



Mapping solitary confinement: El Salvador country report

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1. Country general Criminal Justice System facts & numbers

El Salvador's prison system is under the authority of the Directorate General of Penal Centers [Dirección General de Centros Penales, DGCP], which means that the Ministry of Justice and Public Security oversees the prison administration. However, the juvenile offender system is managed by the Ministry of Education.

The country has a total of 25 prison facilities, with an official capacity of 67,289 prisoners and an incarceration rate of 1,659 per 100,000 inhabitants the highest incarceration rate, in the world.¹ As of 2024, the total prison population reached 109,516 prisoners, meaning that the prison occupancy rate stood at 162.8%

Of the total prison population, 23.1% were pre-trial detainees, women accounted for 7.4% of the prisoners, and foreign nationals represented 1.3% of the total prison population ([World Prison Brief](#), [Prison Insider](#)).

It is worth noting that incarceration rates for women have risen dramatically in the last decade, from 6.2% per 100,000 of the general population in 2000 to 39.2% in 2010 and as high as 41.7% per 100,000 of the general population in 2021. ([World Prison Brief](#)).

¹ Up from a total prison population of 7,754 and an incarceration rate of 132 prisoners per 100,000 of the general population in 2000, and a prison population of 37,190 and incarceration rate of 572 per 100,000 of the general population in 2020. (Source: [World Prison Brief](#))



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

In El Salvador's law solitary confinement is not labeled as such, but the practice exists, and is regulated under the terms "individual cell confinement" [internamiento en celda individual] and "special confinement regime" [régimen de encierro especial], depending on the way it is applied (as a disciplinary measure or security regime).

Solitary confinement ("individual cell confinement") is one of the disciplinary sanctions listed in article 129 of the Penitentiary Law² and detailed in the General Regulation of the Penitentiary Law³ (articles 379 and 380). This sanction is applied for prisoner misconduct and will be imposed for serious or repeated offenses included in article 359 of the Penitentiary Regulation (article 360).

The "special confinement regime" is a security and control regime for prisoners considered dangerous, violent or maladapted to the ordinary prison regime. This regime is regulated under article 103 of the Penitentiary Law and articles 178-198 of the Penitentiary Regulation. It can be applied to both convicted and pre-trial detainees (according to article 178 of the Penitentiary Regulation).

3. Reasons for use, process, and administrative regulations for each 'type' of solitary confinement.

a. Solitary confinement as punishment

Solitary confinement can be imposed as a disciplinary measure when a prisoner commits a serious infraction included in article 359 of the Penitentiary Regulation (article 360), which include violence or threats against other, disobedience to orders, possession of drugs or weapons, escape attempts or inciting fights.

One of the applicable sanctions is individual confinement in a cell, for either a period of up to 30 days or exclusively on weekends, from Friday evening to Monday morning (article 129 of the Penitentiary Law). In all cases, disciplinary sanctions must respect the prisoner's dignity and health and can not become a cruel, inhuman, or degrading treatment (article 128 of the Penitentiary Law).

The sanction is imposed by the Disciplinary Board [Junta Disciplinaria] of the prison facility (article 128 of the Penitentiary Law) and requires prior medical clearance from the prison's medical officer, who has to assess the prisoner's physical and mental health. This assessment

² [Ley Penitenciaria](#)

³ [Reglamento General de la Ley Penitenciaria](#). *From now on Penitentiary Regulation*



will then be registered on the prisoner's prison record. The doctor must also monitor the prisoner's health throughout the duration of the measure and can recommend its modification or suspension if he considers that it endangers the prisoner's physical or mental integrity (article 130 of the Penitentiary Law; article 379 of the Penitentiary Regulation)⁴.

The cell must be of similar material conditions as those of a standard cell, including requirements regarding ventilation and lighting (article 130 of the Penitentiary Law). Once in disciplinary confinement, prisoners should be provided with reading, study or work materials, whenever it is possible (article 379 of the Penitentiary Regulation). While serving the sanction, visits are not allowed, and prisoners cannot receive correspondence, packages or telephone calls (article 379 of the Penitentiary Regulation).

b. Solitary confinement for the prisoner's own protection

There is no regulation addressing solitary confinement for the purposes of protecting the prisoner within El Salvador's penitentiary legislation.

