysing reports from the Spanish Ombudsman and the Italian Garante Nazionale. The study seeks to identify similarities and differences in the conditions and management of these centres¹⁶, highlighting deficiencies and the need for reforms to improve conditions and respect for fundamental rights. These two countries were selected due to their geostrategic position and the concern raised by these centres. Furthermore, the project within which this article is framed, and in which both countries are partners, justifies this comparison.

The Spanish CIE and the Italian CPR: a comparative overview

Currently, in Italy, there are nine CPRs in operation, distributed in seven regions: Bari and Brindisi (Puglia), Caltanissetta and Trapani (Sicily), Gradisca (Friuli-Venezia Giulia), Macomer (Sardinia), Milan (Lombardy), Rome (Lazio, Ponte Galeria,

the only one with a section for women) and Palazzo San Gervasio (Basilicata). In the case of Spain, there are seven CIE, distributed in six regions: Aluche (Comunidad Madrid), La Piñera (Algeciras-Andalusia), Zapadores (C. Valenciana), Sangonera La Verde (Murcia), Barranco Seco (Las Palmas), Matorra (Fuerteventura) both in the Canary Islands and Zona Franca (Barcelona-Catalonia).

According to the statistics provided by the Italian National Guarantor¹⁷, the Servicio Jesuita Migrantes^{18,19} and the Spanish Ombudsman²⁰, (the most recent comparative statistics available), there were 6,383 and 2,276 people detained in Italian CPRs and Spanish CIE respectively. The main nationalities of inmates were Morocco and Senegal, which are in Spain, Egypt, and Tunisia, which are in Italy. The average stay is 30.2 days for Spain and 39.8 for Italy. The two leading causes of leaving a CIE are practical repatriation and release from detention. For both countries, the effective repatriations amount to slightly more than 50% of the total inmates and have remained constant over the years. According to the Spanish Ombudsman (2023), the percentage of people expelled from these centres was 36.5%, while in Italy it fluctuates between 45% and 50%¹⁷.

The following [Table 1](#) summarises the comparative view of both institutions.

In Spain, Organic Law 4/2000 on the Rights and Liberties of Foreigners²¹ and its amendments govern the regulation of

Table 1. Functioning of Spanish CIE and Italian CPR.

Aspect	CIE	CPR
Governing Laws	Organic Law 4/2000 Royal Decree 162/2014	Legislative Decree 286/1998 Legislative Decree 142/2015 Law 173/2020 Decree Law 130/2020 Interior Ministry Directive of 19 May 2022
Max Detention Period	60 days	90 days, extendable to 180 days
Rights of Detainees	Healthcare Legal aid Communication with the outside world	
Challenges	Overcrowding inadequate medical care substandard living conditions	
Oversight Mechanisms	Juez de Control (magistrate with specific powers to supervise detention conditions in CIEs and ensure respect for the fundamental rights of detainees) Spanish Ombudsman	National Guarantor Ministry of Interior
Reforms	Better living conditions Transparency detainee rights protection detention times reduction	Simplified procedures for the design of reception, stay and repatriation facilities.

Source: own elaboration.

CIE. Royal Decree 162/2014²² provides additional regulations regarding these centres' organisation, management, and conditions. In Italy, Legislative Decree No. 286/1998, known as the Testo Unico sull'Immigrazione²³, Legislative Decree 142/2015, and Law 173/2020 (plus Decree Law 130/2020)^{24–26} regulate CPR, the rights of detainees, detention conditions, and the standards of facilities. The Interior Ministry Directive of 19 May 2022 elaborates on their operational guidelines and management standards²⁷.

The maximum legal detention period is 60 days for Spain, while in Italy, it is 90 days, extendable to 180 days. Both periods are shorter than the 6-month limit established in the Return Directive, which can be extended to 12 months in exceptional cases (Article 15, Return Directive). Both Spanish CIE and Italian CPR temporarily detain foreigners in an irregular status to ensure their identification and expulsion, restricting their freedom of movement.

Both countries guarantee rights such as communication with the outside world, legal, health and social care, and comprehensible information about their situation. Both systems provide for exceptions for vulnerable groups, such as minors, victims of trafficking and pregnant women. Social assistance is regulated in Art. 11 of Legislative Decree No. 142/2015²⁴ in Italy and Art. 15 of Royal Decree 162/2014²² in Spain, ensuring minimum food, health and hygiene standards.

Oversight mechanisms for CIE in Spain involve judicial authorities, especially the Judge of Control, who monitors conditions and ensures detainee rights are upheld (Royal Decree 162/2014 art. 62.6). In addition, the Spanish Ombudsman, designated as the National Preventive Mechanism²⁸, inspects these facilities to prevent torture and inhumane treatment and produces annual reports detailing findings from CIE inspections and recommendations^{20,29}. As for Italy, the monitoring is carried out by the National Guarantor for the Rights of Persons Detained or Deprived of Liberty, which inspects facilities and ensures detainees' rights are protected⁸. The Ministry of Interior oversees the overall system. For both countries, NGOs provide independent reports and advocacy frameworks^{18,30}. Unlike what may happen in other countries, these centres are managed directly by the Ministry of the Interior in both countries, although they do involve the participation of the third sector in the provision of various services such as social care.

In recent years, Spain's CIE and Italy's CPR systems have faced calls for reform. Advocacy from the Spanish Ombudsman and human rights organisations has led to Spanish government reforms for better living conditions, transparency, detainee rights protection, and detention times reduction^{31,32}. In the same vein, Italian CPR have incorporated the improvements requested by the National Guarantor¹⁷; furthermore, Italy has experienced legislative changes to simplify and implement procedures for the design of reception, stay and repatriation facilities³³. However, despite these efforts, effective implementation remains a challenge and conditions in many CPR continue to be criticised by human rights organisations³⁴.

Methodology

The reports published by the Spanish Ombudsman and the Italian National Guarantor cover the visits made by both institutions to the internment and detention centres for foreigners. These reports reveal shortcomings, deficiencies, needs for improvement, violations of human rights and proposals for improvement, and the progress made in implementing the recommendations of both institutions.

