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COUNTRY CONDITIONS IN SUPPORT OF ASYLUM APPLICATION

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Exhibit 1

Jonathan Ulises Rivera Rafael A#221-397-911

EXCERPTS FROM COUNTRY CONDITIONS REPORTS

CC1

"YOUR CHILD DOES NOT EXIST HERE": HUMAN RIGHTS ABUSES AGAINST CHILDREN UNDER EL SALVADOR'S "STATE OF EMERGENCY" - HUMAN RIGHTS WATCH

Many of the children detained during the state of emergency lived in low-income neighborhoods, where violence was a constant presence. Pervasive poverty, social exclusion, and lack of educational and work opportunities have left many with few viable paths forward, enabling gangs to prey on them and security forces to stigmatize them as criminals and harass them.

Children and their relatives interviewed for this report described being doubly victimized: **first, by the gangs that abused them and, in some cases, tried to recruit them—often through force, coercion, or deception—and then, by security forces which detained and mistreated them.**

Agustín Díaz (pseudonym), 16, was arrested in the town of San José Guayabal, Cuscatlán state, where his family had fled escaping gang violence. Years before, gang members had tried to recruit him and had threatened to kill his mother. He told us that the soldiers who arrested him simulated his execution on a deserted road as they were transferring him between police stations. He said he was held, until his release several days later, in an overcrowded cell, where 70 children shared three beds.

Extortion has also decreased, authorities reported. **However, lack of transparency about crime rates and reports of manipulation make it hard to precisely assess the extent of the reduction of violence.**

CC2

DESIGNATION OF INTERNATIONAL CARTELS - U.S. DEPARTMENT OF STATE

Today, the Department of State announces the designation of Tren de Aragua (TdA), Mara Salvatrucha (MS-13), Cártel de Sinaloa, Cártel de Jalisco Nueva Generación (CJNG), Cártel del Noreste (CDN), La Nueva Familia Michoacana (LNFM), Cártel de Golfo (CDG), and Cárteles Unidos (CU) as Foreign Terrorist Organizations (FTOs) and Specially Designated Global Terrorists (SDGTs).

MS-13 is a transnational organization that originated in Los Angeles but shifted to Central America as individuals were deported there from the United States. MS-13 actively recruits, organizes, and spreads violence in several countries, primarily in Central America and North America, including El Salvador, Honduras, Guatemala, Mexico, and the United States. MS-13 has conducted numerous violent attacks, including assassination and the use of IEDs and drones, against El Salvador government officials and facilities. Additionally, MS-13 uses public displays of violence to intimidate civilian populations to obtain and control territory and manipulate the electoral process in El Salvador.

CC3

TERRORIST DESIGNATION OF BARRIO 18 - U.S. EMBASSY IN SAN SALVADOR

Today, the Department of State is designating Barrio 18 as a Foreign Terrorist Organization (FTO) and Specially Designated Global Terrorist (SDGT).

Barrio 18 is one of the largest gangs in our hemisphere and has conducted attacks against security personnel, public officials, and civilians in El Salvador, Guatemala, and Honduras.

CC4

FREEDOM IN THE WORLD 2025: EL SALVADOR FREEDOM HOUSE

B3 - Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means?

High-level politicians from all major parties have been accused of links to organized crime. Journalists have regularly uncovered evidence of covert negotiations between the Bukele government and gang leaders, chiefly to rein in gang-related crimes in exchange for various concessions. A criminal investigation into the government's negotiations was shut down when the government-controlled legislature replaced the attorney general in 2021.

F3 - Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?

Crime and violence, which were long linked to gangs, remain issues of public concern. However, armed violence has declined sharply since mid-2019 due to alleged secret negotiations between the Bukele government and the country's gangs.

CC5

EL SALVADOR PROFILE - INSIGHT CRIME

El Salvador has historically been one of the main strongholds of Central America's best-known street gangs: the Mara Salvatrucha (MS13) and Barrio 18, which terrorized poor urban neighborhoods across the country for years.

Which Are the Main Criminal Groups in El Salvador?

Although the state of emergency implemented by President Nayib Bukele's government in March 2022 has considerably weakened the country's main gangs, **remnants of MS13 and Barrio 18 remain active in some parts of El Salvador. On February 20 and September 23, 2025, the United States designated MS13 and Barrio 18, respectively, as Foreign Terrorist Organizations (FTOs).**

CC6

CRIMINAL INNOVATORS - GLOBAL INITIATIVE

According to a report by Global Financial Integrity, extortion is estimated to generate between $40 million and $57 million annually for criminal organizations in Guatemala; between $190 million and $240 million in El Salvador; and between $30 million and $50 million in Honduras. These funds finance the gangs' needs, including the cost of legal assistance for incarcerated members, while extortion itself facilitates criminal governance processes.

CC7

ACTION MANUAL FOR COMMUNITY RESILIENCE TO EXTORTION IN CENTRAL AMERICA - U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT

WHO IS EXTORTING

Extortions demanded by members of criminal networks or gangs who are usually involved in committing other crimes. **In Central America in particular, the most common cases involve members of the Barrio 18 and the Mara Salvatrucha (MS-13), who use threats and violence to seek unjust gain. In some cases, criminal prosecutions have shown that members of state security forces and/or public officials are linked to these criminal networks.**

THE NATURE OF THE THREAT

This pertains to the consequences threatened if the victim does not comply with the extortionist’s demands, such as the destruction of a business, damage to the victim’s reputation, violence, or the death of the victim or their family members, among others.

Julio Díaz, a prosecutor from the anti-extortion office in Guatemala, mentioned in an interview that ‘there is usually an attack on the victim, such as an assault against drivers of urban or intercity buses, motorcycle taxi drivers or employees of small shops. Generally, if the victim does not agree to the payment, they are attacked’.

These crimes have been known to have repercussions on the credibility of government employees and the criminal justice system, which knows of these practices yet leaves them unpunished.

Exhibit 2

“Your Child Does Not Exist Here”: Human Rights Abuses Against Children Under El Salvador’s “State of Emergency”

hrw.org/report/2024/07/16/your-child-does-not-exist-here/human-rights-abuses-against-children-under-el

July 16, 2024



“Your Child Does Not Exist Here”

Human Rights Abuses Against Children Under El Salvador’s “State of Emergency”

Summary

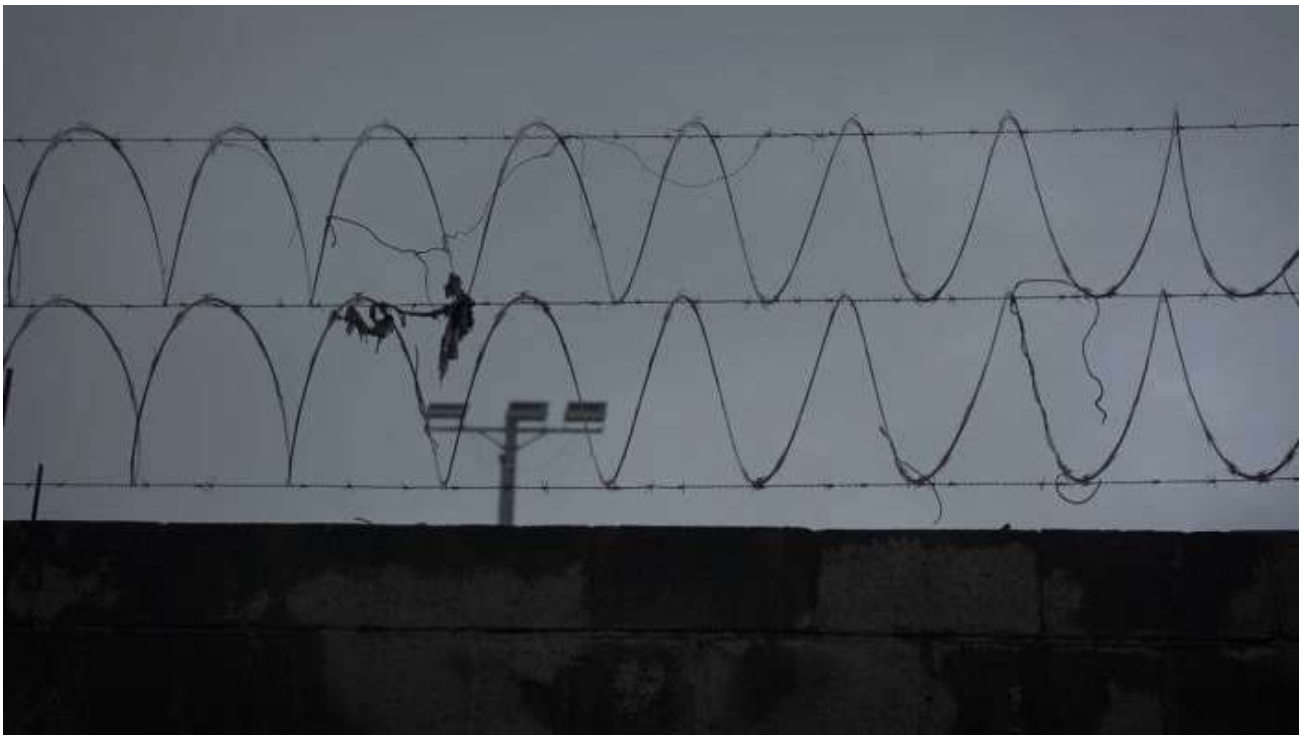
El Salvador: Rights Violations Against Children in ‘State of Emergency’

Police and soldiers in El Salvador arrested Carolina González (pseudonym), a 17-year-old student from a rural town in Sonsonate state, on July 1, 2022, without showing her a warrant. Security forces accused Carolina of collaborating with gangs. She recalls they held her with adult women, for seven days, at a police station, where an officer tried to coerce her into identifying a gang member, whom she did not know, in exchange for being released.

Two weeks later, the police transferred Carolina to a juvenile detention center where she was held in a small, unsanitary cell with 25 other girls. Months later, a judge pressured Carolina and seven other children to jointly plead guilty to collaborating with the MS-13 gang, which she denies doing. Carolina and three other girls recall the judge saying that if one of them refused the plea deal, they would all serve sentences that were twice as long. They pleaded guilty and were sentenced to a year in prison. “We did not have an option,” Carolina said, “we all wanted to see our moms.”

Carolina is one of roughly 3,000 children who have been arrested in what witnesses often describe as indiscriminate sweeps since, in March 2022, President Nayib Bukele declared a state of emergency as part of a “war on gangs.” She is also one of 1,000 children who have been convicted during the state of emergency, primarily on charges of gang membership. Security forces have subjected many of these children to a range of serious human rights violations during their arrest, in detention, and even after release.

This report, based on interviews with more than 90 people, documents these human rights violations against children who security forces have accused of being connected to gangs. Human Rights Watch visited, in September and December 2023, San Salvador, Sonsonate, and Cuscatlán states and interviewed victims of abuse, their relatives and lawyers, witnesses, judges, police officers, security experts, teachers, former government officials, journalists and civil society members. We also requested information from several government offices and reviewed relevant case files, as well as medical, educational, and criminal records.



While government figures on detained children are inconsistent, the National Council of Early Childhood, Children and Adolescents (Consejo Nacional de la Primera Infancia, Niñez y Adolescencia, CONAPINA) told United States authorities that 3,319 children were detained between March 2022 and December 2023. Of these, 841 were reported to remain in detention as of January 2024—262 in pretrial detention and 579 serving sentences.

Many children who have been arrested and detained had no apparent connection to gangs' abusive activity. In detention, authorities subjected children to severe ill-treatment that in some cases amounted to torture. Children have been held in inhumane conditions, deprived of adequate food, health care, and family contact. Some have been held with adults, in violation of international and Salvadoran law. Authorities have taken few, if any, steps to protect children from violence at the hand of other detainees, including beatings and sexual assault.

The offenses of which the children have often been convicted, such as "unlawful association," have overbroad definitions and harsh maximum sentences ranging from 10 to 20 years in prison. These convictions were often based on uncorroborated and contradictory statements by police.

In many cases, authorities coerced children into making false confessions to crimes through a combination of abusive plea deals and sometimes mistreatment or torture.

Judges and prosecutors routinely have kept children in prolonged pretrial detention, a practice that, given the dire conditions of juvenile detention facilities, exposed children to heightened risks of abuse.

Police detained Óscar Gámez (pseudonym), a 17-year-old student, on March 27, 2022, in a rural community in Apopa, San Salvador state. A prosecutor charged him with unlawful association. He was held at a juvenile prison called "El Espino" for five months, until a judge ordered his release in August 2022. Oscar told us that guards beat him many times with batons during cell searches. He said that he and other detainees were forced to kneel for three hours, naked, or under water at dawn. He said that sometimes, guards did not provide food for the entire day.

On July 10, 2022, police and soldiers detained Nicolás Saldívar (pseudonym), a 16-year-old student, at his school in Tacuba municipality, Ahuachapán state. A relative told Human Rights Watch that security forces entered the school and took Nicolás away. Officers told his father they were taking him to a police station "for an interview" and would "release him soon." Two years later, Nicolás remains imprisoned.

A prosecutor charged Nicolás with unlawful association. During the hearing, Nicolás's father told a police officer that he wanted to see his child. "Your child does not exist here," the officer responded. "If you stare at him, we'll beat you." In January 2023, a judge sentenced Nicolás to two years and six months in prison. As of July 2024, Nicolás was held in the "Freedom Path" juvenile detention prison.

Many of the children detained during the state of emergency lived in low-income neighborhoods, where violence was a constant presence. Pervasive poverty, social exclusion, and lack of educational and work opportunities have left many with few viable paths forward, enabling gangs to prey on them and security forces to stigmatize them as criminals and harass them.

Children and their relatives interviewed for this report described being doubly victimized: first, by the gangs that abused them and, in some cases, tried to recruit them—often through force, coercion, or deception—and then, by security forces which detained and mistreated them.

Agustín Díaz (pseudonym), 16, was arrested in the town of San José Guayabal, Cuscatlán state, where his family had fled escaping gang violence. Years before, gang members had tried to recruit him and had threatened to kill his mother. He told us that the soldiers who arrested him simulated his execution on a deserted road as they were transferring him between police stations. He said he was held, until his release several days later, in an overcrowded cell, where 70 children shared three beds. Guards did nothing when other detainees kicked him, virtually every day, while they counted seconds out loud up to 13—an apparent reference to the MS-13 gang.

While security forces have committed these serious human rights abuses, many interviewees said that gangs have been significantly weakened in their communities.

The country's longstanding high homicide rate, which peaked at 106 per 100,000 people in 2015, has sharply declined, reaching a historic low of 2.4 homicides per 100,000 people in 2023, according to official figures. Extortion has also decreased, authorities reported. However, lack of transparency about crime rates and reports of manipulation make it hard to precisely assess the extent of the reduction of violence.

The mass abuse-ridden arrests have done little to deliver meaningful justice for victims of gang violence. Instead, the crackdown has overwhelmed El Salvador's already fragile judicial system, which lacks the capacity to adequately process the sheer volume of detainees while safeguarding their due process rights and ensuring that victims have access to a fair and impartial legal recourse.

Since taking office in 2019, President Bukele has dismantled El Salvador's democratic safeguards. The government has systematically undermined judicial independence, appointing allies to the Supreme Court and the Attorney General's Office and pressing judges and prosecutors to ensure the continuous detention of people suspected by the police of being gang members. The absence of independent oversight has facilitated widespread human rights abuses and deprived victims of any meaningful avenues to seek redress.

President Bukele has also tried to justify human rights violations as supposedly acceptable "errors" committed during the "war against gangs." He also said that the government will be "watching judges who favor criminals," in what appears to be an effort to intimidate judges and prosecutors from investigating human rights violations or releasing people who are arbitrarily detained.

The government should establish an mechanism to review the cases of those detained during the state of emergency. The mechanism should prioritize reviewing the cases of children and other vulnerable detainees, with a view to immediately releasing all those detained without evidence. It should prosecute, with full respect to due process, those accused of serious crimes on the basis of proper evidence.

