



GA2: Social and Humanitarian Committee

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Issue: Tackling the uncertainty regarding rights of inmates with a special emphasis on El Salvador

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I. Introduction

The world of crime is a domain where fundamental human rights are often violated, particularly the right to life, security, and human dignity. These rights, as it is said in the Universal Declaration of Human Rights, are intended to apply to all in an equal manner without any exceptions to every individual regardless of their status and circumstances in society and their actions. The safeguarding of these rights of the convicted is as equal as the non-convicts. In fact, in these kinds of specific moments of the suspension of certain rights of a person thus being in a state of vulnerability, it is the government's full duty to uphold and protect these rights as they become even more critical in these times. Just like Nelson Mandela said "It is said that no one truly knows a nation until one has been inside its jails. A nation should not be judged by how it treats its highest citizens, but its lowest ones."¹

Governments are responsible for the insurance of the safety and well-being of all of their citizens no matter social status, thus meaning that this obligation especially extends to those who are under custody or confinement. This is because of the fact that the detained is placed under the control of the states which results in their dependency on the state for their protection of rights as their freedom and autonomy are restricted by the government. Even in this case, prisoners are no less than citizens of the government who are able to walk outside, freely and still are entitled to humane and fair treatment by all, this includes the government who is restricting their freedom.

If a person is causing harm to the public in any given way, the incarceration of such individuals is unavoidable in order to ensure the safety of the public, and then rather than mistreating them, ways of rehabilitation should be on the agenda. This helps in constructing a fair and just society for all. By protecting the rights of those in custody, governments can demonstrate their commitment to justice and equality for all hence earning the trust of the public.

El Salvador is a country that has suffered from the terror of organized criminal groups, such as gangs for decades, and for decades the El Salvadoran government has always made great efforts to reduce and eliminate any gang-related activity no matter the different regimes that came along the way. However, one regime was very successful, the Bukele regime that was. The policies that were implemented nearly

¹ https://www.un.org/en/events/mandeladay/mandela_rules.shtml



eradicated all gang activity in El Salvador but this achievement wasn't done in an appropriate manner nor the ones convicted were treated in an appropriate way. El Salvador is one of the countries that is notorious for their inhumane treatment in their penitentiary system in the eyes of the government and the El Salvadoran people these individuals are the reason for the national underdevelopment so, prisoners are not deserving of any treatment a "normal human" is deserving to have. So, being alienated by the people and the government, the incarcerated are subject to torture and more by the one body that is supposed to protect them.

II. Involved Countries and Organizations

El Salvador

El Salvador is a country in the Northern Triangle. As the main problem of the agenda item, El Salvador has a significant issue of human rights violations of the incarcerated. Due to the brutal *mano dura*, which was also called the "Emergency Rule", implemented by the Bukele regime starting from his election into office in 2019, a no-mercy policy was enforced. A high influx of detainees came to the El Salvadoran prisons. From there numerous human rights violations can be detected however, this was Bukele's unforgiving government stance and was sought to continue as according to reports, the gangs no longer exist in the way they did before. The country started to shift towards a more authoritarian regime and even President Nayib Bukele started calling himself "the world's coolest dictator"², as he had received support from the El Salvadoran people. On the other hand, the Bukele regime has targeted numerous media outlets that had covered the human rights violations done in the country hence giving us the idea of the slowly but surely authoritarian regime that is about to come.

Mara Salvatrucha (MS-13)

MS-13 is an international gang that is involved in numerous illegal activities such as drug and human trafficking, prostitution, murder, extortion, etc. The gang was founded in Los Angeles in the 1980s even though its origins can be traced back to the 1970s, when El Salvador was on the brink of a civil war. In the 1980s, President Jimmy Carter signed the Refugee Act of 1980 which grants up to a soaring number of 17,500 to 50,000 visas per year. Due to this an estimated number of 735,000 legal immigrants and 2,057,000 undocumented immigrants had entered the United States of America during the 1980s. The founders of MS-13 are considered to be immigrants from El Salvador who had fled the country to escape the bloody civil war to the majorly Hispanic areas of Los Angeles. The gang later spread throughout the US, Central America, and Canada. The MS-13 is one of the main rivals of the 18th Street Gang.

