



Mapping Solitary Confinement:

Chile country report

Submitted by María Daniela Lara, Lawyer

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1. Country Facts

Chile is a unitary State with a single criminal justice legislation for the whole country.

The criminal justice system is composed of Criminal Courts (juzgados de garantía) and Criminal trial Courts (Tribuna oral en lo penal). The highest courts of justice are the Court of Appeals and the Supreme Court.

Regarding penal institutions, the penitentiary administration is called Gendarmería de Chile and it has power across all the country. Gendarmería de Chile is part of the Ministry of Justice and Human Rights.

There are 80 adult closed prisons.

According to Gendarmería de Chile Statistics, On December 2021 there were 38,752 prisoners under closed control. 35,928 were men and 3,341 were women.

2. Legislative and administrative bases for the use of solitary confinement

In Chilean prison system there are various forms of solitary confinement.

1. Disciplinary segregation in solitary cells (also known as "punishment cells"). These are regulated in the [Reglamento de Establecimiento Penitenciario N° 518](#) (article 81). The Exempt Resolution No. 4247, 10 May 2013 of Gendarmería de Chile, establishes the criteria for the application of solitary confinement and solitary confinement sanctions in prisons. In practice, this sanction is applied as



- solitary or collective isolation¹ depending on the structure and number of cells available. Not all prisons apply this sanction.
2. Persons voluntarily or forcibly isolated for security reasons: Persons who request to be isolated because their personal integrity is at risk and persons who are separated from the rest of the prison population because they are considered to be dangerous. These are governed by the internal rules of the prison administration.
 3. Persons in maximum security sections. This occurs especially in the Special High Security Unit of Santiago (UEAS). This unit applies solitary confinement regime to prisoners refractory to prison regime or those who are particularly dangerous according to the provisions of the Chilean Prison Service (Gendarmería de Chile). In this solitary confinement regime prisoners are allowed to spend two hours outdoors, and cases of prolonged solitary confinement- lasting weeks, months or even years- have been detected in these sections.

The standardized definition [of solitary confinement] provided by the prison administration is rather vague, as in practice there is a combination of the two modalities, especially the first two. This means that persons in voluntary isolation are sometimes subjected to the same regime as punished persons, or that the cells are the same, or that there is confusion about the rights of persons deprived of their liberty if they are in one category or the other.

In addition, each prison operates with its own, often non-standardised, procedures and criteria.

A. Solitary confinement as punishment

The authorization and duration of the sanction depends on the authority of each prison. In Chile there is no court for the execution of sentences, so it depends solely on the administrative authority.

The duration of internment in solitary confinement has a legal limit of 10 days; however, there are cases that exceed this period.

¹ This can mean small-group isolation where prisoners are separated from the wider prison community, but they can mix inside the group; or several people being admitted to a single cell-- sometimes the cell is small with several beds.



Access to programs depends on the authority of each prison for those who are in solitary confinement for punishment. In general, they do not have access, but it will depend on the authority of the prison unit e.g. to continue studies.

Regarding contact with the outside world, it has been reported that people held as a punishment do not have access to visits, in general, but it depends on the authority of each prison.

In general, there is no access to telephone calls or to places of worship.

There are no rules about the items allowed in the cell. Authorization would depend on the authority of the respective prison. In punishment cells personal items are generally not allowed.

There have been reports of very precarious punishment spaces with poor hygiene conditions, no access to water or toilets, for example, but this differs from prison to prison.

Sections of prisoners in solitary confinement, by legal regulation, have at least one hour of open air per day, but cases have been reported where access is not given or provided in places that are not in the open air.

The use of handcuffs in solitary confinement for punishment has not been reported.

B. Solitary confinement for the management of people labelled as 'difficult' or 'high risk'

Some prisoners are placed in "solitary confinement" cells. These are prisoners who are considered by the prison administration dangerous to the rest of the prison population. Another group are those who are placed in the maximum-security sections.

