

Mapping Solitary Confinement: Portugal Country Report

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1. Country general Criminal Justice System facts & numbers

The Portuguese CJS is composed of independent courts, the Public Prosecution Service («Ministério Público»), police forces (namely, the «Polícia de Segurança Pública» and the «Guarda Nacional Republicana») and the prison services («Direção-Geral de Reinserção e Serviços Prisionais»). The latter comes under the jurisdiction of the Ministry of Justice. There are 49 prison establishments and 6 juvenile detention centers in Portugal.

According to data published by the prison administration¹, in 01/06/2025 there were 12,677 prisoners in Portugal of which:

2,841 in pre-trial detention (22.4%)

9,660 convicted (76.2%)

176 under a security measure for being considered not criminally responsible (1.4%)

At that time, women represented 7% of the prison population and men 93%. Also, 82.4% of the prisoners were Portuguese citizens and 17.6% were foreign nationals. There is no systematic collection of data on the ethnicity of prisoners.

2. Legislative and administrative bases for use of solitary confinement

The most relevant legislation and regulations on the use of solitary confinement are:

Code for the Execution of Sentences and Measures Involving Deprivation of Liberty (Law 115/2009) [namely articles 111 – 113], hereinafter “CES”

¹ <https://dgrsp.justica.gov.pt/Portals/16/2q%20maio%202025%20sit%20pen.pdf>



General Regulation of Prison Establishments (Decree Law 51/2011) [namely articles 173 – 176]

Internal **circular**/memorandums issued by a Directorate-General on the matter, hereinafter “GRPE”

The most relevant translations for “solitary confinement” would be **internamento em cela disciplinar** (article 174 of the GRPE) or **permanência obrigatória no alojamento** (article 173 of the GRPE). They both consist of disciplinary measures: the former [*placement in a disciplinary cell*] – applied as a reaction to the most severe disciplinary misconducts – is served in a cell exclusively dedicated to that purpose, usually located in the disciplinary sector of the prison establishment. The latter [*mandatory confinement to one’s accommodation*], is a sanction served in the person’s own cell. In the (rare) cases where such cells are individual, that sanction can amount to *solitary* confinement.

There are nevertheless three other “realities” that can amount to solitary confinement:

Medida cautelar (*precautionary measure or preventive measure*): it is applied while a disciplinary proceeding is still pending and only if it is necessary, meanwhile, to ensure the order and security of the facilities, to protect others, or prevent the continuation of an improper conduct. The precautionary measure shall not be used as punishment, but it may consist, in the most serious cases, in the confinement of a prisoner, for all or part of the day (article 111 of the Code for the Execution of Sentences)

Colocação em cela de separação (*placement in a segregation cell*): it is used – not as a sanction or as a reaction to a disciplinary infringement – but an administrative measure with a safety purpose. According to the law, the placement in a separation cell can only occur if there is a serious risk of escape, flight, or violence (against oneself, others, or property) (article 92 of the Code for the Execution of Sentences)

Colocação em quarto de segurança (*placement in a safety room*): it is a medical/psychological isolation to protect prisoners in critical situations, such as suicide risk, severe disorders, or the need for intensive medical supervision (article 92 of the Code for the Execution of Sentences and article 161 of the General Regulation of Prison Establishments)



3. Reasons for use, process, and administrative regulations for different ‘types’ of solitary confinement.

	a)		b)	c)	d)	e)		f)	g)
	Solitary confinement as punishment		Solitary confinement for the prisoner's own protection	Solitary confinement as management of difficult or dangerous prisoners ²	Solitary confinement pre-trial	Solitary confinement in immigration detention		Solitary confinement while waiting for final decision in disciplinary proceedings	Solitary confinement for medical supervision
Portuguese designation	Cela disciplinar	Permanência obrigatória no alojamento	Cela de separação			Colocação em quarto de segurança		Medida cautelar	Quarto de segurança
Relevant dispositions	CES: 105(1)(g), 108, 113(3) GRPE: 174-176	CES: 105(1)(f), 107 GRPE: 173, 175, 176	CES: 92 GRPE: 160			General Regulation on the Reception of Foreign Nationals and Stateless Persons in Detention Centers: Articles 21 and 22		CES: 111	CES: 93 GRPE: 161
						UHSA ³ Internal Regulation: 28-29 (national territory)	EECIT ⁴ Internal Regulation: 24 (airport)		
Who authorizes	Prison director (167 GRPE)	Prison director (167 GRPE)	Prison director (160 GRPE)			Person in charge of the detention center	Person in charge of the detention center	Prison director (165(3) GRPE)	Prison director (161(3) GRPE)