The government should also develop a comprehensive security strategy that protects children from gang violence and recruitment, including by implementing violence prevention initiatives, rehabilitation programs for recruited children, and reintegration support for those in conflict with the law. Crucially, detention should only be used as a last resort for children, and for the shortest necessary period. When detention is unavoidable, it should take place in facilities that are safe, humane, and conducive to children's reintegration into society.

CONAPINA should ensure that children in detention have access to education and health care and that juvenile detention facilities meet international human rights standards. It should also establish an independent complaint system regarding juvenile detention facilities. The Legislative Assembly should bring laws in line with international norms, in part by raising the minimum age of criminal responsibility, reforming the Juvenile Criminal Law, and ending the state of emergency. The Attorney General's Office should prioritize prosecuting high-level gang leaders most responsible for abuses and investigating human rights violations, including child recruitment, while the courts should ensure that children are tried in specialized juvenile courts and protected from abuse and coercion.

International action is needed to prevent further human rights violations in El Salvador. The governments of the United States, Latin America, and member states of the European Union should focus attention on the situation in El Salvador, including through the United Nations Human Rights Council. Foreign governments and international financial institutions should

refrain from providing support to government institutions credibly alleged to be involved in abuses and should focus assistance on independent media and civil society.

The international community should promote effective and rights-respecting security policies to ensure that people in El Salvador, and throughout Latin America, do not feel forced to choose between living under gang control, or under intense state repression. And they should prioritize supporting the rights of children who, whether at the hands of gangs or of security forces, are likely to suffer the most.

To the Salvadoran State:

- Establish an ad hoc mechanism to review the cases of people detained during the state of emergency and (1) identify cases involving higher-level gang leaders and perpetrators of violent crimes by gangs, including homicides, rape and sexual assault, disappearances, and child recruitment, which should be prioritized for investigation and prosecution; (2) identify cases of people who have been detained without adequate credible evidence, and whom authorities should promptly release. The mechanism should prioritize reviewing cases of children, people with disabilities, pregnant women, and people with serious health conditions.

- Work in collaboration with civil society groups and religious organizations to develop a new rights-respecting security strategy that, among others, protects children from gang abuse and recruitment. The strategy should:
    - Implement violence prevention initiatives at school, family and community-based levels for children, including those under the typical age of gang recruitment in El Salvador, such as family activities, mentorship and after-school programs.
    - Establish rehabilitation programs for recruited children, including by offering vocational skills and training programs, voluntary substance use disorder treatment services, psychological support and therapy, reentry into formal education, and the development of positive social networks and connections.
    - Implement reintegration programs for children who have committed violent or otherwise criminal acts and who might have been exposed to arrest or detention, including restorative justice interventions, opportunities to engage in the job market, voluntary tattoo removal, public campaigns to combat stigma and discrimination, and reentry into formal education; and
    - Prioritize investigating and prosecuting child recruitment (i.e., of anyone under 18 years), including of girls for sexual services and of boys pressed to commit crimes in gangs.
    - When trying and sentencing children who have been credibly identified as gang members, judges should consider such mitigating factors as the circumstances of the child's recruitment, family and social context, and relative lack of maturity. Sentencing should always promote children's rehabilitation and reintegration, as required under the Convention on the Rights of the Child, the International Covenant on Civil and Political Rights, and other international human rights treaties.
    - Urgently improve conditions in prisons, starting with juvenile detention facilities, to ensure they meet international standards, including by ensuring that detained children are held in safe, humane conditions in detention, with access to education, health care, family contact, legal representation; and by ensuring that children are held separately from adults and that pretrial detainees are held separately from people serving sentences.

Methodology

This report is part of a series of Human Rights Watch publications on abuses during the state of emergency in El Salvador and responses to organized crime and gangs in the Americas.[1] A previous report, published jointly with the Central American human rights organization Cristosal, documented widespread human rights violations committed by security forces mostly against adults during the state of emergency in El Salvador.[2]

In researching this report, Human Rights Watch conducted over 90 interviews with a wide range of actors. These included 66 victims of abuse, their relatives, lawyers and witnesses, as well as several judges, security experts, journalists, religious leaders, police officers, former government officials, and members of national and international human rights organizations. We conducted visits in September and December 2023 to San Salvador, Sonsonate, and Cuscatlán states. Thirty interviews with abuse victims, relatives and lawyers were conducted in person, while the others were carried out by phone. All interviews were conducted in Spanish.

Most of the interviewees feared for their security and only spoke to researchers on condition that we withhold their names and other identifying information. Details about their cases or the individuals involved, including the location of the interviews, have also been withheld when requested or when Human Rights Watch believed that publishing the information would put someone at risk. In footnotes, we may use similar identifying information to refer to different interviewees to protect their security.

Human Rights Watch did not make any payments or offer other incentives to interviewees. Care was taken with victims of trauma to minimize the risk that recounting their experiences could further traumatize them. Where appropriate, we provided the contact information for organizations offering legal, social, or counselling services, or linked those organizations with survivors.

Background: Marginalization and Violence Against Children in El Salvador

El Salvador has long had one of the highest murder rates in the world. Salvadoran children have been exposed to multiple, often interrelated forms of violence, including sexual violence, homicides, disappearances, forced recruitment, and displacement.[5] Perpetrators include family members, gangs, and security forces. Pervasive violence has compromised many children's physical and mental health and hindered their ability to access and exercise their social, economic, and cultural rights.

Gangs, known locally as "maras," are a main source of violence in El Salvador, and for decades, have exerted territorial control over much of the country.[6] The most notorious gangs—Mara Salvatrucha (MS-13) and the Eighteenth Street Gang (Barrio 18), the latter of which has divided into the Eighteenth Street Gang "Southerners" (Sureños) and the Eighteenth Street Gang "Revolutionaries" (Revolucionarios)—effectively exercised territorial control over specific areas in rural and urban settings throughout the country, using brutal violence to extort and intimidate residents.[7] They engaged in serious abuses, such as child recruitment, sexual violence, killings, abductions, and displacement.[8] Gangs are believed to

be responsible for at least half of violent deaths between 1993 and 2016 and much of the sexual violence and disappearances in El Salvador.[9] As discussed below, socially excluded and marginalized children are especially vulnerable to abuse and exploitation by gangs.[10]

Drivers of gang violence include poverty; lack of access to basic services, schooling and vocational training; easy access to weapons; family instability or conflict; and weak judicial and prosecutorial institutions.[11] Gangs have often filled a vacuum created by the absence of state institutions and programs that should serve Salvadorans. Responses to gang violence in El Salvador have typically involved violent repression through mass incarceration, suspension of due process, lengthening of criminal sentences, and increased policing.[12] However, in the past, these policies have been ineffective at addressing underlying causes of violence and dismantling organized criminal networks in a sustained way.[13]

A decrease in violent crime under emergency measures imposed in 2022 by the government of President Bukele has come at the expense of basic rights for thousands of detainees and their families.[14] Among other human rights violations, authorities have resorted to mass arbitrary arrests, ill-treatment in detention, and routine due process violations. The escalation of repression has had counterproductive effects, distorting the rule of law, empowering security forces without adequate oversight, eroding trust between communities and institutions, and reinforcing cycles of violence and abuse.[15]

Poverty and Marginalization of Children

By 2022, El Salvador had a population of 6.3 million, of which 27.6 percent were children, i.e., people under 18 years old.[16]

Nearly 27 percent of El Salvador's population was living under the national poverty line in 2022, the government's Multiple Purpose Household Survey (Encuesta Permanente de Hogares de Propósitos Múltiples, EHPM), reported.[17] This figure can be further divided into two categories: "Relative poverty," which affected 18 percent of the population, refers to households whose per capita income is insufficient to cover the cost of the expanded Basic Food Basket (Canasta Básica Alimenticia, CBA), defined as twice the value of the standard Basic Food Basket. "Extreme poverty," on the other hand, impacted 8.6 percent of the population and is defined as households whose per capita income cannot meet the expenses of the standard Basic Food Basket.[18]

A high number of those living in poverty in El Salvador are children under age 14. According to the Economic Commission for Latin America and the Caribbean (ECLAC), in 2022, 43,3 percent of the population living in poverty in El Salvador was under 14.[19] Nearly 13 percent of Salvadorans under 14 were living in extreme poverty.[20] Impoverished children are at

heightened risk of being exploited by gangs, which often recruit from marginalized communities, luring youth with the prospect of economic opportunity through illicit activities. [21]

Historically high levels of migration from El Salvador and abandonment have led to family disintegration, which undermines the protection and well-being of children.[22] Official data from 2022 survey found 37 percent of children—nearly 4 out of 10—lived without one or both parents.[23] Children who lack a basic family support structure are especially vulnerable to gang recruitment.

Compulsory education in El Salvador starts at the age of 4 and ends at 15.[24] Salvadoran children struggle to remain in the educational system as they progress through the grades. Out-of-school rates in 2022, as reported by the Foundation for the Study and Application of Law (Fundación de Estudios para la Aplicación del Derecho, FESPAD), a Salvadoran nongovernmental organization, were: 10 percent in 8th grade, 9 percent in 9th grade, and 31 percent for the initial year of high school (16 years of age).[25] Concerningly, the out-of-school rate for the first year of high school has significantly increased since 2019: from 7.6 percent in 2019 to 31 percent in 2022.

School dropout is a pervasive issue throughout Latin America. El Salvador's educational challenges are particularly severe. In 2022, 90.9 percent of the population aged 15 to 19 had completed primary education, 4.4 percent below the Latin American average. The gap in secondary education is even wider. Among people aged 20 to 24, only 42.4 percent had completed secondary education, 26.2 percent below the regional average.[26]

The education system faces challenges in coverage. Throughout the system, improvements are needed to infrastructure, equitable access, instructional methods, and student retention. According to the Inter-American Development Bank (IDB), the primary reasons that students cite for dropping out are related to economic and social factors.[27] Migration, work or related economic reasons, and insecurity were the leading causes of school abandonment, in 2018, particularly for children 13 to 15 years old.[28]

Working-age Salvadorans (those over age 14, under Salvadoran law) had completed an average of 8.8 years of schooling, in 2022, lower than the Latin American average of 10.1 years.[29] While most of the school-aged population had attended some school, just over 87 percent of those ages 4 to 12 reported that they were attending school and under 84 percent of those ages 13 to 17.[30]

El Salvador's public spending on education has fallen short of international recommendations. [31] The Education 2030 Framework for Action of the United Nations Educational, Scientific and Cultural Organization (UNESCO), a UN specialized agency, proposes that public

spending on education reach at least 4-6 percent of GDP or 15-20 percent of total public spending.[32] Public spending on education in El Salvador averaged 3.8 percent of GDP between 2013 and 2021, close to but slightly below the UNESCO-recommended minimum of 4 percent. In 2022, UNESCO reports it reached 4.53.[33] Education spending as a share of total government spending averaged 14 percent between 2013 and 2021.[34]

The Multiple Purpose Household Survey found that more than 66,300 Salvadoran children—or more than 5 percent—between 5 and 17 years old had jobs.[35] Children who work at a young age rather than focusing on education are more likely to drop out of school, diminishing their future economic prospects and becoming more likely to take part in illicit businesses controlled by gangs. The survey also found that 4 out of 10 children engaged in child labor do not attend school.[36]

Additionally, the survey showed child workers in El Salvador were predominantly male, between the ages of 14 and 17 years (75 percent), and rural (60 percent).[37] These findings likely significantly underrepresent the prevalence of girls engaged in domestic work, a form of labor that often goes undercounted and unrecognized due to its hidden nature within households.

The survey found that nearly 24 percent of Salvadorans between the ages of 15 and 24 were not occupied in education or employment, in comparison to the Latin American average of 17 percent.[38] Nearly 43 percent of Salvadorans of that age who were not studying or working were from households with incomes in the lowest 20 percent.[39]

Violence Against Children

In El Salvador, children and young adults face many types of violence. They experience higher levels of violence than adults, which undermines their basic human rights and threatens their development.[40]

According to Cristosal, high rates of early and forced pregnancies among adolescents, widespread sexual violence, and alarming levels of problematic alcohol consumption are related to a broader context of violence.[41] Disciplinary practices within families frequently involve both physical and psychological abuse.[42] Such problems, together with pervasive gang violence, contribute to elevated school dropout rates, participation in criminal groups, and migration among children and youth.[43]

For years, the homicide rate among children in El Salvador has been one of the highest globally, reflecting an alarming level of violence and severe violations of the fundamental rights to life and physical security.[44] Homicide has consistently been the leading cause of death among Salvadoran children and young people aged 10 to 19.[45]

The Institute of Legal Medicine (Instituto de Medicina Legal, IML) documented some 6,300 homicides of children and adolescents (ages 0 to 19) from 2005 to 2013.[46] Of these, the majority—89 percent—were among teenagers aged 15 to 19, and 87 percent were male.[47] In El Salvador, 2,714 children from ages 0 to 17 were murdered, from January 2014 to March 2022, the government reported, before declaring information on homicides classified for seven years.[48] Discrepancies in figures reported by various government agencies complicate the assessment of the true scale of child homicides.[49]

A study conducted in 2023 by the Pan American Journal of Public Health (PAJPH), highlights the high homicide rates among those aged 10-19 in El Salvador for the decade from 2010 to 2019.[50] Disappearances—meaning, in El Salvador and elsewhere in the region, the seizing of people, by any perpetrator, against their will, with their fate and whereabouts unknown—have notably affected children in El Salvador.[51] In addition to kidnappings to increase territorial control, gangs appear to use disappearances to kill, lowering official homicide counts, particularly during negotiations with governments.[52]

Sexual violence is pervasive in El Salvador, disproportionately affecting women and girls. Between 2019 and 2022, official data show that 22,745 women and girls were victims of sexual violence.[53] Authorities reported 5,277 female victims of sexual violence, including 2,107 of rape, only in 2022.[54]

There is a high rate of teenage pregnancy.[55] In 2015, 24,944 pregnancies were reported among girls and adolescents aged 10-19, translating to an average of at least 68 girls and adolescents becoming pregnant every day.[56] While this figure decreased to 10,352 in 2022, it still means that, on average, at least 28 girls and adolescents became pregnant daily.[57] A total of 496 girls under the age of 14 became pregnant in 2022.[58] Under the law the age of consent is 15.[59] El Salvador criminalizes abortion under all circumstances.[60] Even if the pregnancies were a result of rape or posed serious risks to the girls' lives and health, they would not have legal access to abortion.

Underlying causes and effects of teenage pregnancy include high school dropout rates, discrimination against women and girls, child marriage and early unions, and sexual violence.[61] A study by the United Nations Population Fund (UNFPA), a UN agency, reported that in 2022, the Institute of Legal Medicine conducted 2,019 expert assessments related to sexual violence against girls and adolescents between the ages of 10 and 19.[62]

Gang recruitment severely affects Salvadoran children. Gangs proliferate in areas of concentrated disadvantage. Children with limited access to essential services are at heightened risk of abuse and exploitation by gangs.[63] Deprivation increases children's vulnerability to coercion or enticement into gangs.

