GOBIERNO DE ESPAÑA
MINISTERIO DEL INTERIOR
SECRETARÍA GENERAL DE INSTITUCIONES PENITENCIARIAS

Ending prison overcrowding – European perspectives and solutions
Strasbourg, France – 13th October 2026

COUNCIL OF EUROPE
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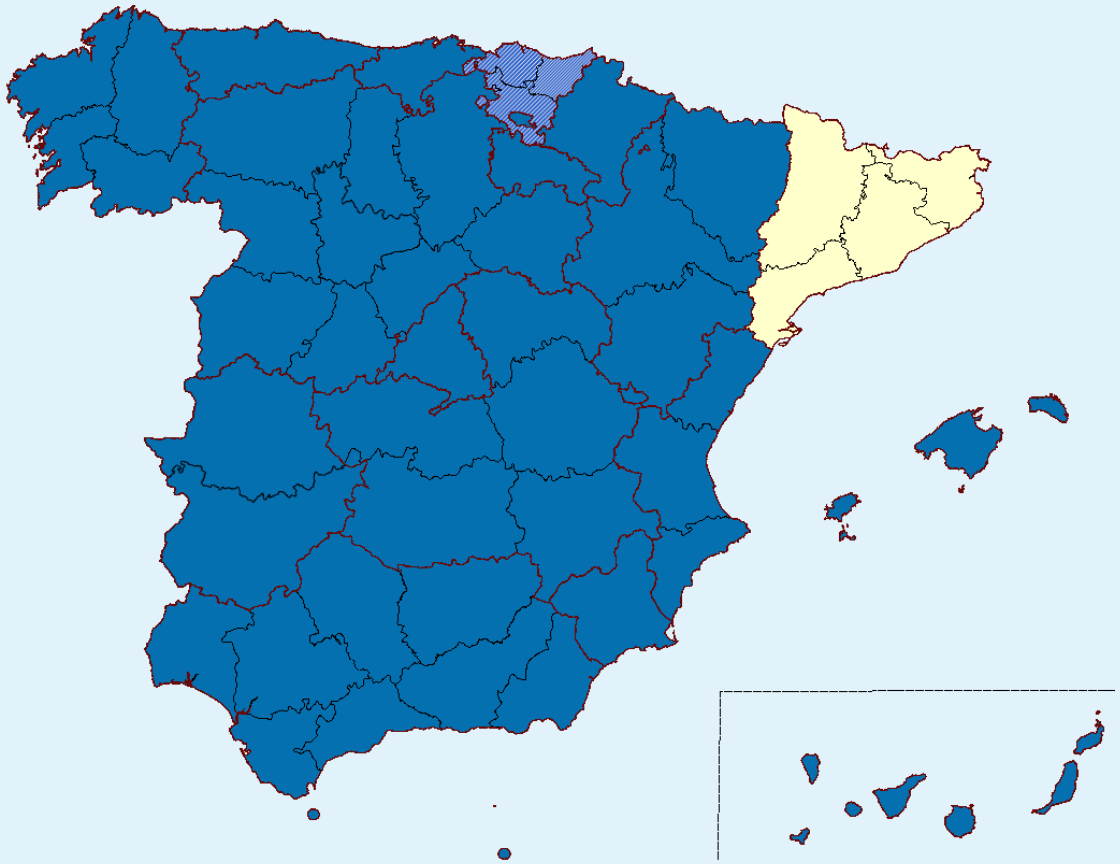
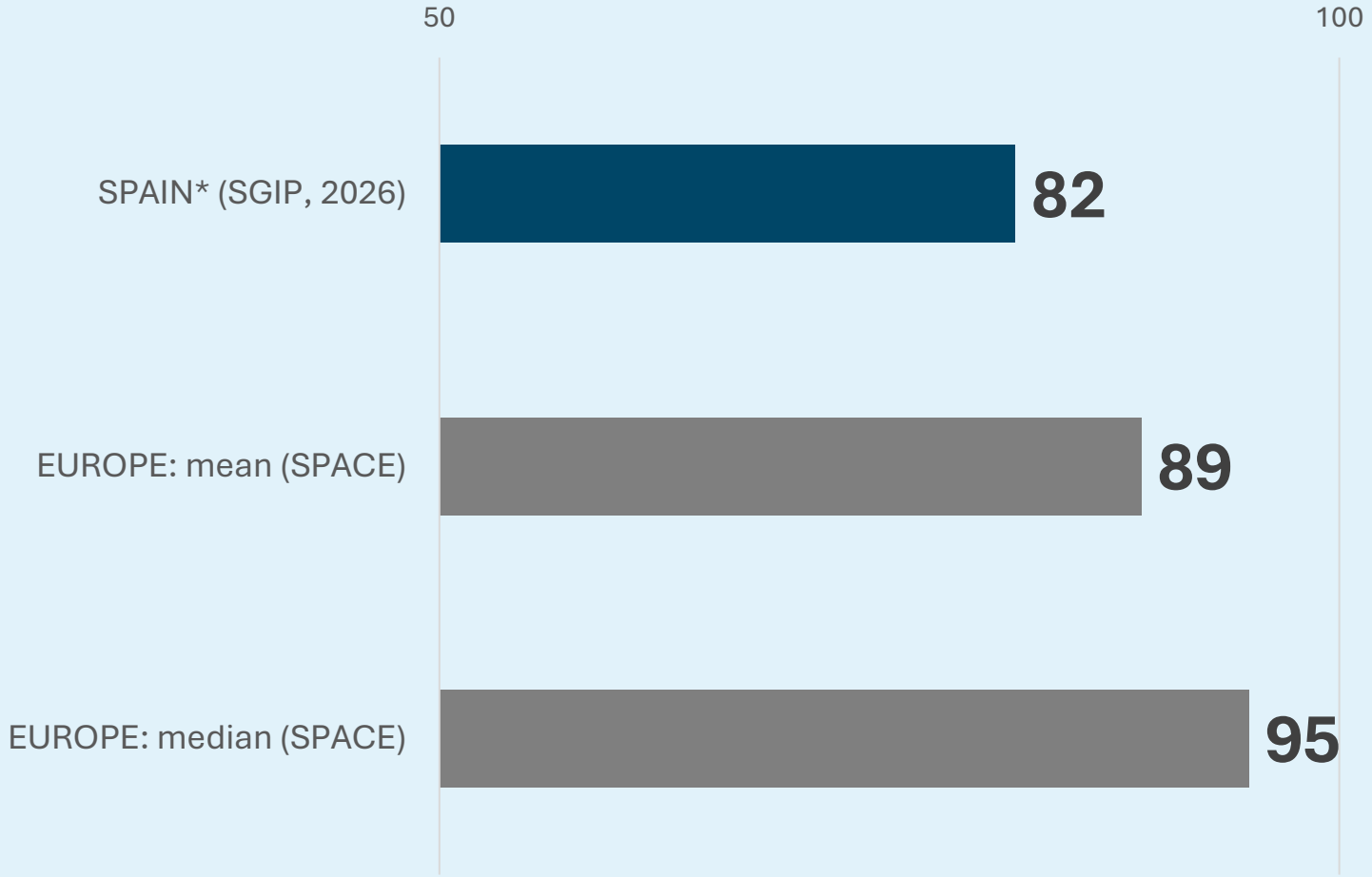
THE SPANISH EXPERIENCE



