



Mapping Solitary Confinement: Spain Country Report

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1. Country general Criminal Justice System facts & numbers¹

The Spanish State has three prison systems: the system of the General State Administration (hereinafter, AGE) —previously the only system for managing prisons—, the Catalan prison system (created in 1984), and the Basque prison system (created in 2021). In total, Spain has 97 prisons and prison hospitals: 80 managed by the State (65 prisons, 2 psychiatric hospitals, and 13 Social

***Part of the campaign for the abolition of solitary confinement in the Spanish state.**

¹ Section written by Lorena Alemán Aróstegui.



Reintegration Centres)², 14 managed by the Generalitat of Catalonia (9 prisons, 1 prison hospital ward, and 3 open prison centres)³, and 3 managed by the Basque Government⁴.

The number of people in prisons managed by the In the General State Administration, as of 31 December 2024⁵, stood at 48,947 inmates. Of these, 45,455 were men (an increase of 1,779 compared to 2023) and 3,492 were women (an increase of 85 compared to the previous year). Men therefore account for 92.9% of the total prison population. While there are no available data on ethnicity, information on nationality shows that 14,336 inmates were foreign nationals, meaning that almost one in three prisoners (29.3%) was not of Spanish nationality. Regarding legal status, 80.3% of inmates were serving prison sentences, while 17.2% were in pre-trial detention.

In the case of the Basque prison system, monthly prison population statistics for February 2026⁶ indicate that the total number of incarcerated persons was 1,791. Of these, 1,579 were serving sentences (88.2%), 207 were in pre-trial detention (11.6%), and 5 were held under judicial internment measures (0.3%). In terms of gender, there were 1,637 men (91.4%) and 154 women (8.6%). Regarding nationality, 607 inmates were foreign nationals, representing 33.9% of the total prison population.

In the case of the Catalan prison system, monthly prison population statistics for March 2026⁷ indicate that the total number of incarcerated persons was 9,132. Of these, 7,296 were serving sentences (79.9%) and 1,836 were in pre-trial detention (20.1%). In terms of gender, there were 8,635 men (94.6%) and 497 women (5.4%). Regarding nationality, 4,818 inmates were foreign nationals, representing 52.8% of the total prison population.

The General Council of the Judiciary also publishes statistics on the prison population across the entire Spanish territory, but these are more dated than the statistics cited above.⁸

² All the information about the prison model of the General State Administration is available on the website of the Secretariat of Penitentiary Institutions of the Ministry of the Interior:

<https://www.institucionpenitenciaria.es/es/web/home/inicio> (link from: <https://administracion.gob.es/pagFront/espanaAdmon/directorioOrganigrama/fichaUnidadOrganica.htm?codigoUnidad=E04796602>)

³ All the information about the Catalan prison model is available on the website of the Department of Justice of the Generalitat of Catalonia: https://justicia.gencat.cat/ca/ambits/reinsercio_i_serveis_penitenciaris/

⁴ All the information about the Basque prison models is available on the website of the Department of Justice and Human Rights of the Basque Government: <https://www.euskadi.eus/administracion-penitenciaria/web01-a2justic/es/>

⁵ General Report 2024 of the General Secretariat of Penitentiary Institutions (latest published as of 09/04/2026). Available at: https://www.interior.gob.es/opencms/pdf/archivos-y-documentacion/documentacion-y-publicaciones/publicaciones-descargables/instituciones-penitenciarias/informe-general/Informe-General_2024_12615039X_pdfWEB.pdf

⁶ Available at: <https://www.euskadi.eus/estadistica-mensual-de-la-poblacion-reclusa-de-la-comunidad-autonoma-de-euskadi/web01-s2enple/es/>

⁷ Available at: https://justicia.gencat.cat/ca/departament/Estadistiques/serveis_penitenciaris/descriptors-estadistics/

⁸ The latest available data at the time of writing is from 2023. Available at: <https://www.poderjudicial.es/cgpj/es/Temas/Estadistica-Judicial/Estadistica-por-temas/Datos-penales--civiles-y-laborales/Cumplimiento-de-penas/Estadistica-de-la-Poblacion-Reclusa/>



2. Legislative and administrative bases for use of solitary confinement⁹

Spanish prisons use solitary confinement (isolating incarcerated individuals from the rest of the prison population) in various forms, under different names: cell isolation (disciplinary sanction), provisional isolation (coercive measure), regime restriction (protective measure), and closed regime (a living regime corresponding to the highest level of classification ('first grade', or '*primer grado*'). Although each of these has its own specific features, all of them are forms of isolation, insofar as they involve particularly intense restrictions on freedom of movement, whereby the individual is separated not only from society but also from the rest of the prison population and must remain alone in a cell for the majority of the day¹⁰.

As for the regulation of the different forms of isolation in prison, it should be noted that a very significant part of this regulation is not found in laws of statutory rank; rather, the bulk of it is established at the regulatory or even administrative level, with substantial aspects set out in Instructions or Circulars issued by the prison administration.

The regulation, from highest to lowest legal rank, is as follows:

- Ley Orgánica General Penitenciaria (1/1979, of 26 September)¹¹:
 - Cell isolation as a disciplinary sanction (arts. 42–44).
 - Provisional isolation as means of restraint ("medios coercitivos"¹²) (not expressly provided for in the law, but rather referred to in the Regulations; see art. 45).
 - Closed regime (arts. 10 and 76.2(j)) – first grade (art. 72).
- Reglamento Penitenciario de 1996 (Royal Decree 190/1996, of 9 February)¹³:
 - Cell isolation as a disciplinary sanction (arts. 232, 233, 236, 253–255).
 - Provisional isolation as means of restraint (art. 72).
 - Closed regime (arts. 74.3, 89–95 and 97) – first grade (arts. 101.3 and 102.5).
 - Protective measure (art. 75). Not provided for by law.
- Instructions and Circulars:
 - General State Administration:
 - Instruction 17/2011, of 8 November, approving the Intervention Protocol and rules for the closed regime.

⁹ Section written by Lorena Alemán Aróstegui.

¹⁰ When solitary confinement is imposed as a disciplinary sanction, the person may remain alone in their cell for 22 hours a day, thereby meeting the definition established in the Mandela Rules. By contrast, in the different forms of the closed regime, the maximum periods of cellular confinement are 20 or 18 hours a day, depending on the applicable modality.

¹¹ Available at: <https://www.boe.es/buscar/act.php?id=BOE-A-1979-23708>

¹² Means of restraint are restraint measures that may be used only in urgent situations and exclusively for the following purposes: (a) to prevent acts of escape or violence by prisoners; (b) to prevent prisoners from harming themselves, other persons or property; and (c) to overcome prisoners' active or passive resistance to orders lawfully given by prison staff in the exercise of their duties. They are therefore not used for investigative purposes.

¹³ Available at: <https://www.boe.es/buscar/act.php?id=BOE-A-1996-3307>



- Instruction 9/2007, of 21 May, on the classification and placement of sentenced prisoners, as amended by Instruction 3/2024, of 17 June.
- Catalonia¹⁴:
 - Instruction 3/2023, of 8 August 2023, on the application of regime restrictions and control measures for reasons of security and good order in prison establishments (art. 75.1 RP), concerning inmates in situations of high risk of violent behaviour.
 - Circular 1/2022, approving the protocol for the application of means of restraint of provisional isolation and mechanical restraint in prisons in Catalonia.
 - Circular 2/2017, concerning the organization and intervention in closed-regime departments in Catalonia. The Circular addresses: (1) measures aimed at preventing the application of the closed regime; (2) the criteria governing its application and the procedure to be followed; (3) the different living arrangements within the closed regime and the possible pathways through its various phases, depending on the person's progress; and (4) "intervention". In this context, "intervention" refers to the multidisciplinary work carried out with people held under the closed regime. A multidisciplinary team is responsible for assessing each individual and designing either an Individualised Treatment Programme (Programa Individualizado de Tratamiento, PIT) or an Individual Intervention Model (Modelo Individual de Intervención, MII). It also includes the establishment of a motivational system intended to facilitate the person's progression through the different phases, as well as the provision and promotion of physical, educational and other activities.
 - Instruction 3/2005, of 22 April, on the criteria to be followed for drafting the internal regulations of special departments¹⁵.
 - Circular 2/2001, of 20 February, determining the competent body to approve the application of the regime provided for in Article 10 of the General Penitentiary Organic Law (LOGP) to pre-trial detainees. According to this Circular, the prison's observation and treatment team is the competent body to propose a daily regime, which then needs to be approved by the Secretariat of Penitentiary Services, Rehabilitation and Juvenile Justice.

¹⁴ Available at:

https://justicia.gencat.cat/ca/ambits/reinsercio_i_serveis_penitenciaris/serveis_penitenciaris/instruccions_i_circulars/

¹⁵ This Instruction establishes the criteria for drafting the internal rules governing special units in Catalan prisons. These rules are intended to ensure security and orderly coexistence within closed-regime units, while also establishing minimum common standards to guarantee equal treatment for all prisoners held in them. They regulate the internal operation of these units, taking into account the limitations on communal activities, the heightened levels of supervision and control, and any additional restrictions that may be required in individual cases.



- Basque Country: Instruction of the Directorate of Justice of the Basque Government, June 2026 (pending publication¹⁶).

3. Reasons for use, process, and administrative regulations for each ‘type’ of solitary confinement¹⁷

a. Solitary confinement as punishment

Authorization and Procedure:

- Solitary confinement as a disciplinary sanction is imposed by the Disciplinary Committee (a collegiate body) only in cases where *“the inmate displays clear aggressiveness or violence”* or *“repeatedly and seriously disrupts the normal coexistence within the institution”* (Article 42 of the Spanish Prison Act (*Ley Orgánica General Penitenciaria* – LOGP)).
- Solitary confinement may be imposed for the commission of very serious and serious disciplinary offences (Article 233 of the Prison Regulations (*Reglamento Penitenciario* – RP)).
- Individually, periods of solitary confinement may not exceed 14 days (Articles 42.2 LOGP and 233 RP). However, where several sanctions are accumulated, the total duration may reach 42 days (Article 236.2 RP), in which case judicial approval by the Supervising Prison Judge (*Juez/a de Vigilancia Penitenciaria*) is required (Articles 76.2(d) LOGP and 236.3 RP).
- The formal procedure for the imposition of disciplinary sanctions is regulated in Articles 240 et seq. RP and consists of the stages of initiation, investigation, decision, and enforcement.
- This sanction may not be imposed on pregnant women, women during the first six months following the end of pregnancy, breastfeeding mothers, or women who have children living with them in prison (Article 43.3 LOGP).
- The enforcement of a solitary confinement sanction requires a prior medical report and examination by the prison physician (Article 43.1 LOGP), and the prison governor/director must be informed (Article 254.1 RP).
- The legislation provides for the possibility of suspending the enforcement of solitary confinement sanctions in cases of *“illness of the sanctioned person, whenever the circumstances so warrant”* (Article 43.2 LOGP). Accordingly, *“whenever the circumstances so warrant, the Disciplinary Committee, either ex officio or upon proposal of the Treatment Board, may adopt a reasoned decision suspending the enforcement of the imposed solitary confinement sanction”* (Article 255.1 RP).

Daily Regime:

The person is confined alone in a cell for 22 hours per day, either in their usual cell or in another with equivalent conditions¹⁸, with one daily exercise period taken alone. During the sanction, they are not

¹⁶ Available at: <https://www.euskadi.eus/documentacion-de-la-administracion-penitenciaria/web01-a2justic/es/>

¹⁷ Section written by Lorena Alemán Aróstegui.

¹⁸ In the case of solitary confinement imposed as a disciplinary sanction, the legislation does not require it to be served in a specifically designated isolation or punishment wing. In principle, the person should serve the sanction in



permitted to receive parcels from outside or purchase items from the prison commissary, except where specifically authorized by the prison governor/director (Articles 254.4 and 254.5 RP).

b. Solitary confinement for the prisoner's own protection

- Authorization and procedure (Article 75 RP):
 - It may be adopted at the request of the imprisoned person or on the initiative of the prison governor/director.
 - It must be ordered by means of a reasoned decision “*where necessary to safeguard the life or physical integrity of the prisoner.*”
 - The Supervising Prison Judge (*Juez/a de Vigilancia Penitenciaria*) must be notified.
- Medical Certification; Maximum Duration; and Daily Regime: Not provided for in either the Spanish Prison Act (LOGP) or the Prison Regulations (RP)¹⁹.

c. Solitary confinement as management of those labelled ‘difficult’ or ‘dangerous’

- Authorization and procedure for placement in the Closed Regime:
 - The closed regime (*régimen cerrado*) may be imposed as a prison regime for individuals considered to present “extreme dangerousness” or “an inability to adapt to the ordinary or open regimes,” provided that objective grounds are established in a reasoned decision (Articles 10.1 LOGP and 89 RP).

The Prison Regulations specify the factors to be considered when assessing whether these legal criteria are met: (a) The nature of the offences committed throughout the person's criminal history, indicating an aggressive, violent, and antisocial personality. (b) The commission of acts against life, physical integrity, sexual freedom, or property carried out in particularly violent ways or circumstances. (c) Membership in criminal

their own cell whenever possible—that is, provided that the cell is not shared and the principle of single-cell accommodation established in Article 19 of the LOGP is observed, which is often not the case in practice. Where this is not possible, the person should be placed in another cell offering similar conditions.

By contrast, in the case of the closed regime, the legislation expressly provides that it must be implemented in designated closed-regime departments or special units (art. 90.1 RP). Such units therefore exist and are used in Spanish prisons.

¹⁹ There is no statutory or regulatory framework specifically governing this form of isolation. It is important to clarify that Article 75 does not expressly provide for isolation as a distinct measure. Rather, it establishes the general rule that prisoners should not be subjected to regime restrictions beyond those required by their treatment and progress. Only where necessary to safeguard a prisoner's life or physical integrity may measures involving additional regime restrictions be adopted, and the supervisory judge must be informed.

In practice, the application of Article 75 frequently results in prisoners being transferred to admissions or healthcare units, where their daily regime entails separation from the general prison population. However, no provision establishes minimum conditions for this form of isolation, including requirements concerning medical certification or minimum time out of cell. Nor is there a rule requiring these prisoners to be held in the same units as those serving a disciplinary sanction; in practice, they are generally held in admissions or healthcare units.

Nevertheless, Article 90.2 RP establishes that living conditions under the closed regime may not be more restrictive than those applicable to isolation as a disciplinary sanction. This principle could—and, in our view, should—be understood as imposing an absolute limit applicable to any form of isolation.



organizations or armed groups, unless the individual has clearly demonstrated that they have withdrawn from the internal discipline of such organizations. (d) Active participation in riots, collective protests (*plantas*), physical assaults, threats, or coercion. (e) The repeated and sustained commission of disciplinary offences classified as serious or very serious. (f) The introduction or possession of firearms within the prison, or possession of significant quantities of toxic drugs, narcotic substances, or psychotropic substances suggesting an intention to traffic them (Article 102.5 RP).

- The closed regime may not be applied where “anomalies or impairments” (“anomalías o deficiencias”) are identified (Article 10.1 LOGP²⁰).
 - Exceptionally, the regime may also be applied to pre-trial detainees, in which case the competent judicial authority must be notified (Article 10.2 LOGP).
 - The formal procedure for placement in the closed regime is as follows: The Treatment Board (*Junta de Tratamiento*) of the prison prepares a reasoned proposal. Based on that proposal, the Central Prison Administration (*Centro Directivo*) decides whether to impose the closed regime through a reasoned decision. The Supervising Prison Judge (*Juez/a de Vigilancia Penitenciaria*) must be notified within 72 hours (Article 95.1 RP). In the case of pre-trial detainees, the Treatment Board's decision must be supported by reasoned reports from both the Head of Security (*Jefe de Servicios*) and the Technical Team, and must always be reasoned (Article 97.1 RP). The Supervising Prison Judge must also be informed of cases in which placement in the closed regime is proposed by the prison governor/director (Article 76.2(j) LOGP). Finally, where a first-degree classification is imposed for a second consecutive time, the case may be referred to the Central Prison Observation Unit (*Central Penitenciaria de Observación*) (Article 105.3 RP).
- Medical Certification: Although no prior medical certification is required, the regulations provide for the scheduling of regular medical visits for individuals held under the closed regime (Article 93.1(4) RP).
 - Maximum Duration: No maximum duration is established. The law provides that the closed regime shall remain in force “for as long as necessary until the reasons or circumstances that justified the placement have disappeared or diminished” (Article 10.3, second paragraph, LOGP, and Article 98.1 RP). The decision imposing the closed regime must be reviewed at least every three months (Article 98.2 RP).
 - Daily Regime: The Spanish Prison Act (LOGP) merely states that the closed regime consists of “a restriction of prisoners' collective activities and increased control and supervision, in the manner established by regulation” (Article 10.3 LOGP). Accordingly, the detailed conditions are laid down in the Prison Regulations (RP), which provide as follows:

²⁰ The provision states only the following: “unless the assessment of the individual’s personality reveals the presence of anomalies or impairments that require their placement in the corresponding specialised institution”.