Maximum Security Prison:

In Chile there is one particular supermax prison, called the Maximum Security Prison, included within the Special High Security Unit. These are individual cells, with a bathroom and with concrete furniture which is very cold in winter, which are used for people who do not adjust to the prison regime, are especially dangerous or imprisoned for crimes of high social notoriety.



Admission is by order of the penitentiary authority and in some cases by court order.²

Detention in the maximum-security section in Santiago lasts a minimum of 30 days. However, there have been cases of prisoners held there for more than a year.

In the maximum-security unit, there is no access to any benefits such as education, exercise, therapeutic, educational or work programs, telephone calls or access to places of worship. However, in maximum security it has been noted that there are a TV and radio in some cells.

People in maximum security have about two hours a day of yard time in a concrete yard with no recreational facilities.

The lights are kept on during the night, and in exceptional cases a guard remains permanently stationed outside the cell.

People in maximum security have access to visits.

In the solitary confinement cell:

Persons forcibly isolated because of dangerousness are subjected to a regime that depends on the prison itself or the authority of the prison unit. There is no maximum duration. Sometimes they end up being transferred to a prison with a higher level of security.

They are placed in collective or individual cells depending on the cells and the layout of the specific prison. There are even "isolates of isolates" - special cells inside the isolation unit. It depends on the prison unit whether they have access to recreational, educational, or work programs, but usually there is little or no access. In general, there is no access to telephones or places of worship for this group. They usually have a radio, a TV, and personal and cell toiletries. They may or may not have access to a toilet and water facilities during confinement.

Yard hours depend on the administration of each prison unit.

C. Solitary confinement for the prisoner's own protection.

² Normally the court does not say where the person should be admitted to preventive detention or to serve their sentence. This is because it is the penitentiary administration (Gendarmeria de Chile) who is in charge of the administration of the prisons. If a lawyer raises in court the discussion about the prison where the person should be admitted, the judge has to decide the matter.



In Chile, solitary confinement is used for security reasons or self-isolation. Prisoners are subjected to a regime that depends on the prison itself or the authority of the penal unit.

The most precarious are the cases in which solitary confinement is carried out in the punishment cells described above. There is no maximum duration- sometimes it can be a permanent regime. The prisoner can be held alone or with other inmates, depending on the structure and availability of prisons cells.

It depends on the prison unit whether they have access to recreational, educational, or work programs. Some inmates have access to work or handicraft activities inside the cell, for example in one women's prison women worked in preparing Christmas wrappers for a company.

In general, there is no access to telephones or places of worship for this group. They usually have a radio, TV and personal and cell toiletries. They may or may not have access to toilet and water facilities inside the cell during their confinement.

Access to the yard depends on the administration of each prison unit; there have been cases where they have access to the yard one or two days per week, and others where they have daily access.

D. Solitary confinement pretrial

In Chile, the above applies to both convicted and indicted (untried) persons. There is no special, specific, or exclusive solitary confinement for persons awaiting trial or whose trial is about to take place.

3. Protected populations in solitary confinement

N/A

4. Authorisation of stays in solitary confinement

The prison authority has the power to impose administrative sanctions. It may eventually be challenged before a court of guarantee by means of a special appeal (called amparo).

5. Statistical data

The National Institute of Human Rights publishes from time to time the Study of Prison Conditions. This study reports the number of people sanctioned for solitary confinement.



The [2018](#) study reports a total of 2,891 sanctions for 2018 in a sample of 36 prisons.³

Data from the Prison Conditions Study [2019](#) is also available.

6. Reports on solitary confinement practices

Study of Prison Conditions in Chile 2018:

<https://bibliotecadigital.indh.cl/handle/123456789/1704>

Study of Prison Conditions in Chile 2016 2017:

<https://bibliotecadigital.indh.cl/handle/123456789/1180>

³ No data is published for 100% of the prisons but can be requested from Gendarmería de Chile via the web by interested researchers (<https://www.gendarmeria.gob.cl/oirs.html>)