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

There also exists a security-based confinement in El Salvador that is used as an administrative regime applied to prisoners considered highly dangerous, extremely aggressive, or involved in organized criminal activity (article 196 of the Penitentiary Regulation). These individuals may be placed in Security Centers (article 79 Penitentiary Law) or Maximum-Security Centers (article 79-A Penitentiary Law).

Article 79-A of the Penitentiary Law stipulates that placement for Maximum Security Centers is for prisoners who:

- Are considered high-profile or high-risk takers within the prison system
- Have engaged in acts of destabilization within the prison system
- Have made threats or attacks against victims, witnesses, public officials (such as prosecutors, judges or prison personnel) or their families

Article 79 of the Penitentiary Law includes also individuals who have not adapted to the standard prison regime.

⁴ The law establishes that if the medical officer considers that the physical or mental integrity of the individual is at risk, they may request the Disciplinary Board to suspend or substitute the sanction. While the medical officer does not have the authority to unilaterally suspend the measure, their recommendation obliges the Board to assess the situation and act accordingly. Therefore, the sanction cannot continue if it endangers the person's health, and the procedure for modifying it is clearly regulated.



Article 103 of the Penitentiary Law lists the offences which could lead to placement under the special regime.

Overall, this regime is applied to prisoners who are convicted or prosecuted for serious offenses such as homicide, rape, kidnapping, drug trafficking and crimes associated with organized crime or terrorism. It is also applied to leaders of criminal gangs or their members alongside those who have engaged in violent acts within the prison facilities.

Placement under this regime follows a formal classification process, which is based on a risk and behaviour assessment conducted by the Criminological Technical Team [Equipo Técnico Criminológico], based on criteria that includes the person's criminal record, gang affiliation, participation in violent activities or repeated serious infractions during the execution of the sentence (articles 194 and 198 of the Penitentiary Regulation). These assessments must be approved afterwards by the Regional Criminological Council [Consejo Criminológico Regional], which must issue a reasoned resolution for the placement (articles 194 and 269 of the Penitentiary Regulation).

For transfers to the Maximum Security Centers the Director General of Prisons [Director General de Centros Penales] needs to issue an authorization and notify the Penitentiary Supervision and Sentence Execution judge [Juzgado de Vigilancia Penitenciaria y de Ejecución de la Pena] within three days (articles 79 and 79-A of the Penitentiary Law; article 272 of the Penitentiary Regulation).

The maximum duration of this confinement is not established in the law. Instead, it should be maintained for as long as necessary while the risk factors that led to the measure still persist. However, the placement must be reviewed once every two months by the Regional Criminological Council [Consejo Criminológico Regional] who will determine whether the circumstances that justified the isolation of the prisoner still apply (article 197 of the Penitentiary Regulation).

Conditions under this special regime are outlined in article 103 of the Penitentiary Law. They include being isolated in special cells with limited movement within the facility and no physical contact with other prisoners. Time outside the cell is minimal and carried out in complete separation from others. Group activities are only allowed if logistical and security conditions permit it, with the number of prisoners allowed to participate being limited to ensure adequate control. Therefore, outdoor access and physical exercise will be held in highly restricted conditions and carried out separately from the general prison population (article 201 of the Penitentiary Regulation).

In terms of personal possessions, prisoners are prohibited from keeping electronic devices, such as televisions or radios, and from accessing broadcast television. Written materials are



allowed, provided they have been previously approved by the prison authorities. Hygiene items are provided for temporary use only, with prisoners being expected to clean their own cells, and meals being delivered to the cell at designated hours (article 103 of the Penitentiary Law). Security measures within these centers are intensified and include body searches, security counts and frequent cell inspections (articles 195 and 200 of the Penitentiary Regulation). Moreover, communications are strictly monitored or supervised. Family visits are permitted under strict surveillance conditions and with no physical contact, while intimate visits are strictly prohibited and all telephone communications are monitored (article 103 of the Penitentiary Law).

d. Solitary confinement pre-trial

Solitary confinement can be applied to pre-trial detainees by placing them in a security unit under a special confinement regime, as established in article 178 of the Penitentiary Regulation. This article authorizes the Regional Criminological Council [Consejo Criminológico Regional] to place a pre-trial detainee in this regime when their personal characteristics or behaviour indicate a maladaptation to their regime or being considered as extremely dangerous.