In El Salvador, gang membership remains a predominantly male phenomenon. According to a study based on a purposive sample of 1,196 respondents with record of gang membership, most members reported being recruited during their teenage years.[64] The average age for joining a gang among respondents in this study was 15, for males, and 18, for females.[65]

The ECLAC reported, in 2015, that gang presence affected 214 out of 262 municipalities in the country, particularly those around the city of San Salvador.[66] A separate study found gang members were present in at least 80 percent of schools and exert control over the territories where schools are located and abuse students through threats, extortion, and recruitment.[67]

Gangs recruit children primarily through coercion and persuasion, often within contexts of deprivation.[68] Coercive tactics include kidnapping, violence, and threats of physical force against children or their family members. Continuing pressure, including from peers; the need for protection against harassment; and the desire to flee from abusive situations lead children to join gangs.[69] Hundreds of families living in areas controlled by gangs have left their homes to escape violence, and in some instances, to prevent forced recruitment of children.[70]

Recruitment also involves promises of access to drugs, power within schools and local communities, and sexual activities, either forcibly or through relationships with gang members.[71]

Girls and young women experience gang violence differently. Many are coerced into non-consensual sexual relationships, known as “noviazgos,” with gang members. In such situations, they endure sexual violence, are treated as “gifts” among gang leaders, and may be trafficked sexually.[72]

Criminal organizations manipulate, exploit, and groom children to play diverse roles, including as assassins.[73] Initially tasked with surveillance and tracking, children gradually receive assignments of increasing violence. To demonstrate their loyalty, children, mostly 15 and 16 years old, are often required to kill someone. Girls play traditional gender roles. Typically, the tasks assigned to them involve caregiving or monitoring, as well as the transport or hiding of drugs or weapons.[74]

Gang membership severely alters a child’s development and potential. Children find themselves trapped in a cycle of continuous criminal activity. It can range from theft to homicide, and it effectively anchors children’s lives to the gang indefinitely.[75]

The pattern of gang recruitment, in El Salvador, leads to continuous violations of children’s rights, including their right to life, humane treatment, health, education, recreation, and

personal liberty.[76]

Past Security Policies

Past governments have oscillated between closed-door negotiations with gangs, which failed to disarm gangs and protect the population, and repressive measures that increased human rights violations and failed to sustainably decrease violence.

The governments of Presidents Francisco Flores (1999-2004) and Antonio Saca (2004-2009) launched and implemented the “Iron Fist Plan” (Plan Mano Dura), in 2003, and the “Super Iron Fist Plan” (Plan Súper Mano Dura), in 2004. They mostly deployed joint police and military anti-gang squads to patrol the streets.[77] According to FESPAD, a Salvadoran nongovernmental organization, authorities relied on flimsy evidence, including tattoos and overall appearance, for mass arrests of alleged gang members.[78] More than 19,000 people were arrested between July 2003 and August 2004, FESPAD reported in 2005.[79] Around 84 percent of those detained were later acquitted by Salvadoran judges, in most cases, due to lack of evidence.[80] Other studies report similar rates.[81]

The efforts failed to protect children and to provide lasting solutions to pervasive gang violence.[82] Studies have found that mass incarceration ends up strengthening criminal organizations by facilitating recruitment from prisons and allowing them to develop systems of criminal control over civilian populations as detainees are released.[83]

The administration of President Mauricio Funes (2009-2014), representing the Frente Farabundo Martí para la Liberación Nacional (FMLN), launched a process of negotiation, in 2012, with gang leaders from the MS-13 and from the two factions of the Eighteenth Street Gang. The aim was for the gangs to reduce killings in exchange for better conditions in prisons.[84] The process, commonly referred to as “the truce” (la tregua), reportedly included cash payments to gang leaders and several transfers of gang leaders from maximum security prisons to less restrictive detention facilities.[85]

Homicide rates declined significantly between 2010 and 2013: from 64 and 70 per 100,000 people, in 2010 and 2011, respectively, to 41 and 40 per 100,000, in 2012 and 2013.[86] But disappearances surged, and numerous studies showed that, throughout the process, gangs continued exerting control over large parts of the country and were involved in other crimes, including extortion and threats.[87]

In May 2014, the truce broke down, leading to a surge in gang violence.[88] By 2015, El Salvador had the highest homicide rate in the hemisphere, with 106 murders per 100,000 people.[89]

The truce also had the unintended consequence of increasing gangs' awareness of their political power.[90] Repeatedly, they have unleashed waves of violence, seemingly to push the government into making concessions.[91]

Implementation of repressive policies has often led to human rights violations, eroding public trust in state institutions, and undermining the rule of law. Common threads in Salvadoran security strategies have included granting greater powers to state security forces (police and military); increasing prison sentences; lowering the age of criminal responsibility for children in conflict with the law; imprisoning people *en masse*; expanding the use of pretrial detention; and legislating new, overly broad criminal offenses, focused on people's alleged belonging to a group, instead of their engagement in violence, such as "terrorist organizations" (organizaciones terroristas) and "unlawful association" (agrupaciones ilícitas).

In 2006, legislators enacted the Special Law against Acts of Terrorism, defining "terrorist organizations" broadly.[92] The law imposes harsh punishments for acts committed by organizations that, "by their form of execution, or means and methods employed, evidence the intention to provoke a state of alarm, fear or terror in the population."[93] Among other concerns, the definition allows criminalizing, as terrorism, acts that cause "fear," a relatively low threshold. Although the law requires intent to "cause alarm, fear or terror within the public," it does not require intent to endanger lives or physical or mental integrity, or to cause other serious harms.[94]

In 2010, during the administration of President Funes, the Legislative Assembly passed a law banning gangs and criminal groups, associations, and organizations.[95] In 2015, the Supreme Court issued a ruling classifying MS-13, the Eighteenth Street Gang and others as "terrorists," citing attempts to "assume the exercise of legal authority" from the state.[96]

Under legislation in effect since 2016, gang members in El Salvador can also be prosecuted for membership in an unlawful association, under provisions that target anyone who "takes part" in gangs, who is the "creator, organizer, chief, leader [or] financer" of a gang, or who "promotes, helps, facilitates or favors the creation or presence" of such groups or, knowing that such groups are unlawful, "receives direct or indirect benefit," by having relations "of any nature" with gangs, "even without being a part of them."[97]

Under the Salvadoran constitution, responsibility for public safety is assigned to the National Civil Police (PNC). However, subsequent governments have blurred the line between the police and the military, involving the armed forces in internal security matters through joint patrols.[98] Eroding the distinction between law enforcement and military roles has led to militarization of policing and an increased risk of excessive force.[99]

Widespread impunity exacerbates the problem. For example, between 2014 and 2018, police officers committed 116 extrajudicial killings, the Human Rights Ombudsperson's Office reported.[100] The Office found that only two had resulted in convictions as of late 2018.[101] The legal framework, including a 2013 reform to the Code of Criminal Procedure, grants judges overbroad powers to dismiss charges against officers when they commit crimes "during the fulfillment of their duties."[102]

Internal accountability mechanisms have largely remained ineffective.[103] The 2014 Organic Law of the Inspector General's Office of Public Security, charged with oversight and supervision of public safety institutions, granted the office autonomy from the police, placing it under the Ministry of Justice and Public Security.[104] However, the unit relies on police investigation and disciplinary control units, which compromises its independence.[105]

Repressive approaches have led to mass arrests, often made solely on the basis of allegations, without sufficient evidence or proper legal procedures.[106] This has resulted in rapid growth of the prison population, leading to severe overcrowding and inhumane conditions.[107] Gangs consolidated their power within several prisons across the country.[108] Enabled by prison policies that segregated detainees according to their membership, gangs were able to strengthen their structures from within the prisons.[109]

President Bukele's crackdown on gangs in El Salvador stands out from previous efforts due to its unprecedented scope, intensity, and lack of checks and balances.[110] With a legislature controlled by government supporters and a coopted judiciary, Bukele has been able to pursue these mass arrests unhindered.

The Impact on Children

Past security policies have also contributed to the stigmatization and criminalization of children and young people, particularly from low-income communities, who have often been targeted based on their tattoos, general appearance, or place of residence.[111]

The stigmatization of children in high-violence environments hinders their ability to exercise and enjoy their rights. Involvement with the criminal justice system exposes them to various forms of violence, mistreatment by state officials, and barriers to securing employment, exacerbating their social exclusion.[112]

Salvadoran governments have often resorted to the juvenile justice system as a primary means of addressing the alleged involvement of children in gangs, and their exploitation.[113] However, this approach fails to recognize that children are, first and foremost, victims of a series of accumulated human rights abuses.[114] Instead of prioritizing their rehabilitation and reintegration, the Salvadoran juvenile justice system tends to treat them as criminal offenders,

disregarding the complex social, economic, and psychological factors that contribute to their involvement in unlawful activities.

Juvenile detention facilities in El Salvador have, for years, been overcrowded, understaffed, unsanitary, and lacking adequate infrastructure, creating a dangerous and dehumanizing environment that fails to prioritize the well-being and rehabilitation of detained children.

Additionally, the control exerted by many gangs in detention centers has created an environment in which violence, intimidation, and exploitation thrive. The pervasive influence of gangs has led to forced recruitment, sexual violence, and the perpetuation of criminal behavior, as children are pressured to join gangs for protection or face severe consequences for resisting.[115]

Legal Framework on Juvenile Justice and Children's Rights

As a state party to the Convention on the Rights of the Child (CRC), El Salvador is obligated to protect the rights of children, including by ensuring that actions take their best interests as a primary consideration, they are not arbitrarily deprived of liberty, and are treated in a manner consistent with their age, dignity, and worth in all judicial proceedings.[116]

Under international human rights law, children should only be deprived of liberty under exceptional circumstances: when non-custodial measures are inadvisable, after careful review, and considering principles such as legality, last resort, and proportionality.[117] The CRC specifies that a state's response must be proportional to the gravity of the offense, society's needs, and the child's circumstances (the child's age, lesser culpability, and circumstances and needs, including, when relevant, those related to mental health). When children commit serious crimes, states may consider measures proportional to the offender's circumstances and the crime's seriousness, considering public security and punishment. However, the child's best interests and reintegration into society should always be prioritized. [118]

The Constitution of El Salvador establishes the right of every child to live in family and environmental conditions that support their integral development. It requires the state to provide protection and create institutions for the welfare of mothers and children.[119] It also sets forth the obligations to safeguard the "physical, mental, and moral health" of children and guarantee their right to education and assistance. It stipulates that children engaging in "antisocial behavior" (conducta antisocial) constituting a crime or offense shall be subject to a "special legal regime."[120]

Salvadoran law also criminalizes, with up to 20 years in prison, the "recruitment, induction, facilitation, use, coercion, promotion or instrumentalization" of children and other vulnerable

groups for committing crimes or for participating in criminal groups, terrorist organizations, and organized crime groups.[121] The Law Against Human Trafficking, passed in 2014, defines “human exploitation” to include the use of children in criminal activities and penalizes those who “deliver, capture, transport, transfer, receive persons” for exploitation with 10 to 14 years imprisonment.[122] Salvadoran law also protects children from economic exploitation, specifically mentioning the use, recruitment, or offering of children for illicit activities such as drug production and trafficking as a form of exploitation.[123]

Juvenile justice in El Salvador is governed by the “Grow Up Together Law for the Comprehensive Protection of Children and Adolescents” (Ley Crecer Juntos para la Protección Integral de la Primera Infancia, Niñez y Adolescencia, or simply Ley Crecer Juntos).[124] The law, which took effect in January 2023, applies to people under 18, replacing the previous Law on the Comprehensive Protection Law for Children and Adolescents (Ley de Protección Integral de la Niñez y Adolescencia, LEPINA).[125]

The Grow Up Together Law upholds “comprehensive protection” and the “best interests of the child” as its core guiding principles, to serve as a foundation for interpreting and applying juvenile criminal laws in El Salvador. At the institutional level, the Grow Up Together Law created a new administrative body, the National Council for Early Childhood, Children, and Adolescence (CONAPINA), which oversees the protection of children’s rights.[126] Among others, CONAPINA is responsible for the administration of centers and programs for administrative detention and for the implementation of socio-educational measures for children and adolescents convicted of crimes. CONAPINA is tasked with ensuring humane treatment in detention, including adequate food and clothing, comprehensive health care, and access to education and professional technical training. It is also responsible for ensuring incarcerated children’s eventual re-integration into society.

The law provides that children have a right not to be deprived of their liberty in an arbitrary or illegal manner. It guarantees children a fair trial, including the presumption of innocence until proven guilty, and the rights to be informed promptly and directly of the charges against them, to have prompt access to legal and other appropriate assistance, and to have their cases heard without delay.[127]

Under the law, deprivation of liberty, confinement, or foster care of children are a last resort. Such measures must be exceptional and temporary, accomplished within established time limits.[128] Confinement or custody of children in police detention centers or adult penitentiaries is prohibited.

International standards call for the placement of children in the least restrictive setting possible, with priority given to “open” facilities.[129] Contact with peers, family members, and

the wider community counteracts the detrimental effects of detention on a child's mental and emotional health and promotes their eventual reintegration into society.[130] Accordingly, international standards call for the placement of children in the least restrictive setting possible, with priority given to "open" facilities.[131] Every facility, whether open or closed, should give due regard to children's need for "sensory stimuli, opportunities for association with peers and participation in sports, physical exercise and leisure-time activities."[132] The United Nations Rules for the Protection of Juveniles Deprived of their Liberty, known as the "Havana Rules," call for detention centers to provide children with "adequate communication with the outside world;" to permit daily exercise, preferably in the open air; and to integrate children's education, work opportunities, and medical care, as much as possible, into the local community.[133]

International standards forbid closed confinement, placement in a dark cell, "or any other punishment that may compromise" a juvenile's "physical or mental health."[134] In addition, states should establish and follow strict norms in imposing disciplinary sanctions. Norms should identify conduct constituting an offense, delineate the type and duration of sanctions, and provide for appeals.[135] Children should have the opportunity to be heard in their own defense before disciplinary sanctions are imposed and on appeal.[136] When these standards are not met, particularly when children are confined in solitary confinement, such confinement may constitute cruel, inhuman, or degrading treatment or punishment, in violation of the Convention on the Rights of the Child, the International Covenant on Civil and Political Rights, and the Convention against Torture.[137]

The legal framework for juvenile justice in El Salvador is also governed by two other laws: The Juvenile Criminal Law (Ley Penal Juvenil, LPJ) and the Law on Monitoring and Control of Juvenile Offenders Subject to the Juvenile Criminal Law (Ley de Vigilancia y Control de Ejecución de Medidas al Menor Sometido a la Ley Penal Juvenil). This Juvenile Criminal Law applies to children over 12 and under 18 years of age.

El Salvador's Juvenile Criminal Law establishes three main types of hearings: the initial hearing (audiencia inicial), the preliminary hearing (audiencia preparatoria), and the trial (vista de causa).[138] The initial hearing should be held within 72 hours of the child's arrest, and the judge determines whether there is sufficient evidence to proceed with the case and decides on precautionary measures.[139] These measures, including pretrial detention, are legally limited to 90 days and judges can extend them for 30 more.[140]

The preliminary hearing normally takes place within 90 days of the initial hearing, and the prosecutor presents the charges, the judge determines whether there is enough evidence to go to trial. The trial should be held within 10 days of the preliminary hearing, and the case is presented before a juvenile court judge, who determines the child's responsibility and the

appropriate measures to be applied. According to the law, the entire process, from the initial hearing to the final resolution, should not exceed 120 days.[141]

The judge responsible for overseeing the implementation of the measures shall, every six months, conduct an automatic review of the measures imposed on the child. This review aims to ensure that the child is participating in a training and education programs, and that both the measure itself and the conditions under which it is being carried out do not hinder the child's process of reintegration into society.[142]

Under the law, children may be sentenced to any of six types of "socioeducational measures" including orientation and socio-familial support, admonishment, imposition of rules of conduct, community service, probation (libertad asistida), and confinement.[143] The strictest, confinement, is to be imposed only when individually warranted, in "exceptional circumstances," and for the "shortest possible time."[144]

The Juvenile Criminal Law introduced important due process guarantees and alternatives to traditional criminal prosecution, including conciliation, diversion, and the possibility of waiving criminal action in certain instances.[145] It established a range of sentencing options, prioritizing non-custodial educational and restorative measures, with deprivation of liberty only as a measure of last resort. The provisions relating to detention provided that children might be held in special juvenile detention centers known as "confinement centers" (centros de internamiento), different from those intended for offenders subject to ordinary adult legislation. Such centers had to separate detainees according to age, sex, and whether they were in pretrial detention or had been sentenced.[146] The law also established "intermediate centers" (centros intermedios) for adolescents between 18 and 21 years old, which are administered by the General Directorate of Intermediate Centers (Dirección General de Centros Intermedios).[147]

The Law on Monitoring and Control of Juvenile Offenders, also enacted in 1995, regulates the execution and oversight of sentences imposed by juvenile courts.[148] It created the role of Juvenile Sentencing Implementation Judge (Juez de Ejecución de Medidas al Menor), overseeing implementation of sentences and their potential modification, substitution or revocation, to ensure their effectiveness and the reintegration of children.[149]

But subsequent reforms have introduced more punitive elements to the largely progressive legal framework. For example, on March 24, 2010, the Legislative Assembly amended the Juvenile Criminal Law, increasing the maximum sentence for children from 7 to 15 years of confinement for certain serious offenses, such as homicide, kidnapping, and rape.[150]

In 2010, the Law of Proscription of Gangs and Criminal Groups, Associations, and Organizations (Ley de Proscripción de Maras, Pandillas, Agrupaciones, Asociaciones y

Organizaciones de Naturaleza Criminal) established a dual legal framework within the juvenile criminal justice system: one that seeks to adhere to international human rights standards and another, targeting gang membership, with procedures and longer prison terms.[151]

When a child is detained by security forces, the Juvenile Criminal Law provides that the Attorney General's Office must be informed within six hours. The child must initially be placed in "administrative detention" in a "shelter" (Centro de Resguardo), for up to 72 hours. According to CONAPINA, there are four such shelters in the country, in San Salvador, Santa Ana, Sonsonate, and San Miguel.[152] Only the San Salvador shelter was built to accommodate detained children; the other three are repurposed police stations.[153]

Children who are ordered to be held in detention (either pretrial or serving prison sentence) by a judge are placed in confinement centers known as "Social Integration Centers" (Centros de Inserción Social, CIS). There are four CIS facilities in El Salvador:

1. "Female" CIS (CIS Femenino) in San Salvador state;
2. El Espino in Ahuachapán state;
3. "Freedom Path" (CIS Sendero de Libertad) in Cabañas state; and
4. Tonacatepeque in San Salvador state.