A qualitative methodological approach with content analysis has been used. A sample of 23 reports published by the Italian National Guarantor and eight by the Spanish Ombudsman were collected between 2018 and 2023. Following a selection process explained below, the analysis was conducted on 10 Italian and 6 Spanish reports from 2018 and 2023. A purely descriptive content analysis was carried out, discarding a semiotic and discourse analysis^{35,36} because it was necessary to translate the reports and, therefore, the singularities of each language may have been lost or blurred. With regard to the Italian reports, an automatic translation tool (specifically DeepL in its paid version) was used to facilitate their analysis in Spanish. Although this resource allows access to the general content of the documents, it is recognised that it may entail some loss of linguistic nuances and terminological specificity.

The selection process was based on determining which reports could be compared between the two countries. The Italian National Guarantor publishes notes and communications to different police and political agents that have not been included in the analysis for two reasons. Firstly, it often does not provide information on the CPR, and secondly, there are no equivalent publications in the Spanish Ombudsman. Therefore, only those reports published between 2018 and 2023 that reflect the visits and analyses of both ombudsmen on the state and the functioning of the centres have been analysed, regardless of the length of these reports. This resulted in a total of 16 reports. Although the classification of the reports could be based on various criteria such as date, type of centre, population admitted, date, place, etc., to compare countries, it was decided that the classification should be by publication date and country. The difference in the reporting practices of the Spanish and Italian Ombudsmen has meant that there are more Italian sources available, although this does not mean that there is more information about Italy than about Spain. On the contrary, we consider that the information is similar, since one of the main differences is that the Spanish Ombudsman publishes a single report covering all visits to the different centres, while the Italian Ombudsman publishes separate reports on the different centres.

After reading the reports, a comparison was made between the headings and the topics addressed to identify those issues that could be compared. We then conducted a content analysis of these reports using qualitative analytical strategies in the Nvivo 14 programme, where primary and secondary coding structures were established (Table 2). The analysis section was organised into three key thematic blocks based on these.

Table 2. Code and description.

Codes	Description	
	SPAIN	ITALY
Structural and operational conditions		
Use of rooms and facilities	Deteriorated and poorly maintained facilities (Valencia, Murcia, Madrid). Inappropriate use of space (consultation rooms and isolation). Violations of EU regulations (mixing of profiles and privacy).	Unsanitary conditions and inadequate furniture. Serious hygiene problems (insects and rodents). Overcrowding and prolonged detention (90 to 180 days).
Structural deficits	Structural defects: emergency doors, mould and heating.	Structural deterioration and lack of privacy. Centres with prison-like design.
Detainee rights		
Communication	Restrictions on mobile phone use and physical communication (screens in visiting rooms). Unequal access to public telephones depending on the centre.	Severe restrictions on mobile phone use (2022–2023). Structural difficulties in communicating from cells.
Information	Late notification of expulsions; lack of clear and accessible information on procedures.	Lack of transparency in detention and repatriation processes. Delays in asylum procedures.
Complaints and claims	Absence of standardised reporting protocols until 2020–2021; subsequent partial improvements without addressing the lack of effective channels.	Absence of accessible complaint mechanisms. Invisibility of complaints in contexts of prolonged detention.
Visits and relations with the outside world	Physical restrictions (partitions) Recent minor structural improvements (openings in partitions). Limited contact with family members.	Restricted visiting hours for lawyers. Limited possibility of external contact, especially in pre-deportation detention.
The adequacy of healthcare, legal, and social support services		
Legal assistance	Legal assistance only available at certain centres (Madrid, Barcelona, Valencia). Lack of privacy during legal consultations (2020–2023).	Irregular access to lawyers (2018–2019). Discontinuity in legal representation (2023). Delays in processing asylum applications.
Health care	Delays in mandatory medical examinations. Lack of permanent medical staff (except in Madrid). Lack of mental health care. Language barriers without professional interpreters. Poor medical records (2022–2023).	Insufficiently trained medical staff. Language and cultural barriers. Excessive use of psychotropic drugs and lack of suicide prevention protocols. Long waiting times for psychiatric care (Milan, Turin).
Social services	Very limited or no social services. Lack of educational or recreational programmes.	Social support programmes are virtually non-existent. There are no activities to mitigate the psychological impact of detention.

Source: own elaboration.

The analysis involved coding the text from the reports according to these predefined categories. Each report was meticulously examined to extract relevant information that fit into the established codes. This process allowed for a comprehensive comparison of the conditions and management practices in detention centres across Spain and Italy. After an initial exploratory reading of the reports, a primary and secondary coding structure was agreed upon and implemented in the NVivo 14 programme. During the analysis process, regular meetings were held to review the application of the codes and resolve any discrepancies through discussion and agreement. This strategy ensured consistency in the thematic interpretation of the reports and provided methodological rigour to the qualitative analysis, in line with recommendations for comparative studies using documentary sources³⁷. The data collection and analysis were conducted from June to November 2024. The findings were then organized into three thematic blocks, which provided a structured framework for discussing the results. This approach ensured that the analysis was thorough and that all relevant aspects of the detention centres were considered.

Results: comparative analysis of foreign detention centers in Spain and Italy (2018–2023)

This section offers a comparative analysis of the reports by the Spanish Ombudsman and the Italian National Guarantor on foreign detention centres—*CIE* and *CPR*—from 2018 to 2023. As established in the Methods section, the analysis focuses on three key dimensions: structural and operational conditions, detainee rights, and the adequacy of healthcare, legal, and social support services.

Structural and operational conditions

Detention centres in both countries face significant operational and structural deficiencies. In Spain, many centres suffer from inadequate facilities and poor maintenance. Reports from 2018 and 2019 highlighted issues such as the multifunctional use of spaces for medical consultations, suicide prevention, and disciplinary segregation. These challenges were particularly evident in Valencia and Murcia, where surveillance systems were outdated, and bathroom facilities were deteriorated.

By 2020 and 2021, violations of European Union norms became evident, as asylum seekers were often housed alongside other detainees. Madrid's CIE faced scrutiny for poor record-keeping and excessive police presence. Reports from 2022 and 2023 documented ongoing problems, including malfunctioning emergency doors, privacy breaches during medical consultations, and structural issues such as water leaks, mould, and heating system failures.

Italy faced similar challenges, with reports from 2018 and 2019 describing unsanitary conditions, including broken windows, poor lighting, and inadequate furnishings. In some centres, such as Bari, detainees were compelled to eat on the floor due to the absence of tables and chairs. Infestations of insects and rodents compounded hygiene problems.

From 2020 to 2023, overcrowding and a heightened securitisation of detention centres aggravated the situation. Extending detention periods from 90 to 180 days further strained conditions, increasing tensions among detainees. Reports highlighted worsening structural conditions, particularly in Bari and Turin, where privacy violations, water leaks, and mould were common. The prison-like design of many facilities reinforced the punitive nature of detention.