4. Restraints and chemical irritants

The use of restraints and chemical irritants within prisons is permitted to ensure internal security. Some of the authorized coercive measures include handcuffs and non-lethal chemical irritants, like pepper spray (article 336 of the Penitentiary Regulation).

These means that they are only allowed when a less harmful alternative is not available and must be applied for the shortest time necessary.

The use of restraints and chemical irritants must be authorized in advance by the prison director (article 337). In emergency or urgent situations, they may be used without having prior approval, but the incident needs to be immediately reported to the Penitentiary Supervision and Sentence Execution judge and the Human Rights Ombudsman's Office [Delegado de la Procuraduría para la Defensa de los Derechos Humanos].

There is no available data regarding the use of these measures within prison facilities.

5. Protected populations

The country's prison regulations do not include any provisions regarding the protection of individuals from vulnerable groups (such as pregnant or breastfeeding women, children, people with any kind of disability or LGBTQI+ individuals) from being placed in the special regime or being applied isolation as a disciplinary measure.



However, El Salvador has signed and ratified multiple international treaties and standards prohibiting torture and other forms of ill treatment, which offer also protection of populations in situations of vulnerability.

International standards include the United Nations Standard Minimum Rules for the Treatment of Prisoners (also known as the [Mandela Rules](#)). In Rule 43 prohibits prolonged solitary confinement as a disciplinary measure and is defined as a torture or cruel treatment. Moreover, Rule 45 prohibits the imposition of solitary confinement on vulnerable populations, such as women and children.

Regarding women, the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (commonly known as the [Bangkok Rules](#)) focuses on the treatment of women in prison. According to rule 22, the use of solitary confinement is prohibited for pregnant women, lactating mothers and women with children in prison.

In terms of children, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (known as the [Havana rules](#)) prohibit the use of disciplinary measures that can be cruel or degrading treatment on minors under imprisonment, including solitary confinement (article 67).

Therefore, both women and young people should be considered part of protected populations for the use of solitary confinement in places of detention.

In terms of people with disabilities, the United Nations Convention on the Rights of Persons with Disabilities (CRPD), which El Salvador ratified in 2007, requires that states ensure that this people are not subjected to inhuman or degrading treatment (article 15) and to provide accommodations according to their specific needs in detention facilities (article 14).

Also applicable are the Yogyakarta Principles, a set of international principles relating to sexual orientation and gender identity, which are not legally binding but should be considered relevant. They highlight that isolation of LGBTIQ+ individuals in prisons should not be subjected to isolation or segregation based on their sexual orientation or gender identity, as it can lead to discrimination and further marginalization, and recommend states to adopt other policies without resorting to segregation of these individuals (Principle 9).

6. Statistical data on use of solitary confinement/segregation

There is currently no information available on the number of people held in solitary confinement within the prison system.



7. Jurisprudence on solitary confinement

Solitary confinement has been the subject of several ruling by the Constitutional Chamber of the Supreme Court [Sala de lo Constitucional de la Corte Suprema de Justicia]. These are some of the cases that reflect an increasing concern over the legality, proportionality and human rights implication of this practice in El Salvador.

- [HC 19-2013 \(November 27th, 2013\)](#)

This case involved prisoners subjected to isolation in cells that lacked ventilation, natural light and access to human contact. The Constitutional Chamber ruled that submitting a prisoner to prolonged solitary confinement without justification and without judicial supervision can be considered torture, cruel, inhuman and degrading treatment. The Court considered such conditions could lead to psychological harm and emphasized that this measure should be exceptional and with a maximum duration.

- [Case 298-2018 \(July 10th, 2019\)](#)

The Constitutional Chamber established, again, that solitary confinement should be a last resort measure, with limited duration, which must be authorised by the appropriate legal authority and subject to judicial oversight. It also emphasized that even as a disciplinary sanction, it cannot be carried out without due process or become a total deprivation of liberty.