Human Rights Watch interviewed two former government officials with extensive knowledge of El Salvador's juvenile prison system.[154] They told us that although the centers are supposedly designed particularly to house children, these lack any specialized accommodations or resources tailored to children's unique needs. While current access to these centers is highly restricted, one of the former officials told Human Rights Watch that during his tenure the cells "were no different from a cell in an adult prison."[155]

He said that cells measured six by six meters, with brick floors and iron bunk beds with mattresses. Overcrowding often forced children to sleep on mattresses on the floor, and some slept in hammocks. One toilet accommodated all detainees of the cell, as many as 20 to 30 young people. A bathroom held only a sink for bathing with tap water, he said.

He said that children held in confinement centers "mostly governed themselves," given the limited resources and supervision provided. During his time working in the juvenile prison system, the ratio of guards to detainees was 1 to 10.[156] While there is no universally agreed-upon standard for a well-functioning prison system, some academic literature suggests a ratio between 1:1 and 3:1, that is to say, between one and no more than three detained people per guard on average.[157]

President Bukele's First Term and the State of Emergency

Since he took office in 2019, President Bukele has severely eroded El Salvador's democratic institutions. His party, Nuevas Ideas, won a supermajority in the February 2021 legislative elections. Soon after, legislators summarily removed and replaced the Constitutional Chamber judges and the Attorney General and passed laws allowing arbitrary dismissal or transfer of judges and prosecutors.[158]

In September 2021, the new Constitutional Chamber allowed President Bukele to run for re-election, contradicting longstanding jurisprudence.[159]

The Bukele administration also undermined transparency and accountability, notably by weakening the agency overseeing public information access. The government has fostered a hostile environment for journalists and civil society members, who face digital and physical harassment, surveillance, dubious criminal investigations, and other attacks for their work on corruption and human rights issues. President Bukele and his allies have further eroded public trust in independent media and civil society groups by baselessly labeling them "gang supporters."[160]

On March 27, 2022, the Legislative Assembly passed a law declaring a broad "state of emergency" that suspended, for 30 days, the constitutional rights to freedom of association and assembly; privacy in communication; the rights to be informed of the reason for arrest, to remain silent, and to legal representation; and the requirement to bring anyone detained before a judge within 72 hours.[161]

President Bukele requested the suspension of rights, portraying it as necessary to address a spike in gang violence that month. Ninety-two people were killed, seemingly by gangs, between March 24 and 27 in El Salvador, with March 26 having the highest daily homicide rate in several years, according to official records.[162]

According to the digital outlet *El Faro*, the wave of violence in March was the result of collapsed secret government negotiations with the MS-13 gang.[163]

The state of emergency is based on article 29 of the Salvadoran Constitution, which allows the Legislative Assembly to suspend certain constitutional rights in extreme circumstances, such as a foreign invasion or "serious disturbances of public order."[164] The 30-day state of emergency, which under the constitution can be extended once for the same time period, has been extended 27 times at time of writing.[165] However, since August 2022, the Assembly has narrowed the state of emergency. While the rights to freedom of association and assembly are no longer suspended, the amended state of emergency still curtails several other constitutional rights, including the right to privacy in communication, the right to be

informed of the reason for arrest, the right to remain silent, the right to legal representation, and the requirement to bring detainees before a judge within 72 hours.[166]

International law allows countries to temporarily derogate or suspend some of their human rights obligations only in very limited circumstances. Under article 4 of the International Covenant on Civil and Political Rights, which El Salvador has ratified, governments may derogate from some of their obligations under the covenant "in time of public emergency which threatens the life of the nation."[167] Derogations should be only those "strictly required by the exigencies of the situation."[168] The United Nations Human Rights Committee, which is charged with providing authoritative interpretations of the covenant, has made clear that states of emergency may not be used as a justification to violate peremptory norms of international law, for example through arbitrary deprivations of liberty or by deviating from fundamental fair trial principles.[169]

Similarly, article 27 of the American Convention on Human Rights allows governments to derogate from some obligations in times of "war, public danger, or other emergency that threatens the independence or security" of the nation, provided that such measures are strictly required by the emergency and consistent with other obligations under international law.[170]

Following the declaration of a state of emergency, the Legislative Assembly passed a set of criminal law reforms that affected rights and significantly expanded mandatory pretrial detention.[171]

On March 30, the Assembly reformed the Juvenile Criminal Law, establishing "prison sentences" for children as young as 12.[172] The reform increased the maximum prison sentence to 10 years for children aged 12 to 15 for "gang association" and up to 20 years for those aged 16 to 18.[173]

These amendments contradict guidance by the UN Committee on the Rights of the Child, an expert body that provides authoritative interpretations of the treaty, which has recommended that states not reduce the minimum age of criminal responsibility "under any circumstances" and has urged states to increase their minimum age to "at least 14" in light of scientific evidence about human development during adolescence.[174] The long prison sentences set by the Assembly also run counter to the Convention on the Rights of the Child, which establishes that imprisonment of children shall be used only as a measure of last resort and for the shortest appropriate time.[175]

The reform does not allow for modification, substitution or judicial revocation of a provisional detention measure, and detention can be extended until sentencing.[176] Such provisions violate international human rights standards on due process and the right to liberty and

security of the person, which specifically provide that pretrial detention should be the exception rather than the rule, and should be avoided in the cases of children, and run counter to El Salvador's own Juvenile Criminal Law.[177]

On March 30, 2022, the legislature also modified El Salvador's Code of Criminal Procedure to allow for indefinite pretrial detention.[178] Previously, the law said that pretrial detention should never exceed 12 months for "less serious crimes" or 24 months for "serious crimes." For defendants accused of being part of "terrorist or unlawful association," the new Code of Criminal Procedure eliminates any time limits, violating the right to trial within a reasonable time under the International Covenant on Civil and Political Rights.[179] As the UN Human Rights Committee has noted, "[e]xtremely prolonged pretrial detention may also jeopardize the presumption of innocence."[180]

The Legislative Assembly also expanded mandatory pretrial detention to apply to all crimes committed by members of gangs.[181] This provision is inconsistent with international human rights standards requiring an individualized determination that pretrial detention is reasonable and necessary for purposes such as preventing flight, interference with evidence, or the recurrence of crime.[182]

A law passed on April 5, 2022, allows criminal charges against anyone who "participates in the creation, assists or creates" any type of publication, image, graffiti or other form of visual expression that "explicitly or implicitly" transmits "messages" about or that "allude to" the various types of gangs.[183] The penalty is up to 15 years in prison. The law similarly allows criminal charges against people who use media outlets to "reproduce or transmit messages or statements created or allegedly created" by gangs that "could generate a state of anxiety and panic in the population in general."[184]

These vague and overbroad provisions are inconsistent with international human rights protections for freedom of expression, which may only be restricted when necessary and proportionate to achieve a legitimate goal, such as to protect national security or the rights of others.[185] In November 2023, the Assembly amended the Criminal Code.[186] The revised version maintains the prohibition on visual expressions related to gangs but removes the specific restrictions on media outlets.[187]

On October 26, 2022, lawmakers amended the "Law Against Organized Crime" (Ley Contra el Crimen Organizado), creating "Courts against Organized Crime" (Tribunales Contra el Crimen Organizado) in charge of cases against criminal organizations and their members.[188] The amendment allows authorities to try children jointly with adults under a single legal process that, in the case of children, is overseen by two judges—an organized crime judge and a child justice judge.[189] The Courts against Organized Crime began operating in June 2023.

Since March 2022, police officers and soldiers have conducted hundreds of indiscriminate raids, particularly in low-income neighborhoods, arresting over 80,000 people, including some 3,000 children.[190] The arrests have often targeted communities where people have, for years, suffered insecurity and lack of economic and educational opportunities. The government has not published updated figures on how many of those arrested have been released; in August 2023, they reported 7,000 released, without specifying how many children.[191]

Human rights groups, including Human Rights Watch and Cristosal, have documented widespread human rights violations committed during the state of emergency, including arbitrary arrests, enforced disappearances, torture and other ill-treatment of detainees, and due process violations.[192] Salvadoran human rights groups report that as of April 2024, at least 244 people have died in prison.[193] The circumstances of many deaths in custody during the state of emergency suggest state responsibility for those deaths.[194] The authorities reported in April 2024 that no children had died in detention during the state of emergency.[195]

During the state of emergency the country has experienced a significant reduction in homicides, with the government reporting a 2023 homicide rate of 2.4 homicides per 100,000 people.[196] There has also been a significant decrease in other violent crimes, such as extortion and kidnappings.[197] However, government restrictions on accessing homicide and other data and changes in the ways killings are counted make it hard to estimate the extent of the reduction and the prevalence of other crimes.

In May 2024, the media reported that CONAPINA had shut down a website providing statistics on crimes against children and adolescents, such as sexual abuse, trafficking, and mistreatment.[198]

The improvements in public safety have been welcomed by many Salvadorans who have long suffered pervasive gang violence in their communities. Many children in formerly gang-controlled areas now feel safer going to school and playing outside.[199] The reduction in violence and extortion has also allowed some families to allocate more resources toward their children's education and well-being, as they no longer have to pay "renta" (extortion fees) to gangs.[200] The relative of a detained child told Human Rights Watch:

> I live in a village where we were besieged by gangs. They existed in the area, and we used to live in terror or face extortion here like in other places. People feared them. You couldn't even look at them. The situation has improved for moving around; they used to ask for your ID. In that sense, it has gotten better. You can walk freely now.[201]

While acknowledging security improvements, many people interviewed by Human Rights Watch expressed concern that such improvements have come at the expense of innocent people who have been arrested and offered virtually no possibility to legally dispute the charges against them. One mother, whose son was detained during the state of emergency, said:

> I laugh when I hear people mentioning the improvements in public safety. It's true, it has improved. But what's security when you cannot hold your child, when you don't know if he is dead or alive.[202]

Impact of the State of Emergency on Children

Increased Detention of Children

El Salvador's repressive security policies, past and current, have resulted in the mass detention of children. Between 2018 and 2021, the four juvenile detention centers in the country held, in total, an average of 805 children per year.[203]

The state of emergency, announced in March 2022, led to an unprecedented surge in the detention and conviction of children. While government figures are inconsistent, CONAPINA told US authorities that 3,319 children were detained between March 2022 and December 2023. Of these, 841 were reported to remain in prison as of January 2024—262 in pretrial detention and 579 serving sentences.[204] The Public Defender's Office told Human Rights Watch that it had provided legal representation to 2,928 children detained between March 2022 and April 2024.[205] On February 22, 2024, Justice and Security Minister Gustavo Villatoro said in a press conference that 1,065 children had been convicted during the state of emergency, without providing a specific timeframe for when these detentions occurred.[206]

Legislative amendments that increased sentences for children associated with gangs and multiple official figures obtained by Human Rights Watch reveal a shift in the Salvadoran juvenile justice system toward a more punitive approach during the state of emergency.

From 2018 to 2022, Salvadoran courts sentenced a total of 1,108 "children and adolescents," meaning those between the ages of 12 and 18, to confinement in detention facilities, according to the Supreme Court.[207] The percentage of alleged juvenile offenders sentenced to "confinement," in comparison to other types of sentences, rose from 26 percent in 2018 to 53 percent in 2022, suggesting an increasing tendency to imprison young offenders. Meanwhile, the number of young offenders sentenced to the imposition of rules of conduct,

which involves measures such as mandatory attendance at school or work centers, dropped from 28 percent in 2018 to 20 percent in 2022. Likewise, the use of “family orientation and support,” a type of sentence that provides assistance and direction for young offenders within their home, dropped from 10 percent in 2018 to 7 percent in 2022.[208]

At the same time, the number of children charged with “unlawful association” and “terrorist organization,” two broadly defined offenses involving association with gangs, skyrocketed, with unlawful association charges increasing 34-fold from 100 in 2021 to 3,452 in 2022 and terrorist organization charges increasing from 55 to 181.[209]

Human Rights Violations

Some 3,000 children have been swept up in mass detentions between March 2022 and April 2024. Many have no ties to gang activity or connection to criminal organizations.

Human Rights Watch documented the cases of 66 children who have been subjected to abuses including arbitrary detention, torture, other forms of ill-treatment, and police harassment. Of those, 25 had been released from police stations and detention facilities. They reported poor conditions in custody, including at times extreme overcrowding, unhygienic facilities, and lack of adequate food and health care. Some children have been detained at police stations, sometimes alongside adults, contravening both Salvadoran and international standards that mandate the separation of children from adult detainees. Prosecutors and judges have exacerbated these abuses through due process violations and unfair trials.

Arbitrary Detention

A mother shows a Human Rights Watch researcher a video of the police detaining her son during the state of emergency, on December 18, 2023, in San Salvador, El Salvador. © 2023 Human Rights Watch

Both police and soldiers have participated in the arrests of children during the state of emergency, especially in low-income neighborhoods and rural areas. Although police conducted the majority of detentions documented by Human Rights Watch, soldiers were involved in 16, either alongside police or independently.

Police and soldiers rarely, if ever, showed a search or arrest warrant, and rarely informed children or their families of the reasons for the arrest. In five cases, children were told they were being taken for informal questioning at a police station, and were detained there. Police thus avoided the requirement for an arrest warrant, while temporarily calming the concerns of relatives and delaying families’ efforts to seek information about a child’s legal status, location,

and well-being. In some instances, security forces threatened family members with detention if they asked questions.

Torture and Other Forms of Ill-Treatment

Human Rights Watch documented 22 cases of children who were beaten and physically ill-treated by security forces during and after arrest, at police stations, shelters, and confinement centers in El Espino, Freedom Path, Tonacatepeque, and Female. Police or soldiers repeatedly kicked and beat them with batons and belts.

In particularly serious incidents, eight children interviewed by Human Rights Watch described burnings, suffocation, and mock executions. These and other abuses likely amount to torture or other cruel, inhuman or degrading treatment or punishment.[215] Authorities interrogated the children about gang affiliation, ordering them to reveal the names of gang members or to confess to being part of a gang. One such victim turned 18 the day after his arrest.[216]

Authorities often used abusive language—and sometimes death threats—during the physical abuse. One child told Human Rights Watch that during his arrest, soldiers said, “You are lucky we found you at your home. If you had been on the streets, we would have killed you.”[217]

Thirteen children said security officers denied them blankets or mattresses, and they had to sleep on the floor for several days or weeks. In two cases, children were subjected to sleep deprivation.[218] In almost all of the cases documented by Human Rights Watch, detained children were denied family visits during weeks or months in detention.