Detainee rights

The protection of detainees' rights emerged as a critical issue in both countries, with systemic barriers impeding communication, access to legal counsel, and procedural fairness.

In Spain, reports from 2018 and 2019 noted significant communication restrictions. Visiting rooms often featured glass partitions, preventing physical contact, while access to mobile phones varied across centres. During 2020 and 2021, inadequate notification periods for deportations and the absence of standardised complaint protocols exposed detainees to systemic vulnerabilities. Reports from 2022 and 2023 noted minor improvements, such as small openings in partitions, but communication barriers and disparities in access to public telephones persisted.

In Italy, detainees faced limited access to legal representation and delayed asylum claim processing. Reports from 2018 and 2019 described restricted visiting hours for lawyers and a lack of transparency in pre-deportation holding cells. By 2020 and 2021, administrative detention was criticised as an inefficient migration control tool, with only around half of detainees ultimately repatriated. From 2022 to 2023, severe restrictions on mobile phone use and delays in asylum processing, particularly in Turin and Milan, left detainees vulnerable to legal uncertainties.

Healthcare, legal, and social support services

Healthcare services in detention centres were deeply inadequate, with systemic issues affecting both countries.

The 2018 and 2019 reports in Spain highlighted delays in mandatory medical examinations and inconsistent medication management during detainee transfers. By 2020 and 2021, the absence of permanent medical staff in most centres—except Madrid—was noted, alongside a lack of mental health support. Language barriers further hindered access to care, with detainees relying on peers for translation. Reports from 2022 and 2023 underscored the absence of professional interpreters, poor record-keeping, and inadequate documentation of medical treatments.

In Italy, healthcare challenges included insufficiently trained medical staff, cultural and linguistic barriers, and poor management of mental health crises. Reports from 2018 and 2019 noted the misuse of psychotropic medications and the absence of protocols for managing suicidal behaviour. By 2020 and 2023, long waiting times for psychiatric evaluations and

systemic overprescription of psychotropic drugs were significant concerns, particularly in Milan and Turin.

Legal and social support services were fragmented and inconsistent in both countries. Legal assistance was available in only a few centres in Spain, such as Madrid, Barcelona, and Valencia. From 2020 to 2023, the lack of privacy during legal consultations undermined detainees' access to justice.

In Italy, similar deficiencies persisted. Reports from 2018 and 2019 highlighted delays in asylum claim processing and inconsistent access to lawyers. By 2023, detainees often experienced discontinuity in legal representation, as they were assigned different lawyers throughout their detention. Social support services, including recreational and educational programs, were almost absent in both countries, exacerbating the psychological impact of detention.

Discussion

The comparative analysis of detention centres in Spain and Italy reveals systemic deficiencies undermining detainees' rights and well-being. Both countries face similar challenges, including structural decay, unsanitary conditions, and inadequate healthcare and legal services. However, the situation in Italy is particularly critical due to more pronounced securitisation, pervasive healthcare deficiencies, and systemic communication barriers. This discussion contextualises the observed deficiencies, highlighting their impacts and the influence of migration policy securitisation and recommending reforms to align practices with international human rights standards.

Structural and operational deficiencies

Spain and Italy face serious structural and operational deficiencies within their detention systems. In Spain, centres suffer from infrastructural decay, including broken emergency doors, malfunctioning heating systems, and unsanitary conditions. These deficiencies compromise safety and exacerbate detainees' physical and mental distress³⁸. Italy's *CDRs* similarly struggle with overcrowding, poor hygiene, and a lack of privacy in sanitary spaces³⁹.

Research consistently highlights the harmful effects of substandard detention infrastructure. Poor living conditions, prison-like architecture, and overcrowding contribute to detainees' sense of isolation and stigmatisation, reinforcing perceptions of detention as punitive rather than administrative⁴⁰. For instance, medical consultation rooms are used as segregation cells in Spain. This breaches privacy and safety standards, going against international guidelines like the Nelson Mandela Rules^{41,42}.

Italy's detention centres reflect an even more securitised approach, where rigid, penal designs amplify detainees' psychological harm. Studies show that securitised facilities intensify feelings of alienation and diminish overall well-being⁴³. The persistent lack of infrastructural investment in both systems perpetuate systemic neglect, raising ethical and legal concerns about the treatment of detained individuals.

The health impacts of detention

The adverse health impacts of immigration detention are well-documented, with evidence showing that prolonged detention

exacerbates physical and mental health issues, particularly among vulnerable groups such as asylum seekers. Prolonged confinement has been linked to anxiety, depression, and post-traumatic stress disorder⁴⁴.

Italy's CPR illustrate a medicalised but insufficient response to mental health crises. An overreliance on sedatives, often prescribed without adequate oversight, reflects a tendency to address symptoms rather than underlying causes^{45,46}. This approach underscores the lack of trained professionals capable of providing appropriate psychiatric care and highlights systemic neglect of detainees' mental health.

Similarly, detention centres in Spain face delays in medical examinations, insufficient psychiatric care, and reliance on detainees to translate for one another due to a lack of professional interpreters. Research suggests that linguistic and cultural barriers in healthcare delivery exacerbate misdiagnoses and delays in treatment, compounding health inequities⁴⁷. These deficiencies undermine detainees' right to adequate healthcare and perpetuate systemic vulnerabilities.

Legal and procedural deficiencies

Access to legal representation and procedural safeguards is critical for protecting detainees' fundamental rights. However, both Spain and Italy exhibit systemic failures in this area. Limited access to legal counsel, inconsistent deportation notifications, and delays in asylum processing expose detainees to prolonged uncertainty and, in some cases, indefinite detention.

In Italy, frequent legal representation changes disrupt asylum seekers' defence strategies. Research shows that such procedural inefficiencies exacerbate detainees' psychological distress and undermine their trust in the legal system^{48,49}. Similarly, Spain's inconsistent deportation processes raise concerns about transparency and accountability, reflecting broader critiques of administrative detention as an opaque and punitive tool⁴³.

These legal deficiencies create a "legal limbo" for detainees, heightening their vulnerability and eroding procedural fairness. This lack of clarity and continuity contributes to detainees' isolation and distrust of legal and institutional frameworks⁵⁰.