² <https://directoriolegislativo.org/en/how-nayib-bukele-is-becoming-the-worlds-coolest-dictator/>



18th Street Gang (Mara 18 or Barrio 18)

The 18th Street Gang is one of the largest international youth gangs in North America and the biggest gang in El Salvador. The gang is associated with petty drug trafficking, extortion, interference in El Salvadoran politics, displacement of communities, and money laundering. Even though the gang's origins can be traced back to the 1950s, the gang officially started to form in the 1980s after the separation of the gang "Clanton 14". During the 80s, the gang became infamous for its major role in riots in Los Angeles. At first, the gang was exclusive to Mexicans to join as members in the Southern California area, nonetheless after a great influx of the Latino population in the US, other nationalities started joining the gang thus resulting in the spread of the gang's presence throughout Central America. In addition to this, after the change of immigration policies in the US in the 1990s, specifically the deportation policy of criminals of foreign nationalities, the influence of the gang spread even more. The 18th Street Gang is one of the main rivals of MS-13.

Northern Triangle

The Northern Triangle is a term that refers to the grouping of Guatemala, Honduras, and El Salvador; three Central American countries that border each other. This is a term used due to the similarities of their economic integration, and issues such as homicide rates, gang violence, corruption, etc. It is also notable that when an action is taken by the government of one of the countries of the group, the other countries tend to get influenced by or replicate the action completely.



III. Focused Overview of the Issue

The two Americas combined have the highest regional rate of homicide in the world, in addition to the highest rate of homicide linked to organized crimes rather than crimes done to one another by individuals like homicides perpetrated by intimate partners or other family members. It is important to note that this situation is much more prevalent in Latin America due to many reasons, which will be stated down below. Not forgetting to mention the fact that the numbers and rates of homicides do vary across different subregions, countries, and cities but the persistence of violence can be seen all over Latin America.



1. The In-Depth Reasons for a High Percentage of Organised Crimes and Crime Groups

Latin America is a combination of countries with hundreds of years of history, even before the early settlements of the Spaniards and the Portuguese, and a very dynamic and dominant culture along with its colorful people. This prompts a natural vigorous and dense ecosystem for Latin society. The exact same thing can be observed in organized criminal groups (OCGs) in Latin America. So much so that by joining said groups you are accepted into a “family” that you can not leave alive. This correlation results in strong bonds among the members and strong objectives to keep, as not obeying could cost their lives, both by the group and on a federal level. On the other hand, Catholicism is one of the main constituents of the Latino culture. As a consequence, Catholicism has a great influence on Latino OCGs. There have been times when governments have used Catholicism and its formations, such as clerics, as mediators between them and the OCGs.

In every industry, there is an undoubtful race among the competitors. In the illegal markets the aforementioned competition is also inevitable. There are hundreds of drug and human trafficking organizations, mafia syndicates, gangs, and militias that compete with each other in order to have the lead of earnings and control over the Latin America Region. As the industry that they are in, is illegal; to get in front of the competition, illegal manners are bound to be used. From time to time, in addition to the competition, OCGs do cooperate in the illegal markets if mutual benefit is detected.

The utilization of firearms is a common trait in OCGs as in the world of illegal business, illegal weaponry such as guns are very accessible and also the most wanted by the groups. Furthermore, guns are relatively cheap to obtain singularly and in bulk. Members of OCGs are known to use firearms during times of conflict, racketeering and extortion, violent crimes, homicides, and to “get the job done”. This is also because firearms are simple to use and extremely lethal. On top of that, guns are portable and concealable. Due to these reasons, firearms are hard to trace back thus being a necessity for OCGs. It is crucial to acknowledge that the use of firearms is for gaining and maintaining the power of the group and using that power to gain more wealth. In general, OCGs tend to have a preference for smaller versions of firearms (e.g. handguns and pistols) due to the reasons stated above. Anyhow there has been a proliferation of “heavy firearms such as assault rifles and explosive devices”³ according to Europol’s review notes. This rise in demand for high-caliber arms and explosives is a clear giveaway of a more aggressive manner in business along with a greater race of power among groups.

A large number of OCGs in Latin America function based on control of territories. These territories range from small neighborhoods to specific national or international territories. This fact is the reality of Latin America to the extent that turf wars have been present across the region in the past and also in the present.

³ https://www.europol.europa.eu/cms/sites/default/files/documents/Europol%20in%20Brief%202024_0.pdf



Nevertheless, there are still some OCGs that don't function based on the control of the area because their level of business exceeds national levels, hence being international. This doesn't mean that their center of administration is not located in Latin America and their business also flourishes in regions such as Latin America.

The illegal market is a combination of numerous specific markets. It is important to mention that due to the weak governance of Latin American countries, these kinds of illegal markets flourish as there isn't a federal power that is influential enough to keep markets under control or initiate their crackdowns. It is inevitable to say that these markets have connections to each other. One of the main reasons for this connection is because of the fact that many OCGs engage in numerous markets in order to make more profit.

Latin America contains some of the poorest areas in the world and the poverty continues as the control of those said areas are in the hands of OCGs. However, due to the economic state of the inhabitants of those areas, many people, mainly ranging from children to young adults, join the OCGs in order to acquire some money to make a living. On the other hand, since these OCGs are formed to individually gain financial benefit, people tend to join them exactly for this purpose.