Six children who were detained told Human Rights Watch that sometimes guards would beat them or abuse them and other children all at the same time, saying they did so as punishment for somebody else’s misbehavior. Punishments also included taking away their mattresses and clothes, reducing the number of meals they received, spraying pepper spray into their cells, and making them wear the same clothes for days before they were laundered.

Four girls reported seeing, several times, guards handcuffing certain girls and manacling their wrists to the wall above their heads and leaving them for the entire night because they or others had “behaved badly.” Another child said he witnessed guards “throwing tear gas in children’s faces” several times and beating them for misbehaving.

Such treatment amounts to collective punishment, a violation of international human rights standards for the treatment of detainees. For example, the United Nations Standard Minimum Rules for the Treatment of Prisoners provide that “collective punishment and all cruel, inhuman or degrading punishments shall be completely prohibited as punishments for disciplinary offences”;[219] the UN Rules for the Protection of Juveniles Deprived of Their

Liberty include similar standards.[220] The Mandela Rules also emphasize that “disciplinary sanctions or restrictive measures shall not include the prohibition of family contact” (Rule 43.3) and that “instruments of restraint shall never be applied as a sanction for disciplinary offences.” (Rule 43.2)[221] Further, under the UN Rules for the Protection of Juveniles Deprived of Their Liberty, the use of restraints and force “should not cause humiliation or degradation, and should be used restrictively and only for the shortest possible period of time,” only after “all other control methods have been exhausted and failed,” and then “only as explicitly authorized and specified by law and regulation.”[222]

Although the Juvenile Criminal Law prohibits the National Civil Police from keeping records on crimes attributed to children—except in those cases determined by the Attorney General’s Office or a judge—four people with knowledge about police procedures, including police officers, told Human Rights Watch that the police in reality keep records of detention of children, in violation of domestic and international human rights standards protecting children’s privacy and due process rights.[223]

Selected Cases

Luis Mejia

Luis Mejia (pseudonym), a 16-year-old construction worker and student, was playing with another teenager in a park near his home in Apopa, on December 7, 2022, when six police officers approached.[229] Without showing a warrant or providing any reason, they detained him, taking him away in a police car.

They drove for 15 minutes, to what Luis told Human Rights Watch was the home of a policeman, a “family house,” with two floors. An officer wearing boots forced Luis to place his hands on a table and stepped on them, he said, calling him a “rat” and kicking him once in the ribs. Luis believes the police officer disliked him because he had “spoken to his niece.”

About half an hour later, officers took Luis to a police station, where he was held, with other children, in a cell, where he had to sleep on the floor.

The next day, they transferred him to the Metropolitan shelter in Ilopango, where he was held in a cell with 15 other children roughly his age, none of whom were allowed to go outdoors. Some nights, a prison guard would wake them by “passing a baton through the bars,” he said, and once, the same guard handcuffed Luis and two others who were laughing to the cell bars for three hours.

On his third day at the Metropolitan shelter, Luis began vomiting bloody phlegm. He was taken to a prison clinic in the detention center and given medication. The doctor diagnosed

probable “food poisoning.” Luis told Human Rights Watch that the food always contained a “white powder.” His testimony is consistent with the accounts of other children who told us of food smell and tasted badly because of “powder.”

Luis has faced challenges in finding a job because of his criminal record, and harassment has continued. One officer approached him in a park in Apopa in January 2024, telling him, “You have six months. Once you turn 18, we will take you again.”

Harassment and Stigmatization

Police and soldiers regularly harass children on the streets of low-income communities. Children and their family members told Human Rights Watch that security forces routinely stop children, as well as adults. They often beat them and threaten them with detention, falsely accusing them of being gang members.

Human Rights Watch documented seven cases of security forces threatening children who had been released from the juvenile justice system with re-arrest once they turn 18. Repeated harassment has led several children interviewed to leave their communities, often disrupting their education and separating them from their families. Some children and their relatives said they were considering leaving El Salvador for fear of being arbitrarily detained.[238]

In April 2024, the news outlet *El Diario de Hoy* reported that the Education Ministry was asking teachers to report students with “antisocial behavior,” using a specific form. Human Rights Watch interviewed two teachers who confirmed this.[239] The practice raises serious concerns about the rights and privacy of students, especially considering that most of them are children. Forcing educators to inform on children’s suspected links to gangs undermines trust between teachers and students, turning schools into an environment of surveillance and suspicion instead of a safe space for learning and development. Moreover, labelling students based on the subjective criterion of “antisocial behavior” can lead to stigmatization, discrimination, and possible abuse by authorities.[240]

Human Rights Watch documented the cases of three children who were arrested in Usulután state on April 11, 2024, following reports from their own schoolteachers.[241] According to family members interviewed, police accused the children, ages 15 and 16, of creating a graffiti associated with gangs. They denied creating the graffiti. A prosecutor charged them with unlawful association. As of mid-June, the children remained in pre-trial detention at the Freedom Path juvenile detention center in Ilobasco.

On May 2, 2024, the Civil National Police posted on X that police had detained a 17-year-old student from Soyapango for “being a member of the MS-13 gang.” The police suggested the

arrest was based on drawings found in his notebook, which school authorities had reported to the police.[242]

In several instances, Justice and Security Minister Gustavo Villatoro posted images on social media showing the faces of children who had been detained during the country's state of emergency, undermining the children's right to privacy.[243] Additionally, he used highly dehumanizing and stigmatizing language, including by describing children as "rotten generations" ("generaciones podridas") and "cancer."[244] Such practices risk further marginalizing at-risk youth.

Violence and Mistreatment by Other Detainees

Several children reported experiencing abuse while being held at shelters and confinement centers. One recounted authorities questioning him about potential gang affiliations, before placing him in a cell. "They asked me if I was part of MS-13, Barrio 18, or a civilian," he told Human Rights Watch.[249] Although he said he had no gang ties, authorities placed him in a cell with children who were apparently gang members and routinely abused him.

Several children told Human Rights Watch that they or others had suffered violence by other detainees, including beatings and in two cases sexual violence, and that guards did little or nothing to protect them.

Some said that cells were in practice controlled by gang members who called themselves "cell leaders." They oversaw tasks including cleaning and food distribution, often using violence to enforce their rules. In some cases, they subjected detainees to interrogations about their gang affiliation.

Long-Lasting Consequences of Detention for Children

The accounts of children interviewed by Human Rights Watch who were detained and released during the state of emergency reveal deplorable conditions of detention and routine cases of abuse.

The consequences of detention for children deprived of liberty in such contexts can be profound and long-lasting.[297] Detention significantly disrupts children's education, often causing extended school absences that lead to academic setbacks and increased dropout risks. Additionally, the stigma associated with detention hinders social reintegration, damaging personal relationships and community acceptance.

Ricardo Durán, a 15-year-old student at the time of the detention, told Human Rights Watch:

Exhibit 3

Designation of International Cartels

state.gov/designation-of-international-cartels



The United States remains committed to protecting our nation, the American people, and our hemisphere by stopping the campaigns of violence and terror committed by international cartels and transnational organizations.

Today, the Department of State announces the designation of Tren de Aragua (TdA), Mara Salvatrucha (MS-13), Cártel de Sinaloa, Cártel de Jalisco Nueva Generación (CJNG), Cártel del Noreste (CDN), La Nueva Familia Michoacana (LNFM), Cártel de Golfo (CDG), and Cárteles Unidos (CU) as Foreign Terrorist Organizations (FTOs) and Specially Designated Global Terrorists (SDGTs).

- TdA is a transnational organization that originated in Venezuela with cells in Colombia, Peru, and Chile, with further reports of sporadic presence in Ecuador, Bolivia, and Brazil. This brutal criminal group has conducted kidnappings, extorted businesses, bribed public officials, authorized its members to attack and kill U.S. law enforcement, and assassinated a Venezuelan opposition figure.

- MS-13 is a transnational organization that originated in Los Angeles but shifted to Central America as individuals were deported there from the United States. MS-13 actively recruits, organizes, and spreads violence in several countries, primarily in Central America and North America, including El Salvador, Honduras, Guatemala, Mexico, and the United States. MS-13 has conducted numerous violent attacks, including assassination and the use of IEDs and drones, against El Salvador government officials and facilities. Additionally, MS-13 uses public displays of violence to intimidate civilian populations to obtain and control territory and manipulate the electoral process in El Salvador.
- Cártel de Sinaloa is a transnational organization based in Sinaloa, Mexico. It is one of the world's most powerful drug cartels and is one of the largest producers and traffickers of fentanyl and other illicit drugs to the United States. Cártel de Sinaloa has used violence to murder, kidnap, and intimidate civilians, government officials, and journalists.
- CJNG is a transnational organization with a presence in nearly every part of Mexico. In addition to trafficking fentanyl, the group engages in extortion, migrant smuggling, oil and mineral theft, as well as weapons trade. The group has contacts across the Americas, as well as in Australia, China, and Southeast Asia. CJNG has conducted intimidating acts of violence, including attacks on Mexican military and police with military grade weaponry, the use of drones to drop explosives on Mexican law enforcement, and assassinations or attempted assassinations of Mexican officials.
- CDN, formerly known as Los Zetas, is a transnational organization based in northeastern Mexico involved in drug trafficking, kidnapping, extortion, human smuggling, and other illicit activities. CDN uses violence to exert its criminal control, including attacks against government officials in Mexico.
- LNFM is the successor of the La Familia Michoacana, a violent transnational organization based in the Pacific coast state of Michoacan with operations in the Mexican states Guerrero, Morelos, and Mexico. In addition to drug trafficking, kidnapping, and extortion, LNFM attacks government officials and uses violence, including drone attacks and explosives, to exert its criminal control and terrorize communities.
- CDG is a violent transnational organization based in northeast Mexico involved in drug trafficking, kidnapping, extortion, human smuggling, and other illicit activities. CDG employs violence, including assassinations of civilians and government officials to intimidate the public and control territory.
- CU is a violent transnational organization that formed from an alliance of multiple cartels and other groups in Michoacán, Mexico. Since its formation, CU has engaged in violent activities which have resulted in numerous civilian, military, and law enforcement casualties.

Terrorist designations expose and isolate entities and individuals, denying them access to the U.S. financial system and the resources they need to carry out attacks. As a result of actions taken today, all property and interests in property of those designated today that are in the United States or that are in possession or control of a U.S. person are blocked, and U.S. persons are generally prohibited from engaging in transactions with them. Moreover, designations can assist law enforcement actions of other U.S. agencies and governments.

Today's actions are taken pursuant to section 219 of the Immigration and Nationality Act, as amended, and Executive Order 13224, as amended. FTO designations go into effect upon publication in the Federal Register.

Petitioners requesting removal of those designated today from the Specially Designated Nationals and Blocked Persons List should refer to the Department of State's Delisting Guidance page.

Exhibit 4

U.S. Embassy in El Salvador

sv.usembassy.gov/terrorist-designation-of-barrio-18

U.S. Embassy San Salvador September 26, 2025

Terrorist Designation of Barrio 18



Terrorist Designation of Barrio 18

Press Statement Marco Rubio, Secretary of State September 23, 2025

Today, the Department of State is designating Barrio 18 as a Foreign Terrorist Organization (FTO) and Specially Designated Global Terrorist (SDGT).

Barrio 18 is one of the largest gangs in our hemisphere and has conducted attacks against security personnel, public officials, and civilians in El Salvador, Guatemala, and Honduras.

The United States will continue to protect our nation by keeping illicit drugs off our streets and disrupting the revenue streams funding the violent and criminal activity of vicious gangs and drug cartels. Today's action taken by the State Department further demonstrates the Trump Administration's unwavering commitment to dismantling cartels and gangs and ensuring the safety of the American people.

Today's actions are taken pursuant to section 219 of the Immigration and Nationality Act and Executive Order 13224. FTO designations go into effect upon publication in the Federal Register.

Exhibit 5

El Salvador: Freedom in the World 2025 Country Report

freedomhouse.org/country/el-salvador/freedom-world/2025

Freedom House

Freedom in the World 2025

El Salvador

A country or territory's Freedom in the World status depends on its aggregate Political Rights score, on a scale of 0–40, and its aggregate Civil Liberties score, on a scale of 0–60. See the methodology.



Overview

In 2024, Nayib Bukele won a second presidential term, having run despite a constitutional ban on presidents seeking two consecutive terms. Widespread corruption undermines democracy and the rule of law, while the executive has concentrated control over the legislature, judiciary, and oversight institutions. Authorities maintain a harsh, militarized response to public security, resulting in extrajudicial killings, mass arbitrary arrests, and other abuses. Members of the active civil society sector and dynamic press risk harassment and violence in connection with their coverage of organized crime, corruption, and criticism of government policy.

Key Developments in 2024

- In February, President Nayib Bukele won a second term with nearly 85 percent of the vote in a flawed contest; he ran despite a constitutional ban on presidents seeking two consecutive terms.
- After passing comprehensive political and electoral reforms that favor the governing party, Bukele's New Ideas (NI) party swept legislative and municipal elections in February and March, respectively.

- The ongoing, unconstitutional state of emergency—in place since March 2022—has led to the arbitrary arrest of more than 83,000 Salvadorans, harassment and violence against government critics and journalists, and mass firings of public servants, resulting in a deterioration in freedom of expression and rule of law in the country.

Political Rights

A Electoral Process

Was the current head of government or other chief national authority elected through free and fair elections?

El Salvador's president is directly elected for a five-year term. The constitution prohibits reelection, but in 2021 the government-controlled Supreme Court of Justice (CSJ) and the Supreme Electoral Tribunal (TSE) paved the way for President Bukele to run for a second straight term. Bukele won by a landslide in the February 2024 election, garnering 84.7 percent of the vote, according to the TSE. Voter turnout was 52.6 percent. Manuel Flores of the Farabundo Martí National Liberation Front (FMLN) garnered 6.4 percent, followed by Joel Sánchez of the Nationalist Republican Alliance (ARENA), with 5.6 percent.

In a report on the 2024 presidential and legislative elections, the Organization of American States Electoral Observation Mission (OAS/EOM) stressed that holding elections under states of emergency "can hinder their normal organization and functioning." Furthermore, it noted "an atypical and inequitable electoral campaign," and "deficiencies and bad practices that affected aspects of fairness and transparency of the elections." It also cited delays in vote counting and instances of the NI intimidating observers and representatives of other parties.

Score Change: *The score declined from 4 to 2 because President Nayib Bukele was permitted to run for a second consecutive term—banned in the constitution—and won in a flawed contest that involved significant irregularities.*

Were the current national legislative representatives elected through free and fair elections?

El Salvador's unicameral Legislative Assembly is elected for three years. In March 2023, the NI-controlled legislature repealed a ban on changing the electoral law within a year of elections; it then reduced the number of legislators from 84 to 60, modified the method for vote distribution to favor the largest party, and introduced overseas voting.

In the February 2024 legislative elections, held concurrently with the presidential election, the governing NI party won 54 of the 60 seats. Under the old method of vote distribution, it would have won 44 seats. ARENA and the National Coalition Party (PCN) won two seats each, with the remaining two seats going to smaller parties.

As in the presidential poll, the results reflected the popular will but the campaign environment heavily favored the NI, with violations including the use of significant state resources to favor the ruling party. The OAS/EOM also noted that political parties had inequitable access to state campaign funding. Further, the NI dominated the advertising environment, accounting for 98 percent of electoral messaging carried on television, radio, print media, billboards, and the internet, civil society organization Acción Ciudadana found.

Score Change: The score declined from 3 to 2 because legislative elections were held under conditions that heavily disadvantaged the opposition.

Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?

El Salvador's electoral framework is designed by the legislature and administered by the TSE, both of which are controlled by the governing NI party.

In September 2021, the CSJ, dominated by unconstitutionally appointed magistrates allied with Bukele, ruled that the president may serve two consecutive terms, in violation of the constitution. The TSE ruled it would comply with the change and that its decision could not be appealed. In January 2023, the legislature introduced prison sentences of up to 15 years for "impeding or obstructing the inscription of candidacies" in elections, which was widely seen as a measure to intimidate critics of Bukele's reelection.