Securitisation of migration policies

The observed challenges in Spain and Italy reflect a broader European trend towards securitising migration policies. This approach frames migration as a security threat, legitimising punitive measures such as detention and deportation⁵¹. Italy's extension of detention periods to 180 days exemplifies this securitised approach, prioritising deterrence over humane treatment.

Recent research questions the effectiveness of detention as a tool for migration control. Aiken & Silverman⁵² demonstrate that prolonged detention does not significantly reduce irregular migration or increase deportation rates. Instead, many detainees are ultimately released, raising ethical questions about the proportionality and necessity of detention.

The securitisation of migration also reinforces social stigmatisation, portraying migrants as threats rather than individuals

entitled to protection and dignity. The prison-like design of Italian CPR reflects this punitive framing, compounding detainees' psychological distress and alienation⁵⁰. Addressing these issues requires a shift towards policies that respect human dignity and adopt rights-based alternatives to detention⁵³.

Recommendations

Comprehensive reforms guided by scientific evidence and aligned with international human rights standards are essential to address the systemic deficiencies in Spanish and Italian detention centres.

Under operational issues, urgent renovations are needed to improve hygiene, safety, and living conditions, ensuring compliance with international standards. Additionally, trained professionals should provide comprehensive healthcare services, including specialised mental health care, with oversight to prevent overmedication.

Control mechanisms should include standardised access to confidential legal representation, timely deportation notifications, and clear asylum processing protocols, which are crucial for upholding detainees' rights. Regular inspections by independent monitoring bodies are also essential to ensure detention centres meet human rights standards and to hold them accountable for systemic failures.

As an alternative approach, research supports non-custodial options such as community-based housing and case management programs, which are more humane and cost-effective than detention.

Conclusion

The systemic deficiencies in Spanish and Italian detention centres—ranging from infrastructural decay to failures in healthcare and legal protections—reflect broader challenges within European migration governance. The scientific literature confirms that detention exacerbates mental health issues, undermines procedural rights, and fails to achieve its stated objectives of controlling migration.

The analysis carried out focuses on a specific period, which has not allowed for an in-depth examination of how the new European Union Pact on Migration and Asylum of 2023 will affect the situation. We therefore consider it necessary for future research to take this aspect into account. Tackling these challenges necessitates a fundamental shift to a rights-based approach emphasising humane treatment, transparency, and accountability. Non-custodial alternatives to detention and targeted investment in infrastructure, healthcare, and legal safeguards offer a more ethical and practical pathway forward. Aligning detention practices with international human rights standards is essential to safeguarding the dignity and well-being of all detainees, ensuring that migration governance is grounded in principles of justice and humanity.

Ethics and consent

Ethical approval and consent were not required.

Data availability

The data supporting the findings of this study have been extracted from the reports of the Spanish Ombudsman and the Italian Ombudsman. These reports are publicly accessible on the respective websites of these institutions. The links to the reports are in <https://doi.org/10.5281/zenodo.15254336>

Zenodo : Comparative analysis of detention centres in Spain and Italy 2018–2023: Addressing systemic deficiencies and human rights compliance <https://doi.org/10.5281/zenodo.15254336>⁵⁴

Data are available under the terms of the [Creative Commons Attribution 4.0 International license](#) (CC-BY 4.0).

Software availability

This research utilized NVivo (QSR International), a proprietary software for qualitative analysis. No supplementary software was developed or employed; therefore, no source code is available.

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Open Peer Review

Current Peer Review Status:    

Version 2

Reviewer Report 23 August 2025

<https://doi.org/10.21956/openreseurope.22585.r54538>

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Francesca Esposito 

University of Bologna, Cesena, Cesena, Italy

The article provides a comparative analysis of conditions in Spanish and Italian immigration detention centres, based on reports by the Spanish Ombudsman and the Italian National Guarantor covering the period 2018–2023. Given the increasing reliance on detention as a tool to manage migration flows across European states, and in view of the forthcoming implementation of the New European Pact on Migration and Asylum in 2026, it is crucial for scholars across disciplines to engage in a critical examination of the detention system.

Although the study is relevant and timely, and it highlights important criticisms emerging from the comparative analysis as well as providing valuable recommendations, it also contains several aspects that require further improvement before it can be considered for publication. Below, I provide feedback for each section. My comments primarily focus on the Italian part of the analysis, as this falls within my area of expertise.

Introduction

The Introduction is well structured and addresses key points in order to introduce the reader to immigration detention and highlight key aspects of the Spanish and Italian detention systems. It is explained how immigration detention centres serve different functions and how the people who are confined within them have different backgrounds and situations.

Regarding the presentation of the Italian detention system, the authors address some important points and substantiate their claims with relevant sources. However, significant literature—particularly grey literature produced by civil society organisations—is missing. For instance, while they cite a short online article by the Italian Coalition for Civil Liberties and Rights (CILD), they omit several important reports produced by CILD over the years. Similarly, they do not engage with key reports from other national and international groups and civil society organisations, such as Border Criminologies, ASGI (Associazione Studi Giuridici sull'Immigrazione) and ActionAid, just to mention a few. This lack of engagement with a rich body of grey literature represents a limitation that should be addressed.

here is also a specific section of the Introduction that is particularly unclear to me. In the fifth paragraph, the authors discuss the functions of immigration detention—a complex issue

extensively debated by critical scholars in this field (see, for instance, Brandariz, Fabini, Fernández-Bessa & Ferraris, 2025, *Border Criminologies from the Periphery*)—and state:

“In addition to their function of custody and detention for foreigners who are to be expelled, the detention centres for foreigners currently perform two other functions. First, they act as first reception centres for foreigners arriving at the European southern border. Second, the excessive use of deprivation of liberty to manage unwanted migration hinders the integration of migrants who remain in the country for prolonged periods. Thus, these centres have become deportation devices and detention centres and are present at all stages of migration control.”

I would encourage the authors to clarify and expand on this statement. Specifically, it is unclear how pre-removal detention centres, such as CPRs, can act as “reception centres” for newly arrived foreign nationals. Furthermore, do the authors mean that one of the functions of immigration detention centres is to hinder migrants’ integration? If so, for what purpose? Overall, this paragraph would benefit from revision for enhanced clarity, and I believe it is crucial to clearly differentiate between detention and reception, or else to explain how these two functions specifically overlap.

Finally, it is unclear why the authors distinguish between internment centres and detention centres for foreigners. Regardless of the official euphemisms used to designate them, in both countries these centres operate as immigration detention centres.