The geography of a country is crucial for everything. Economy, politics, social life, etc., and it also affects the way crimes are being done and the methods used. Mountainous ranges, flat islands, seashores and coastlines, country borders, etc. can change the types of organized crimes committed, means of transportation, and more.

2. Organized Crimes in El Salvador

El Salvador is the homeland of the most infamous street gangs in Latin America meaning that these OCGs function based on control of territories, resulting in terror in the urban neighborhoods of El Salvador. Also, the country has a rough and irregular mountainous terrain as a result of this, products are not able to be transported utilizing air transportation but El Salvador contains overland smuggling routes that have been and still are being used for human, weapon, contraband, and drug trafficking. The addition of porous borders with its neighboring countries, Honduras and Guatemala, which have the exact same problems as OCGs, without a doubt, helps the illegal market to move and flourish internationally.

3. The Combat with Organised Crime Groups in El Salvador

Ever since the early 2000s, El Salvador has been doing mano duras to reduce the violence in their communities that were being inflicted on majorly by OCGs like the MS-13 and the 18th Street Gang. In 2003, President Francisco Flores implemented one of the first mano dura approaches but his implementation strategy resulted in a surge of extortion levels and refined OCG. In 2012, President Mauricio



Funes called on the El Salvadoran army to combat the rising violence, this was one of the first main attempts to combat the two main gangs.

An out-of-the-ordinary approach was taken by the El Salvadoran government to decrease the rate of violence. Rather than *mano duras*, intergang and/or gang-government truces were made. In 2012, through Roman Catholic clerics, a truce was held between the two main gangs that had successfully resulted in a significant drop in the soaring numbers of violence recorded. As idealistic as this method sounds, it wasn't durable enough as a year later the inevitable collapse of the truce resulted in the escalation of the violence.

In March 2013, the vice president of Mauricio Funes, Salvador Sánchez Cerén was elected as President. In March 2014, the OCGs of El Salvador offered to suspend attacks on police and military forces as a way of re-launching the gang truce that was agreed on in March 2012. Regardless, President Cerén had not recognized the truce offering and stated that he would develop his own strategy no matter the warnings given by the gangs. This strategy would later on become the beginning of the mass incarceration of gang members in the following years.

The Cerén government took a hard line. The first steps of successful a *mano dura* were taken for curtailing OCGs. The difference in this *mano dura* was that a more aggressive approach was taken. Rather than any form of diplomacy, law enforcement was stationed across the country including joint patrols by the police and military. This was called "Operation Check" and the operation took place in July 2016. In addition to this, Operation Check is also involved in blocking the financial holdings of gangs such as freezing bank accounts. Numerous arrests were made of gang members. Furthermore, Attorney General of El Salvador Douglas Meléndez began arresting and prosecuting law enforcement officials who, after an investigation deemed to have committed crimes in 2012 during the intergang truce settlements. On the other hand, the homicide rate continued to climb thus regarding the more aggressive *mano dura* as insufficient.

The election of Nayib Bukele into office had changed the trajectory of OCGs and the homicide rate majorly. Bukele had run as a populist for the small Grand Alliance for National Unity (GANU) party on an anti-corruption platform and had campaigned on social media, a different approach taken by a candidate of El Salvadoran politics for the first time that had been very successful, a success of 53 percent of vote that outdistanced the candidate of Farabundo Martí National Liberation Front (FMLN), a traditional ruling party in El Salvador that had been in office for nearly three decades, due to the two-party system, before the election. Despite this achievement, the legislation and the Supreme Court were still controlled by the opposition party FMLN. Still, this obstacle was passed after the formation of the alliance of GANU and the party "New Ideas" (Nuevas Ideas), a party that Bukele had helped form in 2017. In the 84-seat legislature, 56 seats were taken by the alliance.



Nayip Bukele's presidential campaign had promised to fight against OCGs. After his election, this promise was kept and Bukele started mass crackdowns that were called *régimen de excepción* ("State of Exception") on OCGs in the country as of early 2022. This was done by granting special powers to law enforcement officers. These special powers were; when a person is being arrested by any law enforcement officer, the detainee's right of association, so seeming to have any affiliation with any OCG, right to be informed of the reason for the arrest, and the right of having any access to a lawyer were suspended. On top of this, if a person "looked suspicious" enough, acted nervous, or had tattoos, as many members of the OCGs had very distinct tattoos, the officers had the right to detain you without conducting any investigation. The government had also granted its own people to send any mail or make phone calls if they have detected any alleged gang activity. Authorities had arrested over 33,000 people, a number that nearly doubled that incarcerated population. This was a war between the government and the gangs but innocent people also got swept up to it. All of this from the get-go, was a human rights violation. As the people's own rights were being disregarded by a federal power and a big portion of the public had supported this unless this violation was done to a loved one of theirs.