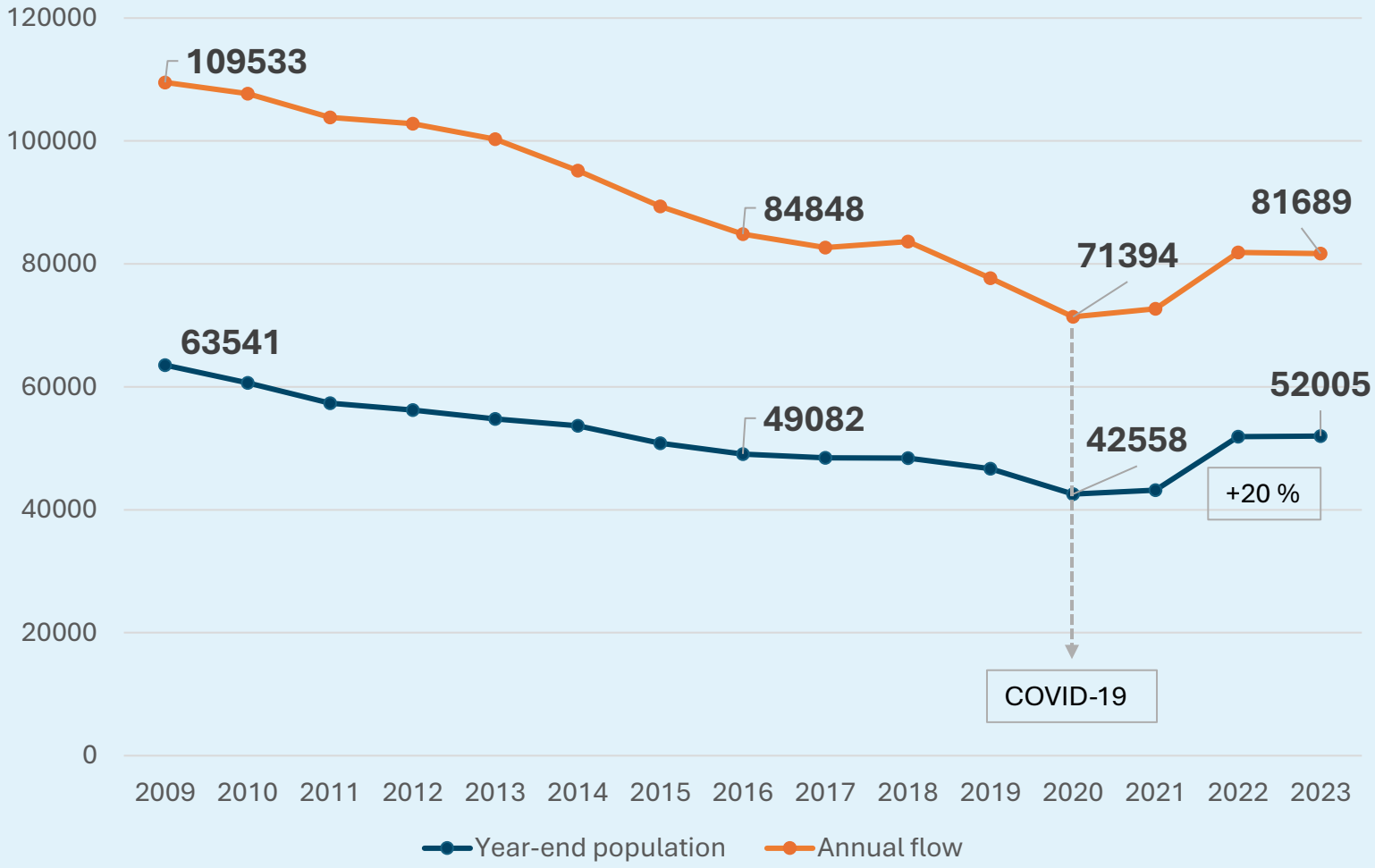
- 65 prisons
- 2 penitentiary psychiatric hospitals
- 13 independent social integration centres