- The closed regime shall be served in closed-regime units or special departments located within ordinary prisons (Article 90.1 RP).
 - The corresponding regime-related restrictions shall be established, but they may never be more restrictive than the regime applicable to the disciplinary sanction of solitary confinement in a cell (Article 90.2 RP).
 - Two different regime modalities are provided for (Articles 91-92 RP²¹): (A) Special departments: Prisoners are entitled to at least three hours per day in an exercise yard with no more than one other person. This period may be extended by up to an additional three hours for scheduled activities. They are subject to daily searches and frisk searches, including full strip searches where there are reasonable grounds for suspicion. They also receive regular visits from the prison medical services, which report to the prison governor/director (Article 93 RP). (B) Closed-regime units: Prisoners are entitled to at least four hours per day of communal association. This period may be extended by up to an additional three hours for scheduled activities involving no more than four other prisoners (Article 94 RP).
 - The number of parcels that prisoners may receive is reduced from two per month to one per month (Article 50.5 RP).
- Other aspects of the closed regime are not regulated by either the Spanish Prison Act (LOGP) or the Prison Regulations (RP).
- With regard to the special department modality, the Prison Governing Council (*Consejo de Dirección*) is responsible for adopting the internal regime rules governing matters such as barber services, showers, hairdressing, prison commissary, meal distribution, cleaning of cells and communal areas, access to books, magazines, newspapers, radios and televisions, and the clothing and personal belongings that prisoners may keep in their cells (Article 93.1(5) RP). In addition, an intervention model and generic treatment programmes must be developed, adapted to the security requirements of the regime, with the aim of facilitating the prisoner's

²¹ The LOGP—the higher-ranking legislation, adopted in 1979—provides that the closed regime is to be implemented in “closed-regime institutions or special departments”. This wording could simply have been interpreted as meaning that the closed regime may be implemented either in prisons entirely devoted to this regime or in “ordinary” prisons containing closed-regime units that are considered “special” in relation to the institution’s general operation. Curiously, however, the Prison Regulations (1996) implementing the LOGP used this distinction to create two separate sub-regimes, corresponding to different phases with different levels of restriction. In the view of many experts, including the author, this regulatory development is contrary to the principle of legality. The Prison Regulations thus created ex novo two different living arrangements for prisoners classified in first degree: Placement in a closed-regime unit or institution applies to prisoners classified in first degree because they have demonstrated a clear inability to adapt to ordinary prison regimes. Placement in a special department applies to prisoners classified in first degree because they have “instigated or played a leading role in very serious disturbances of prison order which have endangered the life or physical integrity of prison staff, public authorities, other prisoners or persons outside the institution, whether inside or outside the prison, and which demonstrate extreme dangerousness”. This distinction therefore creates two levels of restriction within the first-degree regime and explains the difference in the number of hours permitted outside the cell. In practice, however, both arrangements are generally implemented in the same physical spaces. Depending on the prison, these spaces may be called “closed-regime units” or “special departments”, but in practical and material terms they are the same type of unit.



gradual adaptation to the ordinary regime and encouraging positive behavioural factors that promote reintegration and social rehabilitation, with the necessary staff assigned for this purpose (Article 93.1(6) RP).

- With regard to the closed-regime unit modality, the Treatment Board (*Junta de Tratamiento*) is responsible for preparing a detailed programme of cultural, sporting, recreational, educational, vocational, occupational, and work-related activities (Article 94.3 RP).

— The relevant administrative regulations include:

State Prison Administration (AGE): Instruction 17/2011 of 8 November²², approving the Protocol for Intervention and Operational Rules in the Closed Regime²³.

- Catalonia (CAT): Circular 2/2017 on the Closed Regime in Catalan Prisons²⁴, concerning the organisation of and intervention in the closed-regime departments of prisons in Catalonia²⁵.
- Basque Country (CAV): Instruction of the Directorate of Justice of the Basque Government, June 2026 (pending publication²⁶).

Grounds for placement in a ‘closed regime’

Persons considered to present “extreme dangerousness” or “manifest inability to adapt”, taking into account the following factors (Article 102.5 RP):

- a) The nature of the offences committed throughout the individual's criminal history, indicating an aggressive, violent, and antisocial personality.

²² Available at: https://www.institucionpenitenciaria.es/documents/20126/78885/CIRCULAR_17-2011.pdf

²³ Under Instruction 17/2011, everyday life in special departments is subject to detailed controls: prisoners have at least three hours of daily yard access, scheduled in morning and afternoon periods or as a single continuous period. They are searched whenever they enter or leave their cells, and cells are searched daily. Movements take place individually under supervision; when an officer appears, prisoners must stand at the back of their cells with their hands visible, except during night-time rest. Meals are delivered through a hatch without opening the security door. Only essential clothing and belongings, three books and three magazines and/or newspapers may be kept in the cell, alongside necessary study materials. Showers outside the cell take place during yard time, with an additional ten minutes allowed, and laundry is provided weekly. Televisions and radios are permitted subject to specified restrictions (Section 2.1).

²⁴ Available at:

https://justicia.gencat.cat/web/.content/home/departament/legislacio/instruccions_i_circulars/instruccio_SP_2_2017.pdf

²⁵ Under Catalonia’s Circular 2/2017, daily life in closed-regime units (DERT) is organised around scheduled periods of yard access, communal activities and individual support. Prisoners under Article 93 are entitled to at least six hours outside their cells daily, including three hours in the yard; exceptionally, an initial adaptation period of up to fifteen days allows only three hours of daily yard access and two hours of individual support per week. Under Article 94, Phase I provides at least four hours of yard access and communal life plus two hours of scheduled activities daily, increasing to three activity hours in Phase II. At weekends and on public holidays, scheduled activities may be replaced by time in communal areas. Specific daily timetables are set by each prison’s internal rules (Sections V, VI.12 and VII).

²⁶ Available at: <https://www.euskadi.eus/documentacion-de-la-administracion-penitenciaria/web01-a2justic/es/>



- b) The commission of acts against life, physical integrity, sexual freedom, or property carried out in particularly violent ways or circumstances.
- c) Membership in criminal organisations or armed groups, unless the individual has clearly demonstrated that they have withdrawn from the internal discipline of such organisations or groups.
- d) Active participation in riots, collective protests (*plantas*), physical assaults, threats, or coercion.
- e) The repeated and sustained commission of disciplinary offences classified as serious or very serious.
- f) The introduction or possession of firearms within the prison, or the possession of significant quantities of toxic drugs, narcotic substances, or psychotropic substances suggesting an intention to traffic them.

In addition, Instruction 12/2011 of the General Secretariat of Prison Institutions, regulating the Special Monitoring Inmate Files (*Ficheros de Internos de Especial Seguimiento – FIES*), provides for the adoption of security measures that include regime-related restrictions which, in practice, may amount to forms of closed-regime confinement. The FIES system applies to specific categories of prisoners:

- FIES-1 – Direct Control: for *“particularly dangerous and conflictive prisoners who have instigated or played a leading role in very serious disturbances of prison order that have endangered life or physical integrity.”*
- FIES-2 – Organised Crime.
- FIES-3 – Armed Groups and Terrorism.
- FIES-4 – Members of the Security Forces and Prison Staff.
- FIES-5 – Special Characteristics: applicable to several categories of prisoners:
 - i. Those with a *“prison record characterised by high levels of conflict, escapes, or serious violence.”*
 - ii. Those convicted of *“serious offences against persons, sexual freedom, or corruption offences that have generated significant public alarm.”*
 - iii. Those *“linked to violent organisations or groups.”*
 - iv. Individuals not convicted of Islamist terrorism but who *“stand out because of their radical fanaticism, affinity with terrorist ideology, or leadership of, or participation in, prison-based recruitment or extremist groups.”*
 - v. Persons convicted by an International Criminal Tribunal.
 - vi. Individuals cooperating with the justice system.



The Prison Regulations provide that the closed regime shall be served in closed-regime units or special departments located within ordinary prisons (Article 90.1 RP). Accordingly, entire prisons may not be dedicated exclusively to the closed regime; rather, this regime must be implemented through special units or departments within ordinary correctional facilities.

d. Solitary confinement pre-trial

Those held in pre-trial detention can also be placed solitary confinement. This may occur as a disciplinary sanction (solitary confinement in a cell), as a protective measure (Article 75 RP), or as a prison regime where the individual is considered to present extreme dangerousness or manifest inability to adapt (Article 10.2 LOGP and Articles 74.3 and 96–98 RP). Solitary confinement as a disciplinary sanction and as a protective measure is subject to the same rules applicable to sentenced prisoners.

With regard to solitary confinement as a prison regime (closed regime), the regulations provide that, in the case of pre-trial detainees, placement in the closed regime requires a proposal by the Treatment Board and the approval of the Central Prison Administration, supported by at least two reasoned reports from the Head of Security (*Jefe de Servicios*) and the Technical Team (Article 97 RP). No maximum duration is prescribed, although the decision must be reviewed every three months (Article 98 RP). The conditions of the regime are otherwise the same as those applicable to sentenced prisoners.

Incommunicado Pre-Trial Detention:

Incommunicado detention (*prisión provisional incomunicada*) is a separate legal measure. It is governed by Articles 509 and 527 of the Spanish Criminal Procedure Act (*Ley de Enjuiciamiento Criminal – LECrim*). Unlike the prison measures described above, it is ordered by the judicial authority conducting the criminal investigation, not by the prison administration.

It may be imposed only exceptionally by means of a reasoned judicial decision, where there is:

- an urgent need to prevent serious consequences for the life, liberty, or physical integrity of any person; or
- an immediate judicial necessity to prevent the serious compromise of the criminal proceedings.

As regards its duration, incommunicado detention must last only for the period strictly necessary and may not exceed five days. In cases involving terrorism or offences committed by an organised group acting in concert, it may be extended for a further five days.

During the period of incommunicado detention, the judicial order may, where individually justified, restrict rights such as:

- the right to appoint a lawyer of one's own choosing;



- communication with family members or other specified persons;
- confidential meetings with one's lawyer; and
- access to certain parts of the case file.

However, communications with the judicial authority, the Public Prosecutor, and a forensic physician can never be denied. Moreover, where communications are restricted, the detainee must undergo at least two medical examinations every twenty-four hours, where considered necessary by the attending physician.

Importantly, incommunicado pre-trial detention does not, in itself, authorise the imposition of either a disciplinary solitary confinement sanction or placement in the prison closed regime. Each of these measures requires its own independent legal basis, procedural safeguards, and judicial or administrative oversight.

e. Solitary confinement in immigration detention²⁷

In Foreigners' Detention Centres (*Centros de Internamiento de Extranjeros – CIEs*), prison law does not apply, since these are facilities for the deprivation of liberty in which individuals are detained not because they have committed a criminal offence, but on the basis of administrative immigration offences.

Organic Law 4/2000 of 11 January on the Rights and Freedoms of Foreigners in Spain and Their Social Integration (*Ley Orgánica sobre derechos y libertades de los extranjeros en España y su integración social – LOEX*) provides for preventive detention in a CIE as a precautionary measure where administrative proceedings have been initiated that may result in the person's expulsion from Spanish territory, with the aim of ensuring the effectiveness of the final decision (Article 61 LOEX). The legal framework governing the conditions of deprivation of liberty in Spanish CIEs is set out in Articles 62, 62 bis, 62 ter, 62 quater, 62 quinquies, and 62 sexies LOEX.

With regard to forms of isolation within CIEs, Article 62 quinquies LOEX provides for the possibility of preventive separation in an individual room (*separación preventiva en habitación individual*) as a security measure, that is, as a means of restraint or coercive measure. It may be applied only:

- to prevent acts of violence or self-harm involving detained foreigners;
- to prevent escape attempts;
- to prevent damage to the facilities; or
- in response to resistance against staff acting in the lawful exercise of their duties, provided that the measure complies with the principle of proportionality.

²⁷ Section written by Alicia Alonso Merino.



The measure must be authorised in advance by the director of the CIE, unless urgent circumstances make prior authorisation impossible, in which case the director must be informed immediately. The director must also notify the judicial authority that authorised the detention as soon as possible of both the adoption and termination of the coercive measure. Where the measure consists of preventive separation of the aggressor, the judicial authority must, as soon as possible, decide whether to maintain or revoke the measure while it remains in force.

Further relevant provisions are contained in Article 57 of Royal Decree 162/2014 of 14 March, approving the Regulations on the Operation and Internal Regime of Foreigners' Detention Centres, which lays down additional requirements for the use of isolation as a coercive measure. In particular:

- Rooms used for temporary isolation must have conditions equivalent to those of ordinary accommodation (Article 57.5).
- Persons placed in temporary isolation must undergo a daily medical examination, and a corresponding medical report must be issued (Article 57.5).
- Temporary separation may not be imposed, unless there is an imminent danger to the person's own physical integrity or that of others, in the following cases:
 - pregnant women;
 - women during the nine months following the end of pregnancy;
 - breastfeeding mothers;
 - women accompanied by their children; and
 - persons recovering from a serious illness (Article 57.6).

No statutory maximum duration is established for this form of isolation. In practice, the measure also results in the person's incommunicado status, as mobile phones are confiscated during the period of isolation, even though detainees in CIEs are ordinarily permitted to possess mobile phones without cameras.

4. Restraints and chemical irritants²⁸

4.1. Mechanical Restraints

The Spanish Prison Act (*Ley Orgánica General Penitenciaria* – LOGP) provides that only those coercive measures expressly established by regulation may be used. However, Article 72 of the

²⁸ Section written by Alicia Alonso Merino.



Prison Regulations (RP) expressly lists those measures—temporary isolation, physical force, rubber batons, incapacitating sprays, and handcuffs—without including mechanical restraints.

This has given rise to the debate as to whether this list constitutes a *numerus clausus* ("closed number"), which would preclude the use of coercive measures not expressly provided for. Some human rights experts²⁹ argue that it does, and that the use of mechanical restraints therefore lacks a legal basis, infringing fundamental principles such as legality, legal certainty (*lex certa*), and the principle of statutory reservation.

Despite the controversy surrounding their legality, however, mechanical restraints are widely used in Spanish prisons. Their use attracted particular attention from Spain's National Preventive Mechanism against Torture (*Mecanismo Nacional de Prevención de la Tortura* – MNPT), who, in response to concerns regarding their use, published in 2017 a Guide to Good Practices on Mechanical Restraints. The Guide defines mechanical restraint as the immobilisation of a person and distinguishes between disciplinary and medical restraints and sets out key criteria: constant supervision; staff training; the use of appropriate means; the recording and monitoring of the measure; and immediate notification to the prison supervision judge. Restraint should therefore be used only exceptionally, proportionately, and for the shortest possible time³⁰.

In June 2026, the MNPT updated the 2017 Guide³¹, extending its scope beyond the prison context to include psychiatric inpatient units and residential and long-term care facilities. Taking an approach centred on human dignity, autonomy, and human rights, the revised Guide regards mechanical restraint as a serious restriction of fundamental rights, which may be used only exceptionally, where there is a serious and imminent risk, as a measure of last resort, and for the minimum time strictly necessary.

4.2.1. State Prison Administration

The use of mechanical restraints is currently regulated by Instruction 3/2018 of 25 September, entitled *Coercive Measures: Protocol for the Application of Mechanical Restraints for Security and Order Purposes*³². This Instruction replaced previous regulations and followed the publication of the MNPT's 2017 Guide to Good Practice.