4. The Consequences of a High Percentage of Organised Crimes

Organized crime groups often do their business with violent activities in order to protect their illegal operations and dominate other OCGs in domains such as control over territories, markets, etc. This violence affects all the inhabitants of a country, ranging from innocent civilians to the criminals themselves. Fear becomes a constant emotion in communities as people worry that they'll also be affected by the violence hence also resulting in psychological violence being present. The violence can range from very minor offenses to major offenses such as kidnappings, shootings, and even public executions. All of this, concludes to the disruption of the daily lives of individuals.

Illicit economies are a must for organized crime groups because of the fact that their business thrives in sectors that revolve around these types of economies. Illicit economies are markets such as drug, human, and arms trafficking, money laundering, and more. These types of activities generate huge profits for the OCGs and undermine the legal economy. As a consequence, a rise in illicit markets can be observed in countries where high rates of organized crime are present. Also results in the distortion of legitimate business environments hence making it much harder for legal businesses to operate in an atmosphere of lawlessness. In fact, due to the underdevelopment of the legal economy, the government is prevented from benefiting from any tax revenue, leading to less investments done by the government, underdevelopment of the country, contributing to an unstable economy, and more. This becomes a cycle of the OCGs gaining more from the issues of the country and then worsening them.



If an OCG has a significant amount of presence in a country, it is inevitable that it is soon going to or has already resulted in some type of corruption in the government. If corruption is a reality of a government, this means that bribing by the OCGs of law enforcement officials, politicians, and other authorities ensures the immunity of OCGs and its members. Corruption is a dead giveaway of the weakness of the rule of law of governments and results in less trust from the citizens to the government. At the same time, along with turning a blind eye to the operations, government officials can and do participate in the illegal actions of the OCGs in order to receive some benefit as well. This hinders combat done to end the issue and also leads to criminals doing their business without fear of the consequences of being punished.

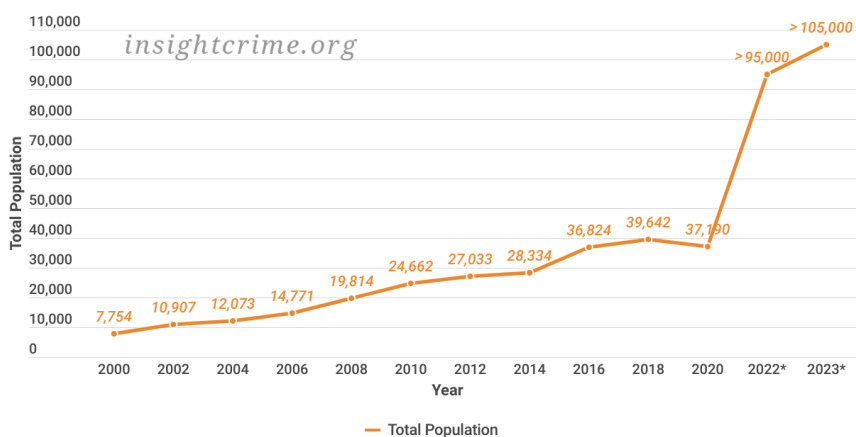
As the constant escalation of organized crime continues, law enforcement will focus its actions on apprehending criminals, resulting in an uproar in the number of arrests and the inevitable overcrowding of prisons. Prisons become overrun with detainees, which leads to poor conditions in the jails such as the lack of basic necessities, healthcare, protection from violence, and much more. Overcrowding also makes it much harder to control and rehabilitate the prisoners thus increasing the efforts of control by the prison guards. This topic will be talked about in more detail in the report later.

5. El Salvadoran Prisons and Their Stance with Their Prisoners

After the large crackdowns of gangs ever since 2014 and especially after Nayib Bukele's election into office, the incarceration rate in El Salvador skyrocketed and eventually will become the highest in the world. This positive outcome came with the need for more penal institutions as the last recorded penitentiary system only had the capacity of 27,000 detainees at the end of 2020 but suddenly the number of detainees boomed to more than 70,000 at the time of the first crackdowns, and now in the present time, this number

has increased to 105,000, around 1.7% of the country's population. However, rather than building more prisons to fit the human rights standards, only a few were built due to a lack of funding by the state. The majority of the few prisons that were built had the purpose of imprisoning the "high-ranking" members of the country's main OCGs, so maximum security jails, rather than making more capacity for the newly detained.