Prison density (number of inmates per 100 places)



Source: Council of Europe Annual Penal Statistics – SPACE I survey, 31 January 2025 (Europe). SGIP data submitted for the SPACE survey update, 1 January 2026 (Spain)
* General State Administration (General Secretariat of Penitentiary Institutions, SGIP); excludes Catalonia and the Basque Country.

Evolution over time (2009-2023)



2009 → 2023

−25% (annual flow)

−18% (year-end population)

Source: SGIP, internal data series 2009–2023: persons in prison on 31 December and persons held during the year.

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Population on remand: evolution and contributing factors

18%

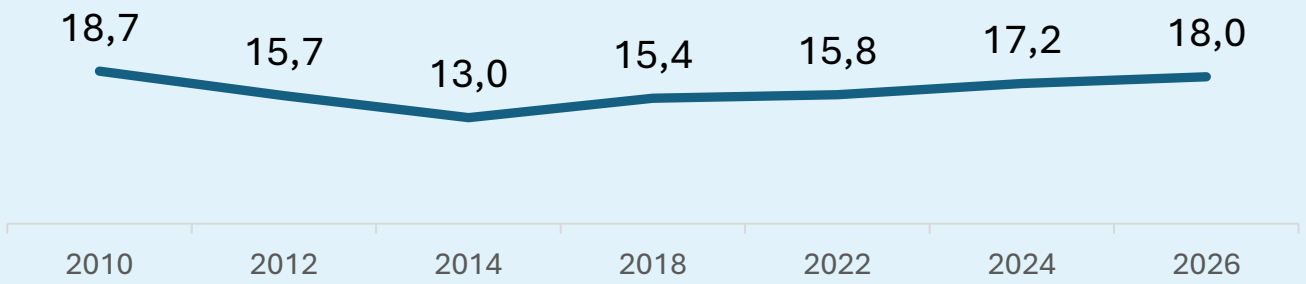
of State Administration inmates on remand (October 2026)

30% / 26%

European average / median (SPACE I, 31 January 2025)

Key legal safeguards (LO 13/2003)

- Exceptional & proportionate
- Offence threshold - maximum penalty of 2 years or more
- Closed list of grounds - flight risk, evidence tampering, victim protection, reoffending
- Time limits - legal maximum duration; hearing within 72 hours



Source: Council of Europe Annual Penal Statistics – SPACE I survey, 31 January 2025; SGIP, prison population statistics (State Administration), selected years.

Contributing factors: prison capacity and sentence execution

Art. 25.2 of the Spanish Constitution — rehabilitation and social reintegration



Infrastructure investment



Alternatives to custody



Criminal policy reforms

Infrastructure investment: a new generation of prisons





PACEP approved → **First centro tipo (Soto del Real, 1995): 1,008 places** → **30 prisons, 31 CIS, 5 mother-and-child units — €526M planned (2023-28)**

Source: SIEPSE (Sociedad de Infraestructuras y Equipamientos Penitenciarios y de la Seguridad del Estado).

Custody and its alternatives

Sentence progression within custody

Administration proposes and resolves

17-18%

of classified sentenced inmates in open regime — **nearly half under electronic monitoring (3,270)**

Conditional release: granted by the Judge

Community sanctions and measures

Courts decide; administration executes and supervises

- Suspended execution
- Community service
- Supervised security measure
- Permanent location

Both pathways reduce pressure on ordinary custody

Source: Ley Orgánica General Penitenciaria, arts. 72 and 76; Penal Code, arts. 37, 49, 80 and 90; Royal Decree 840/2011; Penitentiary Regulations, art. 86.4; SGIP Instructions 8/2019 and 6/2020; SGIP, Informe General 2024; Council of Europe, Recommendation R (99) 22.

Criminal policy: legislative reforms reshaping the system

2010

2015

↓ 3–9 → 3–6 yrs

LO 5/2010 - Drug offences: 18% of prison population

↓ ½ sentence

LO 1/2015 - Suspension & release:
Illness · addiction · first-time offenders

2026

↑ Repeat offending

LO 1/2026 - Stricter response
Repeat theft and fraud

Source: Organic Law 5/2010, art. 368 CP; Organic Law 1/2015, arts. 80, 90 and 91 CP; Organic Law 1/2026, arts. 234 and 248 CP; SGIP, prison population indicators (September 2026).

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The Spanish experience: results and challenges

What the figures suggest

82% Occupancy in January 2026: free places remain available

~20% Reoffending, ten-year follow-up of 2009 releases

What to watch

75%→82% Occupancy 2023 to January 2026

1 in 5 Prisoners aged 50–64 (Europe: about 16%)

Reintegration programmes (Constitution, art. 25.2)

Next step: understand the rise and anticipate pressure before it becomes overcrowding

Source: SGIP, internal data (January 2026), Estudio de reincidencia penitenciaria 2009–2019 and Documentos Penitenciarios 25 (2021); Council of Europe, SPACE I 2025.

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Thank you • Merci

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