Instruction 3/2018 regulates mechanical restraints for prison security purposes as an exceptional measure of last resort to address situations involving serious risk. It provides that restraints must be applied only for the minimum time necessary, subject to prior authorisation, continuous supervision, medical monitoring, record-keeping, video surveillance, and notification to the

²⁹ Rivera Beiras, I.; Stroppa, R.; Navarro Pardo, J. et. al (2023); APDH-A y Osabideak (2023); Fiscales de Vigilancia Penitenciaria (2017).

³⁰ Available at: https://www.defensordelpueblo.es/wp-content/uploads/2017/05/guia_contenciones_mecanicas.pdf

³¹ Available at: <https://www.defensordelpueblo.es/noticias/el-documento-se-acaba-de-registrar-en-cortes-generales/>

³² Available at: https://www.acaip.es/images/docs/instruccion_3_2018_Medios_coercitivos.pdf



Supervising Prison Judge. Its principal objective is to restrict and monitor the use of mechanical restraints while ensuring certain procedural safeguards and prisoners' rights.

Between 2017 and 2022, the use of mechanical restraints in Spanish prisons declined substantially, falling from 1,033 cases to 371 (a reduction of 64%). Even after adjusting for the prison population, the decrease remained significant, from 2.02 to 0.80 incidents per 100 prisoners (a reduction of 61.6%). The decline became particularly pronounced after 2019, following the implementation of Instruction 3/2018. The duration of restraints also decreased considerably, with prolonged episodes lasting more than 10 or 24 hours falling from relatively high numbers in 2017 to very low levels by 2022³³.

4.2.2. Catalonia

In 2021, the Catalan prison administration adopted Circular 2/2021, approving the *Protocol for the Application of the Coercive Measures of Temporary Isolation and Restraint in the Prisons of the Generalitat of Catalonia*. The Circular sought to reduce and ultimately eliminate the use of mechanical restraints through a "zero restraints" policy, incorporating recommendations issued by international and national human rights bodies.

However, the Circular was rapidly repealed and replaced by Circular 1/2022, approving the *Protocol for the Application of the Coercive Measures of Temporary Isolation and Mechanical Restraints in Catalan Prisons*.

Circular 1/2022³⁴ regulates both mechanical restraints and temporary isolation as exceptional measures of last resort. It requires proportionality, supervision, medical oversight, judicial notification, and introduces staff training together with post-incident evaluation procedures. Nevertheless, it has been criticised for reducing procedural safeguards and transparency.

On the one hand, the Circular expands its scope by regulating temporary isolation alongside mechanical restraints. On the other hand, it omits several key principles that appeared in the previous framework, including legality, proportionality, and independent supervision. It also refers essential aspects of its implementation to internal operational guidelines (GAP) that are not publicly available, thereby reducing transparency. Although mechanical restraint continues to be formally characterised as an exceptional measure, the practical regulation has become less clear. Judicial notification remains mandatory within 24 hours, but this has been criticised as falling short of recommendations calling for immediate judicial oversight. The Circular distinguishes between security-related and medical restraints, depending on the authority ordering the measure, and provides for post-use evaluation of each incident. Nevertheless, concerns remain regarding

³³ Rivera Beiras, I.; Stroppa, R.; Navarro Pardo, J. ; García T.; Varela Carpio, A.; Zamarripa Fava, D.S. (2023). *La contención mecánica en las prisiones españolas desde la perspectiva de los derechos humanos*. Observatorio del Sistema Penal y los Derechos Humanos de la Universidad de Barcelona.

³⁴ Available at: https://justicia.gencat.cat/web/.content/documents/instruccions_i_circulars/circular-1-2022-contencions.pdf



insufficient safeguards, limited transparency, and the absence of meaningful civil society participation.

Between 2017 and 2022, a total of 4,518 episodes of mechanical restraint were recorded in Catalan prisons, with an overall upward trend (except in 2021). The rate of incidents per 100 prisoners had almost doubled from 6.68 in 2017 to 12.35 incidents per 100 prisoners in 2022. This increase occurred despite a reduction in the prison population and became particularly marked following the entry into force of Circular 1/2022. Most incidents involved security-related restraints (63%), which increased by 72%, compared with a 56% increase in medical restraints. Significant differences also exist between individual prisons, suggesting uneven implementation of the measure. Furthermore, the proportional use of mechanical restraints is higher among women than men. In 2022, the rate was 17.64 incidents per 100 women prisoners, compared with 11.99 per 100 men, a disparity that has persisted since 2017³⁵.

4.2.3. Basque Country

Instruction 1/2021 of the Directorate of Justice of the Department of Equality, Justice and Social Policies³⁶ provides that Spanish state prison regulations continue to apply in the Basque Country on a supplementary basis, provided they do not conflict with the new regional guidelines. Consequently, Instruction 3/2018 on mechanical restraints also applies in the Basque prison system, and reference may therefore be made to the analysis set out above concerning the State Prison Administration.

Since the Basque Government assumed responsibility for prison administration (2021–2022), the use of long-duration mechanical restraints has remained very limited, with only seven recorded cases, corresponding to 0.4 incidents per 100 prisoners. These restraints have been used primarily to prevent self-harm or damage to property, rather than in response to assaults on others, which are generally managed through the use of short-term handcuffing.

In the first nine months of 2023, 14 instances of mechanical restraint were recorded in two of the three prisons managed by the Basque Government (Araba and Guipúzcoa), equivalent to 1.18 per 100 prisoners. The longest instance, lasting 24 hours, was carried out at Araba Prison on a 25-year-old prisoner with the aim of preventing them from causing harm to themselves or to property – a reason which, according to the available information, justified all instances of restraint. However,

³⁵ Report of the Observatory of the Penal System and Human Rights of the University of Barcelona (2023). Available at: <https://revistes.ub.edu/index.php/CriticaPenalPoder/article/view/46259/41584>

³⁶ Available at: https://www.euskadi.eus/contenidos/informacion/administracion_penitenciaria/eu_def/adjuntos/RESOLUCION-001-2021-DJ-MANUAL-DE-GESTION-PENITENCIARIA.pdf



the data provided does not allow us to determine whether these restraints were of a medical nature, ordered by medical staff for psychiatric reasons, or of a disciplinary nature³⁷.

4.2. Irritant Sprays (Chemical Irritants)

Circular 21/1996 of 16 December³⁸, which consolidates and harmonises previous instructions and circulars in order to adapt them to the Fourth Transitional Provision of the Prison Regulations approved by Royal Decree 190/1996 of 9 February, lays down security, control, and incident-prevention rules applicable to prisoners with high conflict personality and/or maladaptive.

Section B.3 of the Circular deals with coercive measures. It requires that every use of such measures be documented in an official register, recording:

- the date and time at which the measure began and ended;
- the type of coercive measure applied;
- a brief report of the relevant facts; and
- any additional measures adopted.

With specific regard to irritant sprays, the Circular provides that the instructions for use must always be visibly displayed wherever these devices are stored. It also describes the effects of and precautions relating to the use of CS tear gas (o-chlorobenzylidene malononitrile). According to the Circular, this chemical agent produces intense irritation accompanied by a severe sensation of suffocation, which may lead to panic. It primarily affects the eyes, skin, and respiratory system, and it is considered particularly dangerous for individuals suffering from asthma.

Accordingly, the Circular provides that CS gas should be used preferably in open or well-ventilated areas, applied in short bursts of between two and three seconds, while prolonged or repeated exposure must be avoided. Following its use, the affected person should undergo a medical examination to rule out possible complications.

According to data provided by the Spanish Prison Administration³⁹, between 2024 and 2025 pepper spray was used only on a limited number of occasions in Spanish prisons as follows:

Table 1: Pepper spray use between 2024-2025

Prison	Number of uses
C.P. Las Palmas II	6

³⁷ Report of the Observatory of the Penal System and Human Rights of the University of Barcelona (2023). Available at: <https://revistes.ub.edu/index.php/CriticaPenalPoder/article/view/46259/41584>

³⁸ Available at: <https://boletintokata.wordpress.com/wp-content/uploads/2010/06/21-96-circularfies.pdf>

³⁹ Request for Information AC2000000631752 (17/04/2026).



A Lama (Pontevedra)	2
C.P. Las Palmas I	1

5. Protected Groups⁴⁰

A sanction of disciplinary solitary confinement may not be imposed on pregnant women, women during the six months following the end of pregnancy, breastfeeding mothers, or women who have children living with them in prison (Article 43.3 LOGP; Article 254.3 RP). Furthermore, enforcement of the sanction must be suspended in cases where the prisoner is ill, and whenever the circumstances so warrant, until the prisoner has recovered or the competent collegiate body considers it appropriate to resume enforcement, respectively (Article 43.2 LOGP). The sanction must also be suspended or modified if the prison physician, who is required to examine the prisoner daily while they remain in solitary confinement, considers its continuation to be medically inappropriate (Article 43.1 LOGP).

Where temporary isolation is used as a coercive measure, it may likewise not be applied to pregnant women, women during the six months following the end of pregnancy, breastfeeding mothers, or women who have children living with them in prison. Nor may it be applied to persons recovering from a serious illness, unless their conduct poses an imminent danger to their own physical integrity or that of others (Article 72.2 RP).

With regard to juveniles, the Organic Law Regulating the Criminal Responsibility of Minors (Organic Law 5/2000 of 12 January)⁴¹ provides, in cases of serious disciplinary offences, for a sanction known as “separation from the group” (*separación del grupo*) (Article 60.3). Under this measure, the young person remains in their own room or another room of equivalent characteristics during the centre's scheduled activities, except for attendance at compulsory education, family visits, and two hours of outdoor time each day (Article 60.6). Where the sanction is imposed on a juvenile, “the doctor or psychologist shall visit the child on a daily basis and shall report to the head of the centre on the child’s physical and mental health, as well as on whether it is appropriate to suspend, amend or revoke the sanction imposed.” (Article 66.4).

The “separation from the group” sanction may not be imposed on pregnant girls, girls during the six months following the end of pregnancy, breastfeeding mothers, or girls who have children living with them (Article 66.5 of Royal Decree 1774/2004, approving the Regulation implementing Organic Law 5/2000).

There is no specific legal regulation governing the application of prison isolation measures to LGBTIQ+ persons.

⁴⁰ This section was written by Alicia Alonso Merino.

⁴¹ The law applies exclusively to minors aged 14 or over and under 18 at the time the offence was committed.



6. Statistical data on use of solitary confinement/segregation42

The data presented below refer to the different forms of isolation applied in prisons administered by the General Secretariat of Prison Institutions (State Prison Administration), Catalonia, and the Basque Country, covering the years 2020, 2021, 2022, 2023, and 2024. The prison service does not publish such detailed data on solitary confinement on a regular basis, so the information is drawn from freedom of information requests submitted under transparency legislation and from a report by the CIVIO Foundation43.

6.1. Disciplinary Solitary Confinement (Article 42 LOGP)

Table 2: Prisoners serving disciplinary solitary confinement in prisons run by the AGE, in Catalonia and the Basque Country

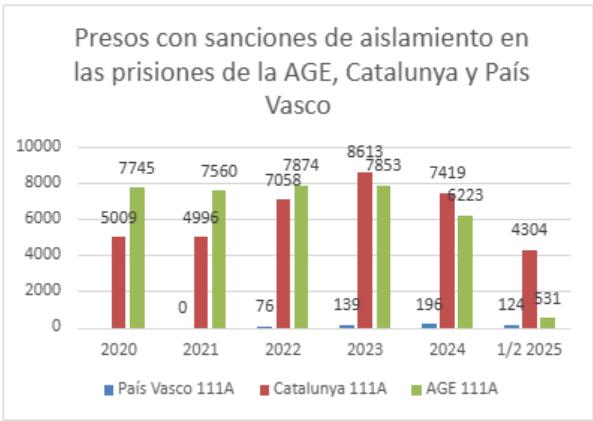
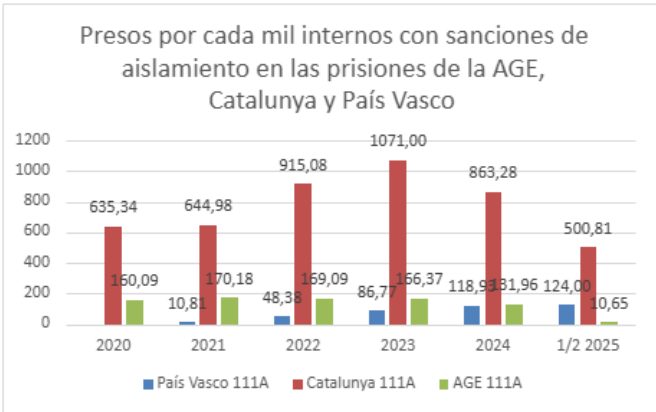


Table 3: Prisoners per thousand inmates serving disciplinary solitary confinement in prisons in the AGE, Catalonia and the Basque Country



42 This section was written by Alicia Alonso Merino.
43 Available at: https://civio.es/justicia/2026/03/04/aislamiento-el-castigo-en-prision-que-viola-todas-las-recomendaciones-de-la-onu/



6.1.1. State Prison Administration

Table 4: Total number of prisoners serving disciplinary solitary confinement in AGE prisons

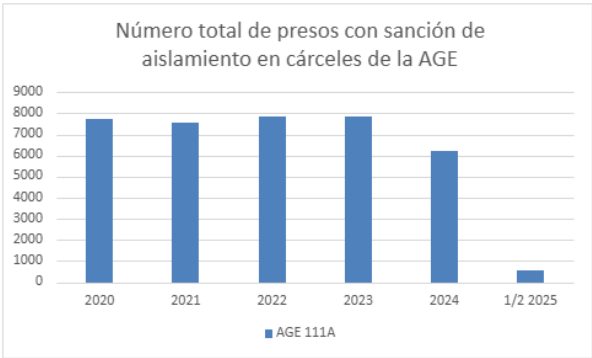


Table 5: Prisoners per thousand inmates serving disciplinary solitary confinement in prisons in the AGE.