Prison Population in El Salvador (2000-2023)



*2022 and 2023 estimates based on pre-state of emergency data from El Salvador prisons authorities, in addition to arrest and prisoner release figures announced by government officials during the state of emergency.

December 2023

Sources: World Prison Brief and El Salvador government



These maximum security jails were also called mega-prisons and had a capacity of 20,000, certainly not enough for the flow of new detainees. Despite the new places, the overcrowding issue was still present.

Before the Bukele regime, the overcrowding in the penitentiary system was used as an advantage by the OCGs in El Salvador for the recruitment of new members, and as centers of operation. This was done by taking control of the jail and this was fairly easy considering that most of the prisoners were gang members and due to the weak security of the prisons reestablishing command was painless as discipline was not able to be put in place by any federal authority. On the other hand, gang leaders would give orders to the members that were not detained, so outside of the jails, to help continue life inside the jail and bring in any kind of help that would be needed to carry on the control of OCGs in prisons and communication between the gang and the members in prison. This was once again very easy because of the previously mentioned reasons.

It's worth mentioning that after the mass crackdowns and arrests which was called the "emergency rule", the near-complete collapse of OCGs such as MS13 and the 18th Street Gang was seen, yet this could very much be a period of keeping a low profile for the gangs in order to regain their links as members were not able to receive orders from higher-ups thus resulting in a lack of direction in gangs. Communications between the members outside of jails and between the members outside with the prisoners were severed. As a consequence, the discard of all communication instruments, to not be tracked by the government or an attempt at cutting ties with the gang by a gang member made to escape, was present.

To tackle the remaining communication between prisoners and gangs, Burkele employed extreme measures such as tight control and the excessive use of force like routine beatings or psychological torment by the security guards in the jails and strict confinement in cells in order to have everyone "perfectly under control". Fortunately, this system shows signs of hindering from the OCGs as a collective response to the crackdown has not been given by the OCGs. However, OCGs have always found a loophole in the past efforts to reestablish the command and control in the jail cells. Considering this, the aggressive approach taken by security officers will continue if not worsen over time but the incarcerated, guilty or innocent, will suffer no matter what.

6. Human and Prisoner Rights Violations in El Salvadoran Prisons

The reason for the declaration of the Universal Declaration of Human Rights (UDHR) was to ensure the "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world" (UDHR). It is a known fact that in daily life, the guarantee of these rights of innocent people are unfortunately not present. Consequently, the incarcerated are seen as much lower and not worthy of fair treatment. This situation is a clear violation of the the 5th Article of the Universal Declaration of Human Rights which states "No one shall be subjected to



torture or to cruel, inhuman or degrading treatment or punishment.”. Also, on the International Covenant on Civil and Political Rights (ICCPR), Article 10.1 states that “All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.”, thus further showing whether or not a person is innocent or guilty, all people should be treated equally.

During the “emergency rule”, that was put in place by Bukele’s regime between the years of 2020-2022, nearly 70,000 people were detained by the El Salvadoran police. The detainees included a number of gang members but also contained the innocent relatives of the gang members and people who had no relations with gangs, thus innocent people. This happened partially because certain crucial rights of detainees were suspended due to the enforcement of the “emergency rule”. This included the right of association, the right to be informed of the reason for the arrest, and the right to have access to a lawyer. The freedom of association is the right to organize, form, and/or participate in any formal or informal group. This means that everyone has the right to be in a group, legal or illegal. However, the illegality of the association only comes if any kind of unlawful act is committed by the person. This means that, in these gangs there for sure are members who have not committed any offense but according to the emergency law, since they have some kind of association, law enforcement has the right to detain them. On the UDHR, Articles 20 and 22 show that the suspension of this right is a violation of the UDHR. The freedom of being informed of the reasons for arrest or detention means that when being arrested the detainee needs to be informed on why such arrest is happening. On the other hand, El Salvadoran police did not need to say the reason because of the suspension of rights. Article 9 of the UDHR states that “No one shall be subjected to arbitrary arrest, detention or exile.”, Articles 9.1 and 9.2 of the ICCPR, the protection of individuals from arbitrary detention and that individuals have the right to be informed about their arrest no matter the level of crime that has been committed. The right to access a lawyer after being detained by a law enforcement officer means that everyone has the right to acquire a lawyer who will defend the detainee. This right was completely suspended thus resulting in detainees without any kind of legal defense that could help them with their situation in front of the law. This is a breach of Article 14 of the ICCPR and Article 10 of the UDHR which states “Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.”.