The Spanish CIE and the Italian CPR: a comparative overview

This section of the article introduces the immigration detention systems in Spain and Italy, outlining their main characteristics. However, with regard to the Italian detention system, there are some inaccuracies and instances of outdated information.

Firstly, since October 2023, the maximum detention period has been reverted to the pre-2014 duration of 18 months (Law Decree 19 September 2023, n. 124); it is therefore no longer six months. Secondly, the system currently comprises ten immigration detention centres (CPRs) within the national territory, as the Turin CPR was reopened in March 2025. Furthermore, an eleventh detention centre was established in late 2024 in Gjadër, Albania, under the framework of the recent Italy–Albania protocol. This latter development is particularly significant, as many researchers have highlighted, because it represents an unprecedented shift in the Italian immigration detention paradigm.

I would also encourage the authors to conduct a thorough revision of the legislative frameworks governing immigration detention in Italy, as several legislative reforms have been introduced in recent years. Moreover, I suggest emphasising that the main legal framework governing immigration detention in Italy is the Legislative Decree 286/1998, which originally established the Italian detention system, with many subsequent provisions serving as amendments or complements to this law. It is also important to highlight that, although Italy’s detention centres formally fall under the authority of the territorially competent Prefettura –UTG, a local branch of the Ministry of Interior that oversees the centres, their management and support services are delegated to private actors, primarily third-sector organisations.

Finally, I find the reference to Law 162/2023 as a reform incorporating the recommendations of the Italian National Guarantor particularly unclear, or rather incorrect. On the contrary, the National Guarantor published a highly critical analysis of this legislative development. You can find it here: (refer to 1)

Methodology

My main criticism and concern relates to the authors’ reliance on an automatic translation tool (DeepL, paid version) to interpret and analyse the Italian reports. This approach risks losing

important nuances and meanings—a limitation partly acknowledged by the authors themselves (see p. 6). Such reliance may cause inaccuracies in the analysis of the Italian detention context and conditions, such as those highlighted in previous sections.

Additionally, I think it would be important for the authors to explain why they have decided to focus on reports published between 2018 and 2023, and do not include in their analysis more recent ones. Indeed, as mentioned above, some significant changes have taken place recently, e.g., regarding the maximum detention period, which are not reflected in the study findings. Finally, it is unclear to me what “irregular access to lawyers (2018-2019)” refers to in Table 2 (page 7). I would appreciate if authors can clarify this point.

Findings

I find the presentation of the findings well organized. However, in some instances, the information appears overly condensed, and providing additional details would help enrich the reader's understanding of the points raised.

Discussion

The discussion is interesting and raises important points. However, I think this section would benefit for further engagement with existing literature, particularly studies and reports focused on the Spanish and Italian immigration detention contexts. Furthermore, the discussion should be revised to reflect more recent legislative developments and changes in the detention regime (e.g., length).

Recommendations

Although I agree that the system requires significant changes if we want to uphold migrant people's fundamental rights and dignity, I have concerns about the proposed intensification of psychiatric care in detention as a strategy to achieve this goal and to “address the underlying causes” of detained people's suffering. Numerous studies have shown that such suffering is intrinsically linked to the deprivation of liberty itself. I therefore encourage the authors to reflect critically on this point, and more broadly on the assumptions and potential unintended consequences of their recommendations—particularly in terms of how such measures may (or may not) contribute to safeguarding migrants' dignity and human rights. In this respect, the authors may wish to engage with the growing body of literature addressing the side effects of attempts to “humanise” detention centres.

Furthermore, I would encourage the authors to further elaborate on their recommendation for community-based alternatives, especially since their own analysis portrays a system that is inherently flawed and structurally causes suffering.

References

Please note that ASGI is Associazione (with only one “z”)

References

1.

https://www.garantenazionaleprivatiliberta.it/gnpl/page/it/parere_del_garante_nazionale_sul_decretolegge_19

Is the work clearly and accurately presented and does it engage with the current literature?

Partly

Is the study design appropriate and is the work technically sound?

Partly

Are sufficient details of methods and analysis provided to allow replication by others?

Yes

Are all the source data and materials underlying the results available?

Yes

If applicable, is the statistical analysis and its interpretation appropriate?

Not applicable

Are the conclusions drawn adequately supported by the results?

Partly

Competing Interests: No competing interests were disclosed.

Reviewer Expertise: immigration detention in Italy; intersectionality; community-based participatory research; community health promotion.

I confirm that I have read this submission and believe that I have an appropriate level of expertise to confirm that it is of an acceptable scientific standard, however I have significant reservations, as outlined above.

Reviewer Report 20 August 2025

<https://doi.org/10.21956/openreseurope.22585.r56710>

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Virginia Paloma 

Universidad de Sevilla, Seville, Seville, Spain

I have no further comments to make.

Competing Interests: No competing interests were disclosed.

Reviewer Expertise: community participation, mental health, migration, social justice, well-being.

I confirm that I have read this submission and believe that I have an appropriate level of expertise to confirm that it is of an acceptable scientific standard.

Reviewer Report 20 August 2025

<https://doi.org/10.21956/openreseurope.22585.r56712>

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M. Alvi Syahrin 

Immigration Polytechnic University in Depok, Jawa Barat, Jawa Barat, Indonesia

Upon careful reading and evaluation of the manuscript "Análisis comparativo de los centros de detención en España e Italia 2018-2023: Abordar las deficiencias sistémicas y el cumplimiento de los derechos humanos", I am pleased to **recommend for indexing**. This article makes a significant contribution to the field and meets the high-quality criteria we expect from submissions.

Competing Interests: No competing interests were disclosed.

Reviewer Expertise: migration, refugees, detention

I confirm that I have read this submission and believe that I have an appropriate level of expertise to confirm that it is of an acceptable scientific standard.

Version 1

Reviewer Report 08 July 2025

<https://doi.org/10.21956/openreseurope.21752.r54541>

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Virginia Paloma 

¹ Universidad de Sevilla, Seville, Seville, Spain

² Universidad de Sevilla, Seville, Seville, Spain

The manuscript presents a comparative analysis of the functioning of immigrant detention centers in Spain and Italy. This analysis is based on a qualitative content analysis of 16 reports published between 2018 and 2023 by the Spanish Ombudsman and the Italian National Guarantor. In this way, the manuscript offers a valuable snapshot of the current state of detention centers in both countries.

The findings suggest that detention centers maintain prison-like conditions and deficiencies in health care (particularly a lack of mental health support), professional interpreters, recreational and educational programs, staff training, legal care, hygienic conditions, and transparency in managing removals in both countries.