² Same as b). Prisoners belonging to gangs, linked to terrorism acts, high profiled or others, can alternatively serve their sentence in a high-security prison establishment (Monsanto).

³ Unidade Habitacional de Santo António (UHSA) is the only detention center within national territory

⁴ Espaços Equiparados a Centro de Instalação Temporária (EECIT) are detention centers located in the airports (outside national territory).



Formal process	<p>The measure is always preceded by a <u>disciplinary proceeding</u>, concluded with a written decision of the prison director. It can only be applied as a reaction to <u>serious offences</u> (typified in the law). It is served in <u>disciplinary cells</u> exclusively dedicated to that purpose and usually located in the disciplinary sector of the prison establishment (to guarantee segregation from the prison population)</p> <p>There shall be a <u>registration book</u> to include the following information: date/hour the measure started, identification of the supervising <u>staff</u>, description of any injuries (which shall</p>	<p>The measure is always preceded by a <u>disciplinary proceeding</u>, concluded with a written decision of the prison director. It is served in the <u>prisoner's accommodation</u>.</p> <p>There shall be a <u>registration book</u> to include the following information: date/hour the measure started, description of any <u>injuries</u> (which shall be photographed), length of the measure (number of days), date/hour the measure ended, medical assistance given and any other occurrences.</p> <p>The prisoner shall be under <u>clinical supervision</u>⁶, receiving daily visits by a nurse and being monitored as frequently as necessary by a doctor, who must</p>	<p>The measure is adopted by the prison director by <u>written and reasoned order</u> that must be <u>notified</u> to the prisoner (except if order and security reasons determine otherwise). This is a <i>last resort</i> measure that may only take place (1) when there is a <u>serious risk of escape</u> or removal, or (2) when, due to the prisoner's behavior, there is a <u>serious risk of violence</u> against oneself, against another person or against property.</p> <p>The prison director must <u>reassess</u> the measure <u>every 72 hours</u>. The decision to maintain the prisoner in a separation cell, during the first reassessment, must be communicated to the <u>Public Prosecutor for legal oversight</u>. The Public Prosecutor must also be informed of the termination of the measure.</p> <p>There shall be a <u>registration</u> (in a logbook and in digital format) that includes the following information: <u>date/time</u> of the prisoner's entry into and exit from the</p>	<p>The rules of all types of solitary confinement apply to individuals in pre-trial detention, in the same manner as they are applied to individuals serving a prison sentence. An individual in pre-trial detention can be subject to "<i>cela disciplinar</i>", "<i>cela de separação</i>", "<i>medida cautelar</i>" and "<i>quarto de segurança</i>".</p>	<p>A foreign national may be placed in a security room if <u>non-compliance with duties</u> or the existence of a <u>criminal record</u> represents an increased <u>risk</u> to the physical safety of oneself or others.</p>	<p>A foreign national may be placed in a security room when, due to his/her behavior, there is a <u>serious risk of escape</u> or of committing acts of <u>violence</u> against oneself, other persons, or property.</p>	<p>This measure may be applied, by reasoned order of the prison director, at any stage of a <u>disciplinary proceeding</u>, only in case it is necessary (1) to <u>prevent the continuation</u> of the disciplinary offense, (2) to <u>prevent the disturbance</u> of orderly and secure coexistence within the prison, (3) to ensure the <u>protection of a person</u> or (4) to ensure the <u>preservation of evidence</u>.</p> <p>The concrete measure shall be proportionate to the seriousness of the offense and appropriate to the intended</p>	<p>This a <i>last resort</i> measure, applied by a reasoned order of the prison director, in cases where a severe <u>disturbance of the prisoner's psycho-emotional state</u> presents a <u>serious risk of violent acts</u> against oneself, against another person or against property. The order of the prison director must be immediately communicated to the doctor and reported to the <u>Public Prosecutor</u> for a legality review.</p> <p>The prisoner must be <u>examined immediately</u> by a doctor and shall receive <u>daily clinical monitoring</u> for as long as the measure is in effect. After each examination, the doctor shall inform the prison director in writing about the prisoner's health condition and any possible need to terminate the measure.</p>
	<p>Placement in a security room may only be ordered by the person in charge of the detention center, who must immediately notify the National Director of the PSP. The placement is made <i>immediately</i> when there are serious and substantiated concerns about security and public order.</p> <p>The foreign national must always be heard, with <u>interpretation services</u> provided whenever possible.</p>							