Overcrowding is a big issue in El Salvadoran prisons. This issue results in inhumane and degrading treatment and conditions of the prisoners. To dive in deeper, substandard living conditions in the cells and jails, lack of privacy, limited resources of basic necessities such as food, water, healthcare, etc., inadequate sanitation, and due to all of this, increased tension among inmates as it is know that the incarcerated inmates form hierarchies according to their positions in the gangs. On the United Nations Standard Minimum Rules for the Treatment of Prisoners, also known as the Nelson Mandela Rules, Rules 1 states all



prisoners should be treated with dignity, and the “Accommodation” section that contains Rules 12 through 17, states the standards that prison cell should have no matter the level of crime committed.

Physical and psychological abuse is an unavoidable reality in prisons all over the world. In El Salvador, this issue also exists but is much more extreme. One of the reasons why this is prevalent is because of the *mano dura* policies that were implemented by Bukele. Excessive force had been granted permission to law enforcement officers when making arrests and in the prisons. So, torture and inhumane treatment were acceptable and encouraged by the government. This was done with the objective of cutting off the remaining communication between prisoners and the members of gangs outside of prisons by the security guards of the prisons. Basically, governmental figures are allowed to physically and mentally abuse the prisoners, and keep them under tight control without any limit. In the 5th Article of the UDHR, it is stated that "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.", which completely indicates that any form of physical violence is prohibited. Also, psychological abuse such as torment, intimidation, isolation, mental harassment, etc. constitutes degrading treatment. In addition, on the United Nations Standard Minimum Rules for the Treatment of Prisoners, Rule 1 states that "...No prisoner shall be subjected to, and all prisoners shall be protected from, torture and other cruel, inhuman or degrading treatment or punishment, for which no circumstances whatsoever may be invoked as a justification. The safety and security of prisoners, staff, service providers, and visitors shall be ensured at all times.", a clear violation of the rules can be seen in El Salvadoran prisons. What's more, the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), completely prohibits any kind of violence against anyone, including prisoners. It is crucial to mention that due to the physical abuse of the security guards at prisons, the death of prisoners by police brutality has become a reality. This along with violence between the prisoners, death rates in the prison have grown. It is reported that mass graves were found in El Salvadoran prisons.

Another way of preventing any kind of communication between the gang members in prison and the outside was by not allowing any kind of visitors into the prison. This included friends, family, and even legal representatives of the prisoners. Family and friends play a major role in a human's life, they help support the mental and emotional well-being of everyone. Considering the fact that the prisoners are no less than a human and that they are going through a difficult period in their lives, inmates have the right to see their family and friends without any doubt. In addition, when the mass crackdowns were first happening in El Salvador many innocent people got swept up into the prisons as they were wrongfully convicted and incarcerated by the police officers. The families of the detained were left outside of prisons in harsh weather conditions without any answers about their loved ones in the prison. As seen, this is not the case for El Salvadoran prisons which is a clear violation of the 10th and the 17th Article of the ICCPR, the 12th Article of the UDHR, and the 58th Rule of the United Nations Standard Minimum Rules for the Treatment of



Prisoners that all explicitly state the need of contact between the prisoner and their family and friends. On the other hand, the legal representatives, so the lawyers of the inmates, were also not allowed to make any kind of communication with their clients. This is, once again, a violation of the right of access to a lawyer which was mentioned above.

President Bukele's campaign consisted of vows to tackle the country's organized crime rate, in which he had been successful. In contrast, the quantity of the arrest was more pivotal to the regime than the quality, so it is not known if the person being arrested is actually guilty of the alleged crime that was committed. The arrests were done spontaneously and mainly according to the instinctives of the police officers. If a person had tattoos, this was due to gang members having distinct tattoos, looking somewhat nervous, or acting suspiciously based on the police's observations in a very short time period. This is a clear violation of Article 14 of the ICCPR, as any arrest based on instinctive judgments without concrete evidence is a breach of the article. These arrests were done without any official investigations and without trial the detainees were considered guilty immediately. On the UDHR, Article 11.1 states that everyone charged with a crime has the right to be "presumed innocent until proven guilty...".

IV. Key Vocabulary

Latin America: The region of the two American continents, North America and South America, where Spanish and Portuguese are predominantly spoken. The region includes countries from Central America, South America, and the Caribbean. Another reason why these regions are categorized is due to the overlapping cultural and historical roots, geopolitical and cultural identity, etc.

Mano dura: Translated as "Iron Fist" or "Strong Hand", is a set of crime-control policies that were implemented by Latin American governments as a way of tackling the organized crime groups that lead to violence in the Latin American regions. Mano duras result in overreach and widespread abuses by the Latin American governments.

Organized crime group: Criminals working together in an organized manner to engage in a specific criminal activity or numerous activities. These groups consist of small gangs, all the way up to mafias.

Accession: When a treaty or convention has been negotiated, signed, and/or ratified by other countries, having accession means the countries that have not signed the treaty agree to be bound to said treaty or convention just like the original signatories.