In March 2023, the legislature repealed a ban on modifying the electoral system within a year of the next election. In June, the government pushed through major reforms, reducing the number of legislators from 84 to 60 and changing the voting system to favor the largest party. The reforms also reduced the number of municipalities from 262 to 44, thus eliminating many offices held by opposition members.

The OAS/EOM found these changes to be "at odds with internationally recognized best practices." The mission stated that the NI held a "dominant position in the different critical stages of the electoral process, and, on occasion, over the electoral institutions" Furthermore, it found that the TSE "introduced inequities and distortions in the election process, while also fueling distrust in the electoral authority." In a number of polling stations, the TSE had

inadequate control over the organization of election officials, the final vote count, and the custody of ballots.

The OAS/EOM also expressed concern that complaints filed by opposition parties often received no meaningful response from the TSE. Meanwhile, neither the police nor prosecutors agreed to investigate the allegations against the TSE.

B Political Pluralism and Participation

> Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings?

Salvadorans have traditionally been free to organize in different political parties or groupings. However, in 2021, politically motivated corruption charges resulted in raids on opposition party offices, and opposition figures were arrested or had arrest warrants issued against them. Those who were arrested remain in pretrial detention. Increasing political violence against women candidates, especially online, further disincentivizes political engagement.

The unconstitutional state of emergency instituted in March 2022 also serves to intimidate citizens—including politicians and party activists—and deters them from criticizing government policy and potentially corrupt practices, limiting the ability of opposition parties and candidates to effectively campaign ahead of the 2024 elections.

During the 2024 campaign, political parties had such difficulty accessing state funding that only 8.5 percent of funds were disbursed before the February elections. State funding for political parties is linked to election performance, and the near-elimination of opposition representation in the 2024 elections is expected to lead to further economic constraints on their ability to function.

> Is there a realistic opportunity for the opposition to increase its support or gain power through elections?

Opposition parties are legally able to increase support and gain power through elections, but this is severely limited in practice. In the run-up to the 2024 elections, opposition parties faced extreme pressure from the government and were incapable of mounting any viable electoral alternative. Furthermore, the 2023 municipal and electoral reforms decreased the opposition's opportunities to gain representation in elections. NI has also used state resources, including

illegal surveillance technology, to undermine the opposition and the independent media. Several opposition politicians are in prison and others are in exile.

In the 2024 polls, President Bukele's vote share rose from 53 to 85 percent, and the governing coalition's share of legislators rose from 67 percent to 90 percent. Of the remaining legislators, three are allied with the government and only three are in opposition. NI also won at least 39 of the 44 mayors' offices. As a result, the OAS/EOM concluded that the 2023 reforms "resulted in a drastic reduction in political pluralism."

The mission also noted an increase in "political violence" against female candidates and journalists on social media during the 2024 election campaign.

Public funding for parties and election campaigning is calculated on the basis of their performance in the past election, meaning the opposition will receive severely reduced public funding ahead of the next elections, while funding for the NI will increase.

Score Change: The score declined from 3 to 2 due to the surveillance and harassment of opposition parties, and the emergence of an unequal electoral environment that has made it very difficult for opposition parties to gain power through elections.

> Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means?

The OAS/EOM expressed concern that the ongoing state of emergency "results in self-censorship due to possible reprisals by the government," limiting political participation and financial contributions to opposition parties.

High-level politicians from all major parties have been accused of links to organized crime. Journalists have regularly uncovered evidence of covert negotiations between the Bukele government and gang leaders, chiefly to rein in gang-related crimes in exchange for various concessions. A criminal investigation into the government's negotiations was shut down when the government-controlled legislature replaced the attorney general in 2021.

> Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities?

All citizens have full political rights and electoral opportunities under the law, regardless of gender, ethnicity, religion, or sexual orientation, but women and racial, ethnic, religious, and other minority groups are underrepresented in the legislature and in high-level government

positions. Only around 18 percent of mayors elected in 2024 are women. The interests of LGBT+ and Indigenous peoples are poorly represented in practice.

C Functioning of Government

Do the freely elected head of government and national legislative representatives determine the policies of the government?

The Bukele administration's legislative supermajority since May 2021 enables it to swiftly rubber-stamp new laws and policies. The NI government routinely denies opposition legislators access to key information, including draft legislation, inhibiting substantial deliberation of proposed laws. The government also makes record use of legislative process waivers, which expedite most legislative proposals to a vote within hours of their submission to the legislature. Bukele has harassed lawmakers from other parties who criticize NI policies or officials.

The governing party dominates most public institutions, and the Bukele administration has co-opted other government bodies that might have served as a check on its power.

Are safeguards against official corruption strong and effective? 0 4

Corruption remains a problem in government, and anticorruption bodies and prosecutions have been systematically dismantled since 2020.

In August 2023, the legislature appointed new members to the Court of Accounts, which performs audits of the executive branch and public funds. At least some of the new members —including the court's head—are tied to the governing party, in breach of a Constitutional Court verdict.

Alejandro Muyshondt, Bukele's former national security advisor, became a whistleblower in mid-2023, accusing government officials of links with drug traffickers. He was swiftly arrested, and—after suffering physical abuse—died in state custody in February 2024.

Does the government operate with openness and transparency? 0 4

The 2011 Access to Public Information Law instituted strong mechanisms for transparency and oversight of public institutions. While there have always been issues with compliance, government bodies have been far less transparent during the Bukele presidency. Executive and legislative decrees impinge on the independence of the oversight and enforcement body,

the Access to Public Information Agency (IAIP), which is now governed by partisan commissioners.

Under the state of emergency that began in March 2022, the Bukele government removed administrative regulations on the use of public funds and state contracts. Furthermore, authorities restricted the right to access public information, impeding civil society's ability to expose corrupt actors, and passed a law that enables authorities to manage public funds without adhering to the relevant law. NI has also never publicized the sources of their party and electoral funding, and no senior officials in the Bukele administration have disclosed their assets, as required by law.

Government officials continue to withhold information on expenditures, including the state's investment of more than $100 million in Bitcoin, even amid widespread allegations and indications of corruption.

NI has routinely used its parliamentary supermajority to pass laws while providing minimal information to opposition lawmakers and the public. Government plans and expenditures are not publicly accessible, nor is basic information about the ongoing state of emergency, including the number of incarcerated persons.

Civil Liberties

D Freedom of Expression and Belief

Are there free and independent media? 2 4

Despite a vibrant media space and constitutional protections, journalists report that they self-censor because of the harassment that has followed critical coverage of corruption and public policy; some have left the country. Internet access is unrestricted, and online outlets are vital sources of independent reporting. However, most Salvadorans rely on social media and privately owned television and radio networks for news, and ownership in the broadcast sector is highly concentrated.

Disinformation campaigns are widespread and fomented by government-affiliated troll farms and media outlets, including ones set up and run by the Bukele government. Independent outlets have suffered cyberattacks, illegal wiretaps, and surveillance, and at least 35 Salvadoran journalists were targeted with Pegasus spyware in 2020 and 2021, allegedly by the government. In September 2024, news outlet Infobae reported that it had obtained

recordings of top presidential officials planning electronic surveillance of journalists and politicians.

An October 2024 report by the Committee to Protect Journalists (CPJ) documented the use abusive lawsuits and audits to harass the press; restrictions on access to information; doxing and threats against journalists by Bukele and his supporters on social media, with female reporters facing severe harassment; and increasing self-censorship.

Are individuals free to practice and express their religious faith or nonbelief in public and private?

Religious freedom is widely respected by state and nonstate actors.

Is there academic freedom, and is the educational system free from extensive political indoctrination?

Academic freedom is largely respected, and the educational system is generally free from extensive political indoctrination. However, there is increasing self-censorship in the academic community when it comes to criticizing the government, its policies, or the governing party, amid concern over public or even legal backlash.

Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution?

While private discussion and personal expression are generally free, the Bukele government uses illegal surveillance mechanisms as part of the state of emergency that began in March 2022. Authorities have used surveillance powers to arrest private individuals who criticize government figures or policy, discouraging open discussion of policy issues. Many Salvadorans link the firing of nearly 25,000 public servants since Bukele's election in 2019 to expression of their views or their union involvement.

In a July 2024 survey, 85 percent of respondents identified some degree of probability that a person or institution may suffer negative consequences for expressing criticism of the government or the president; 54 percent reported some degree of fear of being intimidated or threatened for speaking about issues of national importance or the decisions of the government.

E Associational and Organizational Rights

Is there freedom of assembly?

Freedom of assembly is generally upheld, and public protests and gatherings are permitted. However, the Bukele government has surveilled activists who organize such events, pushing citizens to refrain from participating due to fear of potential repercussions. The 2022 state of emergency suspended the right to free assembly, but this was reinstated in 2023. Demonstrations do take place, notably among the families of individuals swept up in mass arrests under the state of exception and among the nearly 25,000 public servants who have been fired by the Bukele government.

Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work?

NGOs have historically operated freely and played an important role in society and policymaking. However, they have largely been excluded from engagement with policymakers under the Bukele government and are frequently attacked by the president and other officials over critical stances toward government policy or officials' conduct.

The government targeted several nongovernmental human rights organizations using Pegasus spyware in 2020 and 2021, according to a January 2022 report. Under the state of emergency that began in March 2022, authorities have cracked down on programs that support the rehabilitation and reintegration of formerly incarcerated individuals.

Is there freedom for trade unions and similar professional or labor organizations?

Labor unions have long faced obstacles in a legal environment that favors business interests, including by giving only light penalties to employers who interfere with strikes. The law prohibits strikes in sectors deemed essential, a designation which is vaguely defined. The government has used the state of emergency in effect since March 2022 to threaten and arrest labor activists, especially those who work in state institutions.

Between 2019 and 2024, 18 unions were eliminated, and a total of 58 unions saw their members dismissed from their jobs despite their union membership. In 2024, several thousand workers lost their jobs due to mass layoffs and reorganizations in the public sector, where unions have been strongest, serving to undermine organized labor. Some public sector union organizers lost their jobs within days of taking part in demonstrations or criticizing the government.

Score Change: The score declined from 2 to 1 due to the harassment of labor activists and dismissal of union members under the state of emergency.

F Rule of Law

Is there an independent judiciary?

Judicial independence has long been under pressure, and the judicial system is hampered by corruption. Elected officials do not always observe judicial rulings and powerful individuals can evade justice by exerting pressure on the judiciary.

In the first session of the new legislature in May 2021, the government-aligned legislators removed all members of the CSJ's Constitutional Chamber, as well as the prosecutor general. That August, President Bukele announced a "purge" of the judiciary, and days later the legislature passed measures to dismiss judges and prosecutors over 60 years old or who had more than 30 years of service, impacting one in three judges and numerous prosecutors.

The government unconstitutionally instituted a state of emergency in March 2022 and extended it on multiple occasions. The CSJ has failed to rule on the legality of the ongoing state of emergency, resolve habeas corpus petitions, or address thousands of human rights violations linked to the more than 83,000 arrests that authorities have carried out under the state of emergency. Criminal courts have broadly failed to act independently, and defiant judges have been removed.

Does due process prevail in civil and criminal matters?

Since the end of the civil war in 1992, due process rights have been constitutionally guaranteed but systematically violated. Human rights advocates report that police routinely carry out arbitrary arrests and fabricate and plant evidence, and defendants have long been provided inadequate access to effective legal counsel.

These long-standing challenges escalated sharply in March 2022, when the government instituted an indefinite state of emergency, leading to the arbitrary arrest of some 83,000 people accused of gang links. The government increased the maximum sentence for being gang leader to 45 years and for being a gang member to 30 years. The criminal procedural code was also amended to mandate pretrial detention for those charged with gang membership, homicide, and extortion, and to remove the limit on the duration of pretrial detention in these cases, effectively allowing unlimited incarceration without a conviction. The same changes apply to minors.

Authorities continue to impinge on the rights of people accused of crimes, and violate citizens' right to privacy by allowing law enforcement to access and surveil their communications without a court order. In 2023, the legislature approved mass hearings and trials for those detained during the state of emergency, allowing courts to hear hundreds of cases at one time. Many accused of gang-related crimes have been placed in indefinite pretrial detention.

A July 2024 Human Rights Watch (HRW) report found that over 3,000 children had been arrested since the start of the state of emergency, many as part of indiscriminate sweeps and with little apparent connection to gangs' illegal activities.

In September 2024, the government arbitrarily dismissed some 60 percent of public defenders, severely undermining the already limited capacity of the criminal defense system.

Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?

Crime and violence, which were long linked to gangs, remain issues of public concern. However, armed violence has declined sharply since mid-2019 due to alleged secret negotiations between the Bukele government and the country's gangs. After agreements reportedly broke down in March 2022, the government implemented an ongoing state of emergency that has kept crime rates at historically low levels.

Under the state of emergency, the total number of incarcerated individuals has increased from 39,000 to more than 105,000, leading to acute overcrowding in prisons and gross violations of basic rights. People who are imprisoned are not allowed family visits and have limited access to lawyers. As of September 2024, local media and rights groups had documented 314 deaths in prison under the state of emergency, including four babies in prison with their mothers and 11 people who had been ordered released by the courts. Law enforcement officers largely enjoy impunity for abuses of power.

After the end of the civil war in 1992, citizens had access to some means of petition and redress against illegitimate use of physical force by authorities, although the process was flawed. Since 2022, however, the relevant institutions are controlled by the Bukele government and wholly ineffective in terms of protecting citizens, to such an extent that Salvadorans—especially youth—tend to restrict their movements in public space for fear of arbitrary harassment or arrest by the police or military.

Score Change: The score declined from 2 to 1 because effective impunity for law enforcement officers, the absence of due process rights, and a lack of prison oversight have permitted the inhumane treatment of prisoners on a large scale.

Do laws, policies, and practices guarantee equal treatment of various segments of the population?

Men and women are granted equal rights under the law, but women are often subject to discrimination. Indigenous people disproportionately face poverty, unemployment, and labor discrimination. Certain other populations, particularly internally displaced persons and LGBT+ people, also have inadequate access to the justice system. Discrimination based on sexual orientation is prevalent, and LGBT+ people are often the targets of hate crimes and violence, including by state security agents. In February 2024, the Bukele government banned the teaching of “gender ideology” in public schools.

G Personal Autonomy and Individual Rights

Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education?

While freedom of movement within El Salvador was long been complicated by gang activity, since the government implemented a state of emergency in March 2022, the degree of gang territorial control has dropped sharply. Conversely, certain population groups—especially young men—limit their movements, are internally displaced, or are exiled due to fear of police harassment or arbitrary arrest.

Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors?

The rights to property and to start and run a business enjoy legal and regulatory protections. Since the mid-2000s, many businesses and citizens have been subject to extortion, chiefly by gangs. However, the state of emergency in effect since March 2022 vastly reduced the prevalence of extortion and gangs’ broader impact on the operating environment of businesses.

Political favoritism, cronyism, and bribes affect the awarding of state contracts.

Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance?

Men and women have equal legal rights on matters such as marriage and divorce, and there are few formal restrictions on such decisions. However, same-sex couples are denied rights

Exhibit 6

El Salvador Profile

insightcrime.org/el-salvador-organized-crime-news/el-salvador

InSight Crime June 17, 2024



El Salvador has historically been one of the main strongholds of Central America's best-known street gangs: the Mara Salvatrucha (MS13) and Barrio 18, which terrorized poor urban neighborhoods across the country for years. But since 2022, a brutal and controversial government crackdown has imprisoned more than 1.5% of El Salvador's population for alleged gang ties and largely dismantled these groups.

The country also plays a relatively minor role in drug trafficking. It serves as a storage and transit point along the Pacific coast and as an overland corridor for cocaine moving between Honduras and Guatemala en route to Mexico and the United States.

How Does El Salvador's Geography Facilitate Organized Crime?