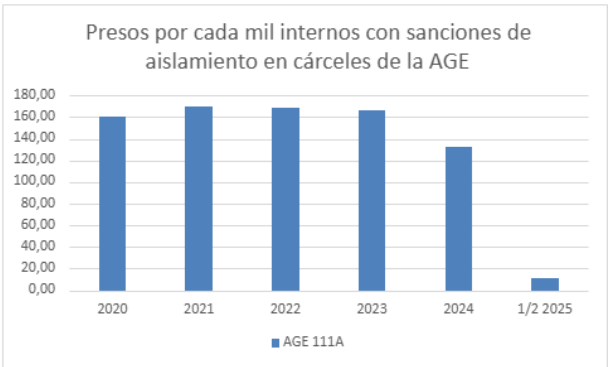


Table 6: Number of solitary confinement sanctions in AGE prisons that have exceeded the 15-day limit set out in the Mandela Rules

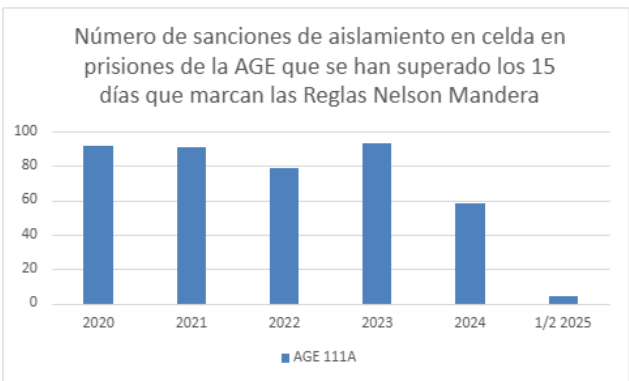
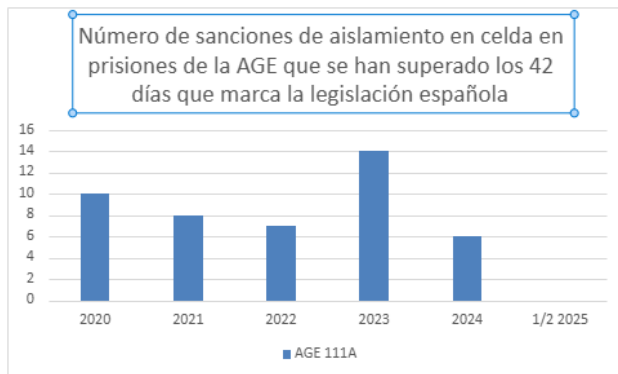




Table 7: Number of solitary confinement sanctions in AGE prisons that have exceeded the 42-day limit set by Spanish law



6.1.2. Catalonia

Table 8: Total number of prisoners serving disciplinary solitary confinement in Catalonia prisons

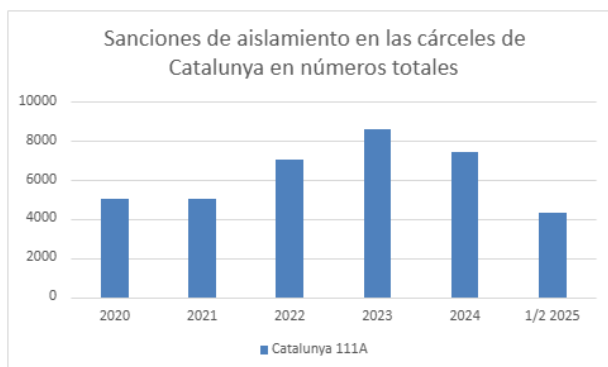
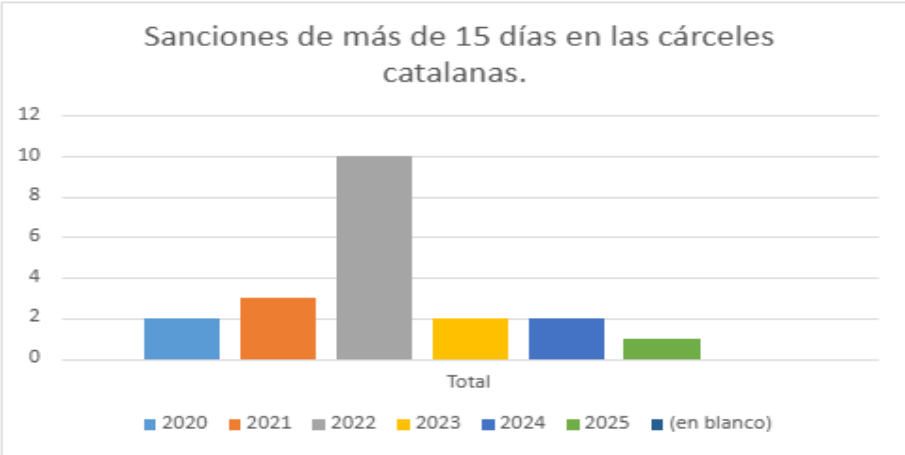


Table 9: Prisoners per thousand inmates serving disciplinary solitary confinement in Catalonia prisons.





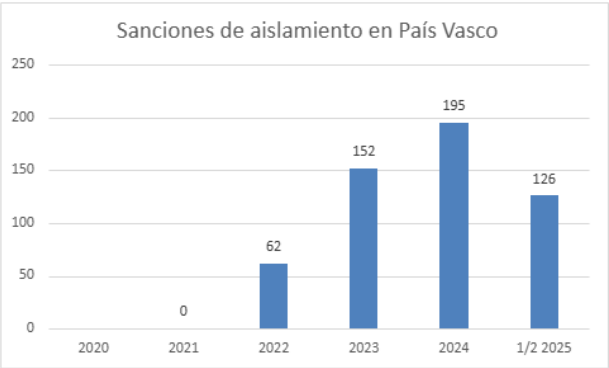
Table 10: Number of solitary confinement sanctions in Catalonia prisons that have exceeded the 15-day limit set out in the Mandela Rules



No case lasting longer than 42 days

6.1.3. Basque Country

Table 11: Total number of prisoners serving disciplinary solitary confinement in Basque Country prisons



In 2023 four cases exceeded 15 and 42 days; specifically, 95 and 97 days respectively

6.2. Closed Regime (First Degree Classification) (Article 10 LOGP)

Year	Total
2020	121
2021	100
2022	91
2023	132
2024	134



6.2.1. State Prison Administration Annual ranking:

Cumulative total 2020–2024

Number of prisoners in First Degree Classification at the end of each year44:

Table with 4 columns: Sex, Spanish, Foreigners, Total. Rows include Women (W), Men (M), and TOTAL.

Men: 546 → 94.5% Women: 32 → 5.5%

Spanish nationals: 278 → 48.1% ; Foreign nationals: 300 → 51.9%

Table 12: Prisoners serving first-degree as at December each year in AGE prisons

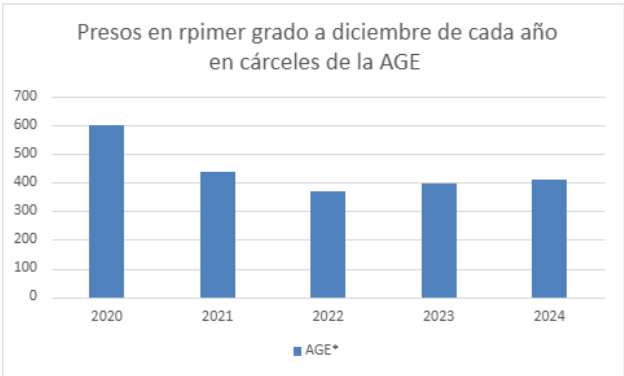
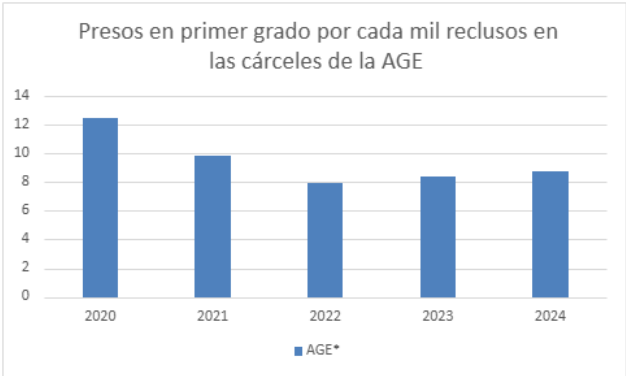


Table 13: First-degree prisoners per thousand inmates in AGE prisons

44 https://civio.es/justicia/2026/03/04/aislamiento-el-castigo-en-prision-que-viola-todas-las-recomendaciones-de-la-onu/



6.2.2. Catalonia

Table 14: Number of prisoners in First Degree Classification at the end of each year in Catalonia prisons⁴⁵:

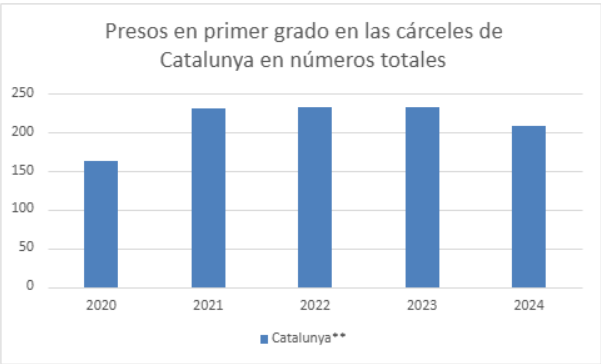
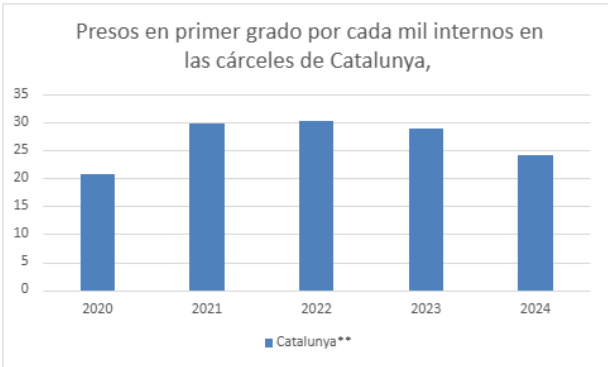


Table 15: First-degree prisoners per thousand inmates in Catalonia prisons



⁴⁵ <https://civio.es/justicia/2026/03/04/aislamiento-el-castigo-en-prision-que-viola-todas-las-recomendaciones-de-la-onu/>



6.2.3. Basque Country

There is only one closed-regime department in the Zaballa Prison (Álava), which was recently opened. As of July 2026, it accommodated 11 prisoners in a unit with a capacity of 12 places⁴⁶.

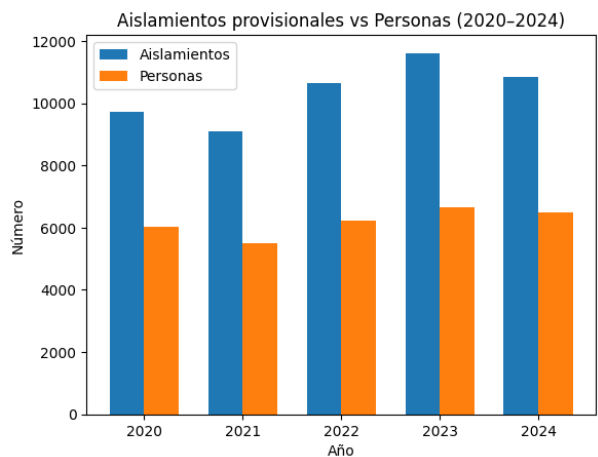
6.3. Temporary Isolation as a Mean of Restraint (*medios coercitivos*)⁴⁷ (Article 72.1 RP)

6.3.1. State Prison Administration

Table 16: Number of temporary isolations and people affected between 2020 and 2024 in AGE prisons

Year	Number of isolations	People affected	Average per person
2020	9.736	6.018	1,62
2021	9.107	5.495	1,66
2022	10.662	6.232	1,71
2023	11.613	6.665	1,74
2024	10.846	6.506	1,67

Table 17: Number of cases of temporary isolation and people affected in AGE prisons



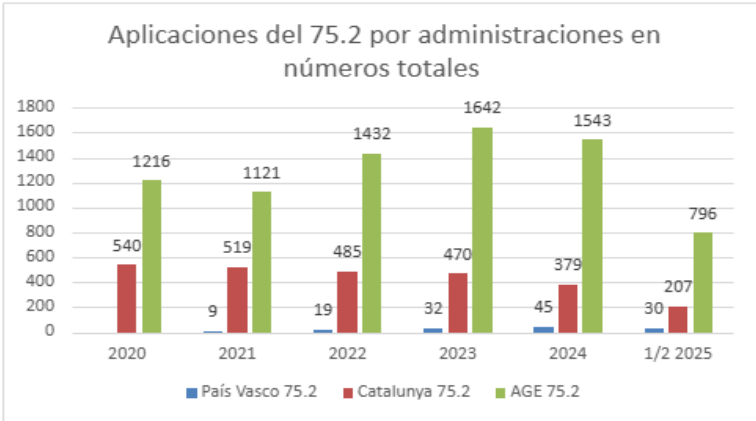
⁴⁶ See: <https://cadenaser.com/euskadi/2026/07/27/la-carcel-de-zaballa-estrena-con-11-presos-peligrosos-el-modulo-de-primer-grado-ser-vitoria/?outputType=amp>

⁴⁷ These are restraint measures that may be used only in urgent situations and exclusively for the following purposes: (a) to prevent acts of escape or violence by prisoners; (b) to prevent prisoners from harming themselves, other persons or property; and (c) to overcome prisoners' active or passive resistance to orders lawfully given by prison staff in the exercise of their duties.



6.4. Protective Measure (Article 75.2 RP)

Table 18: Applications of Article 75.2 by administrations in total numbers



Source: Civio

6.4.1. State Prison Administration

Table with 2 columns: Year, Total. Rows for years 2020 to 2024 showing cumulative totals.

Cumulative total 2020–2024

Table with 4 columns: Sex, Spanish, Foreigners, Total. Rows for Women (W), Men (M), and TOTAL.

Men: 6,630 → 95.3% Women: 324 → 4.7%
Spanish nationals: 5,707 → 82.1% Foreign nationals: 1,247 → 17.9%



Table 19: Application of Article 75.2 to total numbers in the AGE

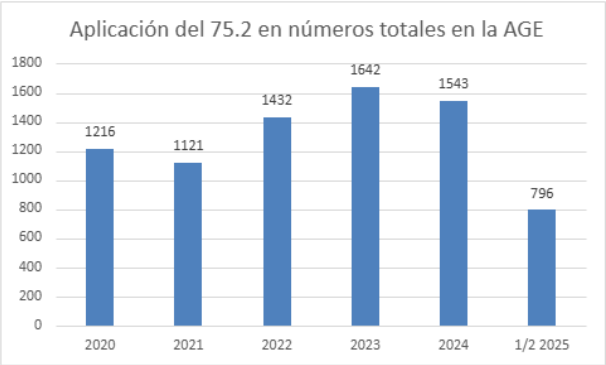


Table 20: Application of Article 75.2 at the AGE per thousand prisoners

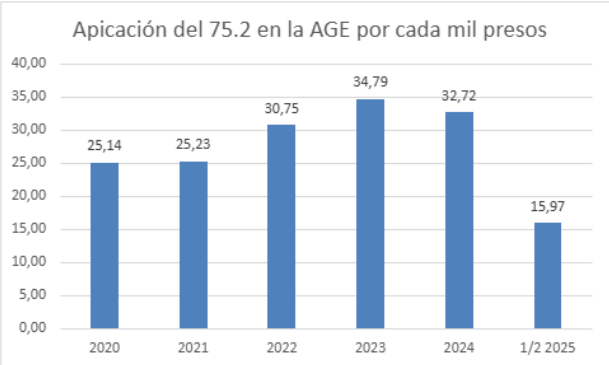
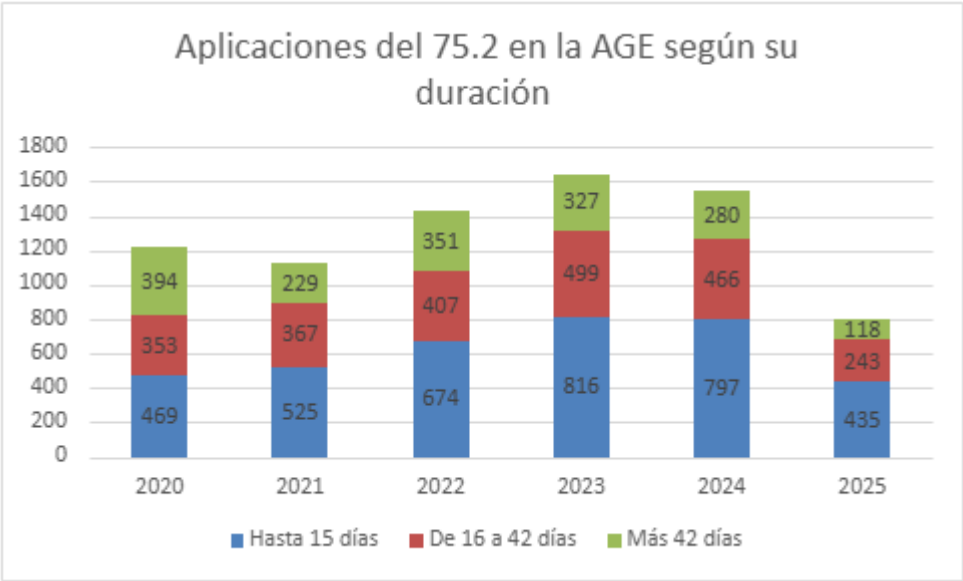


Table 21: Application of Article 75.2 in the AGE according to its duration



The average duration of the application of Article 75(2) during the period 2020–2024 stands at 33 days, ranging from 1 to 462 days (15 months).