Mara: Or known as "Marabunta" is a formation of a gang that originates from the United States that later spreads to the Northern Triangle countries, El Salvador, Honduras, and Guatemala. (Even though this term is



not used in this chair report, it is used by many articles online, so there is a great chance that you will see this term.)

V. Important Events & Chronology

Date (Day/Month/Year)	Event
10 December 1948	The adoption of the Universal Declaration of Human Rights.
30 August 1955	The first adoption of the Standard Minimum Rules for the Treatment of Prisoners.
16 December 1966	The adoption of the International Covenant on Civil and Political Rights by the UNGA.
23 March 1976	The enforcement of the International Covenant on Civil and Political Rights.
1980s	Creation of the main gangs of El Salvador, MS-1, and the 18th Street Gang in Los Angeles, America.
2003	The first-ever mano dura approach was implemented in El Salvador by the 77th President Francisco Flores.
2012	The El Salvadoran army was called by President Mauricio Funes to combat the rising violence.
March 2012	A truce between El Salvador's main gangs was held with Roman Catholic clerics as mediators.
2012	Arrests were made by the Attorney General of El Salvador Douglas Meléndez of the law enforcement officials who had committed crimes during the intergang truce settlements.
March 2014	Offers of re-launching the truce were made by OCGs however, they were declined by the government.
1 June 2014	The vice president of Mauricio Funes, Salvador Sánchez Cerén took office as the 80th President of El Salvador.
17 December 2015	The last adoption of Standard Minimum Rules for the Treatment of Prisoners after a five-year revision process.
2017	Establishment of Nuevas Ideas, a party that Nayib Bukele helped form.
1 June 2019	Nayib Bukele was elected as the 81st President of El Salvador.



May 2021	The alliance of GANA and Nuevas Ideas won a Legislative Assembly supermajority.
March 2022	President Nayip Bukele introduced a national “State of Exception”.
4 February 2024	Nayip Bukele was re-elected as the 82nd president of El Salvador becoming the first President to be re-elected since 1944.

VI. Past Resolutions and Treaties

- [Universal Declaration of Human Rights](#) (UDHR) (A/RES/217(III)[A])

The UDHR was drafted and adopted by the United Nations General Assembly (UNGA) on the 10th of December 1948. It was written to set a standard for all people no matter their status or nationality. It calls for the protection of the fundamental rights of humans.

Whether or not the declaration had been effective or sufficient can be argued as it is not legally binding, as it was not intended to have the force of law since that would be a breach of sovereignty by an international organization of countries. If a violation is detected, that is being done by a government, no severe sanctions are put in place thus allowing governments to disregard the declaration completely.

El Salvador signed the UDHR on the same day it was adopted, on December 10, 1948. It was one of the 48 original member states that had signed the declaration. It can be seen that El Salvador is violating the UDHR with its judicial system and is continuing to pay no attention to it.

- [United Nations Standard Minimum Rules for the Treatment of Prisoners](#) (also known as the Nelson Mandela Rules) (A/RES/70/175)

The last version of the Nelson Mandela Rules was adopted by the UNGA in December 2015. The rules emphasized the importance of the equal treatment of prisoners and advocated for the promotion of humane conditions of incarceration. The rules are, however, not legally binding, restricting the efficiency of the rules to their full extent. The Nelson Mandela Rules were sponsored by many member states including El Salvador but due to the rules' non-legal status, the El Salvador government prefers to avoid the existence of the rules.

- [International Covenant on Civil and Political Rights](#) (ICCPR) (A/RES/2200A(XXI))

The ICCPR was drafted and adopted by the UNGA on 16 December 1966 and entered into force on March 23rd, 1976. The ICCPR aims to ensure political and civil rights such as freedom from torture, the right



to liberty and security of persons, the right to be treated with humanity in detention, and more. The covenant is legally binding thus meaning that if breached, sanctions would be made.

In the case of El Salvador, the covenant was signed on 21 September 1967 and ratified on 30 November 1979. This points to El Salvador violating the civil and political rights of its prisoners.

- [United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#) (commonly known as the United Nations Convention Against Torture) (UNCAT) (A/RES/39/46)

The UNCAT was adopted by the UNGA on the 10th of December 1984. It completed the “codification process” to tackle the practice of torture. The convention founded the Committee Against Torture, a monitoring body of member states in order to ensure that the convention is implemented by all. In addition, it is important to note that the UNCAT is legally binding, meaning sanctions would be imposed if violated.

Specifically, the convention prohibits torture or any kind of cruel act and makes all state parties agree on preventing such tortures by returning, expelling, or extraditing someone it is believed will face torture in the present country, protecting people in custody if there are any grounds of torture and the training of government staff.