Covering approximately 21,040 square kilometers, El Salvador is the smallest country in Central America, bordering Guatemala, Honduras, and the Pacific Ocean. Its relatively porous borders allow illicit goods to move easily in and out of the country, making it a transit point along overland smuggling routes connecting South America, Mexico, and the United States.

El Salvador has a high population density, and its mountainous terrain prevents traffickers from transporting goods by air. As a result, the country is home to overland smuggling routes that have been used for decades to traffic migrants, weapons, contraband, and illicit drugs.

Its coastline also offers landing points where traffickers can receive drug shipments and divide them into smaller quantities for onward transport to other countries or distribution in the domestic market.

What Is the History of Organized Crime in El Salvador?

In 1992, following more than a decade of civil war that left over 75,000 people dead, the Salvadoran government and leftist guerrillas signed a peace agreement. The agreement included efforts to create a police force that incorporated members of the rebel coalition, the Farabundo Martí National Liberation Front (Frente Farabundo Martí para la Liberación Nacional – FMLN). However, violence in El Salvador did not end with the war. Instead, the postwar period brought a wave of criminal activity, as some former guerrillas never surrendered their weapons and established criminal groups involved in car theft, kidnapping, and migrant smuggling. Street gangs known as maras also emerged. The dominant gangs were MS13 and Barrio 18.

These gangs trace their origins to the migration of a significant portion of El Salvador's population to the United States during the civil war. The gangs initially emerged in Los Angeles as a means of protecting young Salvadorans from gangs belonging to other communities. Their members were predominantly young people from low-income backgrounds who faced social marginalization.

The deportation of gang members from the United States brought the Los Angeles street gang model to El Salvador. This, combined with a preexisting culture of violence and easy access to weapons left over from the civil war, fueled a rise in clashes and killings between gangs. The government responded with heavy-handed policies that ultimately marginalized young people even further and facilitated gang recruitment. The gangs also managed to establish operational bases inside prisons to manage their activities.

The gangs were primarily involved in extortion and the retail sale of marijuana and crack cocaine in impoverished neighborhoods. On rare occasions, larger criminal organizations hired them as contract killers.

The gangs also attempted to enter the transnational drug trade by partnering with Mexican criminal organizations such as the Zetas and the Jalisco Cartel New Generation (Cartel Jalisco Nueva Generación – CJNG). However, these cases were exceptional, as the gangs' disorganized nature prevented them from becoming reliable partners for major criminal organizations.

In March 2012, the Salvadoran government and leaders of the local Catholic Church secretly negotiated a truce between Barrio 18 and MS13, granting concessions to imprisoned gang

leaders in exchange for a reduction in violence. As part of the truce, the government established “peace zones,” areas where gangs pledged to end criminal activity and the government promised to withdraw the military. Following its implementation, the truce led to a decline in homicides, but violence began to rise again in 2014 as the agreement started to unravel. Critics of the truce have questioned its effectiveness in reducing homicides, with some arguing that the homicide rate was artificially low because gang members were “disappearing” their victims.

Following the collapse of the truce, gangs intensified attacks against the country’s security forces. Violence within and between gangs also increased. By the end of 2015, El Salvador had a homicide rate of more than 100 per 100,000 inhabitants, the highest in the world outside a war zone.

President Nayib Bukele took office in June 2019, promising to reduce violence and improve security. During his first year in office, El Salvador’s homicide rate plummeted from 51 per 100,000 inhabitants in 2018 to 36 per 100,000 in 2019. The rate then fell by more than half over the following two years, reaching 17.6 per 100,000 in 2021. The country had not experienced such a dramatic reduction in violence since the end of the civil war.

The Bukele government attributed the historic decline in homicides to its flagship security initiative, the Territorial Control Plan, a seven-point program shrouded in secrecy that appeared to largely replicate the heavy-handed policies of previous administrations.

But the unprecedented nature of the decline also fueled rumors of a new agreement of some kind between the Salvadoran government and the gangs. This was confirmed in September 2020, when Salvadoran news outlet El Faro published an investigation documenting how senior government officials had been holding talks with imprisoned gang leaders since at least October 2019 in an effort to reduce violence. Some of the officials involved in the alleged talks had also worked with Bukele when he was mayor of San Salvador, during which time his municipal administration negotiated with gangs as part of efforts to revitalize the capital’s historic center.

The secret negotiations succeeded in substantially reducing violent deaths until March 2022, when gangs allegedly killed 87 people in 72 hours. The Bukele government responded to the massacre by declaring a nationwide state of emergency, suspending certain constitutional rights and relaxing arrest requirements. What followed was an unprecedented wave of arrests, as security forces detained tens of thousands of suspected gang members and collaborators in a ruthless crackdown. The speed and scale of the arrests decimated the gangs’ ranks. Those who were not detained were forced to go into hiding or fleethe country.

The state of emergency has remained in place for more than four years, during which security forces have managed to dismantle most of the gangs' structures, operations, and communications. On the one hand, the right to legal defense has since been suspended, while arbitrary detentions and human rights violations have proliferated.

On the other hand, lethal violence fell sharply beginning in 2022, when homicides declined by more than half compared with the previous year. In 2023, El Salvador recorded 2.4 homicides per 100,000 inhabitants, the lowest rate in Latin America. By 2025, the country registered just 82 homicides, equivalent to a rate of 1.3 per 100,000 inhabitants—the lowest in its history. However, this figure excludes bodies found in clandestine graves, deaths at the hands of police, and killings in prison.

Security gains have helped Bukele maintain high approval ratings in El Salvador. However, his anti-gang campaign has also drawn criticism from human rights and civil society organizations, which have documented alleged abuses committed during the crackdown, including arbitrary detentions and torture in prison. In addition, El Salvador's score on Transparency International's Corruption Perceptions Index fell from 36 in 2020 to 32 in 2025.

Bukele's popularity enabled him to win presidential reelection with more than 70% of the vote. On July 31, 2025, the Legislative Assembly approved constitutional reforms extending presidential terms from five to six years and amending other provisions to allow indefinite presidential reelection. This will enable Bukele to continue his repressive anti-gang policies.

Since the start of Bukele's second term, the criminalization and persecution of human rights defenders, journalists, and activists have intensified. In 2024, there were 789 violations of press freedom, at least 140 journalists and activists left the country, and new financial restrictions were imposed on civil society organizations.

Between June 2019 and February 2026, Salvadoran authorities seized more than 81 tons of various types of drugs, including significant shipments intercepted during maritime operations on the high seas.

Which Are the Main Criminal Groups in El Salvador?

Although the state of emergency implemented by President Nayib Bukele's government in March 2022 has considerably weakened the country's main gangs, remnants of MS13 and Barrio 18 remain active in some parts of El Salvador. On February 20 and September 23, 2025, the United States designated MS13 and Barrio 18, respectively, as Foreign Terrorist Organizations (FTOs).

The United States and El Salvador subsequently agreed to transfer 238 Venezuelans suspected of belonging to Tren de Aragua to Salvadoran prisons. In the same operation, the United States returned two high-ranking MS13 leaders and 21 other members to face trial in El Salvador. Among the leaders was César Humberto López Larios, alias "Greñas," a high-ranking MS13 member who faced terrorism and organized crime charges in the United States.

In addition to the gangs, El Salvador is home to drug transportation networks known as "transportistas." These groups began moving contraband across the borders with Honduras, Nicaragua, and Guatemala during the civil war. They continue to use these routes to smuggle migrants, contraband, pirated goods, and illicit drugs.

Transportistas typically operate with the assistance of corrupt border officials, police officers, and military personnel. They are not tied to any particular drug trafficking organization. Instead, they offer their services to Colombian and Mexican criminal groups, including the Sinaloa Cartel and, in the past, the Zetas. Although transportistas are responsible for drug shipments moving through El Salvador, gang violence has historically been the driving force behind much of the country's violent crime.

How Are El Salvador's Security Forces Structured?

In 2021, El Salvador's armed forces were reported to have more than 20,000 personnel. The National Civil Police (Policía Nacional Civil – PNC) is organized into territorial divisions and specialized or tactical units, including the Police Reaction Group (Grupo de Reacción Policial – GRP), the Tactical Operations Section (Sección Táctica Operativa – STO), the Anti-Gang Subdirectorate, and the Rural Police.

Historically, policing in El Salvador has been an extremely dangerous and poorly paid profession. In 2014, security forces increasingly became targets of gang attacks, prompting officers to leave the PNC. To compensate for personnel shortages and limited resources, El Salvador has regularly deployed the military to carry out policing duties. In 2019, for example, the government deployed 3,000 soldiers as part of Bukele's Territorial Control Plan to regain control of territory in gang-affected municipalities. Under the state of emergency, Bukele has relied on the military to facilitate mass arrests and, in some cases, surround entire communities in an effort to drive out gang members.

Throughout the security forces' confrontations with street gangs, evidence has emerged suggesting that police and military personnel have been involved in the extrajudicial executions of suspected criminals.

What Is the State of El Salvador's Justice System?

Weaknesses in the judicial system have long exacerbated El Salvador's overall insecurity. Many crimes go unsolved, and suspects can spend years behind bars before facing trial.

Corruption in El Salvador's judicial system has been another major problem. Some judges have been found to accept bribes from criminal groups in exchange for favors. In addition, the process for appointing Supreme Court judges has been obstructed by members of Congress linked to corruption and organized crime.

The weakness of El Salvador's judicial system has also contributed to the emergence of death squads, with cases involving civilians and possibly police officers carrying out "social cleansing" campaigns targeting criminals and others deemed undesirable.

Under President Bukele, the country's main judicial institutions have aligned themselves with the government's interests. In 2021, the president took advantage of his party's overwhelming majority in the Legislative Assembly to reshape the Supreme Court in his favor. Lawmakers aligned with Bukele also removed the country's attorney general, who had been investigating government corruption. The Legislative Assembly also purged the judiciary in late 2021, dismissing dozens of judges. Many of their replacements have ties to the Bukele government.

The alignment of these institutions has virtually eliminated judicial independence, helping the president take heavy-handed security measures to new extremes. The courts have remained silent in the face of systematic violations of due process protections, while prosecutors have helped facilitate waves of questionable arrests, many based on little or no evidence.

In August 2025, a new procedure known as an open single hearing was introduced, allowing multiple members of the same criminal structure to be tried together in a single proceeding. The largest case under this procedure involved 486 MS13 leaders before San Salvador's Sixth Court Against Organized Crime.

What Is the State of El Salvador's Prison System?

El Salvador's prisons are notoriously overcrowded. Years of strict anti-gang legislation have filled the country's penitentiaries far beyond their capacity.

Bukele's state of emergency has exacerbated the problem. By the end of 2025, El Salvador's prisons held more than 118,369 people, with an incarceration rate of 1,963 prisoners per 100,000 inhabitants, one of the highest in the world. Of that total, 103,837 were held in regular prisons and 14,532 in the Terrorism Confinement Center (Centro de Confinamiento del Terrorismo – CECOT), the notorious maximum-security megaprison.

Pretrial detention contributes to rampant overcrowding, as does the suspension of the constitutional right to legal defense under the state of emergency, which has left suspects languishing in prison for months or years before appearing before a judge.

In the past, El Salvador's prisons were segregated by gang affiliation, with members of each group sent to separate facilities. This policy allowed MS13 and Barrio 18 to establish complete control over their respective prisons, turning them into centers for recruitment, operations, and consolidation. In many ways, they served as the gangs' de facto headquarters. This was facilitated by staffing and resource shortages, which meant prison guards were often relegated to guarding the perimeter walls, leaving inmates in control of daily life inside the facilities.

During this period, gang members on the outside were expected to support those behind bars by sending them money and supplies. Imprisoned gang leaders often directed criminal activities on the streets through cellphones and messengers. This symbiotic relationship was based partly on the understanding that all gang members would spend time in prison at some point and, once incarcerated, would need the gang's protection to survive—a form of "prison insurance." MS13 and Barrio 18 leaders have traditionally been held in maximum-security facilities, such as the infamous Zacatecoluca prison, also known as "Zacatraz."

The situation in El Salvador's prisons has undergone a radical transformation. The change was gradual: in 2015, the official policy of segregating gangs in prisons was reversed. The administration of President Salvador Sánchez Cerén subsequently regained some control behind bars by introducing heavy-handed security measures aimed at cutting off communications between gangs.

In 2020, Bukele accelerated the process by placing MS13 and Barrio 18 members in shared cells and esorting to extreme measures to suppress gang activity in prisons following the mass influx of suspected gang members under the state of emergency. Reports from inside the prisons suggest that authorities now exercise near-total control behind bars and routinely subject inmates to beatings and psychological torture.

In July 2026, Amnesty International reported that more than 90,000 people had been detained since the state of emergency began and that at least 470 had died in state custody.

Exhibit 7

Criminal innovators

globalinitiative.net/analysis/innovadores-criminales-extorsion-centroamerica

December 22, 2022

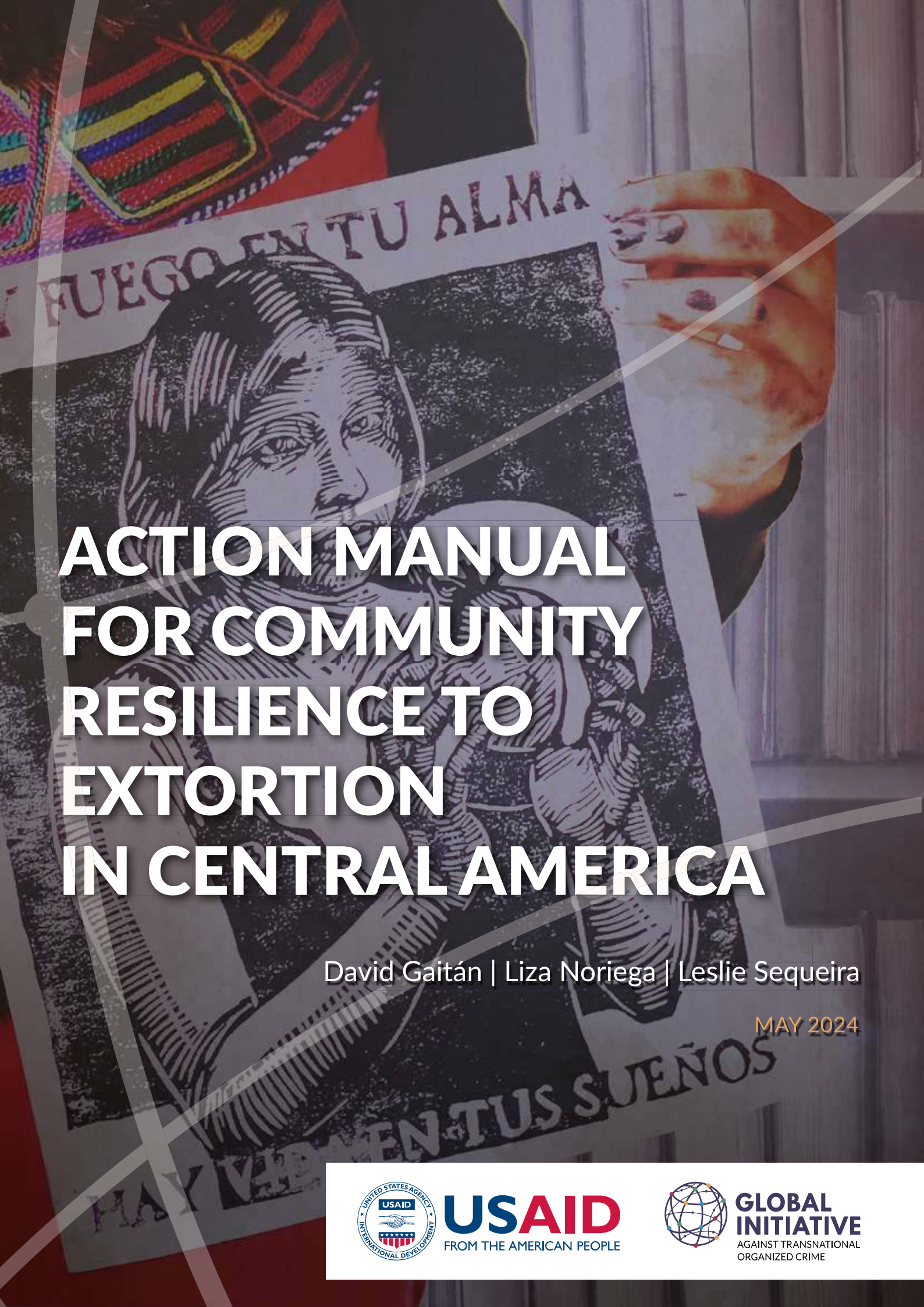
In the first two decades of the 21st century, criminal organizations in Central America diversified their operations to increase their revenue streams. Criminal groups that originally focused on illicit drug trafficking from South to North America have begun to expand their businesses by venturing into other markets and illegal activities.