Although the authors make important recommendations based on their findings, I would have liked them to elaborate which elements the New European Pact on Migration and Asylum should specifically consider in order to guarantee human rights in border management. In addition, I believe that the discussion of the results obtained can benefit from the use of a human rights conceptual framework, such as the FREDA principles, which focus specifically on five human rights that social providers should promote (i.e., fairness, respect, equality, dignity, autonomy; see, for example, Curtice & Exworthy, 2010; Health Information and Quality Authority, 2019).

Furthermore, the authors do not explain why they limited their focus to reports published between 2018 and 2023. On the other hand, the authors state that it was necessary to translate the Italian reports into Spanish to proceed with their analysis. More information on the procedure followed is needed to ensure the reports were properly translated and analyzed.

As the comparative analysis is based solely on reports published by the Spanish Ombudsman and the Italian National Guarantor, the study may reflect a bias toward deficiencies and areas needing improvement in detention centers. In this sense, I believe the authors should acknowledge this limitation and, in future studies, consider the perspectives from the staff working in these centers and the detainees themselves. This would enable us to analyze the situation from different perspectives and validate the results.

Finally, I suggest avoiding terminology that does not ensure inclusive equity in language or that reinforces stigma and is deficit-based (e.g., “vulnerable groups”; for alternatives, see National Collaborating Centre for Determinants of Health, 2023).

In any case, the results clearly show how both detention systems perpetuate the structural violence of border control established by the receiving countries in the Global North against people affected by global inequities. Moreover, the manuscript reflects the crucial role of public institutions and NGOs in promoting human rights and provides evidence-based support for systemic change that offers dignified, rights-based alternatives to detention.

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Is the work clearly and accurately presented and does it engage with the current literature?

Yes

Is the study design appropriate and is the work technically sound?

Yes

Are sufficient details of methods and analysis provided to allow replication by others?

Partly

Are all the source data and materials underlying the results available?

Yes

If applicable, is the statistical analysis and its interpretation appropriate?

Not applicable

Are the conclusions drawn adequately supported by the results?

Yes

Competing Interests: No competing interests were disclosed.

Reviewer Expertise: community participation, mental health, migration, social justice, well-being.

I confirm that I have read this submission and believe that I have an appropriate level of expertise to confirm that it is of an acceptable scientific standard, however I have significant reservations, as outlined above.

Author Response 22 Jul 2025

Laura María Zanón Bayón-Torres

We sincerely appreciate your comments and respond to each of your observations below: Recommendations regarding the New European Pact on Migration and Asylum We appreciate your suggestion to link our recommendations to the New European Pact on Migration and Asylum. As we pointed out in our comments to the first reviewer, the new EU Pact on Migration and Asylum of 2023 marks a turning point in European migration policies, and we are aware that its effects are still unfolding. Our analysis focused on the elements available at the end of the study period, which means that it is necessarily partial and provisional. We recognise that this limits the article's ability to fully capture the implications of the new regulatory framework. We therefore point out in the conclusions the need for continuous monitoring and suggest that future research specifically address the impact of the Pact on the practice of administrative detention. Use of a human rights conceptual framework (FREDA principles) We particularly appreciate your proposal to integrate a conceptual framework such as the FREDA principles. However, the approach we have sought to take in the article is not so much to offer a conceptual framework as to describe and compare the functioning of both centres in order to identify similarities and differences in their operation. We consider this to be a relevant descriptive approach given that we have identified very few similar studies. Justification of the analysis period (2018–2023) We regret not having clearly explained the choice of the analysis period. We consider 2023 to be a turning point due to the New Pact on Migration and Asylum. Furthermore, given the disparity in the format of the reports published by the Spanish and Italian ombudsmen, we considered that a five-year period was appropriate for an in-depth analysis of these centres in both countries. We also consider this period to be appropriate as it covers the years before, during and after the pandemic. Translation procedure for Italian reports We appreciate your comment on the need to detail the translation process. In the revised version, we have included a more precise description of the procedure followed. We used

the paid version of the DeepL translator, a tool recognised for its high accuracy in technical and academic contexts. However, additional strategies such as cross-checking between authors or back-translation were not applied, which is a limitation that we should have made clearer. Nevertheless, we recognise that the translation of institutional documents can introduce biases that affect the interpretation of the content. Possible bias derived from the exclusive use of institutional reports. We fully agree that the exclusive use of institutional reports may limit the diversity of perspectives. However, as this is the first article we have written on this subject, we thought it would be interesting to analyse the reports of this institution given its high relevance and the role it plays, both in public administration and as a defender of persons deprived of liberty in any institution. Use of inclusive terminology. We appreciate your suggestion regarding the use of more inclusive and non-stigmatising language. However, we have adopted this approach to highlight the institutional abuse of force and the flagrant lack of protection of the rights of people in situations of extreme vulnerability, whose fundamental rights are violated by the public authorities.

Competing Interests: No competing interests were disclosed.

Reviewer Report 14 June 2025

<https://doi.org/10.21956/openreseurope.21752.r54542>

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Joseph Nwadiuko

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This is a good and very timely article. Comparative research of conditions in immigration detention is rare, so I find this a valuable step and hope that more analyses like these are forthcoming.

Introduction

1) As stated above, I think that the contribution of comparative approaches is important. I would make that gap a bit more clear, and include certain studies that have at least tried to conduct comparative research, although not quite with the aims or countries that your team has in mind, such as here: (refer to 1 and 2) Why does your analysis focus on Spain and Italy in particular? Is this due to Spain and Italy receiving more immigrants than other places, or having more concerns about abuses in those countries?

3) Your team mentions that “these centres have become deportation devices and detention centres and are present at all stages of migration control”. I’m not certain what “stages of migration control” refers to explicitly here. Please clarify.

4) You mention the phrase “irregular situation” twice. This is term that doesn’t translate well in English so a definition would be helpful. (You might mean “irregular status”, but I’m not sure).

The Spanish CIE and the Italian CPR: a comparative overview

5) In some countries (e.g., US and I believe Australia), immigration detention facilities are heavily privatized. Is that a reality in these two countries?

6) The term “judge of control” also doesn’t quite translate well in English (and might be a position unique to Spain), I would recommend using the explicit Spanish term (juez de control, I presume), and explain it a bit better in a couple words (e.g., “a CIE site-specific court magistrate who monitors conditions and ensures detainee rights are upheld”—not sure if that’s precisely it, just setting it up as an example). For context, for the US and other settings, immigration judges don’t rule on conditions cases—that goes to the same federal courts as any non-immigration litigation would.