6.4.2. Catalonia⁴⁸

Table 22: Application of Article 75.2 to total numbers in Catalonia prisons

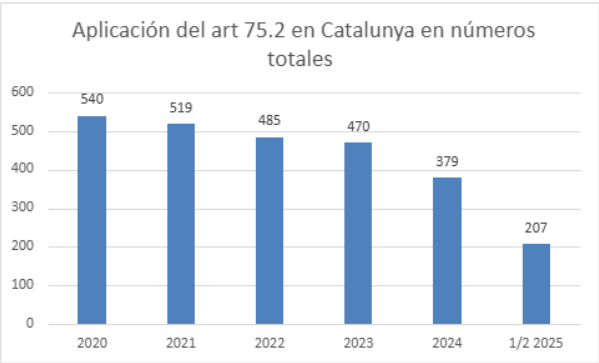
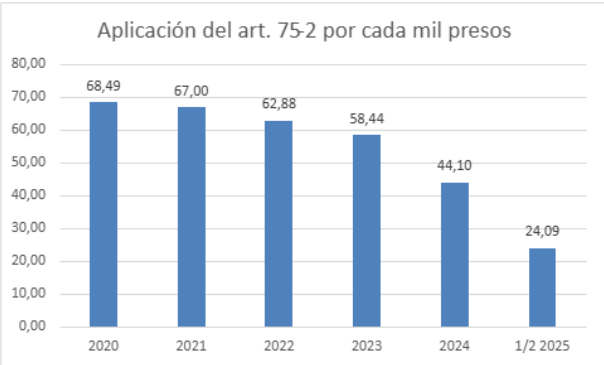
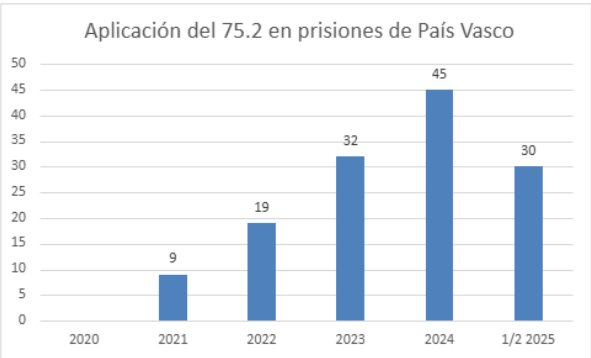


Table 23: Application of Article 75.2 at the Catalonia prisons per thousand prisoners



6.4.3. Basque Country⁴⁹

Table 24: Application of Article 75.2 to total numbers in Basque Country prisons

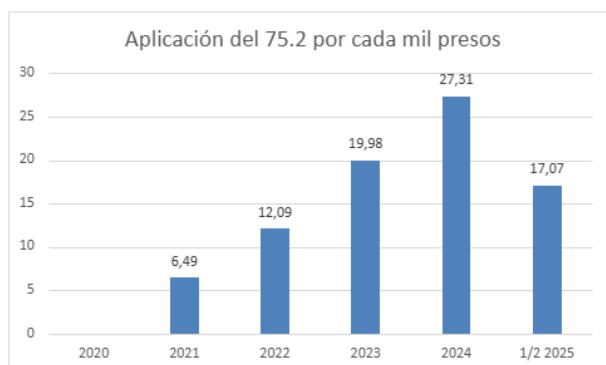


⁴⁸ <https://civio.es/justicia/2026/03/04/aislamiento-el-castigo-en-prision-que-viola-todas-las-recomendaciones-de-la-onu/>

⁴⁹ <https://civio.es/justicia/2026/03/04/aislamiento-el-castigo-en-prision-que-viola-todas-las-recomendaciones-de-la-onu/>



Table 25: Application of Article 75.2 at Basque Country prisons per thousand prisoners



7. Jurisprudence on solitary confinement⁵⁰

Constitutional Court Judgement of 21 January 1987⁵¹

The leading Spanish constitutional judgment on prison isolation is Constitutional Court Judgment (STC) 2/1987 of 21 January. The case arose from disciplinary sanctions imposed on a prisoner at Basauri Prison, who accumulated 33 days of solitary confinement.

The Constitutional Court held that solitary confinement does not, in itself, amount to inhuman or degrading treatment, provided that it complies with the legal safeguards established by law. Whether Article 15 of the Spanish Constitution is violated depends on the overall conditions, circumstances, and duration of the measure. The Court nevertheless observed that complete confinement in so-called "black cells" would constitute manifestly inhuman conditions. This contextual approach, focusing on the severity of the conditions and the circumstances of each case, has become a central principle of Spanish constitutional jurisprudence.

The judgment also established an important precedent regarding the accumulation of disciplinary sanctions. Although Spanish law permits consecutive periods of solitary confinement of up to 42 days, the Court held that it is contrary to the right to effective judicial protection to circumvent the mandatory approval of the Supervising Prison Judge required for periods of isolation exceeding 14 days. In other words, the prison authorities may not fragment disciplinary sanctions in order to evade judicial review.

It should be noted, however, that the Court did not address the compatibility of the statutory 42-day maximum with international human rights standards. This maximum substantially exceeds the recommendations of international bodies: the European Committee for the Prevention of Torture

⁵⁰ Section written by Ángel Salvador Ferrer.

⁵¹ Available at: <https://hj.tribunalconstitucional.es/es-ES/Resolucion/Show/734>



(CPT) recommends that solitary confinement should not exceed 14 days, while the UN Mandela Rules prohibit prolonged solitary confinement, defined as confinement exceeding 15 consecutive days.

Supreme Court Judgment of 17 March 2009⁵²

A recurring issue in Spain has been the regulation of highly restrictive prison regimes through administrative instruments of sub-statutory rank, despite their significant impact on prisoners' fundamental rights.

The FIES regime (*Ficheros de Internos de Especial Seguimiento*—Special Monitoring Inmate Files), applied to prisoners considered particularly dangerous and held in conditions closely resembling solitary confinement, had originally been created through Administrative Instruction 21/1996.

Following an action brought by the grassroots organisation, Madres Unidas Contra la Droga, the Spanish Supreme Court held that an internal administrative instruction was not an appropriate legal instrument for regulating restrictions on prisoners' fundamental rights. The Court concluded that this violated both the principle of the hierarchy of legal norms and the principle that restrictions on fundamental rights must have a statutory basis (*reserva de ley*). Although the judgment did not abolish the FIES regime, it required that it be regulated through an appropriate legal instrument rather than by an internal administrative instruction.

Constitutional Court Judgement of 7 February 2022⁵³

More recent Spanish constitutional case law has strengthened the State's duty to conduct effective investigations into allegations of ill-treatment, particularly where prisoners are held in isolation, given their heightened vulnerability.

In STC 12/2022 of 7 February, the applicant alleged that he had been subjected to ill-treatment while detained in a solitary confinement unit. The investigating court dismissed the complaint after hearing evidence from the applicant and two prison officers and reviewing the available medical reports.

The Constitutional Court granted constitutional relief, finding a violation of the right to effective judicial protection, read together with the right not to be subjected to torture or inhuman or degrading treatment. The Court held that the investigation had been prematurely discontinued, despite the existence of reasonable grounds for suspicion and the availability of further investigative measures.

The Court emphasised that the fact that the alleged events had occurred within a solitary confinement unit, and that the applicant had subsequently been placed in temporary isolation under mechanical restraint, required the authorities to exercise heightened investigative diligence.

Incommunicado Detention in the Case Law of the European Court of Human Rights⁵⁴

⁵² Available at: https://www.boe.es/diario_boe/txt.php?id=BOE-A-2022-3799

⁵³ Available at: <https://hj.tribunalconstitucional.es/es/Resolucion/Show/27882>

⁵⁴ Most of the judgments delivered against Spain by the European Court of Human Rights (ECtHR) concerning isolation relate to incommunicado police detention and the State's duty to conduct effective investigations into allegations of ill-treatment. Nevertheless, this case law is included here because the principles established by the Court may also be



- *Martínez Sala and Others v. Spain* (2004). The applicants were arrested during anti-terrorism operations connected with the 1992 Barcelona Olympic Games and alleged ill-treatment while held incommunicado. The European Court of Human Rights (ECtHR) found that the domestic authorities had failed to conduct an effective investigation, constituting a procedural violation of Article 3 ECHR. This was the first judgment in a series of similar cases against Spain.
- *San Argimiro Isasa v. Spain* (2010). The applicant alleged ill-treatment during incommunicado detention. Forensic reports documented bruising and a fractured rib. The Court found that the investigation had been inadequate, amounting to a procedural violation of Article 3.
- *Beristain Ukar v. Spain* (2011). The applicant complained of ill-treatment while held incommunicado, supported by unexplained injuries recorded in forensic reports. The Court found a procedural violation of Article 3 owing to the lack of an effective investigation.
- *Otamendi Egiguren v. Spain* (2012). The applicant, director of the newspaper *Euskaldunon Egunkaria*, was held incommunicado for four days and alleged threats, suffocation with a plastic bag, and forced physical exercise. The Court found a procedural violation of Article 3 because of the inadequate investigation.
- *Etxebarria Caballero v. Spain* (2014). The applicant, a woman held incommunicado, alleged ill-treatment including sexual abuse. The Court held that the authorities had failed to undertake essential investigative steps, such as identifying the officers involved or securing available recordings, and therefore found a procedural violation of Article 3.
- *Ataun Rojo v. Spain* (2014). The applicant alleged ill-treatment during incommunicado detention. The Court again found a procedural violation of Article 3 due to the absence of an effective investigation.
- *Arratibel Garciandia v. Spain* (2015). The applicant complained of ill-treatment while held incommunicado. The Court concluded that the investigation had been insufficient, resulting in a procedural violation of Article 3.
- *Beortegui Martínez v. Spain* (2016). The applicant alleged ill-treatment before both the National Court (Audiencia Nacional) and the investigating court in Pamplona, neither of which carried out an effective investigation. The Court found a procedural violation of Article 3.
- *Portu Juanenea and Sarasola Yarzabal v. Spain* (2018). The applicants suffered serious injuries during their arrest by the Civil Guard. This is the only judgment in this line of cases in which the ECtHR found both a substantive and a procedural violation of Article 3, concluding that the applicants had in fact been subjected to inhuman treatment and that the subsequent investigation had also been inadequate.

invoked in relation to situations of solitary confinement within prisons, particularly regarding the obligation to investigate allegations of abuse and to safeguard the rights of persons held in conditions of isolation.



- González Etayo v. Spain (2021). The applicant was held incommunicado by the Civil Guard in 2011 and alleged ill-treatment that was never properly investigated. The Court found a procedural violation of Article 3, awarded €20,000 in just satisfaction, and reiterated the need for more proactive judicial supervision and more effective forensic examinations of persons held incommunicado.

8. Reports on the use of solitary confinement⁵⁵

INFORMATION FROM UNITED NATIONS TREATY BODIES

In recent decades, prison isolation and incommunicado detention in Spain have been the subject of sustained scrutiny by United Nations treaty bodies. The UN Committee against Torture (CAT) has repeatedly called upon the Spanish State to ensure that these regimes comply with international human rights standards.

As early as 2002, the CAT expressed concern about the continued use of incommunicado detention for persons suspected of certain categories of offences⁵⁶. In its 2009 Concluding Observations, the Committee found that the incommunicado regime applicable to terrorism-related offences did not provide adequate safeguards against torture and recommended that it be reviewed with a view to its abolition⁵⁷. Although the Spanish Government consistently maintained that incommunicado detention was an exceptional measure, subject to judicial authorisation and continuous judicial oversight, the CAT reiterated the same concerns in 2015, concluding again that the existing regime failed to provide sufficient legal safeguards for detainees and should therefore be reconsidered with a view to abolition⁵⁸.

In subsequent years, Spain informed the Committee of several reforms, including limiting the duration of incommunicado detention to ten days in certain cases and introducing measures intended to strengthen the right to defence. Nevertheless, in 2023, the CAT concluded that these reforms remained insufficient, questioning whether they were being properly implemented in practice and expressing particular concern regarding reports that children had been subjected to incommunicado detention⁵⁹.

Concerns regarding incommunicado detention were also raised by the Committee on Enforced Disappearances (CED) in 2021. The Committee observed that, during the legally permitted ten-day period of incommunicado detention, detainees continued to be deprived of fundamental

⁵⁵ Section written by Ángel Salvador Ferrer.

⁵⁶ CAT/C/CR/29/3. Available at:

<https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4iJ2Z%2FB%2BcesynQUNq6%2BJihJ6FSr29ewbc9LD4wzPZS9g676i39XT1qkWs3fST5sbP9TWtjnS32Bm8rT0N2ND6Q%3D%3D>, párr. 10.

⁵⁷ CAT/C/ESP/CO/5. Available at:

<https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=xwuH4S98Ondu2043XqGz2A0U9jX4TTnzF%2BDzfgoACy6%2BVknlfFc0AA28DInd5em1eaNmImW6Jx8iDyCmVHqleg%3D%3D>, apartado 3.

⁵⁸ CAT/C/ESP/CO/6. Available at:

<https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=FU5FoWTENRAuiBybkU05i%2BeoLFj2wluJ0fHAow44zh%2FYM6CbMck6xTNavHQ43KKo302QEIkrmU5EZ%2BVqIjU%2F5w%3D%3D>

⁵⁹ CAT/C/ESP/CO/7. Available at:

<https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=PFex18Cvf%2FtOI32tPXD7RcABlgc%2BX4qrY1bUf63dKaDTIlvkh%2FUbgQzoYIQDk9Wf2Hzr2rolzDvSincdRwepoQ%3D%3D>



safeguards, including the right to choose their own lawyer, the right to confidential communication with legal counsel, and contact with family members and other persons of their choosing. The Committee further expressed concern that Spain had failed to demonstrate how relatives and close associates were able to obtain information about persons held under the *incomunicado* regime⁶⁰.

With regard to disciplinary solitary confinement, the CAT observed in 2015 that Spanish prison legislation and practice permitted the successive accumulation of disciplinary sanctions, allowing prisoners to remain in solitary confinement for up to 42 consecutive days. The Committee considered that such prolonged isolation may amount to cruel, inhuman or degrading treatment, or even torture⁶¹.

These concerns were echoed by the UN Subcommittee on Prevention of Torture (SPT) following its visit to Spain. In its 2019 report, the SPT observed that although individual periods of disciplinary isolation were formally subject to time limits, the successive accumulation of sanctions allowed prisoners to remain in isolation for up to 42 days. Accordingly, the SPT recommended that the maximum duration of solitary confinement be limited to 15 days.

The SPT also highlighted the inadequate level of medical oversight, noting that:

"The doctors simply asked detainees in solitary confinement whether everything was fine, without undertaking further questioning or conducting a more thorough medical examination."⁶²

Despite these ongoing criticisms, the use of isolation remained a source of concern. In its 2023 Concluding Observations, the CAT expressed concern that Spain did not maintain reliable records enabling the actual number of prisoners subjected to solitary confinement to be determined. It also noted reports that prison authorities reduced intervals between successive periods of isolation to the minimum possible, thereby prolonging isolation in practice. The Committee further received allegations that exercise-yard schedules had been manipulated in order to avoid classifying certain situations formally as solitary confinement.

A particularly troubling recurrent concern raised by UN bodies has been the use of solitary confinement against persons with intellectual or psychosocial disabilities.

In 2023, the CAT expressly expressed concern regarding the placement of such persons in prison isolation⁶³. Civil society organisations informed the Committee that persons with severe mental disorders continued to be held in solitary confinement, despite the fact that the UN Mandela Rules regard this practice as incompatible with the protection of mental health. According to these organisations, Spanish practice excluded prisoners from solitary confinement only during acute

⁶⁰ CED/C/ESP/OAI/1, párr. 32.

⁶¹ CAT/C/ESP/CO/6. Available at:

<https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=FU5FoWTENRAuiBybkU05i%2BeoLFj2wluJ0fHAow44zh%2FYM6CbMck6xTNavHQ43KKo302QEIkrmU5EZ%2BVqIjU%2F5w%3D%3D>

⁶² CAT/OP/ESP/1. Available at:

<https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=Zhy5bxfzqa5vIXmzWlnswk8LxrlIE4BtgbT%2Bf3u3nYDb71jVphhUe7AXxPSiekLjWa9j1SWxNwnPgRBnAjMwMg%3D%3D> párr. 25.

⁶³ CAT/C/ESP/CO/7. Available at:

<https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=PFex18Cvf%2FtOI32tPXD7RcABlgc%2BX4qrY1bUf63dKaDTIlvkh%2FUbgQzoYIQDk9Wf2Hzr2rolzDvSincdRwepoQ%3D%3D>



psychotic crises, while failing to recognise the harmful impact that solitary confinement itself may have on mental health⁶⁴.

Civil society organisations have also drawn the attention of UN treaty bodies to the closed regime (first-degree classification) applied in Spanish prisons.