According to a report by Global Financial Integrity, extortion is estimated to generate between $40 million and $57 million annually for criminal organizations in Guatemala; between $190 million and $240 million in El Salvador; and between $30 million and $50 million in Honduras. These funds finance the gangs' needs, including the cost of legal assistance for incarcerated members, while extortion itself facilitates criminal governance processes.

By exploiting the fear instilled in victims by the violence perpetrated by extortionists (psychological, economic, physical, and lethal), criminal groups increase their territorial control, thereby expanding their extortion markets. Furthermore, changes in operational environments, such as the mobility restrictions imposed to combat the COVID-19 pandemic, have forced existing criminal groups to adapt, giving rise to new methods and patterns of extortion. These new methods not only demonstrate criminal innovation but are also linked to other crimes, such as fraud, kidnapping, and cybercrime.

This report, based on GI-TOC's previous analysis and activities in the region, analyzes innovations in extortion in the countries of Northern Central America, Mexico, and Colombia, and examines how these have continued to emerge after the changes brought about by COVID-19. To help address this phenomenon, it proposes a series of techniques to support improved investigations into criminal organizations.

Exhibit 8



ACTION MANUAL FOR COMMUNITY RESILIENCE TO EXTORTION IN CENTRAL AMERICA

David Gaitán | Liza Noriega | Leslie Sequeira

MAY 2024

USAID
FROM THE AMERICAN PEOPLE

GLOBAL INITIATIVE
AGAINST TRANSNATIONAL ORGANIZED CRIME

ACKNOWLEDGEMENTS

The update to this manual was made possible thanks to financing provided by the United States Agency for International Development (USAID) within the framework of the project 'Strengthening resilience to extortion: A community focus in Central America'.

This document has been updated thanks to the generous support of the people of the United States through USAID. The content of this document is the responsibility of the Global Initiative Against Transnational Organized Crime, and does not necessarily reflect the viewpoint of USAID or the United States government.



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INTRODUCTION

In the heart of Central America, communities in Guatemala, El Salvador and Honduras face a persistent challenge: extortion. This scourge, fuelled by violence and instability, affects not just individuals, but also the entire social fabric of communities. Besides imposing an economic cost, extortion threatens the emotional and social stability of its victims.

Recognizing the different types of extortion is the first step in fighting it effectively and protecting our communities. This manual explores the various faces of extortion, from the most traditional forms to the most sophisticated tactics employed by criminals. Through concrete examples and detailed analyses, this manual provides an overview of how extortion manifests in different contexts, and what the government, non-governmental organizations (NGOs), the business sector and communities are doing to address this social problem.

By understanding the specific types of extortion that communities face, tailored strategies and preventive measures can be developed, thus improving our ability to resist and face this challenge. Community resilience is the ability of a group of people to adapt, resist and recover when difficult situations occur, whether they are natural or human caused. In a world with ever-more frequent and complex crises, community resilience becomes a fundamental pillar for the survival and sustainable growth of our societies.

This manual was first published in 2021. This new version updates focus areas and responses by different sectors to address extortion. It is intended to be a vital tool for communities so they can show a unified front against extortion. It contains proven strategies, shared experiences, and practical resources to empower communities to defend their rights and to build a more resilient environment.

This manual is divided into six modules, with the goal of clearly and accessibly explaining the impact of extortion at the community level, as well as strategies to address it. These modules are:

MODULE 1: What is extortion?

MODULE 2: What is the impact of extortion at the local level?

MODULE 3: How can extortion be addressed?

MODULE 4: What should I do if someone tries to extort me?

MODULE 5: How can community action be turned into an initiative against extortion?

MODULE 6: How can the community monitor and provide support to victims of extortion?

The first two modules explain what extortion is, and how it affects people's daily lives at the personal, family or community level. These impacts are illustrated with specific examples of various types of extortion and experiences shared by people we interviewed, providing a clearer understanding of the issue.

The next two modules explain what is currently being done in the region in response to extortion. Additionally, following recommendations made by subject matter experts, a proposal is provided on how to initiate projects to prevent extortion, and what to do if someone is being extorted.

Finally, the fifth and sixth modules suggest ways to deepen the understanding of what victims of extortion have experienced, how the community can work together to fight extortion and the community's capacity for resilience. Diagnostic, planning and monitoring tools are provided so the problem can be addressed jointly at the community level.

This manual can be used individually or in groups. Each section contains questions for reflection. If the manual is used in a group, there is a guide to help organize discussions and activities.[1] The tools this manual provides help readers apply what was learned, namely by analyzing cases and creating new ways to face down extortion. We hope this tool will be useful for people, groups and communities, helping them understand and fight extortion so they can build a fairer and safer society.



We believe it is fundamental to provide everyone with the tools necessary to combat extortion. Part of this work consists of keeping these tools up to date. If you have comments or experiences that might enrich this manual, please send an email to **latam@globalinitiative.net.**



Module 1

WHAT IS EXTORTION?

Module objective

At the end of this module, participants should be able to define the term 'extortion', its elements, types and causes in Central America, understand the laws against it, and identify the different types of extortion.

What is extortion?

For many years the people of Central America, specifically Guatemala, El Salvador and Honduras, have suffered from extortion. Extortion affects people's daily lives, their family environment and their community life. It especially harms vulnerable groups living in conditions of poverty and inequality. It is important to understand when one is being extorted, to be able to define it, understand it, and to the extent possible, counteract its impacts.

Extortion is the pressure that one person exerts over another to force them to act in a certain way and thus gain an economic benefit or another type of advantage, such as goods and services. Fear, threats, intimidation and the potential for aggression to force someone to do something or cease to do something are recurring elements that characterize extortion, with the objective of obtaining a benefit or unjust enrichment for one's self or for others.

The law in these three countries (Guatemala, El Salvador and Honduras) regulates extortion as criminal behaviour. These countries highlight common elements that one must understand in order to identify whether or not someone is attempting to commit this crime. These elements are:

a. The use of violence and intimidation,

b. demanding that someone do something or cease to do something, and

c. profit, income or a benefit.

The law in El Salvador is more detailed, as the country adopted a law specifically to address extortion, classifying aggravated crimes and defining the different types of extortion criminal groups commit.

Extortion may appear in numerous ways depending on who is perpetrating it, the sources of power behind the extortioner, the type of threat, form of payment and how the extortion is carried out. Every case is different, as are the victims and their aggressors.

Identifying extortion according to its elements

WHO IS EXTORTING



Extortions demanded by members of criminal networks or gangs who are usually involved in committing other crimes. In Central America in particular, the most common cases involve members of the Barrio 18 and the Mara Salvatrucha (MS-13), who use threats and violence to seek unjust gain. In some cases, criminal prosecutions have shown that members of state security forces and/or public officials are linked to these criminal networks.

Criminal imitators. This term is typically used to refer to members of groups that engage in extortion but are not part of gangs or criminal organizations. However, to achieve their goals, they unjustly profit by intimidating the public. They are called 'imitators' because they pretend to be members of gangs or criminal organizations, using their slang and other distinctive elements to fake having the same operational or violent capabilities.

THE SOURCE OF POWER



This refers to the various means or resources that an extortionist uses to instill fear in their victim, such as information or images of their family or residence.

The threat of physical or verbal violence is also a source of power and often achieves its purpose, even when, in some cases, the extortionist may not have relevant information about the victim.

THE NATURE OF THE THREAT



This pertains to the consequences threatened if the victim does not comply with the extortionist's demands, such as the destruction of a business, damage to the victim's reputation, violence, or the death of the victim or their family members, among others.

Julio Díaz, a prosecutor from the anti-extortion office in Guatemala, mentioned in an interview that 'there is usually an attack on the victim, such as an assault against drivers of urban or intercity buses, motorcycle taxi drivers or employees of small shops. Generally, if the victim does not agree to the payment, they are attacked'.[2]

THE PAYMENT METHOD



The forms of payment in extortion can vary, including cash, bank deposits, food, goods or services, or favours such as drug storage, free rent, cleaning properties, childcare or vehicle repairs, among others.

In Central America, sexual payments are a common form of extortion that directly affects women, who in most cases become victims of abuse and sexual violence as a result.

THE METHOD OF EXTORTION

This can be done directly or indirectly.



Direct. This occurs when the extortionist physically appears at the business or private residence to demand payment through threats or intimidation. Sometimes, criminals leave a card with a phone number that the victim must call to negotiate the amount of money to be paid.



Indirect. The most common form of this type of extortion is through a cell phone, but intermediaries can also be used. Increasingly, social media is being used, either to gather information or as a means to carry out the extortion.

Extortion has become one of the main sources of income and livelihood for the members of countless criminal groups. According to the report 'A criminal culture: Extortion in Central America', written by the Global Initiative Against Transnational Organized Crime and InSight Crime, in Central American countries, particularly Guatemala, El Salvador and Honduras, there are three reasons, or main drivers for committing extortion:



Organized crime is more organized than ever. For quite some time criminal gangs have said that through extortion and the funds it provides them, they have been able to buy firearms and drugs at wholesale prices. Continuing to extort allowed them —and indeed continues allowing them— to buy even more items that strengthen their gang culture, resulting in an increase and proliferation of criminal gangs with readily available firearms, making the threat of violence credible. More weapons and better organization are just two of the reasons extortion has increased in the region.

Furthermore, organized crime in Central America is increasingly tied to macro criminal issues, which means that gangs are committing a variety of crimes. The crime of extortion is a precursor to other crimes such as money laundering, assassinations by hitmen, violence and corruption-related crimes. These crimes have been known to have repercussions

on the credibility of government employees and the criminal justice system, which knows of these practices yet leaves them unpunished.



Cellular telephone technology. After several decades of development, accessibility and cellular telephone coverage in Central America are now at a level at which most inhabitants have a cellular telephone. Groups of extortioners exploit this technology and have found new criminal opportunities in cell phone technology that do not require being physically present; just a call is enough. However, criminal networks that commit extortion have changed how they operate, and their strategies now extend beyond making calls from cellular telephones. An agent in the Public Prosecutor's Office in Guatemala working against extortion said in an interview that MS-13 no longer makes calls; it now uses the WhatsApp messaging network. It has also recently been found that crimes are planned using video games, which would explain why recent confiscations at penitentiaries have found PlayStation games with illegal internet access. An investigator from the División Nacional contra el Desarrollo Criminal de las Pandillas de Guatemala (National Division against Criminal Development of Gangs in Guatemala — DIPANDA) told a journalist that because of these new technologies there is no prison that can completely limit extortion:

> We have a case in which just one number generated more than 280 complaints [to date]. What they do now is purchase a SIM card, download the WhatsApp application, and then destroy the chip. It doesn't matter if the lines are cancelled, because WhatsApp remains active and they continue committing extortion.[3]

This variety of tools, particularly technology such as smartphones, social media networks and geolocation systems allows greater complexity in the way criminals operate, and therefore dismantling these structures is also more difficult.

Criminal imitators. The emergence of groups posing as members of gangs or criminal syndicates and the impunity of crime in the region are other important reasons behind the explosion of incidents of extortion in Central America. Criminal imitators are independent groups that take advantage of extortionary structures and schemes and the fear they cause, using threats, scams and extortion to their advantage. The main difference between extortion conducted by gangs or organized criminal groups, is that the imitators do not have the ability to actually carry through on the violence they threaten. Criminal imitators continue to exist because they realize that people do not trust the authorities and do not report cases of extortion, plus the fact that extortion perpetrated by imitators has surged. Because of fear, people pay extortionists and do not file any type of complaint.

Types of extortion

Extortion in Guatemala, El Salvador and Honduras is a multi-faceted crime that is committed based on the backdrop of the specific area, such as the political, economic and social climate, availability of funds from criminal structures, and availability of information, among many others. The most common forms of extortion and the ways in which they operate are analyzed below:

TYPE OF EXTORTION	CHARACTERISTICS	POPULATION AFFECTED
Extortion in gang-controlled territories	■ Territories are controlled mainly by members of Barrio 18 and MS-13. ■ Exercising their power, gangs demand money through extortion, which is also known by other names, such as 'work' (Guatemala), 'the rent' or 'the fear tax' (El Salvador), and 'the war tax' (Honduras). ■ Criminal groups tell victims to take money to a specific location, or to make cash deposits into a bank account. ■ This money is usually used to pay the gang's expenses, and a portion is allocated to the country's prisons, where it is delivered to leaders of the criminal group.	■ People who live in territories controlled by gangs. ■ Small- and medium-sized businesses. ■ Multinational companies or distributors of items that have to enter a certain territory to sell their products.

TYPE OF EXTORTION	CHARACTERISTICS	POPULATION AFFECTED
 Extortion using cellular technology and social media networks	■ This type of extortion generally originates in prisons and is not direct. ■ It consists of demanding sums of money from people outside penitentiaries, threatening the individual or their close family members with death. ■ It is the imitators who use this type of extortion the most. ■ This has been modified over the years, and currently instant messaging apps on smartphones, geolocation applications, video game consoles and social networks, among others, are being used. ■ These networks usually have to have agents outside prison providing the criminals with information about known individuals, or people with whom they have a relationship, such as neighbours, family members, employers, etc. This allows them to cause more fear, because they have real information.	■ People in general, who are usually selected at random, and especially smartphone users.
 Extortion of inmates	■ In Central American countries, the penitentiaries have become locations the government can no longer control, allowing numerous crimes to be committed. The policy of social reinsertion has mostly been forgotten. ■ As part of this institutional deficiency, and because of its presumed complicity with the networks that operate within the prison system, there is no control over the prisons or the different areas inside the prisons. ■ Imprisoned gang leaders have a system of collection from other inmates that requires them to pay fees for any legal or illegal service they obtain, such as access to a cell, liquor, and consumption and sale of drugs, etc. ■ Prison authorities are often a key part to the system of extortion, contributing to its perpetuation. They sometimes receive payments from the inmates and their family members for allowing criminal activity.	■ Inmates and their family members.

TYPE OF EXTORTION	CHARACTERISTICS	POPULATION AFFECTED
 Extortion through sexual violence	■ This type of extortion mainly affects women, although men and members of the LGBTQ+ community are not excluded. ■ It may appear in various forms. For example, in gang-controlled areas women are forced to have sex with gang members as part of the extortive payment, or it is one of the threats made to the victim for not paying the demanded amount. ■ Another known type is that exerted by the government's security forces, mainly on sex workers, whom they force to deliver money or to provide sex services in exchange for letting them work. This has been documented by the victims; nevertheless, it is rarely reported. ■ One method that has increased considerably due to the use of technology and social networks is 'sextortion', a method by which the victim is threatened with having their sexual images published on social networks, or sharing them with family and friends in exchange for money or another benefit.[4]	■ Women who live in areas controlled by gangs and criminal groups. ■ Sex workers, and in cases of sextortion, men and women who use social networks.

A complicit or omissive government

As already stated, a great deal of extortion originates in the prisons, and a high percentage of extortionate practices affects inmates. In both cases, the state, as the entity responsible for protecting its inhabitants, acts either by action or omission.

The objectives of prison systems in democratic countries are to assure the custody and safety of those deprived of their freedom, and mainly to try to rehabilitate them. These goals seem to be increasingly unattainable in countries in the region. Prisons have become 'operating centres for criminal structures and a haven for the employees to enrich themselves based on the exaction and extortion of those deprived of their freedom'.[5]