7) You state: “For both countries, the effective repatriations amount to slightly more than 50% of the total inmates and have remained constant over the years.” Please cite this statement and provide a precise figure for both countries.

Results

8) I’d strongly recommend having a Table 3 with results, broken down by country and codes as you have it in the text. You might even combine it with Table 2 if needed for efficiency.

9) Explain “emergency doors”. Are these doors for exits, or for entry to emergency care places?

References

1. Lee J, Ortega Velázquez E: The Detention of Migrant Children: A Comparative Study of the United States and Mexico. *International Journal of Refugee Law*. 2020; **32** (2): 227-253 [Publisher Full Text](#)
2. globaldetentionproject.org/wp-content/uploads/2018/10/Harm-Reduction-in-Immigration-Detention-GDP-Norwegian-Red-Cross.pdf.

Is the work clearly and accurately presented and does it engage with the current literature?

Yes

Is the study design appropriate and is the work technically sound?

Yes

Are sufficient details of methods and analysis provided to allow replication by others?

Partly

Are all the source data and materials underlying the results available?

Yes

If applicable, is the statistical analysis and its interpretation appropriate?

Yes

Are the conclusions drawn adequately supported by the results?

Yes

Competing Interests: No competing interests were disclosed.

Reviewer Expertise: Health Policy, Immigration Detention

I confirm that I have read this submission and believe that I have an appropriate level of expertise to confirm that it is of an acceptable scientific standard, however I have significant reservations, as outlined above.

Reviewer Report 27 May 2025

<https://doi.org/10.21956/openreseurope.21752.r54214>

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Introduction and Relevance:

This article addresses the complex and timely topic of immigration detention centres in Spain and Italy by conducting a comparative study between 2018 and 2023. Given the increasing relevance of detention as a border control mechanism in Europe, and the heightened scrutiny of the European Union's migration policies under the 2023 New Pact on Migration and Asylum, this work is of significant scientific and political importance. The paper is especially relevant as it focuses on two countries—Spain and Italy—that serve as principal gateways into Europe for migrants and asylum seekers. By drawing attention to structural deficiencies and systemic rights violations, the authors place a necessary spotlight on areas that often lack public transparency.

The introduction contextualizes detention centres within EU policy, legal frameworks, and institutional practices. However, the article could benefit from a more pronounced articulation of the central research questions and hypothesis. While the general aim—to compare systemic and legal deficiencies in detention—is clearly stated, it would be advantageous to explicitly pose these in the form of testable or investigable research questions to align with qualitative research best practices.

Methodological Rigor and Approach

The article adopts a qualitative content analysis approach, drawing on 16 official reports (10 Italian and 6 Spanish) produced by the Spanish Ombudsman and the Italian National Guarantor between 2018 and 2023. The use of NVivo 14 software for data organization and thematic coding ensures methodological rigor in data management. The justification for report selection—focusing on comparability and omitting non-equivalent formats—is valid and well-explained.

Three core thematic blocks guide the analysis: (1) Structural and operational conditions, (2) Detainee rights, and (3) Adequacy of healthcare, legal, and social services. This tripartite framework is logical and aligns with the central objectives of the study. Coding categories were created a priori and adjusted inductively based on document content, which is consistent with accepted practices in qualitative research.

Nonetheless, the study could be strengthened through the following improvements:

- **Transparency in Coding Procedures:** The article lacks detailed discussion on intercoder reliability or procedures undertaken to ensure consistency in thematic interpretation.
- **Triangulation:** Although the authors rely exclusively on institutional reports, adding triangulation with media accounts, NGO reports, or first-hand interviews would enhance the trustworthiness of findings.
- **Language Translation:** The authors note limitations related to report translation but do not describe steps taken to mitigate potential misinterpretations or biases.

Analysis of Results

The findings confirm that both Spain and Italy suffer from deeply entrenched issues in their detention systems. The structural conditions in both countries are described as outdated, unsanitary, and often prison-like. In Spain, examples include surveillance deficits, mixed-use spaces that fail to ensure detainee privacy, and heating failures. In Italy, there are reports of insect infestations, lack of furnishings, and deteriorating hygiene conditions. The comparative dimension is particularly valuable: for instance, the longer maximum detention duration in Italy (180 days) vs. Spain (60 days) is explored as both a symptom and enabler of systemic issues.

Detainee rights are critically undermined across both systems. In Spain, access to communication and legal counsel is limited and inconsistently applied. Italy presents even more severe barriers, including limited lawyer access, delays in asylum procedures, and mobile phone restrictions. The analysis is supported by specific examples from both countries, adding to the credibility of claims. A major strength of the article lies in its detailed treatment of healthcare conditions. Reports from both countries document absent or untrained medical staff, a lack of psychiatric care, and overprescription of sedatives. These findings are significant and align with broader literature on the health consequences of immigration detention, which link such conditions to PTSD, depression, and long-term trauma.

Discussion and Theoretical Contribution

The discussion situates the findings within broader academic and policy discourses on detention and securitization. The authors use the concept of securitization to critique the framing of migrants as threats, which justifies extended detention and punitive environments. This conceptual lens is powerful and aligns with critical migration literature. Moreover, the discussion incorporates the Nelson Mandela Rules and other international human rights standards to highlight the legal deficits in the operation of CIE and CPR.

However, the article could benefit from deeper engagement with sociological and legal theories of institutional governance, such as Goffman's theory of total institutions or Agamben's notion of the "state of exception." Such theoretical anchors would enable a richer understanding of how institutional practices both reflect and reinforce structural violence.

Additionally, while the authors mention the inadequacies of administrative detention as a migration control tool, the argument would be stronger with more data on deportation effectiveness, asylum approval rates, or cost-efficiency comparisons.

Scientific Contribution and Originality

This study provides an original and much-needed contribution to comparative studies in European migration governance. It moves beyond surface-level descriptions by using institutional data systematically analyzed over time. The focus on the operational and rights-based consequences of detention adds value to policy and academic discussions.

The originality lies in its specific comparative framework, the incorporation of national-level oversight data, and the temporal coverage of five years. While studies exist on CIE or CPR

separately, few offer this level of comparative detail grounded in official documentation.