El Salvador signed for the accession of the Convention on 17 June 1996. This signifies that El Salvador is bound to the Convention and is bound to receive sanctions due to their stance on their treatment of prisoners.

VII. Failed Solution Attempts

All the resolutions, treaties, and conventions mentioned above can all be considered as solution attempts for the issue at hand even though they were all signed, and ratified by El Salvador way before the crisis. These international agreements all were designed to protect the rights of detainees as their explicit goal for situations such as the El Salvador prisoner issue. Nevertheless, a trend of disregarding and bypassing the rules and articles can be seen with the El Salvador government despite their legally binding nature. Because of this, the effectiveness and the implementation of these treaties, conventions, and resolutions are highly debatable.

In terms of official solutions, there has yet to be any concrete action taken by the government to address the issue, nor any statements, and seeing that the El Salvadoran government is actively going after news outlets that shed light on the violations, it is certain that the government will not do anything on their



own. Several human rights organizations have repeatedly called out the government's actions and policies and have raised concerns nationally and internationally over the human rights violations that are going on in the prisons but their efforts were largely ignored by the government.

VIII. Possible Solutions

It is important to note that the possible solutions to the issue at hand are not limited to the ones below as there are many ways to tackle the issue effectively, they are only examples of solutions that are written as examples and these examples are open to any types of moderation. Also, keep in mind that the United Nations does not have the authority or right to interfere in internal affairs, as doing so would breach El Salvador's national sovereignty.

Oversight and Transparency Mechanisms

The creation of independent monitoring systems or bodies that would regularly inspect and publish easily accessible and accurate reports on a specific time basis about their inspections such as the conditions of prisons, and prisoners would ensure transparency and accountability of the El Salvadoran governments if any attempts to hide or alter in data are made. In addition to this, These bodies would have the responsibility to investigate and help with the complaints from prisoners, make systematic reviews of the prisons, make assessments ranging from many different factors such as the treatment of inmates, their mental and physical health, the conditions of the jails and more, and report on any rights violations of prisoners if any are detected by the organizations and would make this information public in order to put more pressure on the El Salvadoran government to take responsibility for their actions and policies.

International Collaboration and Compliance Standards

Further aligning El Salvadoran policies and practices with international standards, signed by El Salvador in order to ensure their enforcement on El Salvador, such as the United Nations Standard Minimum Rules for the Treatment of Prisoners, the International Covenant on Civil and Political Rights, or any other already present international human rights guidelines, so forcing the implementation of punishments such as sanctions by other member states to El Salvadoran government to eschew the human rights violations that are being done by the federal power. Working with already present human rights organizations or a mediator member state that is eligible to monitor such cases can also aid in upholding the prisons' rights. As mentioned above, inspections such as the conditions of prisons and prisoners, publishing reports to the public, and notices on human rights violations done by organizations or countries can all be helpful in tackling the issue as a whole.

Community and Rehabilitation Programs



Providing programs focused on the development of essential life skills, education, and mental health can help prisoners' successful reintegration into society following their release. This would help them with the rebuilding of their lives as they would have been torn apart by an authoritarian power after their initial arrest. Benefits of such programs include employment opportunities, a better mental well-being after the psychological violence the prisoners had endured during their imprisonment. Also, rather than silencing the voices of the suffering prisoners, and pushing them out of society, addressing mental issues such as abuse from the law enforcement officers or the gangs that prisoners were associated with, addiction, anger management, and more would help foster emotional stability. As the lives of prisoners are being rebuilt it would also help in preventing them from falling into the cycle of reoffending as the amelioration of their lives would avoid pressures from former inmates and the temptations they might have. In addition, these programs would also serve as a measure to prevent the first connection with gangs, as people would receive the needed support. As mentioned before, one of the main reasons for associations with gangs is because of the instability present in peoples' lives. These instabilities can be a way of escaping domestic abuse, poverty, cultural pressures and expectations, and much more, thus resulting in many young people joining gangs. If the aforementioned issues are solved or at least gotten to a better condition by the programs, many young people will inevitably avoid joining such dangerous gangs that cost their lives.

IX. Useful Links

- [InSight Crime](#)

InSight Crime's website contains a range of content focused on organized crime and security issues across Latin America and the Caribbean.

- [United Nations Office on Drugs and Crime \(UNODC\)](#)

The UNODC website provides information on global issues like drug trafficking, organized crime, terrorism, and corruption. It features research reports, data, and resources on these topics, as well as news on UNODC's projects and initiatives worldwide.

- [United Nations Digital Library](#)

The United Nations Digital Library is an online platform providing access to several UN documents, including reports, resolutions, treaties, meeting records, and speeches.



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