⁶ Article 109 CES and 175 GRPE



	<p>be photographed), length of the measure (number of days), date/hour the measure ended, medical assistance given and any other occurrences. The prisoner is subject to <u>strip search</u> before entering the disciplinary cell.</p> <p>The prisoner shall be under <u>clinical supervision</u>⁵, receiving daily visits by a nurse and being monitored as frequently as necessary by a doctor, who must provide a written statement whenever he/she considers it necessary to interrupt or modify the execution of the measure. Also, a prison doctor <i>must</i> always be consulted <i>before</i> applying this measure to a prisoner who (1) is</p>	<p>provide a written statement whenever he/she considers it necessary to interrupt or modify the execution of the measure. Also, a prison doctor <i>must</i> always be consulted <i>before</i> applying this measure to a prisoner who (1) is undergoing psychiatric treatment, (2) exhibits suicidal intentions or (3) is either pregnant, on postpartum period or had a pregnancy termination.</p>	<p>separation cell, <u>reasons</u> for the placement, accompanying <u>staff</u>, description of any <u>injuries</u>, records of <u>medical/nursing</u> monitoring.</p> <p>A <u>medical or nursing assessment</u> is mandatory within a maximum of 24 hours after the start of this measure. If the prisoner is under special medical observation/treatment, shows suicidal ideation, or in cases of pregnancy, postpartum, or after pregnancy termination, a <u>prior</u> medical examination is mandatory, unless there is imminent danger and no other security measure is available — in which case an urgent medical examination must be carried out afterwards.</p> <p>The security and surveillance team must provide the prison director with <u>daily written reports</u> on the prisoner's behavioral development.</p> <p>The prison director shall <u>terminate</u> the measure whenever such daily reports indicate it is no longer</p>		<p>The reasons for the placement shall be <u>formally communicated</u>, in a language the person understands or can reasonably be presumed to understand.</p> <p>There shall always exist a correspondent written process that supports the application of the measure.</p> <p>The foreign national may <u>appeal</u> the decision to the National Director of the Public Security Police (PSP).</p> <p>The measure shall remain in place only for as long as the risk that justified it application persists.</p> <p>Minors, pregnant or breastfeeding women, family members of a minor who would be left unaccompanied, and individuals with psychiatric or physical conditions that could be worsened by isolation, <u>may not be</u> placed in a security room.</p>	<p>effects. In the <u>most serious cases</u>, it may consist of <u>confinement for all or part of the day in individual accommodation</u>.</p> <p>The prisoner remains under <u>clinical supervision</u>, being monitored as frequently as necessary by the doctor, who shall issue a written opinion whenever it is necessary to interrupt or modify the execution of the measure.</p>	<p>There shall be a <u>registration</u> (in a logbook and in digital format) that includes: <u>date/time</u> of the prisoner's entry into and exit, <u>reasons</u> for the placement, accompanying <u>staff</u> members, any visible <u>injuries</u> (with the correspondent record of doctor/nurse observation), medical examination and daily clinical <u>monitoring</u>.</p> <p>After 10 days, if the conditions the measure persist, the prisoner shall be <u>transferred</u> to an appropriate facility or <u>hospital</u> unit.</p>
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⁵ Article 109 CES and 175 GRPE