According to information submitted to the Human Rights Committee, beyond the possibility of accumulating disciplinary sanctions for up to 42 days, particular concern arises from the situation of prisoners classified under the closed regime or placed in special departments, where individuals may spend weeks, months, or even years under conditions amounting to solitary confinement without any clearly defined maximum duration. It was also alleged that the 14-day limit is circumvented through the use of preventive isolation, which may be imposed before a disciplinary sanction has become final, while judicial review by the Supervising Prison Judge does not entail effective scrutiny of the material conditions of confinement⁶⁵.

Some organisations further denounced particularly restrictive regimes. For example, the "Bombolla Protocol" in Catalonia, which reportedly almost entirely eliminates meaningful human contact and therefore constitutes, in itself, a form of cruel, inhuman, or degrading treatment⁶⁶.

The concerns expressed by the treaty bodies have been reinforced by individual cases. In particular, FIACAT and ACAT informed the CAT of the case of Luis-José Galán, who reportedly remained from 2017 to at least 2023 under first-degree classification and the FIES regime, confined to his cell for around 20 hours a day⁶⁷.

United Nations treaty bodies have also expressed particular concern regarding the use of isolation for children.

The Committee against Torture criticised the possibility of imposing disciplinary sanctions requiring children to remain isolated in their rooms for up to seven days, as well as group-separation measures that may continue for up to five consecutive weekends. The Committee also questioned other disciplinary restrictions, such as prohibitions on participation in recreational activities for periods of up to two months, considering that such measures may create situations of isolation incompatible with international standards governing the protection of children deprived of their liberty⁶⁸.

For its part, the Human Rights Committee expressed concern that isolation is used as a disciplinary sanction against children under the age of sixteen, and that solitary confinement together with mechanical restraints is applied to persons with psychosocial and intellectual disabilities deprived of their liberty. The Committee also questioned whether the Spanish closed regime genuinely serves

⁶⁴ Shadow Report CAT 2023, p. 44.

⁶⁵ Shadow Report EPU OSC 2025.

⁶⁶ Shadow Report CAT 2023, p. 44.

⁶⁷ Informe CAT FIACAT.

⁶⁸ CAT/C/ESP/CO/7

<https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=PFex18Cvf%2FtOI32tPXD7RcABlgc%2BX4qrY1bUf63dKaDTIlvkh%2FUbgQzoYIQDk9Wf2Hzr2rolzDvSincdRwepoQ%3D%3D>, párr. 30.



its stated objective of enabling prisoners to progress towards the ordinary prison regime and, in line with the CAT, called for its abolition or, at the very least, a substantial reduction in its duration⁶⁹.

INFORMATION FROM THE NATIONAL PREVENTIVE MECHANISM AGAINST TORTURE

The Spanish National Preventive Mechanism against Torture (NPM) has consistently documented the use of isolation in juvenile detention centres (See for example National Preventive Mechanism against Torture Annual Reports 2025⁷⁰; 2024⁷¹ ; 2023⁷² 2022⁷³).

During its visits to juvenile justice institutions, the NPM has repeatedly observed that solitary confinement and equivalent measures continue to be used frequently. In 2022, for example, during a visit to the Sograndio Juvenile Detention Centre (Asturias), it found that newly admitted children were being accommodated in isolation rooms, while disciplinary sanctions were accompanied by particularly restrictive practices, such as requiring children to take exercise in the yard very early in the morning and removing mattresses from their cell outside sleeping hours. The NPM noted with particular concern that during that year, solitary confinement was imposed on children on as many as 72 occasions.

The use of temporary isolation as a restraint measure continued to be document by the NPM in subsequent reports. In its 2024 Annual Report, it highlighted the situation at the La Montañeta Juvenile Educational Centre (Las Palmas), where 632 physical restraints, 235 mechanical restraints, and 98 episodes of temporary isolation had been recorded. In Zamrana Juvenile Centre (Valladolid), in contrast, the use of temporary isolation was virtually non-existent, which was NPM highlighted as good practice, but there were 227 physical restraints and 101 mechanical restraints.

The NPM has paid particular attention to the disciplinary measure known as "separation from the group", considering that it may create conditions materially equivalent to solitary confinement. In its 2025 Annual Report, it noted that this measure was applied in all of the juvenile institutions visited, and used with particular intensity in some centres.

The NPM observed that, during the enforcement of these measures, children remained completely alone, had their personal belongings removed, ate their meals in their rooms, and ceased participating in educational or rehabilitative activities. Although it acknowledged that the use of the measure had decreased in certain institutions, it nevertheless concluded that group separation continues to constitute a high-risk measure capable of causing harmful physical and psychological consequences for children.

⁶⁹ CAT/C/ESP/CO/7

<https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=PFex18Cvf%2FtOI32tPXD7RcABlgc%2BX4qrY1bUf63dKaDTIlvkh%2FUbgQzoYIQDk9Wf2H2r2rolzDvSincdRwepoQ%3D%3D>, párr. 30

⁷⁰ Available at: <https://www.defensordelpueblo.es/informe-mnp/mecanismo-nacional-de-prevencion-informe-anual-2025/>

⁷¹ Available at: <https://www.defensordelpueblo.es/informe-mnp/mecanismo-nacional-de-prevencion-informe-anual-2024/>

⁷² Available at: <https://www.defensordelpueblo.es/informe-mnp/mecanismo-nacional-de-prevencion-informe-anual-2023/>

⁷³ Available at: <https://www.defensordelpueblo.es/informe-mnp/mecanismo-nacional-de-prevencion-informe-anual-2022/>



With regard to disciplinary solitary confinement in adult prisons, the NPM has consistently maintained that the sanction is imposed excessively and that, in practice, insufficient measures are taken to ensure compliance with the statutory maximum period of 14 days.

The NPM has also repeatedly warned that solitary confinement and other coercive measures disproportionately affect women and girls deprived of their liberty.

During visits conducted in 2023 to adult prisons, the NPM found that women were subjected to solitary confinement significantly more frequently than men, and that periods of isolation tended to last longer. In particular, following visits to Topas Prison (Salamanca) and Antoni Asunción Hernández Prison, Picassent (Valencia), the NPM identified patterns that led it to recommend a comprehensive review of these practices from a gender perspective.

The absence of a gender-sensitive approach was likewise observed in relation to the use of restraint measures, including against girls deprived of their liberty. The NPM found that girls were subjected to coercive measures disproportionately more often than boys, and that these measures were frequently carried out by male staff.

In its 2025 Annual Report, the NPM further noted that most Spanish prisons accommodating women have only a single women's unit, thereby limiting opportunities for internal classification and conflict management. According to the NPM, this structural limitation may contribute to a higher number of disciplinary incidents and, consequently, to a more frequent use of restraint measures and solitary confinement in relation to women deprived of liberty. The NPM nevertheless also reported a recent reduction in the use of solitary confinement among women compared with men.

The NPM's concerns are particularly pronounced regarding girls detained in juvenile justice institutions. During several inspections, it found that coercive measures were used proportionately more frequently against girls, despite their representing only a small proportion of the detained population. For example, during a 2025 visit to a juvenile centre in Castilla-La Mancha, the NPM observed that girls represented only 16.5% of the resident population, yet accounted for 55% of all restraint measures applied up to the date of the visit. The NPM also documented significant physical injuries suffered by two girls following restraint measures during the previous year.

The NPM noted that there is a serious risk that detention becomes an especially hostile environment for girls, in which expressions of emotional distress or psychological suffering are met primarily with coercive responses.

Another recurring concern identified by the NPM is the inadequate medical supervision of prisoners subjected to solitary confinement.

Since 2014, the NPM has repeatedly recommended the adoption of standardised medical examination protocols for the medical assessments required under Articles 72 and 254 of the Prison Regulations, so as to ensure a meaningful clinical evaluation of the physical and psychological effects of isolation. However, more than a decade later, the only significant development reported was that the Basque Country had begun drafting a joint protocol between the Departments of Justice and Health concerning medical examinations in cases of solitary confinement.

Regarding the recording of solitary confinement measures, the NPM reported in 2024 that, although the General Secretariat of Prison Institutions had established specific registers within prison



healthcare services to document episodes of isolation and guide medical intervention, inspections continued to reveal systemic shortcomings. These included delays in carrying out mandatory medical examinations, inadequate documentation of injuries, and, in certain cases, the complete absence of any medical examination during periods of solitary confinement.

The NPM considered these deficiencies to form part of a broader problem arising from the absence of consistent criteria and operational protocols governing the imposition of disciplinary measures, including solitary confinement. It further found that some prisons failed to record certain incidents and disciplinary measures in their electronic information systems.

Finally, the NPM has repeatedly addressed the use of solitary confinement for prisoners enrolled in the Comprehensive Mental Health Care Programme (*Programa de Atención Integral al Enfermo Mental* – PAIEM), despite the particular vulnerability arising from their mental health conditions. In its 2025 Annual Report, the NPM confirmed that this practice continued to occur and reiterated its recommendation that solitary confinement should be abolished for persons participating in the PAIEM, observing that the prison administration had still failed to propose concrete measures capable of resolving the problem.

INFORMATION FROM THE EUROPEAN COMMITTEE FOR THE PREVENTION OF TORTURE (CPT)

The following section analyses the four most recent reports of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) that address solitary confinement in detail: the 2016 periodic visit⁷⁴, the 2020 periodic visit⁷⁵, the 2024⁷⁶ ad hoc visit to Catalonia, specifically focused on closed-regime departments and restraint measures, and the 2025 periodic visit⁷⁷.

As a preliminary point, it should be noted that the CPT has consistently maintained the same position regarding incommunicado detention. Following the 2015 amendments to the Spanish Code of Criminal Procedure (Ley de Enjuiciamiento Criminal), which reduced both the scope and the maximum duration of this regime, the Committee acknowledged the improvements made. Nevertheless, it reiterated that incommunicado detention continues to impose significant restrictions on the fundamental safeguards afforded to detainees and maintained that, as a matter of principle, the possibility of imposing this regime should be removed from Spanish legislation. It further reiterated that incommunicado detention should be prohibited for all persons under the age of eighteen⁷⁸.

⁷⁴ See: <https://www.coe.int/en/web/cpt/-/council-of-europe-anti-torture-committee-acknowledges-some-positive-steps-in-spain-but-calls-for-ending-fixation-in-prisons-and-juvenile-centres>

⁷⁵ See: <https://www.coe.int/en/web/cpt/-/anti-torture-committee-publishes-2020-visit-report-on-police-and-prisons-in-spain>

⁷⁶ See: <https://www.coe.int/en/web/cpt/-/the-coe-anti-torture-committee-cpt-publishes-its-report-on-prisons-police-establishments-and-a-juvenile-education-centre-in-catalonia-spain-1>

⁷⁷ See: <https://www.coe.int/es/web/cpt/-/spain-anti-torture-committee-publishes-report-on-spain-urges-the-authorities-to-address-allegations-of-physical-ill-treatment-in-three-andalusian-prisons-and-commends-the-range-of-activities-on-offer-to-prisoners-under-the-ordinary-regime>

⁷⁸ CPT, Informe al Gobierno español sobre la visita a España del 27 de septiembre al 10 de octubre de 2016, CPT/Inf (2017) 34, 29-38.



One of the CPT's most persistent concerns relates to the use of disciplinary solitary confinement. Spanish legislation limits disciplinary solitary confinement to 14 days for a single very serious offence and 42 days in cases involving multiple disciplinary offences, requiring the approval of the Supervising Prison Judge for any period exceeding fourteen days. However, during its visits the CPT found the same practice previously denounced by both the Spanish National Preventive Mechanism (NPM) and the UN Committee against Torture: prisons were imposing successive periods of solitary confinement, each lasting up to fourteen days and separated by only a single day, during which prisoners frequently remained alone in their cells under temporary isolation. As a result, prisoners remained continuously isolated for periods well beyond the statutory maximum.

During its 2016 visit, the CPT documented prisoners who had accumulated between 29 and 49 days of solitary confinement in Puerto III and Puerto I, and up to 45 days in Teixeiro Prison⁷⁹. In 2020, at Madrid V Prison, one prisoner remained in continuous solitary confinement for 35 days, interrupted only by three nights spent alone in his ordinary cell; another served 36 consecutive days without interruption, while a third accumulated 80 days, divided into periods of 20, 24 and 36 days. Altogether, the CPT identified 24 cases of solitary confinement exceeding fourteen days between January and September 2020⁸⁰. In Catalonia, during the 2024 ad hoc visit, although the average duration of solitary confinement had decreased compared with previous visits, the use of the measure remained widespread. At Brians 1, 897 out of 1,595 disciplinary sanctions imposed over eleven months consisted of solitary confinement, while at Brians 2, 1,245 out of 1,749 sanctions involved isolation, including ten cases exceeding thirty days in a single prison⁸¹. During its 2025 visit, the Committee also observed several instances in which a single disciplinary incident resulted in multiple concurrent sanctions of excessive duration. For example, in Puerto III Prison, one prisoner who allegedly assaulted two prison officers while they attempted to restrain him following an episode of agitation was proposed a disciplinary sanction consisting of 84 days of solitary confinement (six consecutive periods of fourteen days) together with 120 days without access to the exercise yard, based on ten separate disciplinary charges arising from the same incident. The sanction had been approved by the competent Supervising Prison Judge⁸².

Across all four reports, the CPT formulated the same recommendation: no prisoner should remain in disciplinary solitary confinement for more than fourteen consecutive days. Where concurrent disciplinary offences justify longer sanctions, these should be interrupted by several days during which the prisoner has access to association with others and meaningful activities. Likewise, a single incident should never give rise to more than one sanction of solitary confinement, while conduct warranting a more severe response should instead be referred to the ordinary criminal justice system⁸³.

⁷⁹CPT, Informe al Gobierno español sobre la visita a España del 27 de septiembre al 10 de octubre de 2016, CPT/Inf (2017) 34, p. 91. El marco legal viene dado por el artículo 42 de la LOGP y el artículo 236 del Reglamento Penitenciario.

⁸⁰CPT, Informe al Gobierno español sobre la visita a España del 14 al 28 de septiembre de 2020, CPT/Inf (2021) 27, p. 110.

⁸¹CPT, Report to the Spanish Government on the ad hoc visit to Catalonia from 25 November to 5 December 2024, CPT/Inf (2025) 24, p.p. 121-122 y notas 138-139.

⁸² CPT, Visit report Spain. 28 April – 9 May 2025 CPT/Inf (2026) 21 p. 55.

⁸³CPT, Informe al Gobierno español sobre la visita a España del 27 de septiembre al 10 de octubre de 2016, CPT/Inf (2017) 34, p. 91; CPT, Informe al Gobierno español sobre la visita a España del 14 al 28 de septiembre de 2020, CPT/Inf (2021) 27, p.p. 111-112; CPT, Report to the Spanish Government on the ad hoc visit to Catalonia from 25 November to 5 December 2024, CPT/Inf (2025) 24, p. 121; CPT, Visit report Spain. 28 April – 9 May 2025 CPT/Inf (2026) 21 p. 55.



The CPT has also criticised the disciplinary punishment of self-harm, including by means of solitary confinement. During both the 2020 and 2025 visits, it found that, in some men's prisons, acts of self-harm were interpreted as attempts at manipulation and sanctioned without first obtaining the opinion of either a psychologist or a medical doctor. The Committee recommended that self-harming behaviour should never be treated as a disciplinary offence, but instead addressed through a therapeutic approach, warning that solitary confinement itself is liable to exacerbate the underlying psychological problems^{84, 85}.

Like other monitoring bodies, the CPT has repeatedly expressed concern regarding solitary confinement resulting from first-degree classification and the closed regime. Prisoners classified in the first degree—approximately 2.5% of the total prison population—are held in closed-regime units or special departments, without any statutory maximum duration for this classification, which is formally reviewed every three months. During its 2016 visit, the CPT found that these reviews resulted in almost automatic renewals, leaving prisoners in the closed regime for years. One prisoner in Module 15 of Puerto III Prison had remained there since 2012, with very limited access to activities and only minimal contact with treatment staff, who frequently communicated with prisoners through metal bars⁸⁶. In 2020, the CPT reiterated these findings, noting that only 9 of the 39 prisoners in the closed-regime unit at Seville II Prison participated in any programme of activities, and questioned whether the periodic reviews were anything more than a formal exercise lacking individualised criteria for progression⁸⁷. During the 2025 visit, the Committee again found that prisoners held under this regime had virtually no activities, received only sporadic visits from treatment staff during periodic reviews, and remained under the regime for years rather than months. In Huelva Prison, the CPT documented the case of a prisoner who had been held alone in a cell without a television or meaningful human contact since 2021, except for occasional visits from a priest, in conditions amounting to solitary confinement that had seriously aggravated his mental health⁸⁸.