Limitations

Despite its strengths, the study has limitations:

1. **Lack of Primary Data:** The absence of interviews with detainees or staff limits the perspective to institutional viewpoints.
2. **Translation Bias:** The authors acknowledge the risk of distortion in translating institutional documents but provide no evidence of linguistic mitigation strategies.
3. **Temporal Constraints:** Although the study covers 2018–2023, the most recent effects of the 2023 New EU Pact on Migration and Asylum are still unfolding and thus not fully analyzed.
4. **Sample Asymmetry:** The larger number of Italian reports (10 vs. 6) may have skewed comparative insights, although the authors attempted normalization through selective coding.

Policy and Practical Implications

The article offers clear and well-founded recommendations, including:

- Structural investment in facility upgrades
- The appointment of qualified healthcare personnel, especially in mental health
- The establishment of standardized legal assistance and complaint mechanisms
- The transition toward non-custodial alternatives such as community-based care and case management

These recommendations are aligned with international human rights standards and supported by both data and literature. Importantly, the article underscores that detention does not fulfill its intended purpose (migration control), thus suggesting inefficiency as well as inhumanity.

Conclusion

This article makes a compelling case for the urgent reform of detention centres in Spain and Italy. Through its systematic, data-driven, and rights-oriented approach, it provides evidence that current practices violate both national and international standards. The use of qualitative content analysis and official reports gives the findings legitimacy, while the comparative dimension allows for nuanced insights into systemic challenges.

Further research should include detainee perspectives, institutional ethnographies, and broader EU-wide comparisons to expand the knowledge base. Nonetheless, this article stands as a strong, policy-relevant contribution to debates on detention, migration governance, and human rights compliance in Southern Europe.

Is the work clearly and accurately presented and does it engage with the current literature?

Yes

Is the study design appropriate and is the work technically sound?

Yes

Are sufficient details of methods and analysis provided to allow replication by others?

Yes

Are all the source data and materials underlying the results available?

Yes

If applicable, is the statistical analysis and its interpretation appropriate?

Yes

Are the conclusions drawn adequately supported by the results?

Yes

Competing Interests: No competing interests were disclosed.

Reviewer Expertise: migration, refugees, detention

I confirm that I have read this submission and believe that I have an appropriate level of expertise to confirm that it is of an acceptable scientific standard.

Author Response 02 Jul 2025

Laura María Zanón Bayón-Torres

We sincerely appreciate the comments received from the reviewers. We have carefully reviewed each one and offer our responses below, with the aim of improving the quality and clarity of the article. **Lack of primary data:** We acknowledge that the absence of direct interviews with detainees or centre staff represents a significant limitation of the study, as it restricts the possibility of incorporating direct voices and experiences that would enrich the analysis. This decision was due to ethical, access and time constraints, which made it difficult to carry out fieldwork in such sensitive contexts. However, we are aware that this limitation may have influenced the perspective of the study, which focused mainly on institutional and documentary sources. In future research, we consider it a priority to incorporate qualitative methodologies that allow for the collection of direct testimonies and thus broaden our understanding of the phenomenon from a more situated and plural perspective. **Translation bias:** We recognise that the translation of institutional documents may introduce biases that affect the interpretation of the content. To minimise this risk, we use the paid version of DeepL, a translation tool recognised for its high accuracy in technical and academic contexts. However, additional strategies such as cross-checking between authors or back-translation were not applied, which is a limitation that we should have made clearer. We accept this criticism and believe that future research could benefit from more systematic procedures to enhance the transparency and linguistic fidelity of the analysis. **Temporary restrictions:** Indeed, the EU's new Pact on Migration and Asylum of 2023 marks a turning point in European migration policies, and we are aware that its effects are still unfolding. Our analysis focused on the elements available at the end of the study period, which means that it is necessarily partial and provisional. We recognise that this limits the article's ability to fully capture the implications of the new regulatory framework. We therefore point out in the conclusions the need for continuous monitoring and suggest that future research specifically address the impact of the Pact on the practice of administrative detention. **Sample asymmetry:** The difference in the number of reports between the two countries reflects a divergence in institutional documentation practices: while in Spain the Ombudsman publishes a single annual report containing all his observations, in Italy the Garante nazionale dei diritti delle persone private della libertà

personale issues multiple reports throughout the year, corresponding to specific visits to different centres. This structural difference in document production led to greater availability of Italian sources. Although an attempt was made to mitigate the imbalance through thematic coding focused on comparable categories, we recognise that this asymmetry may have influenced the analysis. This limitation will be explained in greater detail in the Methodology section. Nevertheless, we believe that future research could explore methodological strategies to compensate for this type of structural imbalance.

Transparency in coding procedures: To reinforce the interpretative consistency of the analysis, the coding process was carried out by a team of researchers who worked collaboratively to define and apply the analytical categories. This has been clarified in the Methodology section. After an initial exploratory reading of the reports, a primary and secondary coding structure was agreed upon and implemented in the NVivo 14 programme. During the analysis process, regular meetings were held to review the application of the codes and resolve any discrepancies through discussion and agreement. This strategy ensured consistency in the thematic interpretation of the reports and provided methodological rigour to the qualitative analysis, in line with recommendations for comparative studies with documentary sources. **Triangulation:** With regard to triangulation of sources, it is recognised that the inclusion of media reports, documents from non-governmental organisations or direct testimonies could have enriched the analysis and strengthened the reliability of the findings. However, the methodological decision to focus exclusively on institutional reports from the Spanish Ombudsman and the Italian National Guarantor was made in order to compare two official frameworks that are equivalent in terms of function, structure and public authority. This delimitation made it possible to ensure comparability between countries and avoid biases arising from sources with different epistemological or political status. Nevertheless, the observation is appreciated and it is considered that future research could broaden the approach by triangulating external qualitative sources, especially in relation to the reception and social impact of the practices described in the reports. **Language translation:** With regard to the Italian reports, an automatic translation tool was used to facilitate their analysis in Spanish. While this resource allows access to the general content of the documents, it is recognised that it may entail some loss of linguistic nuance and terminological specificity. To preserve the validity of the analysis, attention was focused on sections with clear technical and descriptive language, such as institutional observations, the material conditions of the centres, and official recommendations, avoiding interpreting fragments where the meaning could depend excessively on particular idiomatic expressions. Nevertheless, it is recognised that this strategy has limitations and that future research could benefit from a more specialised translation process to capture the particularities of Italian institutional discourse more accurately.

Competing Interests: No competing interests were disclosed.