	undergoing psychiatric treatment, (2) exhibits suicidal intentions or (3) is either pregnant, on postpartum period or had a pregnancy termination.		<p>necessary. The Public Prosecutor must always be informed of the termination of the measure.</p> <p>If, <u>after 30 days</u>, the reasons justifying the measure persist, the prison director shall propose the placement of the prisoner in a <u>security regime</u> (served in specific prison establishments).</p>					
Duration	Maximum 21 days ⁷	Maximum 30 days ⁸	Maximum 30 days (with mandatory reassessment every 72h)		1 to 5 days	24 hours (Article 21(2) of General Regulation)	Maximum 30 days (in case of confinement)	Maximum 10 days

⁷ Article 105(1)(g) CES

⁸ Article 105(1)(f) CES



<p>Daily regime (time out, visits, telephone)</p>	<p>The prisoner cannot access activities or communications to the outside. Only <u>contacts with lawyer and religious assistant</u> are kept. The prison director can only authorize visits when <i>weighty circumstances</i> justify it. <u>Outdoor time</u> is conducted individually and lasts 2 daily hours, which may be reduced to 1 hour, by order of the prison director, when available spaces are insufficient. <u>Meals and medication</u> are given in the cell.</p>	<p><u>Outdoor time</u> is conducted individually and lasts 2 daily hours, which may be reduced to 1 hour, by order of the prison director, when available spaces are insufficient. <u>Contacts</u> with a lawyer and religious assistant are kept. <u>Family visits</u> <i>might</i> be authorized by the prison director (maximum of 1 hour). Prison director might determine that this sanction is served intermittently, to safeguard attendance to professional and educational <u>trainings</u>. <u>Meals and medication</u> are given in the cell.</p>	<p>The cell where this measure is served must be located in a <u>sector</u> of the prison establishment designated for that purpose and properly identified. The separation cell shall be equipped with the furniture and facilities provided for individual accommodation cells (at least 1 bed, 1 table, 1 chair and 1 locker, a washbasin and a toilet).</p> <p>Placement in a separation cell <u>excludes communal living</u> and communication with other prisoners and <u>limits contact</u> with the outside world. <u>Outdoor time</u> is conducted individually and lasts 2 daily hours, which may be reduced to 1 hour, by order of the prison director. It is the prison director who determines the <u>type and frequency of contact</u> with the outside world, taking into account the circumstances of the case.</p>		<p>A foreign national placed in a security room shall be guaranteed at least <u>one hour</u> of access to an outdoor recreation area, at a different schedule from other foreign nationals, and may receive <u>visits</u> in a suitable location, under appropriate security conditions</p>	<p>A foreign national placed in a security room shall be guaranteed at least <u>one hour</u> of access to an outdoor recreation area, at a different schedule from other foreign nationals.</p>	<p>Rules of “Permanência obrigatória no alojamento” apply [(a), second subtype]</p>	<p>The security room is preferably <u>located in the medical unit</u> and may only be used for this purpose. It is specifically constructed and equipped to <u>safeguard the physical integrity</u> of the prisoner and of others. <u>Outdoor time</u> lasts 2 daily hours, which may be reduced to 1 hour, by order of the prison director. The law does not mention restrictions to contact with family and the outside world.</p>
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Objects allowed	The disciplinary cell must offer the habitability conditions, features and equipment established by law, which include furniture (one bed, one table, one chair, but not TV), sanitary facilities and an alarm/communication system. The prisoner is not allowed to possess any objects inside the disciplinary cell, except those necessary for personal hygiene, plus 1 newspaper, 1 book and 1 magazine. The use and possession of tobacco is only permitted during time out.	Since the measure is served in one's accommodation, the individual can have access to all his/her belongings (including TV, radio, furniture, ...)	It is the <u>prison director</u> who <u>determines</u> which items the prisoner is allowed to possess, taking into account the circumstances of the case.		The regulations do not mention this topic.	The regulations do not mention this topic.	Rules of “ Permanência obrigatória no alojamento ” apply [(a), second subtype]	The security room is equipped specifically to guarantee <u>the physical integrity</u> of the prisoner and of others, so no objects are allowed that might pose a danger to that integrity.
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Solitary confinement as management of those labelled as ‘difficult’ or ‘dangerous’

The assessment is made on an individual basis and is not exclusively based on the type of crime or sentence. 30 days after the beginning of this measure – colocação em cela de separação (placement in a segregation cell), the prison director shall request the transfer of the prisoner to a prison/unit of high security regime. Please see the table above. The Prison Establishment of Monsanto is the only prison in Portugal exclusively dedicated to a high security regime. There are other prisons with a separate unit to place prisoners in a high security regime (namely, the prisons of Paços de Ferreira and Linhó).