The CPT further observed during its 2025 visit that outdoor exercise facilities in closed-regime units were unsatisfactory, offering little opportunity for recreation, exercise or protection from adverse weather, and containing no vegetation. It also found that the closed-regime units at Madrid VII and Huelva Prisons were characterised by particularly austere conditions, including a lack of visual stimulation, poor decoration, deteriorated cells with scratched and mould-covered walls, and worn communal facilities with damaged furniture and outdated gym equipment⁸⁹.

Another issue of particular concern concerns situations of de facto (administrative) solitary confinement. In 2016, the CPT identified a woman held on remand at Puerto III Prison who had effectively been subjected to solitary confinement since June 2015, being able to associate with other prisoners only when another woman happened to be serving a disciplinary isolation sanction

⁸⁴CPT, Informe al Gobierno español sobre la visita a España del 14 al 28 de septiembre de 2020, CPT/Inf (2021) 27, p. 113.

⁸⁵ CPT, Visit report Spain. 28 April – 9 May 2025 CPT/Inf (2026) 21 p. 52.

⁸⁶CPT, Informe al Gobierno español sobre la visita a España del 27 de septiembre al 10 de octubre de 2016, CPT/Inf (2017) 34, p.p. 58-64.

⁸⁷CPT, Informe al Gobierno español sobre la visita a España del 14 al 28 de septiembre de 2020, CPT/Inf (2021) 27, p.p. 73-78.

⁸⁸ CPT, Visit report Spain. 28 April – 9 May 2025 CPT/Inf (2026) 21 p. 33.

⁸⁹ CPT, Visit report Spain. 28 April – 9 May 2025 CPT/Inf (2026) 21 p. 32.



in her unit⁹⁰. In 2020, the Committee documented the case of a prisoner at Seville II Prison who had remained under conditions equivalent to solitary confinement since May 2018, without meaningful contact with any other prisoner. The CPT recommended that no prisoner should remain in conditions of solitary confinement, and that where association with others is impossible, prisoners should nevertheless be guaranteed at least two hours of meaningful human contact each day⁹¹.

The 2024 visit examined this issue in greater depth with regard to the Catalan DERTs (*Departaments Especials de Règim Tancat* – Special Closed Regime Units). The Committee acknowledged several improvements—such as the reduction of the average length of stay to 75 days, the incorporation of multidisciplinary teams, and the introduction of specific treatment programmes—but criticised the impoverished regime applied to prisoners classified under Article 93 of the Prison Regulations (three hours of outdoor exercise in groups of no more than two people, with no communal activities), noting that they could remain under these conditions for months⁹². It also raised concerns about an enhanced security protocol (Instruction 03/2023) applied to prisoners considered particularly dangerous, involving routine pat-down searches each time they left their cell, handcuffing on leaving the cell and during transfers, escort by four prison officers, and restrictions on contact with other prisoners. In the Committee’s view, the combination of restraint measures and an impoverished regime did not reduce the allegedly disruptive behaviour but was likely to further deteriorate prisoners’ mental health. It therefore recommended limiting the application of these measures to the shortest time strictly necessary and subjecting them to periodic review⁹³.

During its 2025 visit, the Committee met with several prisoners who had been transferred to a closed-regime department following an incident in their module under a separation measure imposed on grounds of security or evident incompatibility with the ordinary regime (Article 75.1 of the Prison Regulations), which could be renewed indefinitely on a monthly basis. The prisoners displayed signs of severe psychological distress, mainly due to the indefinite nature of the restrictions imposed, compounded by the limited attention they received from treatment staff and psychological services. Furthermore, the uncertainty surrounding their imminent transfer to another prison contributed to their feelings of anxiety and distress. At Madrid VII Prison, the director informed the delegation that provisional isolation measures for disciplinary purposes under Article 243 of the Prison Regulations were being implemented as ordinary regime restrictions pursuant to Article 75.1 of the Prison Regulations, thereby depriving prisoners of the relevant legal safeguards⁹⁴.

Closely linked to the above are the Committee’s repeated concern regarding the isolation of persons with psychosocial disabilities. In 2016, the CPT found prisoners with clear mental health illness in the closed-regime units of Puerto III and Sevilla II prisons. Their conditions had been aggravated by the restrictive regime, and they were not receiving adequate psychiatric care. The CPT

⁹⁰CPT, Informe al Gobierno español sobre la visita a España del 27 de septiembre al 10 de octubre de 2016, CPT/Inf (2017) 34, p. 65.

⁹¹CPT, Informe al Gobierno español sobre la visita a España del 14 al 28 de septiembre de 2020, CPT/Inf (2021) 27, p. 76.

⁹²CPT, Report to the Spanish Government on the ad hoc visit to Catalonia from 25 November to 5 December 2024, CPT/Inf (2025) 24, p.p. 55-60.

⁹³CPT, Report to the Spanish Government on the ad hoc visit to Catalonia from 25 November to 5 December 2024, CPT/Inf (2025) 24, p. 61.

⁹⁴ CPT, Visit report Spain. 28 April – 9 May 2025 CPT/Inf (2026) 2 p. 34.



recommended their transfer to an appropriate medical facility⁹⁵. In 2020, it reiterated that placement in a closed regime was clearly detrimental to the mental health of several prisoners who, despite dozens of requests, were not receiving the psychiatric support they required, and urged a more thorough assessment of the mental health of each prisoner placed in such units⁹⁶. In 2024, the Committee observed that the shortage of psychiatric care in the DERTs made reintegration significantly more difficult for these prisoners and contributed to them remaining in isolation for longer than the average prisoner. It described the case of a prisoner with severe mental illness who had been held under the Article 93 regime since December 2023 and had been subjected to seventeen episodes of mechanical restraint, multiple hospitalisations, and communication with staff only through cell bars⁹⁷. The Committee recommended that such prisoners be accommodated in a medical environment or receive intensified psychiatric support from specialised staff⁹⁸. In 2025, it reiterated these recommendations, stressing that, given the profile of the prison population, healthcare teams—and psychiatrists in particular—should conduct more detailed assessments of the mental health of every prisoner placed in a closed regime or special unit (especially those held under Article 91.3 of the Prison Regulations) in order to facilitate enhanced psychological care⁹⁹.

These concerns also extend to forensic psychiatric hospitals. In 2020, the CPT examined the psychiatric hospitals in Alicante and Seville and documented the use of seclusion (isolation) for agitated patients—particularly widespread in Seville, where 60 episodes of seclusion were recorded in 2020, some lasting up to two days. The Committee also documented prolonged "restriction of liberty" measures under Article 188.2 of the Prison Regulations: one patient remained separated from the rest of the patients for almost four months, with only one hour of outdoor exercise per day and no contact with other patients, without adequate legal safeguards or judicial review¹⁰⁰.

The isolation of children and adolescents deprived of liberty has been another recurring concern throughout the CPT's visits. Spanish legislation allows disciplinary isolation of minors—referred to as "separation from the group"—for up to seven days, a period that the CPT already considers excessive. In 2016, it documented cases of children subjected to three consecutive seven-day periods of isolation—a total of 21 days—with only a single night's interruption, during which they still remained locked alone in their rooms¹⁰¹. The CPT also observed that acts of self-harm were punished as disciplinary offences and that, at the Tierras de Oria juvenile centre, Unit 2, with particularly austere conditions, was used as an informal punishment outside the formal disciplinary procedure¹⁰². In 2020, at the La Marchenilla Juvenile Centre (Algeciras), the separation-from-the-

⁹⁵CPT, Informe al Gobierno español sobre la visita a España del 27 de septiembre al 10 de octubre de 2016, CPT/Inf (2017) 34, p. 66.

⁹⁶CPT, Informe al Gobierno español sobre la visita a España del 14 al 28 de septiembre de 2020, CPT/Inf (2021) 27, p. 77.

⁹⁷CPT, Report to the Spanish Government on the ad hoc visit to Catalonia from 25 November to 5 December 2024, CPT/Inf (2025) 24, p. 60.

⁹⁸CPT, Report to the Spanish Government on the ad hoc visit to Catalonia from 25 November to 5 December 2024, CPT/Inf (2025) 24, p.p. 59-60.

⁹⁹ CPT, Visit report Spain. 28 April – 9 May 2025 CPT/Inf (2026) 21 p. 35.

¹⁰⁰CPT, Informe al Gobierno español sobre la visita a España del 14 al 28 de septiembre de 2020, CPT/Inf (2021) 27, p. 164.

¹⁰¹CPT, Informe al Gobierno español sobre la visita a España del 27 de septiembre al 10 de octubre de 2016, CPT/Inf (2017) 34, p. 133.

¹⁰²CPT, Informe al Gobierno español sobre la visita a España del 27 de septiembre al 10 de octubre de 2016, CPT/Inf (2017) 34, p.p. 135-136.



group measure had been imposed more than 300 times in one year, for periods ranging from two to six days¹⁰³. The delegation also issued an immediate observation concerning a child with mental health problems who had spent a considerable amount of time in de facto isolation—181 out of 265 nights during the year—in a cell in the ZRECS unit before eventually being transferred to hospital¹⁰⁴. In 2024, disciplinary segregation at the Els Tillers juvenile centre had been imposed more than 130 times over eleven months in the girls' unit, in some cases repeatedly on the same girl on an almost monthly basis¹⁰⁵. In 2025, at the Vicente Marcelo Nessi Juvenile Detention Centre in Badajoz, the CPT concluded that children had been held in isolation under inappropriate conditions. The delegation received several complaints from children who had served disciplinary separation sanctions in the restraint area located in the basement of the centre. They reported having to shout repeatedly or bang on the cell door to attract the attention of staff in order to use the toilet or obtain assistance when feeling unwell. According to the information received, staff only responded when the child attempted to damage the CCTV camera or the bed¹⁰⁶. In all of its reports, the Committee reiterated the growing international trend towards abolishing disciplinary isolation for children and recommended ending this practice and amending the legislation accordingly¹⁰⁷.

The Committee has also highlighted the disproportionate impact of isolation on women and girls. In 2020, it observed that, in institutions accommodating women, self-harm—which was highly prevalent—was often interpreted as manipulative behaviour and responded to with severity. It warned of the risk that isolation and restraint were replacing de-escalation strategies and relationship-building, and recommended adopting a policy focused on the prevention of self-harm together with specialised gender-sensitive training¹⁰⁸. In Catalonia, in 2024, disciplinary segregation sanctions were concentrated in the girls' unit of the Els Tillers centre and were repeatedly imposed on the same girls. Once again, the Committee recommended abolishing segregation for all girls under the age of 18¹⁰⁹. It also called for expanding and adapting educational, recreational, sporting, and occupational activities for women and young people held in DERT units, whose specific needs were not being adequately addressed¹¹⁰.

Finally, a recurring concern throughout the CPT's reports is the inadequate medical supervision of isolation and its close relationship with mechanical restraint. Although mechanical restraint is a measure distinct from isolation, the two are closely intertwined in the CPT's reports, since restraint

¹⁰³CPT, Informe al Gobierno español sobre la visita a España del 14 al 28 de septiembre de 2020, CPT/Inf (2021) 27, p. 190.

¹⁰⁴CPT, Informe al Gobierno español sobre la visita a España del 14 al 28 de septiembre de 2020, CPT/Inf (2021) 27, p.p. 7 y 192.

¹⁰⁵CPT, Report to the Spanish Government on the ad hoc visit to Catalonia from 25 November to 5 December 2024, CPT/Inf (2025) 24, p. 166.

¹⁰⁶CPT, Visit report Spain. 28 April – 9 May 2025 CPT/Inf (2026) 21 p. 67.

¹⁰⁷CPT, Informe al Gobierno español sobre la visita a España del 27 de septiembre al 10 de octubre de 2016, CPT/Inf (2017) 34, p. 133; CPT, Informe al Gobierno español sobre la visita a España del 14 al 28 de septiembre de 2020, CPT/Inf (2021) 27, p. 191; CPT, Report to the Spanish Government on the ad hoc visit to Catalonia from 25 November to 5 December 2024, CPT/Inf (2025) 24, p. 167. El Comité invoca la Regla 45.2 de las Reglas Nelson Mandela y la Regla 60.6 de las Reglas Penitenciarias Europeas.

¹⁰⁸CPT, Informe al Gobierno español sobre la visita a España del 14 al 28 de septiembre de 2020, CPT/Inf (2021) 27, p.p. 134-136.

¹⁰⁹CPT, Report to the Spanish Government on the ad hoc visit to Catalonia from 25 November to 5 December 2024, CPT/Inf (2025) 24, p.p. 166-167.

¹¹⁰CPT, Report to the Spanish Government on the ad hoc visit to Catalonia from 25 November to 5 December 2024, CPT/Inf (2025) 24, p. 62.



for security purposes is generally carried out in specially equipped cells located within closed-regime units and special departments and is often preceded by a period of provisional isolation. In 2016, the Committee documented prolonged mechanical restraints in such cells—one prisoner in Unit 15 of Puerto III Prison remained restrained for more than 84 hours, forced to urinate and defecate on himself and subjected to forced injections—while medical supervision amounted to little more than a formality¹¹¹.

In 2020, the CPT welcomed the reduction in the use of mechanical restraint but maintained that it remained open to abuse and should ultimately be abolished¹¹². In 2024, in Catalonia, it reviewed CCTV footage showing prisoners being taken to the DERT restraint cell after a period of temporary isolation and restrained in the prone position for prolonged periods—one case exceeding sixteen hours in two separate phases—while receiving forced intramuscular injections during the restraint¹¹³. In 2025, the Committee reiterated its recommendation that the Spanish authorities should put an end to the practice of mechanically restraining prisoners to a bed for security (regime-related) purposes¹¹⁴.

From a strictly medical perspective, the CPT has questioned the practice of requiring doctors to certify that a prisoner is "fit" to serve a disciplinary isolation sanction, considering that this compromises the doctor–patient relationship and medical ethics. It has also repeatedly emphasised that judicial supervision of these measures by Prison Supervision Courts is often little more than a formal endorsement of the prison administration's decisions, without any genuine assessment of their proportionality or of the material conditions under which they are implemented¹¹⁵.

INFORMATION FROM REGIONAL BODIES AND ORGANISATIONS (CATALONIA)

The CPT's *ad hoc* visit to Catalan prisons to examine the use of mechanical restraints illustrates the scale of the problem in this region. For this reason, it is useful to review several Catalan reports that provide further insight into the relationship between mechanical restraints and prison isolation.

In its capacity as the Catalan National Preventive Mechanism against Torture, the Catalan Ombudsman (Síndic de Greuges) analysed Circular 1/2022, which jointly regulates the use of provisional isolation and mechanical restraints as coercive measures, and examined the proposal to introduce padded cells as an alternative to mechanical restraint. However, it found that the pilot project planned at Brians 2 Prison was never implemented and that no padded cells were ultimately

¹¹¹CPT, Informe al Gobierno español sobre la visita a España del 27 de septiembre al 10 de octubre de 2016, CPT/Inf (2017) 34, p.p. 69-73.

¹¹²CPT, Informe al Gobierno español sobre la visita a España del 14 al 28 de septiembre de 2020, CPT/Inf (2021) 27, p. 80.

¹¹³CPT, Report to the Spanish Government on the ad hoc visit to Catalonia from 25 November to 5 December 2024, CPT/Inf (2025) 24, p.p. 76-77.

¹¹⁴CPT, Visit report Spain. 28 April – 9 May 2025 CPT/Inf (2026) 21 p. 41.

¹¹⁵CPT, Informe al Gobierno español sobre la visita a España del 27 de septiembre al 10 de octubre de 2016, CPT/Inf (2017) 34, p. 73; CPT, Informe al Gobierno español sobre la visita a España del 14 al 28 de septiembre de 2020, CPT/Inf (2021) 27, p. 165; CPT, Report to the Spanish Government on the ad hoc visit to Catalonia from 25 November to 5 December 2024, CPT/Inf (2025) 24, p. 133.



installed¹¹⁶. The Ombudsman also warned that, although the Protocol provides extensive regulation of provisional isolation and mechanical restraint, it places insufficient emphasis on their exceptional nature and their use only as a measure of last resort. Furthermore, it recommended that the body search conducted prior to provisional isolation should not require full strip-searching and should not be carried out routinely. It also documented the marks left by handcuffs on prisoners' wrists during transfers to isolation and restraint cells¹¹⁷.