- [HC 521-2020 \(July 8th, 2020\)](#)

This case focuses on the mass and indefinite solitary confinement imposed during the COVID-19 state of emergency, in which prisoners were confined in cells with no natural light or air, no access to toilet facilities or contact with the outside world. The Court rules that this collective punishment, without doing individual assessment on each prisoner, violated the principles of legality, proportionality and human dignity. It ordered that legal justification should be provided and to conditions of confinement be improved.

- [Case 146-2020 \(August 16th, 2021\)](#)

The case, among the several during the COVID-19 emergency, addressed the isolation of prisoners without light or natural air imposed by the prison authorities. The Court found that this practice was not authorized by the Penitentiary Law, which prohibits cutting off all contact between prisoners and the outside world, including telephone calls or family visits. Therefore, isolation under these conditions was considered a violation of human dignity and physical integrity.

8. Reports on the use of solitary confinement

8.1 Inspection and Monitoring bodies

Although El Salvador ratified the United Nations' Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, it has not established a National Preventive



Mechanism. This means that there is no independent and permanent body that conducts regular and unannounced inspections of prisons.

8.2 Non-governmental and international bodies

- **One Year Under the State of Exception: A Permanent a Measure of Repression and Human Rights Violations ([Situation report 2022-2023](#))**

This report by the Cristosal association notes that detainees were held under severe confinement conditions inside prison facilities. The report does not explicitly refer to “solitary confinement”, but it describes practices that align with a prolonged use of isolation. It describes how prisoners were kept in unsanitary cells, with no access to sunlight, communication or legal assistance. Family visits or medical care were denied, as was participation in any recreational activity.

The report argues that these conditions may constitute cruel, inhuman or degrading treatment.

- **El Salvador: Civil Society Report in response to the UN Committee Against Torture follow-up procedure ([2024](#))**

This report, submitted to the UN Committee Against Torture by several civil society organizations (including Cristosal, IDHUCA and OMCT), documents the systematic use of solitary confinement under the State of Emergency. Specifically, it describes the conditions in the mega-prison Terrorism Confinement Center [Centro de Confinamiento del Terrorismo, CECOT], where prisoners are subjected to sensory overstimulation with constant bright light, isolation and no contact with their families. The use of solitary confinement with these practices meets the criteria for torture under international law.

Inter-American Commission on Human Rights

- **Report State of Emergency and Human Rights in El Salvador ([2024](#))**

This report notes that both prolonged isolation and coercive solitary confinement are, in themselves, cruel and inhuman treatments, and that in some situations, added to other conditions and contexts, could amount to torture. Prisoners, particularly in the Terrorism Confinement Center (CECOT) and Izalco Prison, were held in prolonged isolation without any legal justification. The conditions involved no natural light, ventilation or visits, resulting in both physical and psychological harm.

- **Situation of human rights in El Salvador ([2021](#))**

This report briefly notes that some pre-trial detainees were subject to solitary confinement. Although the practice is not detailed, it highlights that this form of isolation may be cruel, inhuman and degrading treatment, especially when it is implemented without sufficient legal supervision. The report also notes the lack of transparency in the country’s justice and prison system.

UN Committee Against Torture



- **Concluding observations on the third periodic report of El Salvador (2022)**

The report highlights several conditions and practices that are consistent with the use of solitary confinement. For example, prolonged pretrial detention, severe restrictions on detainees' rights, and delayed access to legal representation or family visits. It also states the increase in prison population and many reports of mistreatment with denial of medical care or poor sanitation on cells.

Other reports

- **The Bukele Model: Security Without Human Rights – El Salvador Two Years into the State of Emergency (2024)**

This report documents how individuals have been subjected to prolonged isolation, in poorly ventilated cells, without adequate access to basic services or communication. Solitary confinement has been used under the emergency regime in an arbitrary and extensive manner. It highlights that this practice often does not have proper justification, which can constitute cruel, inhuman or degrading treatment.

8.3 Media

- [What to know about El Salvador's mega-prison after Trump sent hundreds of immigrants there](#)
- ["We Can Arrest Anyone We Want": Widespread Human Rights Violations Under El Salvador's "State of Emergency"](#)
- [Rights group: leaked El Salvador data confirm abuses](#)
- [El Salvador: Inhumane Prison Lockdown Treatment](#)