4. Restraints and chemical irritants

Prisoners may be handcuffed when leaving the cell, for security reasons and to circulate within the prison facilities, until they reach their prison wing.

There is no aggregated data on the use of chemical restraints in segregation units. The NPM has been contacted about cases of prisoners that were placed in a segregation cell – for their own protection, because they were harming themselves – and, due to the escalation of their behavior, coercive injections were administered by clinical staff (with prior consultation of the psychiatrist).

5. Protected populations

Women (including pregnant, lactating, with child in prison)

As noted in the table above, women (including pregnant or lactating women and those with a child in prison) may be subject to solitary confinement, but a prison doctor *must* always be consulted before the measure is applied. Also, the measure of solitary confinement implies clinical supervision, and the prisoner must receive daily visits by a nurse and be monitored as frequently as necessary by a doctor, who must provide a written statement whenever he/she considers it necessary to interrupt or modify the execution of the measure.

Concretely, article 174(9) of the GRPE previews that “*an inmate who has a minor child with them remains in the disciplinary cell during the period between general opening and general lockdown, after which they return to their accommodation unit to stay with the child during the night.*”

[In the context of the detention of migrants, the rule applied differs - pregnant or breastfeeding women and family members of a minor who would be left unaccompanied may not be placed in segregation]

Children and young people

In juvenile detention centers, the relevant legislation is included in the Law 166/99 («**Juvenile Educational Measures Law**») – especially articles **194(1)(h)** and **197(f)** – and in the **Decree Law 323-D/2000** («**General Regulation on Juvenile Detention Centers**»)- especially article 106. Briefly, only in the case of very severe disciplinary offenses, the juvenile detainee may be sanctioned with a measure of “*suspension, whenever possible partial, from interaction with peers, for a period not exceeding one week.*” This measure might be served in the minor’s room or in another suitable space within the residential unit. The minor shall receive appropriate educational support, and, if necessary, clinical or psychological assistance. This measure should always be accompanied by a written disciplinary proceeding, where the minor is properly heard.

[In the context of the detention of migrants, the rule applied differs: minors, or family members of a minor who would be left unaccompanied, may not be placed in segregation].



People with disabilities (mental, physical, learning)

As noted in the table above, people with disabilities may be subject to solitary confinement, but a prison doctor must always be consulted before applying such measure to a prisoner who is undergoing psychiatric treatment or exhibits suicidal intentions. Also, any measure of solitary confinement in such circumstances implies daily clinical supervision. Please read the information included in the table above for more detailed nuances regarding the different *types* of solitary confinement.

[In the context of the detention of migrants, the rule applied differs: individuals with psychiatric or physical conditions that could be worsened by isolation, may not be placed in segregation]

LBTQI+ people

The rules of the different types of solitary confinement – described in the table above – apply to LBTQI+ persons. They could, in concrete circumstances, be placed in a segregation cell for their own protection («*cela de separação*»), but the NPM did not find evidence of the use of such option. In practical terms, these persons tend to be placed in more tranquil wings or in concrete prison establishments that are informally beginning to be “*specialized*” in accommodating this community. The prison administration has created a «Manual on the Treatment of LGBT Persons Deprived of their Liberty» The manual has been sent to prison directors, but training of professionals in these matters is urgently needed.

6. Statistical data on use of solitary confinement/segregation

No data is available.

7. Reports on the use of solitary confinement

Reports of the European Committee for the Prevention of Torture (CPT) are available [here](#), the most recent ones regarding visits enacted in 2019 and 2022.