The SIRECOVI system, managed by the Observatory of the Penal System and Human Rights of the University of Barcelona, indicates that isolation is the most common specific condition among individuals allegedly subjected to institutional violence, being present in 21 of the recorded cases and in 25 of the cases handled, with a strong correlation with diagnosed severe mental disorders¹¹⁸. SIRECOVI also highlights the repeated failure to comply with Circular 2/2017, which regulates the closed regime in Catalonia. According to its findings, prisoners classified in the first degree spent most of the day ~~abandoned~~ in their cells, with no activities or only a very limited programme of activities, and without visits from treatment teams, for months at a time. Finally, SIRECOVI notes the close connection between prison isolation and deaths by suicide in custody, and reports that the prison officers' union protests in March 2024 resulted, according to findings by the Catalan Ombudsman, in de facto isolation affecting more than 4,000 people deprived of their liberty¹¹⁹.

9. Relevant academic / research resources on solitary confinement¹²⁰

Aguilar Conde, A. (2019): “¿Qué importa en primer grado? Evaluación de la calidad de vida en régimen cerrado”, *Boletín Criminológico*, n. 188, artículo 7, pp. 1-21.

Title in English: “What matters in first grade? Evaluation of the quality of life in closed regime”.

Link (full text): www.boletincriminologico.uma.es/boletines/188.pdf

Abstract: The social climate in prison is a key indicator for managing and determining the conditions of life in prison. Thus, prisons that show an ethical and safe social climate will have a more positive influence on rehabilitation than

¹¹⁶Síndic de Greuges de Catalunya (Mecanisme Català per a la Prevenció de la Tortura), Les contencions mecàniques al sistema penitenciari de Catalunya. Anàlisi de la praxi i del marc regulador, març de 2022. La Circular 1/2022 aprueba el «Protocol d'aplicació dels mitjans coercitius d'aïllament provisional i de contenció mecànica en els centres penitenciaris de Catalunya».

¹¹⁷Síndic de Greuges de Catalunya (Mecanisme Català per a la Prevenció de la Tortura), Les contencions mecàniques al sistema penitenciari de Catalunya. Anàlisi de la praxi i del marc regulador, març de 2022, consideraciones sobre el Protocolo (aislamiento provisional, escorcoll previo, celdas de aislamiento y de contención).

¹¹⁸Observatori del Sistema Penal i els Drets Humans (Universitat de Barcelona), Memòria SIRECOVI 2024 (Sistema de Registre i Comunicació de la Violència Institucional). El aislamiento fue la condición particular más frecuente entre los casos registrados (21) y gestionados (25) en 2024, y presentaba una fuerte correlación con el trastorno mental grave diagnosticado.

¹¹⁹ Observatori del Sistema Penal i els Drets Humans (Universitat de Barcelona), Memòria SIRECOVI 2024 (Sistema de Registre i Comunicació de la Violència Institucional). La resolución del Síndic de Greuges de 8 de julio de 2024 constató aislamientos de facto de más de 4.000 personas durante las protestas sindicales de marzo de 2024; el Grupo de Trabajo del Parlamento de Catalunya sobre aislamiento penitenciario ya había evidenciado la relación entre el régimen de aislamiento y los suicidios.

¹²⁰ Section written by Lorena Alemán Aróstegui.



centers where the social environment is more harmful. This research uses the questionnaire measuring quality of prison life (MQPL) to specify the perception about quality of life of prisoners in solitary confinement. The results show that variables related to humanity and dignity in treatment, with personal development and well-being as well as with the professionalism of each center, will cause differences in the perception of quality of life between prisons.

Alemán Aróstegui, L. (2025): “El primer grado y el régimen cerrado desde la perspectiva de los límites al *ius puniendi* y la violencia institucional”, *Revista Crítica Penal y Poder (Nueva Época)*, núm. 29, 2025, pp. 1-35.

Title in English: “First-degree classification and solitary confinement from the perspective of the limits to *ius puniendi* and institutional violence”.

Link (full text): <https://doi.org/10.1344/cpyp.2025.29.50774>

Abstract: *This paper undertakes a critical analysis of the first-degree prison classification and the imposition of the solitary confinement from the perspective of the limits to the ius puniendi and institutional violence. To this end, the first part begins by examining, first, the principles that constrain the State’s power to punish and their application within the penitentiary phase, and, second, the concept of institutional violence. Together, these elements provide a theoretical framework structured around a dual critical paradigm from which the subsequent analysis is developed. The paper then examines the legal regulation of first-degree classification and the solitary confinement, distinguishing among the different normative levels—statutory, regulatory, and administrative. It also addresses the regimental restrictions entailed by this regime and their implications for rehabilitation, dignity, health, and the very lives of persons deprived of liberty. Taken together, these elements support a critical legal-criminal analysis grounded in the principles that limit punitive power, employing the concept of institutional violence as a tool for proposing transformative measures. Finally, in line with the progressive humanization of the punitive system, the paper concludes by advocating for the abolition of solitary confinement and the development of alternatives compatible with Article 25.2 of the Spanish Constitution and with greater respect for human dignity and fundamental rights.*

Arribas López, E. (2010): *El régimen cerrado en el sistema penitenciario español (Premio Nacional Victoria Kent Año 2009)*, Madrid, Ministerio del Interior.

Title in English: “The isolated regime in the Spanish penitentiary system”.

Link (full text): <https://www.interior.gob.es/opencms/pdf/archivos-y-documentacion/documentacion-y-publicaciones/publicaciones-descargables/instituciones-penitenciarias/El-regimen-cerrado-en-el-sistema-penitenciario-espanol-NIPO-126-10-075-2.pdf>

Cabrera Cabrera, P.J. & Ríos Martín, J.C. (2003): “La cárcel dentro de la cárcel: el régimen cerrado”, *Panóptico: contra la cultura carcelaria*, pp. 41-65.

Title in English: “Prison inside prison: isolated regime”.

Link: <https://dialnet.unirioja.es/servlet/articulo?codigo=664332>

Carou García, S. (2017): *Primer grado penitenciario y Estado de Derecho*, Barcelona, Bosch.

Title in English: “First penitentiary grade and rule of law”.

Link:

https://books.google.es/books?hl=en&lr=&id=oLe9DwAAQBAJ&oi=fnd&pg=PA317&dq=info:s_FvjXsbPikJ:scholar.google.com&ots=onk7p5-JH&sig=zK5XJYk892S-bSYUJUDMEY8_wY&redir_esc=y#v=onepage&q&f=false



Castro Liñares, D. (2019): “El primer grado penitenciario: Consideraciones político-criminales a propósito del 40 aniversario de la LOGP”, *Revista Crítica Penal y Poder*, n. 17, pp. 125-153.

Title in English: “Maximum-security prison regime in Spain: crime policy considerations concerning the 40th anniversary of the LOGP”.

Link (full text): <https://revistes.ub.edu/index.php/CriticaPenalPoder/article/view/28693/30374>

Abstract: This paper is aimed at analyzing the closed penitentiary regime in Spain. It has been partially fostered by the celebration of the 40th anniversary of the passage of the first democratic prison act (LOGP for their initials in Spanish). From this starting point, this article delves into the reasons driving the creation of the closed prison regime, as well as the arguments that have legitimized it, impeding its abrogation, over this four-decade period.

Cervelló Donderis, V. (2010): “Revisión de legalidad penitenciaria en la regulación del régimen cerrado y los FIES”, *La ley penal: revista de derecho penal, procesal y penitenciario*, n. 72, pp. 5-33.

Title in English: “Review of the legality of isolated regimes and FIES”.

Link: <https://dialnet.unirioja.es/servlet/articulo?codigo=3271813>

Cutiño Raya, S. (2015): “La clasificación en grados. Análisis crítico de la normativa penitenciaria”, *Derecho y Proceso Penal*, n. 38, pp. 201-239.

Title in English: “Classification into grades: A critical analysis of prison regulations”.

Link: <https://dialnet.unirioja.es/servlet/articulo?codigo=5118031>

Freixa Egea, G. (2012): “Régimen Penitenciario/Clasificación y art. 75 RP. ¿Es el art. 75 RP un nuevo régimen de vida?”, *Revista Electrónica de Ciencia Penal y Criminología*, n. 14-09, pp. 1-24.

Title in English: “Prison regime, classification and art. 75 RP. Is art. 75 RP a new regime?”.

Link (full text): <http://criminnet.ugr.es/recpc/14/recpc14-09.pdf>

Freixa Egea, G. (2014): “Análisis del régimen cerrado desde una perspectiva jurídica y criminológica”, *InDret: Revista para el análisis del derecho*, n. 1, pp. 1-29.

Title in English: “Analysis of the closed regime from a legal and criminological perspective”.

Link (full text): <https://indret.com/analisis-del-regimen-cerrado-desde-una-perspectiva-juridica-y-criminologica/>

Abstract: This study describes a legal and criminological current legal regulation of the closed regime and analyzes relevant aspects and often forgotten by the doctrine as the relationships between prisoners and officers or the consequences that entails time spent in the departments of high safety. Finally, the author explains the main points of discussion to enrich the debate about life regime closed.

Herrero Maroto, S. (2019): “Los artículos 45 Ley Orgánica General Penitenciaria, 72 y 75.2 del Reglamento Penitenciario frente a las autolesiones del recluso”, *Diario La Ley*, n. 9425.

Title in English: “Use of articles 45 LOGP, 72 and 75.2 RP when the inmate has a self-harming behavior”.



Link: <https://dialnet.unirioja.es/servlet/articulo?codigo=6934007>

Lacal Cuenca, P. & Solar Calvo, M.P. (2013): “El aislamiento en prisiones: usos múltiples y múltiples justificaciones”, *Diario La Ley*, n. 8154.

Title in English: “Solitary confinement in prisons: multiple uses and multiple excuses”.

Link: <https://dialnet.unirioja.es/servlet/articulo?codigo=4482818>

Lacal Cuenca, P. & Solar Calvo, M.P. (2019): “Motivos psicológicos para la limitación jurídica del aislamiento penitenciario”, *Diario La Ley*, n. 9538.

Title in English: “Psychological grounds for the legal limitation of solitary confinement”.

Link: <https://dialnet.unirioja.es/servlet/articulo?codigo=7168743>

Nieto García, A.J. (2019): “La aplicación del régimen cerrado de vida en virtud del artículo 102.5 – apartados a) b) c) – del Reglamento Penitenciario”, *Diario La Ley*, n. 9329.

Title in English: “Application of closed regime according to article 102 of Prison Regulations”.

Link: <https://dialnet.unirioja.es/servlet/articulo?codigo=6730571>

Ríos Corbacho, J.M. (2012): “El primer grado penitenciario y los internos FIES”, *Revista General de Derecho Penal*, n. 18, pp. 1-19.

Title in English: “First-degree prison classification and FIES inmates”.

Link: <https://dialnet.unirioja.es/servlet/articulo?codigo=4105728>

Ríos Martín, J.C. (2024): “El régimen cerrado en los centros penitenciarios españoles”, *Boletín Criminológico*, vol. 30, n. 241, pp. 1-29.

Title in English: “The closed regime in spanish penitentiary centers”.

Link (full text): <https://revistas.uma.es/index.php/boletin-criminologico/es/article/view/20693>

Abstract: This article addresses the living conditions in isolation departments and closed prisons from the perspective of prisoners. This approach contains limitations and at the same time implies an essential contribution to the ethical and legal debate that must be raised in the face of the restrictive regulations and structural conditions for serving the prison sentence that call into question respect for human rights.

Ríos Martín, J.C. & Cabrera Cabrera, P.J. (2002): *Mirando el abismo. El régimen cerrado*, Madrid, Universidad Pontificia de Comillas.

Title in English: “Looking at the abyss: Isolated regimes”.

Link: <https://dialnet.unirioja.es/servlet/libro?codigo=434588>

Ríos Martín, J.C. (2005): “Un acercamiento a la realidad social y jurídica del régimen cerrado”, en: *Las cárceles de la democracia: del déficit de ciudadanía a la producción del control*, Madrid, Bajo Cero, pp. 105-142.



Title in English: “An approach to the social and legal reality of isolated regime”.

Link: <https://dialnet.unirioja.es/servlet/articulo?codigo=3619166>

Rivera Beiras, I. (2023): “Medios coercitivos y (en especial) las contenciones mecánicas. Discusión normativa y doctrinal, recomendaciones nacionales e internacionales y aplicación en los centros penitenciarios”, Id., *La cuestión carcelaria: la penal legal y la pena real*, Valencia, Tirant lo Blanch, pp. 430-451.

Title in English: “The prison question: the legal sentence and the real sentence”.

Link: <https://dialnet.unirioja.es/servlet/libro?codigo=973007>

Solar Calvo, P. (2019): “Fichero FIES y LO 3/2018, de 5 de diciembre, de protección de datos personales y garantía de derechos digitales. Una oportunidad para su legalización”, *Diario La Ley*, n. 9365, pp. 1-11.

Title in English: “The FIES register and Organic Law 3/2018 of 5 December on the Protection of Personal Data and Guarantee of Digital Rights: An opportunity for its legalization”.

Link: <https://dialnet.unirioja.es/servlet/articulo?codigo=6823767>

Stroppa, R. (2022): *Genealogía, legalidad y realidad del aislamiento penitenciario. El caso de Catalunya*, Tesis Doctoral dirigida por Iñaki Rivera Beiras, Universitat de Barcelona.

Title in English: “Genealogy, legality, and reality of solitary confinement: The case of Catalonia”.

Link: <https://dialnet.unirioja.es/servlet/tesis?codigo=309794>

Stroppa, R. (2023): “Las órdenes ministeriales sobre aislamiento penitenciario”, en: Rivera Beiras, I., *La cuestión carcelaria: la penal legal y la pena real*, Valencia, Tirant lo Blanch, pp. 416-430.

Title in English: “Ministerial orders on prison isolation”. Link: <https://dialnet.unirioja.es/servlet/libro?codigo=973007>

10. Other relevant information¹²¹

In 2023, a coalition of civil society organisations launched the Campaign for the Abolition of Solitary Confinement in Prisons through the publication of a Shadow Report¹²². The campaign seeks to:

- inform the public about the current legal framework governing solitary confinement in Spain;
- highlight the serious physical and psychological consequences associated with this practice;
- give visibility to the testimonies of people who have experienced solitary confinement; and
- denounce the cruelty and inhumanity of the regime while advocating for its immediate abolition.

¹²¹ Section written by Alicia Alonso Merino.

¹²² The campaign report is available at:

https://iridia.cat/wp-content/uploads/2024/12/Informe_para_la_campana_por_la_abolicion_del_aislamiento_penitenciario.pdf



The campaign also organised an International Conference to present the report on 29 November 2024¹²³.

One of the campaign's ongoing commitments is to contribute to the updating of this country report on the use of solitary confinement in Spain.

The campaign has been endorsed by the following organisations:

- ALA (Free Lawyers Association)
- Anticapitalistas
- APDHA (Andalusian Human Rights Association)
- ASDEPRES (Rebeca Santamalia Prison Law Association)
- Baladre (Network against Precarity, Poverty and Social Exclusion)
- C.A.M.P.A.
- Casal de la Pau
- CDCT (Documentation Centre against Torture)
- CGT (General Confederation of Labour)
- Concaes
- Esculca (Observatory for the Defence of Rights and Freedoms)
- Etxerat
- Families Presxs Catalunya
- IACTA (Legal Cooperative)
- Irídia
- Pedro Ignacio Altamirano Organisation
- OSPDH (Observatory of the Penal System and Human Rights)
- Oteando (Observatory for the Defence of Rights and Freedoms)
- Salhaketa-Araba
- Salhaketa-Nafarroa
- SampAEN (Mental Health in Prisons Working Group of the Spanish Association of Neuropsychiatry – Mental Health Professionals).

¹²³ Available at: <https://www.youtube.com/watch?v=ZbZ4ZMcphvo>